

EXHIBIT "A"
(clean copy)

ARTICLE VI. GOLF CARTS AND OFF-HIGHWAY VEHICLES

Sec. 98-130. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course. [Texas Transportation Code Sec.551.401]

Off-Highway vehicle (OHV) means an all-terrain vehicle or recreational off-highway vehicle; a sand rail; or a utility vehicle. [Texas Transportation Code Sec. 551A.001(1-d)]

All-terrain vehicle (ATV) means a motor vehicle that is:

- (1) equipped with a seat or seats for the use of:
 - (A) the rider; and
 - (B) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
- (2) designed to propel itself with three or more tires in contact with the ground;
- (3) designed by the manufacture for off-highway use;
- (4) not designed by the manufacturer primarily for farming or lawn care; and
- (5) not more than 50 inches wide. [Texas Transportation Code Sec. 551A.001(1)]

Recreational off-highway vehicle (ROV) means a motor vehicle that is:

- (1) equipped with a seat or seats for the use of:
 - (A) the rider; and
 - (B) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
- (2) designed to propel itself with four or more tires in contact with the ground;
- (3) designed by the manufacturer for off-highway use by the operator only; and

(4) not designed by the manufacturer primarily for farming or lawn care. [Texas Transportation Code Sec. 551A.001(5)]

Sand rail means a vehicle, as defined by Section 502.001 of the Texas Transportation Code, that:

- (1) is designed or built primarily for off-highway use in sandy terrains, including for use on sand dunes;
- (2) has a tubular frame, an integrated roll cage, and an engine that is rear-mounted or placed midway between the front and rear axles of the vehicle; and
- (3) has a gross vehicle weight, as defined by Section 541.401 of the Texas Transportation Code of:

(C) not less than 700 pounds; and

(D) not more than 2000 pounds. [Texas Transportation Code Sec. 551A.001(3)]

Utility vehicle (UTV) means a motor vehicle that is not a golf cart, as defined by this ordinance or Section 551.401 of the Texas Transportation Code, or lawn mower and is:

- (1) equipped with side-by-side seating for the use of the operator and a passenger;
- (2) designed to propel itself with at least four tires in contact with the ground;
- (3) designed by the manufacturer for off-highway use only; and
- (4) designed by the manufacturer primarily for utility work and not for recreational purposes. [Texas Transportation Code Sec. 551A.001(6)]

Authorized Inspection Facility or Entity means a facility or entity, which may be a mobile or temporarily located operation, approved by the Chief of Police or his designee to inspect and issue city permits for golf carts, ROVs and UTVs for operation in accordance with this article.

(Ord. No. 1528, § 1, 1-25-11; Ord. No. 1881, § 1, 8-23-22)

Sec. 98-131. Operation in master planned community, public/private beach, to or from a golf course.

- (a) An operator may operate a golf cart or OHV in compliance with Texas Transportation Code, Section 551.403 as amended, in a master planned community or to and from a golf course without a city issued permit.
- (b) In compliance with Texas Transportation Code, Section 551.402 as amended, a golf cart operated under this section must display a golf cart license plate issued by the Texas Department

of Motor Vehicles on the rear of the vehicle unless it is operated solely in a master planned community as described by Section 551.403(a)(1) of the Texas Transportation Code.

(c) In accordance with Texas Transportation Code, Section 551A.052 as amended, an OHV operated under this section must display an off-highway vehicle license plate issued by the Texas Department of Motor Vehicles on the rear of the vehicle.

(d) Nothing in this article shall supersede the Texas Transportation Code, Sections 551.304, 551.403, or 551A.055 as amended.

(Ord. No. 1528, § 1, 1-25-11; Ord. No. 1881, § 1, 8-23-22)

Sec. 98-132. Requirements for operation in corporate city limits.

(a) The operation of golf carts, ROVs and UTVs within the corporate limits of the City of Rockport upon its public streets and public rights-of-way is hereby authorized when all requirements and restrictions under this section are met.

(b) The operation of a golf cart, ROV or UTV under this section is only authorized upon a public street or public right-of-way with a speed limit of 35 mph or less with the required headlights and taillights on;

(c) A golf cart, ROV or UTV operated under this section must have the following equipment in addition to any equipment required by state statute:

- (1) Headlamps;
- (2) Taillamps;
- (3) Front and rear reflectors;
- (4) Parking brake;
- (5) Rearview mirrors;
- (6) Turn signal lights;
- (7) A "slow moving vehicle" reflective triangle affixed to the rear;
- (8) Seat belts; and
- (9) A flag on a six-foot pole affixed to the rear.

(d) ROVs and UTVs operated under this section must also be equipped with:

- (1) a brake system maintained in good operating condition;
- (2) an adequate muffler system in good working condition; and
- (3) a United States Forest Service qualified spark arrester.

(e) A golf cart, ROV or UTV operated under this section must have the equipment required under this section verified and inspected by an authorized inspection facility or entity annually and must properly display a valid, unexpired permit sticker issued by the authorized inspection facility or entity performing the inspection.

(f) An annual fee of \$40.00 shall be charged for inspection and permitting of golf carts, ROVs, and UTVs. After verifying that all equipment required under this section is installed and in good working order and upon payment of the required fee, an authorized inspection facility or entity shall affix a permit sticker, issued by the Police Department, to the slow-moving vehicle sign required by this section. Permit stickers are valid for 12 months and expire on the last day of the month in which they are issued. The authorized inspection facility or entity shall punch out the month and year of expiration on each permit sticker prior to issuance.

(g) In compliance with Texas Transportation Code, Sections 551.402 and 551A.052 as amended, a golf cart, ROV or UTV operated under this section must display a golf cart license plate or OHV license plate issued by the Texas Department of Motor Vehicles on the rear of the vehicle.

(h) A person operating a golf cart, ROV or UTV under this section must possess a valid driver license and obey all Texas laws and traffic regulations, regardless of whether such vehicle is permitted or properly equipped.

(i) A golf cart, ROV, or UTV operated under this section must be covered by insurance equal to the current Texas requirement for motor vehicles, regardless of whether the golf cart, ROV or UTV is permitted or properly equipped. This coverage may be by a separate policy or covered by the owner's or operator's homeowner's insurance policy.

(Ord. No. 1528, § 1, 1-25-11; Ord. No. 1639, § 1, 10-28-14; Ord. No. 1881, § 1, 8-23-22)

Sec. 98-133. Prohibitions.

(a) Golf carts, ROVs, and UTVs are prohibited on any roadway in the State Highway System including Farm to Market Roads located within the corporate boundaries of the city regardless of the speed limit on that portion of the State Highway or Farm to Market Road.

(b) Golf carts, ROVs and UTVs are prohibited on any sidewalk or hike and bike trail within the corporate boundaries of the city.

(c) All-terrain Vehicles (ATVs) and Sand rails are prohibited on any highway, roadway, sidewalk or hike and bike trail within the corporate boundaries of the city. An authorized

inspection facility or entity shall not inspect or issue a city permit sticker to an ATV or Sand rail for operation under Section 98-132.

(Ord. No. 1528, § 1, 1-25-11; Ord. No. 1564, § 1, 3-27-12; Ord. No. 1881, § 1, 8-23-22)

Sec. 98-134. Authorized Inspection Facility and Entity Requirements.

(a) Application to become an authorized inspection facility or entity must be made to the Chief of Police on a form prescribed by the Rockport Police Department and must include:

- (1) Owner or operator name and date of birth;
- (2) Business or residential address (no PO Box);
- (3) Company manager name and date of birth;
- (4) Company name and address;
- (5) Company email and phone number;
- (6) Hours of operation; and
- (7) Acknowledgement of, and agreement to abide by, this article.

(b) Inspections must be performed at a minimum of three days per calendar week and must include weekdays and at least one weekend day.

(c) The Chief of Police shall conduct a background check of applicants, to include owners, operators, and managers, as appropriate, and will approve qualified applicants as authorized inspection facilities or entities.

(d) No more than one authorized inspection facility or entity per 2500 residents will be approved at any one time.

(e) Upon approval, the Police Department will issue permit stickers to authorized inspection facilities and entities, who are accountable for all issued permit stickers. Authorized inspection facilities and entities need not reapply for approval when requesting additional permit stickers but shall complete a new application form when owners, operators, or managers change. They will update contact information with the Police Department as necessary.

(f) Each authorized inspection facility and entity shall submit payment to the City of Rockport Finance Department for 50 percent of the fee collected for inspections and permit stickers issued by the authorized inspection facility and entity on a monthly basis.

(g) Each authorized inspection facility and entity shall submit a monthly report to the Chief of Police on the prescribed form indicating at a minimum the number of inspections performed, the

number of passed and failed inspections, the number of permits issued, and the following information pertaining to permitted vehicles:

- (1) Make;
 - (2) Model or body style;
 - (3) Primary and any secondary color;
 - (4) Vehicle Identification Number or other serial number if no VIN;
 - (5) State license plate numbers; and
 - (6) Appropriate contact information for owner/operator including a local address if available.
- (h) Authorized inspection facilities and entities are subject to inspection during hours of operation by the Chief of Police or his designee to ensure compliance with this article and as provided by other ordinances. Failure to adhere to any part of this article may be grounds for approval revocation as an authorized inspection facility or entity.
- (i) Any unused or mutilated permit stickers shall be returned to the Police Department.

(Ord. No. 1881, § 1, 8-23-22)