

ORDINANCE NO. 49-2011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS,
ALLOWING GOLF CARTS ON PUBLIC STREETS WITH RESTRICTIONS**

WHEREAS, golf carts have been used for delivery purposes by United Parcel Service of America, Inc. (“UPS”) during the holiday season in prior years on certain public streets; and

WHEREAS, Texas Transportation Code Section 551.403 allows a municipality to pass an ordinance authorizing the use of golf carts on public streets with certain restrictions; and

WHEREAS, it is in the best interest of the citizens to allow UPS and other parcel delivery services to operate golf carts for delivery services on certain public streets within the City of Abilene with certain restrictions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ABILENE, TEXAS**

- PART 1:** That the City Council of the City of Abilene authorizes the use of golf carts on public streets with certain restrictions as set forth in Exhibit “A”, attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 27th day of October, 2011.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 30th day of October, 2011, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 3rd day of November, 2011, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 3rd day of November, 2011.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

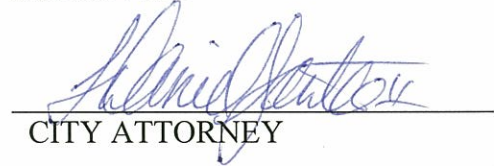

CITY ATTORNEY

Exhibit A

From November 1, 2011 until December 31, 2011, parcel delivery services, including but not limited to United Parcel Service of America, Inc. and FedEx Corp., may operate a golf cart on a portion of a public street within the City of Abilene that is:

- (1) within two miles of a golf course,
- (2) has a speed limit of not more than 35 miles per hour,
- (3) provides for no more than two lanes of vehicular traffic per direction,
- and
- (4) is not designated as part of the State or Federal highway system.

A golf cart operated pursuant to this ordinance must have headlamps, tail lamps, reflectors, a parking brake, and mirrors. Any employee of a parcel delivery service that operates a golf cart pursuant to this ordinance must possess a valid state license to operate a motor vehicle.