

ORDINANCE NO. 1933

AN ORDINANCE OF THE CITY OF ROCKPORT, TEXAS AMENDING CHAPTER 98 TRAFFIC AND VEHICLES ARTICLE VI GOLF CARTS AND OFF-HIGHWAY VEHICLES SECTION 98- 134 AUTHORIZED INSPECTION FACILITY AND ENTITY REQUIREMENTS; PROVIDING A SAVINGS CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE

WHEREAS, the Texas Transportation Code authorizes the governing body of the municipality to regulate and control the operation of golf carts and off-highway vehicles within the city's legal boundaries and on its public streets to ensure the public safety of the community; and

WHEREAS, the City Council adopted the original Ordinance in 2011 that created Article VI, to regulate the operation of golf carts, NEVs, all-terrain vehicles (ATVs), and recreational off-highway vehicles (ROVs) on public streets; and

WHEREAS, the City Council amended the Ordinance in 2022 and 2023 amend the wording of its ordinance to enforce a prohibition of golf carts and off-highway vehicles on public streets; and

WHEREAS, the Police Department recommends amendments to Article VI and Section 98-134 changes in the interests of public safety.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

Section 1. Findings. The finding and recitations set out in the preamble of this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: Chapter 98, Article VI, Section 98-134 of the Rockport Code of Ordinances shall be amended to hereinafter read as follows, with deleted language indicated with red strikethrough font:

ARTICLE VI. GOLF CARTS AND OFF-HIGHWAY VEHICLES

Sec. 98-134. Authorized Inspection Facility and Entity Requirements.

(a) Application to become an authorized inspection facility or entity must be made to the Chief of Police on a form prescribed by the city's police department and must include:

- (1) Owner or operator name and date of birth;
- (2) Business ~~or residential~~ address (no PO Box);

- (3) Company manager name and date of birth;
- (4) Company name and address;
- (5) Company email and phone number;
- (6) Hours of operation; and
- (7) Acknowledgement of, and agreement to abide by, this article.

(b) Inspections must be performed at a minimum of three days per calendar week and must include weekdays and at least one weekend day.

(c) The Chief of Police shall conduct a background check of applicants, to include owners, operators, and managers, as appropriate, and will approve qualified applicants as authorized inspection facilities or entities.

(d) ~~No more than one authorized inspection facility or entity per 2500 permanent Rockport residents will be approved at any one time.~~ Businesses authorized to apply must be automotive maintenance facilities, golf cart sales, or golf cart maintenance facilities located in Aransas County.

(e) Upon approval, the Police Department will issue permit stickers to authorized inspection facilities and entities, who are accountable for all issued permit stickers. Authorized inspection facilities and entities need not reapply for approval when requesting additional permit stickers but shall complete a new application form when owners, operators, or managers change. They will update contact information with the Police Department as necessary.

(f) Each authorized inspection facility and entity shall submit payment to the city's Finance Department for 50 percent of the fee collected for inspections and permit stickers issued on a monthly basis.

(g) Each authorized inspection facility and entity shall submit a monthly report to the Chief of Police on the prescribed form indicating at a minimum the number of inspections performed, the number of passed and failed inspections, the number of permits issued, and the following information pertaining to permitted vehicles:

- (1) Make;
- (2) Model or body style;
- (3) Primary and any secondary color;
- (4) Vehicle Identification Number or other serial number if no VIN;
- (5) State license plate numbers; and

(6) Appropriate contact information for owner/operator including a local address if available.

(h) Authorized inspection facilities and entities are subject to inspection during hours of operation by the Chief of Police or his designee to ensure compliance with this article and as provided by other ordinances. Failure to adhere to any part of this article may be grounds for approval revocation as an authorized inspection facility or entity.

(i) Any mutilated permit stickers shall be returned to the Police Department. Authorized inspection facilities and entities which stop performing inspections shall return all unused permit stickers to the Police Department.

Section 3. Savings Clause.

All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 4. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

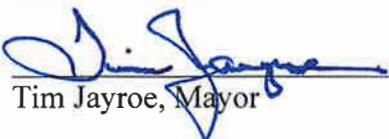
Section 5. Effective Date.

This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED AND APPROVED: First reading this 14th day of May, 2024

APPROVED and PASSED: Second reading this 28th day of May, 2024.

CITY OF ROCKPORT:



Tim Jayroe, Mayor

ATTEST:



Shelley Goodwin, City Secretary

