

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Police
AGENDA DATE: November 19, 2013
CONTACT PERSON NAME AND PHONE NUMBER: Assistant Chief Michelle Gardner, 564-7301
DISTRICT(S) AFFECTED: All

SUBJECT:

An ordinance amending Title 12 (Vehicles and Traffic) to create Section 12.77 (Golf Carts for Holiday Parcel Delivery) authorizing the limited operation of golf carts on public streets during the winter holiday season and providing for a penalty as provided in Section 12.77.040 (Offense) of the El Paso City Code.

BACKGROUND / DISCUSSION:

Texas Transportation Code 551.404 authorizes the governing body of a municipality to allow for operation of golf carts on all or part of a public highway that is within the boundaries of the municipality and has a posted speed of not more than 35 miles per hour when such golf carts are equipped with headlamps, tail lamps, reflectors, parking brakes and mirrors.

Use of golf carts during the winter holiday season (November 15 – January 5) is eco-friendly, creates efficiency in the course of parcel delivery, and is in the best interest of the public and its citizens.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

ALCM Gardner for Chief Allen

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) OF THE EL PASO CITY CODE BY ADDING A NEW CHAPTER, 12.77 (GOLF CARTS FOR HOLIDAY PARCEL DELIVERY) AUTHORIZING THE LIMITED OPERATION OF GOLF CARTS ON PUBLIC STREETS DURING THE WINTER HOLIDAY SEASON AND PROVIDING FOR A PENALTY AS PROVIDED IN SECTION 12.77.040 (OFFENSE) OF THE EL PASO CITY CODE.

WHEREAS, Section 551.404 of the Texas Transportation Code authorizes the governing body of a municipality to allow the limited operation of a golf cart on public streets; and

WHEREAS, golf carts can help to reduce overall emissions and their use is an eco-friendly or ‘green’ alternative to traditional passenger motor vehicles; and

WHEREAS, the El Paso City Council has determined that authorizing the limited operation of golf carts on public streets, by entities whose primary business is the delivery of parcels, during the winter holiday season is in the best interest of the public and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 12 (Vehicles and Traffic) of the El Paso City Code shall be amended to add Chapter 12.77 (Golf Carts for Holiday Parcel Delivery) to read as follows:

12.77.010 Definitions

For purposes of this Chapter, the following terms have these defined meanings.

- A. “Authorized operator” means a person that uses a golf cart for the purpose of delivering parcels while in the course of employment with an entity whose primary business is the delivery of parcels.
- B. “Golf cart” means a motor vehicle that has no less than three wheels, has a maximum speed between 15-25 mph, and may be modified for parcel delivery.
- C. “Motor vehicle” means a vehicle that is self-propelled.
- D. “Public highway” means a road, street, way, thoroughfare, or bridge:
 - 1. that is in the State;
 - 2. that is for the use of vehicles;
 - 3. that is not privately owned or controlled; and

ORDINANCE NO. _____

PL Matter#13-1026-2037/PL Doc#230304
Ordinance Amending Title 12
Adding Golf Carts for Holiday Parcel Delivery
DO

4. over which the State has legislative jurisdiction under its police power.
- E. “Slow moving emblem” shall have the meaning assigned by Section 547.001(8) of the Texas Transportation Code and shall mean:
 1. a triangular emblem that has a reflective surface designed to be clearly visible during daytime at a distance of at least 500 feet; and
 2. is displayed in accordance with Section 547.703 of the Texas Transportation Code, requiring that such emblem be mounted base down on the rear of the motor vehicle at a height from three to five feet above the road surface.
- F. “Winter holiday season” shall mean the period of time starting November fifteenth (15th) and ending January fifth (5th) of each year.

12.77.020 Operation of a Golf Cart

During the winter holiday season, an authorized driver may operate a golf cart on a public highway, in the corporate boundaries of the City, for which the posted speed limit is not more than 35 miles per hour, if each of the following requirements are met:

- A. a golf cart operated must have the following equipment:
 1. Headlamps;
 2. Taillamps;
 3. Reflectors;
 4. Parking brake;
 5. Mirrors; and
- B. a golf cart is required to display a slow-moving-vehicle emblem when it is operated on a public highway, as required by Sections 547.703(a) and (d) of the Texas Transportation Code; and
- C. the authorized operator of a golf cart must:
 1. possess a valid driver’s license that authorizes operation of a motor vehicle on public highways;
 2. carry evidence of financial responsibility consistent with Section 601.051 of the Texas Transportation Code, as amended, for operation of motor vehicles; and
 3. obey all state and local traffic laws.

12.77.030 Liability

Nothing in this chapter shall be construed as an assumption of liability by the City for any damages (personal injury, property damage or otherwise) which may result from the operation of a golf cart authorized by this chapter. The authorized operator of a golf cart is responsible for the safe operation of a golf cart allowed under this chapter.

12.77.040 Offense

Any person who operates a golf cart in violation of any provision or requirements of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine

ORDINANCE NO. _____

PL Matter#13-1026-2037/PL Doc#230304
Ordinance Amending Title 12
Adding Golf Carts for Holiday Parcel Delivery
DO

of not less than \$50.00 or more than \$500.00. Each violation of this chapter is a separate offense.

SECTION 2. Except as expressly herein amended, Title 12 (Vehicles and Traffic) of the El Paso City Code shall remain in full force and effect.

SECTION 3. This ordinance shall become effective immediately.

PASSED AND APPROVED this _____ day of _____, 2013.

THE CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Daniel Ortiz
Assistant City Attorney

Greg Allen
Chief, El Paso Police Department

ORDINANCE NO. _____
PL Matter#13-1026-2037/PL Doc#230304
Ordinance Amending Title 12
Adding Golf Carts for Holiday Parcel Delivery
DO