

**ORDINANCE NO. 6.24.20**

**AN ORDINANCE AMENDING CHAPTER 12, TRAFFIC AND VEHICLES OF THE CODE OF ORDINANCES, CITY OF YORKTOWN, TEXAS; PROVIDING FOR THE REGULATION OF GOLF CARTS, ALL-TERRAIN VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES, AND UTILITY VEHICLES ON STREETS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Yorktown, Texas (“City”) is a Type A General Law municipality incorporated and operating under the laws of the State of Texas; and

**WHEREAS**, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Yorktown, Texas (“City Council”) has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

**WHEREAS**, pursuant to Texas Transportation Code § 551.4031 the City Council may prohibit the operation of a golf cart on a street within the city limits if the City Council determines the prohibition is necessary in the interest of safety; and

**WHEREAS**, pursuant to Texas Transportation Code § 551A.054 the City Council may prohibit the operation of an off-highway vehicle on a street within the city limits if the City Council determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, the City Council determines that in order to protect the safety of the citizens of the City it is necessary to prohibit the operation of golf carts and off-highway vehicles on the streets within the city limits; and

**WHEREAS**, the City Council desires to exercise the authority given to it by the Texas Transportation Code to prohibit the operation of golf carts and off-highway vehicles on the streets within the city limits;

**WHEREAS**, the City Council finds that the regulations contained herein are for the good government, peace, order and safety of the citizens of the City of Yorktown;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF YORKTOWN, TEXAS THAT:**

**I.**

Chapter 12, Traffic and Vehicles of the Code of Ordinances of the City of Yorktown, Texas is hereby amended by adding Article 12.03 to read as follows:

## ARTICLE 12.03 GOLF CARTS AND OFF-HIGHWAY VEHICLES

### Sec. 12.03.001 Definitions

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

All-Terrain Vehicles (ATVs). A motor vehicle that is: (A) equipped with a seat or seats for the use of the rider and a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger; (B) designed to propel itself with three or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use; (D) not designed by the manufacturer primarily for farming or lawn care; and (E) is not more than 50 inches wide.

City. The City of Yorktown, Texas.

Golf Cart. A motor vehicle designed by the manufacturer primarily for use on a golf course.

Off-Highway Vehicle. An all-terrain vehicle, recreational off-highway vehicle, or utility vehicle.

Recreational Off-Highway Vehicle. A motor vehicle that is: (A) equipped with a seat or seats for the use of: the rider and a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers; (B) designed to propel itself with four or more tires in contact with the ground; (C) designed by the manufacturer for off-highway use by the operator only; and (D) not designed by the manufacturer primarily for farming or lawn care.

Street. The public roadways within the city limits of the City of Yorktown, Texas by whatever name, e.g. road, alley, avenue, highway, route, boulevard, etc that said roadways are called.

Utility Vehicle. A motor vehicle that is not a golf cart or lawn mower and is: (A) equipped with side-by-side seating for the use of the operator and passenger; (B) designed to propel itself with at least four tires in contact with the ground; (C) designed by the manufacturer for off-highway use only; and (D) designed by the manufacturer primarily for utility work and not for recreational purposes.

### Sec. 12.03.002 Operation of Golf Cart or Off-Highway Vehicle Prohibited

The operation of a golf cart or off-highway vehicle on any of the streets within the City is prohibited.

### Sec. 12.03.003 Penalties

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred dollars (\$500.00) for each violation. Each day a violation occurs or continues shall constitute a separate offense.



**II.**

All provisions of the ordinances of the City of Yorktown in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Yorktown, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**III.**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.


**IV.**

It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

**V.**

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED ON THIS THE 29<sup>th</sup> DAY OF JUNE, 2020.

  
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Hon. Bill Baker, Mayor  
City of Yorktown, Texas

ATTEST:

  
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John Barth  
City Administrator/City Secretary