

**ARTICLE X. GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES  
OF RECREATIONAL OFF-HIGHWAY VEHICLES**

**Sec. 126-476. Definitions.**

These terms shall have the following meanings:

*All-terrain vehicle* 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 manufacturer for off-highway use;
- (4) Not designed by the manufacturer primarily for farming or lawn care; and
- (5) not more than 50 inches wide.

*City* means the City of New Braunfels, Texas.

*Daytime* means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

*Driver's license* means an authorization issued by the Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

*Golf cart* shall have the meaning assigned by V.T.C.A., Transportation Code § 502.001, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and which is manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles.\*\*

*Neighborhood electric vehicle (NEV) (includes low speed vehicles "LSV")* means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard No. 500; Low-Speed Vehicles (Effective 6-17-98). This standard specifies requirements for low-speed vehicles. A low-speed vehicle is a four-wheeled motor vehicle, other than a truck, whose attainable speed is more than 32 km/h (20 mph) and not more than 40 km/h (25 mph). The standard requires ten specific items of safety equipment. [Not listed. See V.T.C.A., Transportation Code § 551.301]\*\* Has a normal maximum speed of 20—25 mph (LSV) or 20—35 mph (NEV).

*Nighttime* means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

*Operate* shall mean driving.

*Operator* means any person driving and having physical control over the motor vehicle.

*Park or parking* means the standing or stopping of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

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*Parking area* means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

*Recreational off-highway vehicle* 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 law care.

*Street* means a public roadway in the City of New Braunfels, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that is open to vehicular traffic.

(Ord. No. 2015-50, § 2, 10-12-15)

\*\* Specifically excluded from the definitions of golf cart and NEV are those motorized conveyances commonly referred to as all-terrain vehicles ("ATVs"), off-road vehicles (also known as ROVs), four-wheelers, mules, gators and design-altered golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour.

### **Sec. 126-477. Limited operation.**

- (a) Golf carts and NEVS are permitted to be operated on:
  - (1) Streets where the posted speed limit is 35 miles per hour or less, with the exception of the following:
    - a. E. Common Street from Gruene Road to FM 306;
    - b. W. County Line Road;
    - c. Landa Street from Wald Road to Spring Hills Drive;
    - d. McQueeney Road; and
    - e. Walnut Avenue from Landa Street to W. Klein Road;
  - (2) Business 46 located between Coll St. and Walnut Ave.; and
  - (3) A parking area as defined by this article.
- (b) The operation of a golf cart shall be prohibited on any street in the state highway system, regardless of the speed limit, including Farm-to-Market Roads located within the corporate boundaries of the city. A state highway system includes, but is not limited to, Interstate Highway 35, Loop 337, FM 725, Business 35, FM 1044, FM 758, FM 1101, FM 306, FM 1102, FM 482, FM 2722, SH 46 and Business 46 (excluding Business 46 located between Coll St. and Walnut Ave).
- (c) A golf cart may not be driven across intersections where the cross street has a posted speed limit of more than 35 miles per hour.
- (d) Nighttime driving of golf carts is prohibited. Golf carts can only be driven during the daytime.
- (e) An operator of a golf cart may only drive a distance of up to two miles from the location where the vehicle is usually parked.

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- (f) A NEV may drive across intersections where the cross street has a posted speed limit of more than 45 miles per hour even if the cross street is otherwise a prohibited street under this article.

(Ord. No. 2015-50, § 2, 10-12-15; Ord. No. 2019-82, § I, 11-25-19)

**Sec. 126-478. Required equipment—Golf cart.**

- (a) A golf cart operated under this article must be equipped at a minimum, with the following equipment as mandated by the V.T.C.A., Transportation Code § 551.404(b), as amended, and/or required by the city to operate on permitted locations:
- (1) Operational headlamps;
  - (2) Operational tail lamps;
  - (3) Side reflectors;
  - (4) Operational parking brake; and
  - (5) Rearview mirror(s).
- (b) A golf cart that is operated at a speed of not more than 25 miles per hour shall display a "slow-moving-vehicle emblem" as defined by V.T.C.A., Transportation Code § 547.703.
- (c) Equipment and its installation and maintenance must meet standards provided by the Texas Transportation Code, as amended.

(Ord. No. 2015-50, § 2, 10-12-15)

**Sec. 126-479. Required equipment—NEV.**

- (a) A neighborhood electric vehicle (NEV) must be equipped with the following equipment as mandated by V.T.C.A., Transportation Code § 551.301, as amended, and/or required by the city, to operate on permitted locations:
- (1) Operational headlamps;
  - (2) Operational tail lamps;
  - (3) Side reflectors;
  - (4) Operational parking brake;
  - (5) Rearview mirror(s);
  - (6) Turn signals;
  - (7) Horn;
  - (8) Brake lights;
  - (9) Seat belts;
  - (10) Windshield; and
  - (11) Vehicle identification number.
- (b) Equipment and its installation and maintenance must meet standards provided by the Texas Transportation Code, as amended.

(Ord. No. 2015-50, § 2, 10-12-15)

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## **Sec. 126-480. Operator regulations.**

All operators of golf carts or NEVs shall:

- (1) Be licensed to operate a motor vehicle as provided by V.T.C.A., Transportation Code § 521.021, as amended, and carry a valid driver's license as provided by V.T.C.A., Transportation Code § 521.025, and all state law driver's license permissions and restrictions shall apply to the operation of a golf cart or NEV;
- (2) Abide by all state and local traffic regulations applicable to vehicular traffic;
- (3) Use standard hand signals for turning during daylight if the operator's golf cart is not equipped with turn signals;
- (4) Not operate or park on a sidewalk or hike and bike trails at any time;
- (5) Not use the vehicle to pull any object or person at any time;
- (6) Not exceed the seating capacity of the vehicle as designed by the manufacturer;
- (7) Remain seated at all times while the vehicle is in motion and ensure the same for passengers. Passengers can be issued a citation for not remaining seated while vehicle is moving;
- (8) Not have or permit a passenger younger than four years of age;
- (9) Maintain financial responsibility as defined in V.T.C.A., Transportation Code § 601.051; and
- (10) Not intentionally or knowingly allow an unlicensed operator to operate the vehicle.

(Ord. No. 2015-50, § 2, 10-12-15)

## **Sec. 126-481. All-terrain vehicles, recreational off-highway vehicles.**

It shall be unlawful for a person to operate an ATV or ROHV on a public street or location except as provided by state law and this section. A person may only drive across a public street or highway that is not an interstate or limited-access highway, if done so in accordance with state law. (See V.T.C.A., Transportation Code § 663.037, and as amended.)

(Ord. No. 2015-50, § 2, 10-12-15)

## **Sec. 126-482. Exemptions—All-terrain vehicles, recreational off-highway vehicles.**

In accordance with state law, generally, a person may not operate an ATV or ROHV on a public street, road or highway, except as allowed under V.T.C.A., Transportation Code § 663.037. In limited circumstances when allowed by state law, an operator of ATVs or ROHVs may drive on streets with a speed limit of 35 miles per hour or less, (not interstate highway or limited access highway), but only if the transportation falls within the exceptions contained in V.T.C.A., Transportation Code § 663.037(d), including those vehicles owned by the city, county or state, and used for public safety and welfare purposes, or within the limits of V.T.C.A., Transportation Code § 663.037(d). Such operator must be licensed and may also cross a public street, road or highway that is not a limited access highway or an interstate highway, with a posted speed limit of not more than 45 miles per hour.

(Ord. No. 2015-50, § 2, 10-12-15)

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**Sec. 126-483. Safety equipment for exempt ATVs and ROVs.**

Exempt vehicles must have the following safety equipment:

- (1) Affix an eight-foot pole on back with orange triangle flag;
- (2) Headlamps illuminated while operated;
- (3) Tail lamps illuminated while operated;
- (4) Brake system;
- (5) Muffler system maintained in good operating condition;
- (6) U.S. Forest Service spark arrester; and
- (7) Off-highway vehicle decal from Texas Parks & Wildlife.

(Ord. No. 2015-50, § 2, 10-12-15)

**Sec. 126-484. Penalties.**

Only warning citations may be issued for the first 60 days following the effective date of this article so that an educational effort by the city may be conducted to inform the public about the importance and requirements of this article. In addition to traffic violations for which the owner or driver of the golf cart or NEV may be subject to pursuant to state law, any person who violates this article shall be guilty of a misdemeanor punishable by a fine as follows:

- (1) First offense shall have a minimum fine of \$100.00 and a maximum fine of \$500.00;
- (2) Second offense shall have a minimum fine of \$200.00 and a maximum fine of \$500.00; and
- (3) Third and subsequent offenses shall have a minimum fine of \$500.00.

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

(Ord. No. 2015-50, § 2, 10-12-15)

**Secs. 126-485—126-490. Reserved.**