



AGENDA MEMORANDUM

First Reading Ordinance for the City Council Meeting November 12, 2019
Second Reading Ordinance for the City Council Meeting November 19, 2019

DATE: October 15, 2019
TO: Peter Zanoni, City Manager
FROM: Keith Selman, Assistant City Manager
KeithSe@cctexas.com
361-826-3898

Ordinance amending City Code of Ordinances regarding operation of golf carts, neighborhood electric vehicles (NEC's) and off-highway vehicles (OHV's) within the City

CAPTION:

Ordinance amending Section 53-109 of the City Code which allows golf carts in certain areas by adding neighborhood electric vehicles and off-highway vehicles as an allowable mode of transportation within the city, specifically North Padre Island, Mustang Island, and North Beach; and providing for a penalty.

SUMMARY:

Ordinance amending the addition of OHV's to City Code Section 53-109 which allows golf carts in certain areas by adding NEC's and OHV's as an allowable mode of transportation on city streets in North Padre Island, Mustang Island, and North Beach.

BACKGROUND AND FINDINGS:

House Bill 1548 was approved in the 2019 Texas legislative session. HB 1548 made several changes relating to Golf Carts, Neighborhood Electric Vehicles, and Off-Highway Vehicles. The part of the bill allowing City Council regulation of off highway vehicles states:

(f) authorizes a city to prohibit the operation of an unregistered OHV described in (6)(e), above if the governing body determines the prohibition is necessary in the interest of safety; (g) authorizes a city to allow the operation of an unregistered OHV on all or part of a highway that is in the corporate boundaries of the city and has a posted speed limit of not more than 35 miles per hour;

On July 23, 2019, a citizen requested changes to City ordinances that were authorized in recent state legislation concerning OHV's, which are all-terrain vehicles and utility vehicles. Section 53-109 of the City Code currently authorizes golf carts to drive on highways at specific locations.

Section 53-109 is amended with the following changes:

- addition of neighborhood electric vehicles and off-highway vehicles where golf carts are currently allowed
- ability to cross a highway at an intersection with a highway speed limit of more than 35 miles per hour only; (1) in a master planned community (2) on a public or private beach open to vehicular traffic (3) during the day time; and not more than two miles from the

location where the vehicle is usually parked and for transportation to or from a golf course

- display of a slow-moving-vehicle emblem (requirements noted) when operated on a public highway
- equipment requirements to operate within the City limits:
 - headlamps, taillamps, reflectors, parking brake, and mirrors
 - lighted headlight and taillight one-half hour after sunset to one-half hour before sunrise
 - sit in a built-in seat and wear a safety belt
 - display copy of section 53-109 if vehicle is available for rent

ALTERNATIVES:

An alternative would be to not amend Section 53-109 and allow only golf carts on city streets. Adding neighborhood electric and off-highway vehicles better reflects the desired uses of the communities that it affects without compromising the health, safety and welfare of the motoring public.

FISCAL IMPACT:

There is no fiscal impact for this item.

RECOMMENDATION:

City staff has reviewed the potential impact of this amendment and find the health, safety, and general welfare of the motoring public will not be compromised with this allowance. The Island Strategic Advisory Committee (ISAC) recommends the addition of off-highway vehicles (OHV's)" on September 4, 2019. Also, the Transportation Advisory Commission approved adding neighborhood electric vehicles (NEC's) and off-highway vehicles on October 30, 2019.

LIST OF SUPPORTING DOCUMENTS:

Ordinance