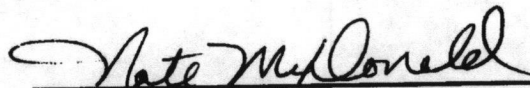


Order to amend or vacate the prior County Policies regarding use of golf carts and UTVs on County Roads and entering court order(s) complying with the Commissioners Court authority under the Transportation Code

BE IT REMEMBERED, that on this 11th day of May, 2020, the Commissioner's Court of Matagorda County, Texas met in **Regular Session**, with a quorum in attendance, and upon motion duly made by Judge McDonald and seconded by Commissioner Gibson, with all others concurring, to amend the County Golf Cart Rules, Application and Resolution to include Off-Highway Vehicles, maintain the County's annual requirement to obtain permit from the County Tax Assessor and include changes necessary to incorporate the statutory changes to equipment and certifications.

PASSED IN OPEN COURT this 11th day of May, 2020.



**Nate McDonald, County Judge
Matagorda County, Texas**



MATAGORDA COUNTY GOLF CART AND OFF-HIGHWAY RULES AND REGULATIONS

I

Definitions

All-Terrain Vehicle (ATV) – shall mean a motor vehicle that is equipped with a seat or seats for the use of a rider and passenger (if designed to transport a passenger); designed to propel itself with three or more tires in contact with the ground; designed for off-highway use; not designed by the manufacturer primarily for farming or lawn care; and not more than fifty (50) inches wide. ATVs are specifically excluded from these Rules and Regulations and remain illegal to operate on all roads within Matagorda County.

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course. Golf carts specifically exclude go-carts, neighborhood electric vehicles, off road vehicles, OHVs, and all-terrain vehicles, as defined by the Texas Transportation Code.

Golf cart and off-highway permit shall mean a privilege granted upon compliance with the terms of this chapter to legally operate a golf cart or off-highway vehicle on a public street or highway with speed limits of less than 35 miles per hour within the unincorporated portions of Matagorda County during the year granted.

Golf cart and off-highway vehicle permit tag shall mean a sticker for attachment to a golf cart or off-highway vehicle carrying a serial number corresponding to the number of the golf cart or off-highway vehicle for such golf cart or off-highway vehicle and showing the calendar year the permit shall expire.

Golf cart and off-highway vehicle permit fee shall mean a charge imposed as specified in these rules for the granting of golf cart and off-highway permit and the issuance of a golf cart or off-highway vehicle permit tag.

Golf cart and off-highway vehicle rental business shall mean any business or individual that provides golf carts or off-highway vehicles to the general public or any business or individual transaction that includes a golf cart or off-highway vehicle for use including but not limited to rental of a hotel/motel room, or dwelling unit whose rental includes use of a golf cart or off-highway vehicle.

Neighborhood electric vehicle (NEV) shall include all vehicles defined by Section 551.301 of the Texas Transportation Code. Also known as low-speed vehicles (LSV) and can attain a maximum speed of 35 MPH on a paved level surface.

Off-Highway vehicles (OHV) shall include a recreational off-highway vehicle as defined by Section 502.001 of the Texas Transportation Code; a sand rail; or utility vehicle. Specifically, Matagorda County excludes all-terrain vehicles from this definition.

II

Rules of Operation

- A. *Certain Operations Prohibited.*** The County of Matagorda prohibits the operation of golf carts and off-highway vehicles upon any public highway or street, except as permitted by these rules.
- a. ATV operation on any public highway or street within the unincorporated areas of Matagorda County is prohibited.
 - b. Operation of a golf cart, NEV, or OHV is prohibited by unlicensed and uninsured operators.
- B. *Department of Motor Vehicles Licensing.*** The County of Matagorda will not issue a permit tag to a golf cart or OHV that has not received a license plate through the Department of Motor Vehicles.
- C. *Permit Required Fee; Permit Tag.***
- a. No person may operate a golf cart or OHV upon any public street or highway with a posted speed limit above 35 miles per hour.
 - b. To operate a golf cart or OHV on public street or highway with posted speed limit 35 miles per hour or less within the unincorporated areas of Matagorda County, the golf cart or OHV is licensed by the State of Texas (OHVs only) shall be permitted with Matagorda County and a permit tag (and state issued license plate, if required) is affixed to the golf cart or OHV, as prescribed by these rules.

- c. Such Matagorda County permit shall be purchased annually for sums to be set by Commissioners Court. The permit, regardless of when purchased, shall be valid through the thirty-first (31st) day of December of the year issued.
 - d. A separate permit is required for every golf cart or OHV owned by an individual or entity. A golf cart or OHV permit is valid only for the golf cart or OHV that it is issued to and is not transferable to another golf cart or OHV. Additionally, a permit is not transferable upon sale of the golf cart or OHV.
 - e. The Matagorda County Tax Office agrees to issue to each person a county permit tag for their golf cart or OHV once paperwork is completed and accepted. The State issued license plate (if required for that vehicle) and the Matagorda County permit tag shall be permanently affixed to the golf cart or OHV and displayed so that it is readily visible and identifiable from a distance of more than fifty (50) feet. The Matagorda County permit tag shall be affixed to the front driver's side of the vehicle.
 - f. The permit tag shall be issued only upon the owner showing a valid insurance certificate or other evidence satisfying the Matagorda County Tax Office that the golf cart or OHV is insured consistent with state standards for motor vehicles.
 - g. Golf Cart, NEV, and UTV licensing shall comply with the Texas Department of Motor Vehicles rules and regulations.
- D. *Golf Cart or OHV Replacement Permit; Fee.*** Upon proof that the original golf cart or OHV permit tag was lost, stolen, or damaged beyond recognition, a replacement of the golf cart or OHV permit tag issued by the County shall be furnished on payment of a fee to be set by Commissioners Court.
- E. *Golf Cart and OHV Records.*** The County Tax Office agrees to maintain a record describing each golf cart and OHV registered within the preceding two (2) years. The record shall include the name of the owner of the golf cart or OHV, the address of the owner, proof of insurance (including the name of carrier and policy number), the location the golf cart or OHV is normally parked, the State issued license plate number (if required), the date the golf cart or OHV was permitted, the date the permit shall expire, the make/manufacturer and model of the golf cart or OHV permit, the number of seats the golf cart or OHV has, the color of the golf cart or OHV, the vehicle identification number or serial number of the golf cart or OHV registered, the number on permit tag, the fee paid for the permit, and the method of fee payment.
- F. *Traffic Laws and Rules of the Road Apply.*** A golf cart or OHV registered by the County of Matagorda and NEVs shall be operated in accordance with all laws and rules of the road enumerated in the Texas Transportation Code and by these rules for the operation of a passenger vehicle, except those rules and laws specifically excluded or limited by these rules.

G. Off-Highway Operators Safety Certificate Required. A person may not operate an off-highway vehicle on public off-highway vehicle land or a beach unless the operator:

- a. Holds a safety certificate under Subchapter C of Texas Transportation Code 551A or under the authority of another state;
- b. Is taking a safety training course under the direct supervision of a certified off-highway vehicle safety instructor; or
- c. Is under the direct supervision of an adult who holds a safety certificate issued under the same chapter or under the authority of another state.

H. Required Presentation. All operators of golf carts, NEVs, and OHVs shall carry with them the individual's valid driver's license and proof of insurance for the vehicle. Additionally, OHV operators shall carry their operator's safety certificate and present it upon request to any law enforcement officer.

I. Equipment Required.

a. Golf carts and NEVs must be equipped with the following:

- i. Operational head-lamps and tail-lamps (at a minimum, these shall be illuminated during the period from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced because of insufficient light or atmospheric conditions);
- ii. Reflectors;
- iii. Parking brakes;
- iv. Rearview mirrors;
- v. Seatbelts (if included in original manufacturer design);
- vi. Slow moving vehicle emblem;
- vii. Orange flag mounted to back of vehicle at least six feet above ground level; and
- viii. Know the Rules of Road sticker provided by Matagorda County Tax Office displayed prominently so the driver can see it at all times during operation.

b. OHVs must be equipped with the following:

- i. Operational head-lamps and tail-lamps (at a minimum, these shall be illuminated during the period from one-half hour after sunset to one-half hour before sunrise and at any time when visibility is reduced because of insufficient light or atmospheric conditions);
- ii. The operator, and passengers, shall not travel on or operate an OHV without a safety helmet that complies with United States Department of Transportation standards and eye protection. This section does not apply to a vehicle that has four wheels, is equipped with bench or bucket seats and seat belts, and includes a

- roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of vehicle rollover;
- iii. Seatbelts (if included in original manufacturer design);
 - iv. A brake system maintained in good operating condition;
 - v. An adequate muffler system in good working condition;
 - vi. A United States Forest Service qualified spark arrester.
 - vii. An OHV may not be operated on county roads and/or beaches if the vehicle has an exhaust system that has been modified with a cutout, bypass, or similar device OR the spark arrester has been removed or modified;
 - viii. Orange flag mounted to back of vehicle at least six feet above ground level; and
 - ix. Know the Rules of Road sticker provided by Matagorda County Tax Office displayed prominently so the driver can see it at all times during operation.

- J. Exclusion and Limitations.** The following exclusions and limitations apply to NEVs and to the licensing and operation of any golf carts or OHVs registered by the County of Matagorda.
- a. Golf carts and OHVs used while evacuating persons during a declared emergency are exempt from licensing by these rules during the declared emergency and seventy-two (72) hours after the emergency.
 - b. Golf cart and OHV permit tags may only be sold by the Matagorda County Tax Office.
 - c. The permit purchased in accordance with these rules does not include the beach permit required to operate golf carts or OHVs on the beaches in Matagorda County and is a separate fee.
 - d. No person may display a false, fictitious, or facsimile golf cart or OHV permit tag.
 - e. No person may alter or display an altered golf cart or OHV permit tag.
 - f. Golf carts, NEVs, and OHVs may only be operated by persons with a valid operator's permit (with a licensed driver on board) and/or driver's license.
 - g. Golf carts, NEVs, and OHVs may only be operated on a public street or highway with a speed limit of not more than 35 MPH within the unincorporated area of Matagorda County, unless otherwise restricted.
 - h. A golf cart, NEV, and OHV may cross a street or highway with a speed limit of more than thirty-five (35) miles per hour if the crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than thirty-five (35) miles per hour.
 - i. Golf carts, NEVs and OHVs must move to the right and yield the right-of-way to faster moving vehicles.

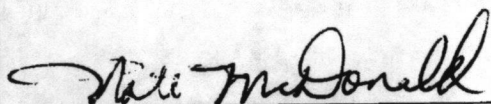
- j. Golf carts, NEVs and OHVs may not be operated upon any public sidewalk, pedestrian walkway, playground, Public Park, school grounds, other recreational areas, public easements, and other areas not designated for motor vehicle traffic.
- k. Golf carts, OHVs and NEVs shall display all required plates and permit tags.
- l. Golf carts, NEVs, and OHVs are not required to display a valid motor vehicle inspection sticker.
- m. The driver and every occupant of a golf cart, NEV and OHV must remain seated in a seat designed to hold passengers, while the golf cart, NEV or OHV is in motion.
- n. A person may not carry a passenger on an OHV operated on public off-highway vehicle land, a beach, road, or highway unless the vehicle is designed by the manufacturer to transport a passenger.
- o. No person may ride in the lap of the driver or any other occupant.
- p. A person may not operate a golf cart, NEV, or OHV on public off-highway vehicle land, a beach, road or highway in a careless or reckless manner that endangers, injures, or damages any person or property.
- q. Each golf cart, NEV, and OHVs shall prominently display, in view of the driver, the official rules notice, sticker and/or placard provided solely by the County at the time of the application.
- r. Operation of a golf cart, NEV, and OHVs on the beach shall comply with these rules and regulations, as well as, chapters 61 and 63 of the Natural Resources Code, and the Matagorda County Dune Protection Ordinance. The use of these vehicles on the beach is subject to revocation by vote of the Commissioners Court and/or order from the Emergency Management Director during a County Declared Emergency.

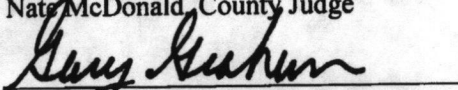
K. Penalties; Suspension or Revocation of Golf Cart and OHV Permit.


- a. Any violation of these rules is subject to penalties and/or fines under the applicable traffic laws found in the Texas Transportation Code.
- b. Matagorda County Commissioners Court hereby enacts a penalty of \$50 - \$500 for any individual operating an unregistered golf cart on the beach and/or unincorporated county roads. This ordinance in no way limits law enforcement from enforcing additional fines and/or fees for violations of the Texas Transportation Code.
- c. In addition to assessment of penalties and/or fines, the Matagorda County Sheriff or Constable may suspend or revoke a golf cart or OHV permit if they or their designee determines that:
 - i. There is a false statement of a material matter on the application for permit;
 - ii. The permit holder has in excess of three (3) moving violations of these rules during a permit year; or

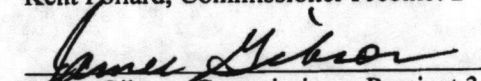
- iii. The permit holder has failed to make timely payment of a fee or penalty for violation of these rules.
 - d. Any permit holder aggrieved by a decision to suspend or revoke a permit may appeal the decision to the Matagorda County Justice of the Peace in the precinct in which they live (if a Matagorda County resident) or in the precinct in which the revocation or suspension occurred. The permit holder shall file a written request for a hearing, setting forth the reasons for the appeal, within ten (10) days after the permit holder received notice of the suspension or revocation. The permit holder shall pay all filing fees in accordance with the Texas Rules of Civil Procedure.
 - e. The filing of a request for an appeal hearing with the Justice of the Peace stays any action of the County Sheriff or Constable in suspending or revoking the permit until the Justice of the Peace makes a final decision.
 - f. The Justice of the Peace shall consider evidence by an interested person. The formal rules of evidence do not apply at the appeal hearing. The Justice of the Peace shall make their decision on the basis of a preponderance of the evidence presented at the hearing. The Court must render a decision within thirty (30) days after the request for an appeal hearing is filed. The Court shall affirm, reverse, or modify the action of the County Sheriff, Constable, or their designees. The decision of Justice of the Peace is final as to the administrative remedies within the County.
- L. Reservation of Rights.** Matagorda County reserves the right to vacate, suspend, amend, modify or alter these Rules or Regulations at any time.

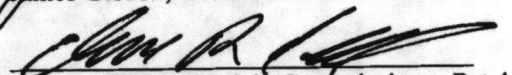
SIGNED AND ENTERED this the 11th day of May, 2020.


 Nate McDonald, County Judge

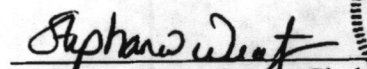

 Gary Graham, Commissioner Precinct 1


 Kent Pollard, Commissioner Precinct 2


 James Gibson, Commissioner Precinct 3


 Charles "Bubba" Frick, Commissioner Pct 4

ATTEST:


 Stephanie Wurtz, County Clerk





RESOLUTION

A RESOLUTION OF THE MATAGORDA COUNTY COMMISSIONERS COURT PERMITTING CERTAIN OFF-HIGHWAY VEHICLES AND GOLF CARTS ON COUNTY ROADS WITH A SPEED LIMIT OF NOT MORE THAN 35 MPH

WHEREAS, Texas Transportation Code Section 551A.053(b) permits any Texas County with population less than 37,000 that is adjacent to a County that borders the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico to operate off-highway vehicles on all or part of a public highway that is located in an unincorporated area of the county and that has a speed limit of not more than 35 miles per hour;

WHEREAS, Texas Transportation Code Section 551.404(b) and (c) permits any Texas County with population less than 37,000 that is adjacent to a County that borders the Guadalupe River and contains a part of a barrier island that borders the Gulf of Mexico to operate golf carts on all or part of a public highway that is located in an unincorporated area of the county and that has a speed limit of not more than 35 miles per hour

WHEREAS, Matagorda County, Texas, has a population less than 37,000 and contains a peninsula or barrier island that borders the Gulf of Mexico;

WHEREAS, Matagorda County, Texas, does border a county that contains a portion of the Guadalupe River and contains a barrier island that borders the Gulf of Mexico;

WHEREAS, Matagorda County, Texas, does have county roads within the unincorporated area of the County that have a speed of not more than 35 miles per hour;

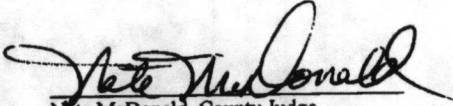
WHEREAS, Matagorda County Commissioners Court finds that operation of all-terrain vehicles (ATVs) operated on all or part of a public highway or street located in an unincorporated area of Matagorda County, Texas poses a risk to public safety.

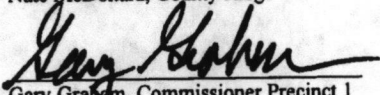
WHEREAS, Matagorda County Commissioners Court finds that the unregulated operation of a golf cart or off-highway vehicles on a public street or highway is not safe and prohibits the operation of a golf cart and off-highway upon any public street or highway except as permitted by the ordinance attached and approved by this resolution;

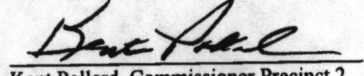
NOW, THEREFORE, BE IT RESOLVED that the Matagorda County Commissioners Court hereby agrees and orders that an operator may operate a golf cart or off-highway vehicle on all or part of a public highway or street that is located in an unincorporated area of Matagorda County, Texas on such highway or street that has a speed limit of not more than 35 miles per hour and the operator must meet all regulations set out in the attached "Matagorda County Golf Cart and Utility Vehicle Rules and Regulations."

IT IS ADDITIONALLY RESOLVED that the Matagorda County Commissioners Court hereby finds that operation of all-terrain vehicles (ATVs) operated on all or part of a public highway or street located in an unincorporated area of Matagorda County, Texas poses a risk to public safety and is prohibited.

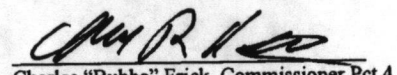
Adopted this the 11th day of May, 2020, at a regular meeting of the Matagorda County Commissioners Court.


Nate McDonald, County Judge

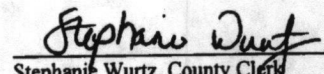

Gary Graban, Commissioner Precinct 1


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ATTEST:


Stephanie Wurtz, County Clerk

