

City of Shoreacres



NOTICE OF MEETING

Notice is hereby given that a Regular Meeting of the
City Council
of the City of Shoreacres, Texas, will be held on
January 8, 2024 at 6:00 p.m.
in the City Council Chambers on the first floor at City Hall, 601 Shore Acres Blvd.,
Shoreacres, Texas, or remotely via Zoom, at which time the following subjects will be discussed, to wit:

1.0 CALL TO ORDER / ROLL CALL: Members Present and Absent

2.0 PLEDGES OF ALLEGIANCE

Texas Pledge:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3.0 SPECIAL PRESENTATIONS

3.1 Dedication of bench in honor of Alderman Neil Moyer to be located in the City Hall Reflection Garden.

4.0 COUNCIL REPORTS & REQUESTS

4.1 An opportunity for members of council to share community news.

5.0 PUBLIC HEARINGS & PUBLIC COMMENTS

5.1 Public Comments

This is the opportunity for the public to address council or comment on items which appear on the agenda. Time is limited to five minutes per speaker. Comments are to be directed to the city council and dialogue with the audience is not permitted. Councilmembers are prohibited by law from participating in discussion or deliberation of items not specifically identified on this agenda.

6.0 ADMINISTRATIVE REPORTS

6.1 City Manager's Report ^{Harrison}

6.2 Monthly Police Department Report. ^{Harrison}

6.3 Monthly Public Works Department Report. ^{Harrison}

7.0 BUSINESS

7.1 Minutes from the December 11, 2023 meeting. ^{Goodman}

7.2 Discussion of loose animals. ^{Bell}

7.3 Ordinance 2024-01-01 ordering a General Election for May 4, 2024. ^{Jennings}

- 7.4 Ordinance 2024-01-02 relating to changes in Article VI Regulations of Golf Carts. ^{Ramos}
- 7.5 Ordinance 2024-01-03 relating to changes in Article II City Council. ^{Jennings}
- 7.6 Second regular meeting ^{Jennings}

8.0 ADJOURNMENT

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Shoreacres, Texas is a true and correct copy of said Notice and that I posted a copy of said Notice on the bulletin board at City Hall on January 5, 2024 at or before 6:00 p.m., at a place convenient and readily accessible to the general public at all times; to remain so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.



SHOREACRES, TEXAS

DATED THIS January 5, 2024.

David Jennings

David Jennings, Mayor

The City Council of the City of Shoreacres reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).

The City Council Chamber is wheelchair accessible and accessible parking spaces are available.

Requests for accommodation or interpretive services must be made at least two (2) working days prior to the meeting. Please contact the City Office at 281.471.2244 or fax 281.471.8955 for additional information.

I, the undersigned, do hereby certify that this Notice of Meeting was removed from the City Hall bulletin board at 6:00 PM on January 9, 2024.

BY: _____

****** ZOOM MEETING INFORMATION ******

Meeting ID: 898 6812 4529

Passcode: 210303

Phone number to call in: (346) 248-7799



CASH POSITION DECEMBER 2023

2023 Restricted Funds:

Restricted Debt	\$32,461.32
Unused Wastewater Project Funds	\$53,937.80
Utility Deposit Fund	\$93,125.11
Road Repair Taxes Collected (TexPool)	\$301,723.59
Covid Grant Funds	\$35,392.37
Park Pavilion Improvements budgeted 2022	\$29,873.14
SETH Funds	\$5,627.82
Total	\$552,141.15

Unencumbered Funds:

General Fund Checking	\$273,137.15
Utility Checking	\$260,651.30
Unencumbered Funds (Tex Pool)	\$1,007,873.44
Total	\$1,541,661.89

Shoreacres Police Department

602 Shore Acres Blvd., Shoreacres, Texas 77571 / 281.307.1950 / Fax: 281.471.8955



MEMORANDUM

DATE: January 3, 2024
TO: City Council
FROM: Troy D. Harrison
RE: December 2023 Activity report

Below are the listed calls for service during the month of December 2023:

Nature Calls

911 HANG UP	1
ABANDONED VEHICLE	2
ACCIDENT MAJOR	1
ALARM BURGLAR	2
ANIMAL CONTROL PROBLEM	3
ASSIST BY LAW	20
ASSIST CITIZEN	2
CIVIL PROBLEM STANDBY	2
DISABLED VEHICLE	4
DISTURBANCE	2
FLAGDOWN	1
FOLLOW UP	2
FRAUD	1
HARASSMENT	1
LOUD MUSIC NOISE	4
MINOR ACCIDENT	4
NARCOTICS VIOLATION	1
PROPERTY LOST RECOVERED	1
RECKLESS DRIVER CONDUCT	2
SUSPICIOUS CIRC PERSON VEHICLE	4
THEFT	2
THREAT TERRORISTIC	1
TRAFFIC STOP	59
TRESPASS	2
VIOLATION CITY ORDINANCE	1
Total Calls:	125
Total Citations:	76
House Watches:	100
San Jacinto College Patrols:	170
HYC Patrols	170



PRODUCTION UPDATES FOR CITY OF SHOREACRES - DECEMBER 2023

PRODUCTION STATUS

Well #1, 3395	OPERATING WITH NO ISSUES	WELL PRODUCING - 363 GPM
Well #2, 1577	OPERATING WITH NO ISSUES	WELL PRODUCING - 100 GPM
Well #3, 4061	OPERATING WITH NO ISSUES	WELL PRODUCING - 450 GPM
Lift Station #1	OPERATING WITH NO ISSUES	
Lift Station #2	OPERATING WITH NO ISSUES	
Lift Station #3	OPERATING WITH NO ISSUES	

PRODUCTION SUMMARY

Call Type	Quantity
Turn on Service	0
Disconnect	0
Leaks	4
Main Line Repair	0
Meter Repair	0
Plant repair	1
Service Call	2
Inspection	0

PROJECTS IN PROGRESS

TASK	% DONE	DUE DATE	NOTES

ABNORMAL EXPENDITURES

ITEM(S)	COMPANY	APPROVED BY	NOTES
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COMMENTS/QUESTIONS?

RESPECTFULLY SUBMITTED,



David Sutton
Owner
Innovative Operations, LLC.

City of Shoreacres

MINUTES OF MEETING

Notice is hereby given that a Regular Meeting of the
City Council
The City of Shoreacres, Texas held on.
Monday, December 11, 2023

1.0 CALL TO ORDER / ROLL CALL: Members Present and Absent Quorum

1.1 Mayor Jennings, Mayor Pro-Tem McKown, Alderman Greeson, Alderwoman Ramos, Alderman Bell, Alderman Hoskins – join us at 6:03pm

2.0 PLEDGES OF ALLEGIANCE

Texas Pledge:

Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

3.0 SPECIAL PRESENTATIONS

3.1 None.

4.0 COUNCIL REPORTS & REQUESTS

4.1 Mayor Jennings asks council members if they have any comments. Ms. Ramos, Mr. Bell, Mr. Greeson no comment.
Pro-Tem mayor Jerome McKown commented on how proud and how glad he was to see the marquise sign in the intersection of 146 and Shoreacres Blvd. up and running.

Mayor Jennings, please note Alderman Hoskins join us at 6:30pm.

5.0 PUBLIC HEARINGS & PUBLIC COMMENTS

5.1 Public Comments –

Resident Hector Mendoza 114 Baywood Street commented he was here last month and the month before about the street repairs on Baywood street. He would like to know if the city has any BID's and when is going to start. He also brought up his concern about the new parking spaces in Miramar.

Mayor Jennings commented, “I think Mr. Harrison has something on that this evening.

Resident Mary Becker leaves at 202 Fairfield concerned about the developments around the bay and public access. She would like to know if there will be more benches around that area. The way the bay has been cut right now all the rocks are exposed and the bushes that were growing around there they all are being cut down that was the beauty of Shoreacres 35 years ago. She would like to see more oleanders around there and flowering plants.

This is an opportunity for the public to address the council. Dialogue, deliberation, or discussion, with council members on items that are not on the agenda is prohibited by law. Time for each speaker is limited to five minutes.

6.0 ADMINISTRATIVE REPORTS

6.1 City Manager’s Report – Updates on city activities, staff, budget, public works, police.

Mr. Harrison began with the financial report attached. Mr. Harrison read the financial report. The cash position as the last day of November 2023. As attached. He advised the general fund is down we are used to that in December are property taxes had not really become we only collected 4.5% of what we expect to collect for the entire year that’s a little over \$6,000.00. That money in the next few days should start rolling in we be fine there. The mayor verbally corrected the amount previously given by Mr. Harrison. Mayor asked for any comments from council members Ms. Ramos, Mr. Bell, Mr. Hoskins, Mr. Greeson ask Mr. Harrison about the Seth funds if those funds need to be spent before the end of the year. Mr. Harrison advised the funds don’t need to be spent before the end of the year, but we hope to spend those soon. Mayor commented Mr. Harrison has been talking to someone. Mr. Harrison reached out to some people there is a little bit of money left to spend before the end of the year. Mayor and I talked about it last week and if we need to get the remaining amount of the books so there is no liability. If anyone knows somebody there is a little over \$5,000.00 remaining. No comments.

Mayor commented about the court budget. He requested for Mr. Harrison to break down municipal court because significant changes were made. Mr. Harrison presents the revenue for the two months of the current fiscal year. The mayor explained he would like to break even. Right now, numbers look positive but at the end of the year it will balance out. 46% is probably a little more, due to it showing some of the revenue from last year. Mr. Harrison commented we now have a court clerk; remodeling is complete, and PD is finally fully staffed.

Update on Shell beach you will see “no fishing signs” we have installed 4 signs basically at the request of residents. Two on the north and south side say no fishing, one points north, and one points south and two signs in the middle that say no fishing at shell beach. We have two signs that should be in this week that will post the hours. Hopefully the new parking area will help visitors not park in residents’ yards or on the south side that gets so muddy. We will continue to build this up to have additional parking. We gain a net of 11 parking spaces when is all said and done it will be a total of 13 parking spaces. Is also deep enough for an extended cab pickup truck to download a kayak or equipment. We want to make sure people are off the road.

The Yacht club will add oleanders along that fence. Mr. Harrison has already started with his crew cleaning all the bamboo and the Yacht Club is very happy because it helps their view. Mayor was there Saturday the youth were sailing and loving it nobody was fishing on the beach they were properly fishing. Troy is doing a good job.

Mr. Greeson ask how we are handling clean up around that area. Mr. Harrison right now has one man Ray Dodd who has been going down with the tractor. They are trying to clean up that area. Resident Mendoza commented about how much trash is left at Shell beach after weekends.

For the police report special presentation on code enforcement. The mayor commented we have the report attached on loud noise 3 up this month that was up a little bit we don’t usually have too many loud noises. Mr. Harrison explained some of them came from the port he knows he received the calls; he refers them to the number to report noise at the port and they respond better to the residents than to the police department. No comments.

Sargent Tidwell presented the Code enforcement report attached. Sgt. Tidwell mentioned since August he has been working on code enforcement everything so far has inclined after he has spoken to them or after they had received the letter except for the two that are on South Broadway, I’m sure you had seen this vehicle we currently working with the owner of the property to be removed she will be receiving a citation tomorrow.

During November he sent 6 letters about dead trees, and they have until January to be compliant.

The other junk vehicle, the owner was issued a citation last week, she had also received a letter back in October and she finally got in touch with me, and she was issued a citation. These are the only two he had issues with. He has received positive responses from everybody else. He has also waited after heavy trash to address other issues.

Mr. Harrison commented that PD always wants to help everyone to comply before issuing a citation.

Public work simple it has been nice now that the drought is over. Leaks have gone down however, we are still having a few but they are minor not difficult to get to we still having problems with end points. Ray has replaced more today. We will send them back to see if they are still under warranty, they sent us 24 new ones two months ago.

endpoints are the registration device that is attached to the lead of the meter that allows the system to read for billing purposes.
TECQ no issues.

7.0 BUSINESS

- 7.1 **Approve Minutes** from the December 11, 2023. meeting. Goodman
Mr. Hoskins made a motion to approve the minutes as written with a 2nd from Ms. Ramos No questions and/or discussion the motion passed unanimously.
- 7.2 **Ordinance 2023-12-01 relating to changes in the floodplain ordinance.**
Mr. McKown made a motion to discuss Ordinance 2023-12-01 relating to changes in the floodplain ordinance. with a second from Greeson.
Mr. Harrison, provide a brief overview review of this chapter and purpose. He introduced Ms. Debbie Vascik and thanked her for all her assistance.
Mayor advised what is on the screen is the changes in the ordinance which is in your packet.
The purpose is to establish one building code for the entire city, with the red being additions and then the strikethrough.
1st on the list is repetitive loss definition that needs to be in the CRS. The mayor introduced Ms. Debbie Vascik and asked that she explain the CRS program, the class goes from 10 down to 1 and currently the city is an 8 which is 10% and the lower the number the greater the discount. The goal is to get the city to a 6.
Mayor went through each item change. Mayor mentioned that it appears to be a lot of redundancies, however it needs to be included for consistency. Discussion on manufactured homes in the city there are only two. There being no other questions or discussion.
The mayor called for a vote, all voted Aye, and the motion passed unanimously.
- 7.3 Second regular meeting mayor Jennings asked if it was necessary to have one and the Council replied no.

8.0 **ADJOURNMENT** Jennings

Mr. McKown made a motion to adjourn with a second from Mr. Greeson.
Meeting adjourned at 6:45pm

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Shoreacres, Texas is a true and correct copy of said Notice and that I posted a copy of said Notice on the bulletin board at City Hall on ., at a place convenient and readily accessible to the general public at all times; to remain so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

DATED THIS.



SHOREACRES, TEXAS

By: *David Jennings*
David Jennings – Mayor

The City Council of the City of Shoreacres reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development).



ORDINANCE NO. 2024-01-01

CITY OF SHOREACRES

AN ORDINANCE OF THE CITY OF SHOREACRES, TEXAS, PROVIDING THAT A GENERAL MUNICIPAL ELECTION BE HELD ON MAY 4, 2024, FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO (2) ALDERPERSONS; PROVIDING THE FORM OF THE BALLOT FOR SUCH ELECTION; DIRECTING THE NOTICE OF SUCH ELECTION; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

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

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the first Saturday in May 2024, the same being the fourth (4th) day of said month, at which election all qualified voters of the City may vote for the purpose of electing the following officials of the City:

Mayor
Two (2) Alderpersons

Section 2. No person's name shall be placed upon the official ballot as a candidate for any of the above mentioned positions unless such person has filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of this City at the City of Shoreacres City Hall, 601 Shore Acres Blvd., Shoreacres, Texas 77571, not later than five o'clock (5:00) p.m. on the seventy-eighth (78th) day before the date of such election. The City Secretary shall note on the face of each such application the date and time of its filing. Such application shall include the office the candidate is seeking.

Section 3 The present boundaries of the City constituting one election precinct, the polls shall be open for voting during regular City Hall business hours from April 22, 2024, to April 30, 2024, and during extended hours of seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. on April 24, 2024, and April 30, 2024, at the following polling place: Shoreacres City Hall 601 Shore Acres Blvd. Shoreacres, Texas 77571

Section 4. Elaine Goodman is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for early voting by the City Secretary shall be in accordance with Section 83.031 et seq. of the TEXAS ELECTION CODE. Said clerks shall not permit anyone to vote early by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing

address to which ballot applications and ballots voted by mail may be sent. Applications by mail for a ballot to be voted by mail shall be received in accordance with the TEXAS ELECTION CODE. The early voting clerk, in accordance with the provision of the TEXAS ELECTION CODE, shall maintain a roster listing each person who votes early by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5. Direct Record Electronic (DRE) voting machines shall be used for early voting personal appearance and for Election Day voting. Paper ballots shall be used for early voting by mail. The City Secretary, acting as chief elections officer shall provide at least one (1) A.D.A. approved voting machine at a polling place as required by Section 61.012 of the Texas Election Code. All expenditures necessary for the conduct of the election purchase of materials and the employment of all election officials are hereby authorized in accordance with the Texas Election Code.

Section 6. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the Texas Election Code. The City Secretary shall post a notice at City Hall, at least seventy-two (72) hours prior to the date on which the drawing is to be held, of the time and place of the drawing and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by him, shall have a right to be present and observe the drawing.

Section 8. The Mayoral candidates and the two Alderperson candidates receiving the greatest number of votes in the Municipal Election shall be declared elected to the positions.

Section 9. Notice of this election shall be given in accordance with the provision of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The mayor shall issue all necessary orders and writs for such elections and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. Such election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

Section 11. Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this resolution be held to be unconstitutional or of no force and effect,

such holding shall not affect the validity of the remaining portion of this resolution, but in all respects said remaining portion shall be and remain in full force and effect.

Section 12. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551 of the Texas Government Code.

Section 13. This Ordinance is effective immediately upon its passage and approval.

PASSED AND APPROVED by the City Council of the City of Shoreacres, Texas this the 8th day of January 2024.



David Jennings, Mayor

ATTEST:

Elaine Goodman, City Secretary

	Aye	Nay	Not Voting
Mayor David Jennings			
Mayor Pro Tem Jerome McKown			
Aldersperson Felicia Ramos			
Aldersperson Paul Greeson			
Aldersperson Ron Hoskins			
Aldersperson Wes Bell			



ORDINANCE NO. 2024-01-02

CITY OF SHOREACRES

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES REGULATING THE USE OF GOLF CARTS ON PUBLIC STREETS OR HIGHWAYS WITHIN THE CITY LIMITS; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, the Texas Transportation Code, Section 551.404 provides that a municipality may allow, but is not required to allow, an operator to operate a golf cart on all or part of a public highway; and

WHEREAS, the Texas Transportation Code, Section 521.021 requires anyone operating a motor vehicle on a highway must have a driver's license; and

WHEREAS, the Texas Transportation Code, Section 521.204 sets a minimum age of 16 to obtain a driver's license; and

WHEREAS, Texas Attorney General Opinion No. KP-0364 affirms that section 521.021 of the Texas Transportation Code requires operators of golf carts on public highways have a driver's license; and

WHEREAS, the City Council wishes to correct City Code Chapter 62, Article VI, Section 62.242(k) and (l) to comply with the Texas Transportation Code;

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That section 62-242 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 62-242. General Requirements.

All golf carts and operators must comply with the following requirements:

(k) Golf carts shall not be driven or operated by a person under the age of ~~14~~ 16 years without the direct supervision of a 21 year old or older passenger.

(l) No person shall allow or permit a golf cart under their control to be driven or operated by a person under the age of ~~14~~ 16 years without the direct supervision of a 21 year old or older passenger.

This Ordinance shall be effective January 9, 2024, after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of Shoreacres at least once after the passage of this ordinance.

PASSED AND APPROVED this the 8th day of January 2024.



David Jennings, Mayor

ATTEST:

Elaine Goodman, City Secretary

	Aye	Nay	Not Voting
Mayor David Jennings			
Mayor Pro Tem Jerome McKown			
Aldersperson Felicia Ramos			
Aldersperson Paul Greeson			
Aldersperson Ron Hoskins			
Aldersperson Wes Bell			

ARTICLE VI. REGULATION OF GOLF CARTS

Sec. 62-241. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Golf Cart as referenced hereafter, shall have the meaning assigned by the V.T.C.A., Transportation Code § 502.001(7), as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATV's, NEV's, four-wheelers, mules and gators.

Operator shall mean the person operating and having physical control over the golf cart.

Public highway shall have the meaning assigned by the Transportation Code § 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

- (1) That is in the state;
- (2) That is for the use of vehicles;
- (3) That is not privately owned or controlled; and
- (4) Over which the state has legislative jurisdiction under its police power.

(Ord. No. 2012-111, 2-27-2012)

Sec. 62-242. General requirements.

All golf carts and operators must comply with the following requirements:

- (a) Golf carts shall be operated only on a public highway for which the posted speed limit is not more than 25 miles per hour.
- (b) A slow moving vehicle emblem, as provided for in Section 547.703 of the Transportation Code, must be displayed to the rear.
- (c) All operators of golf carts shall abide by all traffic regulations applicable to the movement of vehicular traffic when using any public highway in the City of Shoreacres.
- (d) Golf carts shall not be operated on public sidewalks at any time.
- (e) A golf cart operator may not cross a street or highway with a posted speed limit of more than 25 mph, unless the crossing occurs at an intersection.
- (f) All golf carts are entitled to the full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.
- (g) The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (h) Golf carts shall not be operated between lanes of traffic or between adjacent lines of rows of vehicles.

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- (i) Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited on any public highway in the City of Shoreacres.
 - (j) The operator and all passengers must be seated and remain seated whenever the golf cart is in motion. No person may ride in the lap of the driver of the golf cart.
 - (k) Golf carts shall not be driven or operated by a person under the age of 14-16 years without the direct supervision of a 21 year old or older passenger.
 - (l) No person shall allow or permit a golf cart under their control to be driven or operated by a person under the age of 14-16 years without the direct supervision of a 21 year old or older passenger.
 - (m) Golf cart owners must maintain liability insurance for the golf cart.

(Ord. No. 2012-111, 2-27-2012; Ord. No. 2012-123, 7-9-2012; Ord. No. 2017-253, 2-13-2017)

Sec. 62-243. Operation.

Golf Carts must be equipped with headlights, tail lamps, reflectors, parking brakes, and rearview mirrors.

Golf Carts may operate during daytime or nighttime hours. During nighttime hours headlights and tail lamps shall be operational at all times.

(Ord. No. 2012-111, 2-27-2012)

Sec. 62-244. Registration with the City of La Porte.

Any golf cart registered with and displaying a current valid permit issued by the City of La Porte Police Department, is recognized by the City of Shoreacres as complying with the requirements of sections 62-243.

(Ord. No. 2012-111, 2-27-2012)

Sec. 62-245. Penalty.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not more than \$200.00 per offense. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined in this section.

(Ord. No. 2012-111, 2-27-2012)



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 5, 2021

The Honorable Brett W. Ligon
Montgomery County District Attorney
207 West Phillips, 2nd Floor
Conroe, Texas 77301

The Honorable B.D. Griffin
Montgomery County Attorney
501 North Thompson, Suite 300
Conroe, Texas 77301

Opinion No. KP-0364

Re: Whether a driver's license is required to operate a golf cart on a publicly maintained road, as authorized by sections 551.403 and 551.404 of the Transportation Code (RQ-0381-KP)

Dear Mr. Ligon and Mr. Griffin:

You ask whether a person must hold a driver's license to operate a golf cart on a publicly maintained road, as authorized by sections 551.403 and 551.404 of the Transportation Code.¹ You tell us that local and state officials have expressed conflicting opinions about the necessity of a driver's license to operate a golf cart on public streets as authorized in these statutes. Request Letter at 2. Sections 551.403 and 551.404 authorize the operation of golf carts on certain highways and other locations, but they do not address the necessity of a driver's license to do so. *See* TEX. TRANSP. CODE §§ 551.403, .404.

Title 7 of the Transportation Code regulates different aspects of the operation of vehicles, such as vehicle registration (subtitle A), driver's license requirements (subtitle B), rules of the road (subtitle C), financial responsibility (subtitle D), and other matters. *See id.* §§ 501.001–1006.155 (Title 7). Within subtitle B, section 521.021 provides that “[a] person, other than a person expressly exempted under this chapter [521], may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.” *Id.* § 521.021. Chapter 521 borrows definitions for some of its terms from subtitle C. *See id.* § 521.001(b) (“A word or phrase that is not defined by this chapter but is defined by Subtitle C has the meaning in this chapter

¹*See* Letter from Honorable Brett W. Ligon, Montgomery Cnty. Dist. Att’y, and Honorable B.D. Griffin, Montgomery Cnty. Att’y, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 10, 2020), <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2020/pdf/RQ0381KP.pdf> (“Request Letter”).

that is assigned by that subtitle.”). In subtitle C, a “motor vehicle” is defined to include “a self-propelled vehicle.”² *Id.* § 541.201(11). A “highway or street” is “the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.” *Id.* § 541.302(5). Thus, section 521.021 requires a driver’s license to operate a self-propelled vehicle on a publicly maintained way open to the public for vehicular travel. *Id.* §§ 521.021, 541.201(11), 541.302(5); *see also Hicks v. State*, 18 S.W.3d 743, 744 (Tex. App.—San Antonio 2000, no pet.) (“It is well established the State of Texas can and does require a valid driver’s license for all persons operating motor vehicles on the roads of the State.”).

Subtitle C, “Rules of the Road,” specifically regulates the operation of golf carts in chapter 551, subchapter F. Chapter 551 defines “golf cart” as “a *motor vehicle* designed by the manufacturer primarily for use on a golf course.” TEX. TRANSP. CODE § 551.401 (emphasis added). Section 551.403 authorizes operation of golf carts in certain locations:

An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants;
and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach that is open to vehicular traffic;
or

(3) on a highway for which the posted speed limit is not more
than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf
cart is usually parked and for transportation to or from a golf
course.

Id. § 551.403; *see generally* Tex. Att’y Gen. Op. No. GA-0966 (2012) (discussing requirements of the statute). Additionally, municipalities and counties in some parts of the State may authorize the operation of a golf cart on certain highways:

(a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a highway that:

²This definition of “motor vehicle” expressly excludes electric bicycles or a specific type of electric personal assistive mobility device but not other types of vehicles such as golf carts. *See* TEX. TRANSP. CODE § 541.201(11).

- (1) is in the corporate boundaries of the municipality; and
- (2) has a posted speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized by Section 551.403, the commissioners court of a county [as described] may allow an operator to operate a golf cart on all or part of a highway that:

- (1) is located in the unincorporated area of the county; and
- (2) has a speed limit of not more than 35 miles per hour.

TEX. TRANSP. CODE § 551.404(a), (b); *but see id.* § 551.4031 (authorizing a municipality, county, or the Department of Transportation to prohibit the operation of a golf cart under section 551.404 if necessary for public safety).³

The Legislature exempts the operation of golf carts under chapter 551 from some generally applicable statutes. For example, golf carts are exempted from registration requirements. *Id.* § 551.402(a). They are subject to their own license plate requirements. *See id.* § 551.402(b), (c). Golf carts are generally exempt from the usual vehicle equipment requirements. *See id.* § 547.002(7); *but see id.* §§ 547.703(d) (additional equipment required for golf carts and other slow-moving vehicles), 551.4041 (equipment for golf carts operating under section 551.404). Section 601.051 of the Motor Vehicle Responsibility Act does not apply to “a golf cart that is operated only as authorized by Section 551.403.” *Id.* § 601.052(a)(2-a); *see also id.* § 601.051 (generally requiring a motor vehicle insurance policy or other specified proof of financial responsibility to operate a motor vehicle).

No statute exempts the operator of a golf cart under chapter 551 from the license-holding requirement of section 521.021.⁴ We must assume that the lack of an exemption was intentional. “A court may not write special exceptions into a statute so as to make it inapplicable under certain circumstances not mentioned in the statute.” *Pub. Util. Comm’n v. Cofer*, 754 S.W.2d 121, 124 (Tex. 1988). Thus, section 521.021 of the Transportation Code requires a person to hold a driver’s license to operate a golf cart on a publicly maintained way open to the public for vehicular traffic as authorized by sections 551.403 and 551.404 of the Code.

³Montgomery County is not among the counties authorized to allow an operator to operate a golf cart under subsection 551.404(b), and we find no Montgomery County ordinances relating to the operation of golf carts.

⁴Specific to minors, section 729.002 prohibits a person younger than 17 years of age from “operat[ing] a motor vehicle without a driver’s license authorizing the operation of a *motor vehicle* on a: (1) public road or highway; (2) street or alley in a municipality; or (3) public beach as defined by Section 729.001.” TEX. TRANSP. CODE § 729.002(a) (emphasis added). As “golf cart” is defined as “a *motor vehicle* designed by the manufacturer primarily for use on a golf course,” the prohibition applies to the operation of a golf cart on a public road or highway. *Id.* § 551.401 (emphasis added).

S U M M A R Y

Section 521.021 of the Transportation Code prohibits a person, unless expressly exempted, from operating a motor vehicle on a publicly maintained way any part of which is open to the public for vehicular travel unless the person holds a driver's license. Sections 551.403 and 551.404 of the Code, which authorize a person to operate a golf cart in certain locations, do not exempt such persons from the driver's license-holding requirement of section 521.021.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

MURTAZA F. SUTARWALLA
Deputy Attorney General for Legal Counsel

VIRGINIA K. HOELSCHER
Chair, Opinion Committee

WILLIAM A. HILL
Assistant Attorney General, Opinion Committee



ORDINANCE NO. 2024-01-03

CITY OF SHOREACRES

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SHOREACRES ALLOWING ALDERPERSONS TO ATTEND COUNCIL MEETINGS REMOTELY; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

WHEREAS, current technology exists to allow meetings to be held remotely; and
WHEREAS, the City Council wishes to allow alderpersons to attend meetings remotely; and
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES:

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

That Article II, Division 2, Section 2-70 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 2-70. Remote Meeting Attendance.

Council members may attend meetings remotely if said meeting has been noticed in accordance with the Texas Open Meetings Act. A council member desiring to attend remotely shall notify the presiding officer before noon of the day the meeting is scheduled to occur. The council member will have the same opportunity to interact during the meeting as they would have if they were physically present.

Secs. ~~2-70~~ 71 - 2-80. - Reserved.

This Ordinance shall be effective January 9, 2024, after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of Shoreacres at least once after the passage of this ordinance.

PASSED AND APPROVED this the 8th day of January 2024.



David Jennings, Mayor

ATTEST:

Elaine Goodman, City Secretary

	Aye	Nay	Not Voting
Mayor David Jennings			
Mayor Pro Tem Jerome McKown			
Aldersperson Felicia Ramos			
Aldersperson Paul Greeson			
Aldersperson Ron Hoskins			
Aldersperson Wes Bell			