

ORDINANCE 2026-O-03B

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 25, "TRAFFIC AND MOTOR VEHICLES," BY CREATING AND ADOPTING A NEW ARTICLE VIII TO BE ENTITLED "GOLF CARTS"; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, AND UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR VIOLATIONS THAT INVOLVE PUBLIC HEALTH AND SAFETY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE REPEALER; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE, AND PROPER NOTICE OF MEETING.

WHEREAS, the City Council of the City of Marble Falls, Texas, ("City") seeks to provide for the health, safety and welfare of its citizens and provide for the orderly development and use of the streets; and

WHEREAS, the Texas Transportation Code §551.404 authorizes municipalities to permit golf carts on public streets that have a posted speed limit of not more than 35 miles per hour; and

WHEREAS, the City Council finds that permitting limited operation of golf carts, recreational off-highway vehicles, neighborhood electric vehicles, and utility vehicles on designated streets may enhance mobility for residents and visitors while maintaining public safety; and

WHEREAS, the City Council finds that the rental of golf carts for operation on public streets creates increased traffic safety risks because operators are often unfamiliar with local traffic conditions, golf carts lack standard vehicle safety equipment, and short-term renters may not be adequately trained in safe operation. Accordingly, the City finds that prohibiting the commercial rental of golf carts for operation on public streets is necessary to protect public safety and regulate traffic on municipal roadways; and

WHEREAS, the City Council desires to regulate such operation in a manner consistent with state law and public safety objectives;

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

SECTION I. PREAMBLE. All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENT. The Code of Ordinance of the City of Marble Falls, Texas is hereby amended by amending Chapter 25 "Traffic and Motor Vehicles" to add a new article entitled Article VIII to be entitled "Golf Carts," and will read in its entirety as follows:

ARTICLE VIII. GOLF CARTS

Sec. 25-246. Purpose.

This article is established to protect the public health, safety, and welfare by regulating the operation of golf carts and off-highway vehicles on public streets.

Sec. 25-247. Definitions.

When used in the City Code of Ordinances, the following words and terms, unless the context indicates a different meaning, or unless otherwise specifically defined for application to a portion of this chapter, shall be interpreted as follows:

All-terrain vehicle (ATV) means a motor vehicle, as described and defined under Texas Transportation Code section 551A.001(1) as amended, that is designed to propel itself with three or four tires in contact with the ground, is not more than 50 inches wide, and is equipped with a saddle seat or seats.

Golf cart means a motor vehicle designed by the manufacturer primarily for use on a golf course. (Texas Transportation Code section 551.401)

Neighborhood Electric Vehicle (NEV) means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with the Federal Motor Vehicle Safety Standard 500.

Off-highway vehicle means an all-terrain vehicle, a recreational off-highway vehicle, a sand rail or a utility vehicle (Texas Transportation Code section 551A.001(1-d))

Recreational off-highway vehicle (ROV) means a motor vehicle, as described and defined under Texas Transportation Code section 551A.001(5) as amended, which is an off-highway vehicle equipped with a seat or seats for the use of the rider and a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers, and is not designed by the manufacturer primarily for farming or lawn care.

Sand rail means a motor vehicle, as described and defined under Texas Transportation Code section 551A.001(3) as amended, which is an off-highway vehicle designed or built primarily for off-highway use, in sandy terrains, including for use on sand dunes.

Utility vehicle (UTV) means a motor vehicle, as described and defined under Texas Transportation Code section 551A.001(6) as amended, which is an off-highway vehicle that is not a golf cart or lawn mower, is equipped with side-by-side seating for the use of the operator and a passenger, and is designed by the manufacturer primarily for utility work and not for recreational purposes.

Sec 25-249. Operation and Regulation of Golf Carts, Recreational Off-Highway Vehicles, and Utility Vehicles

- (a) The operation of golf carts, recreational off-highway vehicles and utility vehicles within the corporate limits of the city upon its public streets and public rights-of-way is hereby authorized when all requirements and restrictions under this section are met.
- (b) The operation of a golf cart, recreational off-highway vehicle or utility vehicle under this section is only authorized upon a public street or public right-of-way with a speed limit of 35 miles per hour or less.
- (c) A golf cart, recreational off-highway vehicle or utility vehicle under this section is authorized to cross state highways, including farm to market roads, solely at intersections controlled by an official traffic control signal.
- (d) An operator of a golf cart, recreational off-highway vehicle, or utility vehicle authorized under this section shall be subject to and comply with all applicable state traffic laws and regulations governing the operation of motor vehicles, to the extent such laws apply to the vehicle being operated.
- (e) An operator of a golf cart, recreational off-highway vehicle, or utility vehicle authorized under this section shall comply with all state and local parking requirements.
- (f) In compliance with Texas Transportation Code, sections 551.402 and 551A.052 as amended, a golf cart, recreational off-highway vehicle or utility vehicle operated under this section shall display a golf cart license plate or off-highway vehicle license plate issued by the Texas Department of Motor Vehicles on the rear of the vehicle.
- (g) A golf cart, recreational off-highway vehicle, or utility vehicle operated under this section must be covered by liability insurance in an amount not less than the minimum required by state law for motor vehicles. Coverage may be provided by a separate policy or through the owner's or operator's homeowner's insurance policy
- (h) An operator of a golf cart, recreational off-highway vehicle, or utility vehicle authorized under this section shall hold a valid driver's license.
- (i) A golf cart, recreational off-highway vehicle or utility vehicle operated under this section must be equipped with the following items:
 - (1) Headlamps;
 - (2) Taillamps;
 - (3) Front and rear side reflectors;
 - (4) Brake lights;

- (5) Parking brake;
 - (6) Rearview mirror(s);
 - (7) A "slow moving vehicle" reflective triangle affixed and visible to the rear; and
 - (8) Seat belts.
- (j) Recreational off-highway vehicles and utility vehicles operated under this section must also be equipped with:
- (1) A brake system maintained in good operating condition;
 - (2) An adequate muffler system in good working condition; and
 - (3) A United States Forest Service qualified spark arrester.
- (k) If a golf cart or recreational off-highway vehicle is not equipped with turn signals, the operator shall use standard hand and arm signals when operating the vehicle on a public roadway.
- (l) Safety Acknowledgement Requirement
- (1) Before operating a golf cart, recreational off-highway vehicle, or utility vehicle on a public street or roadway within the city, the owner shall complete a safety acknowledgement form made available on the City of Marble Falls website.
 - (2) Upon completion of the safety acknowledgement form, the city shall issue a safety acknowledgement sticker. The owner shall display the issued sticker in the center of the required slow-moving vehicle reflective safety triangle affixed to the vehicle.
 - (3) Failure to complete the safety acknowledgement form or properly display the issued sticker as required by this subsection constitutes a violation of this section.

Sec. 25-250. Prohibitions

- (a) Golf carts, recreational off-highway vehicles, and utility vehicles are prohibited from operation on any roadway within the state highway system, including Farm-to-Market roads, located within the corporate limits of the city, regardless of the posted speed limit, except for the purpose of crossing the roadway at an intersection with an official traffic control device in accordance with Section 25-249(c).
- (b) Golf carts, recreational off-highway vehicles, and utility vehicles are prohibited from crossing the state highway system at the intersections of Mormon Mill Road and U.S. Highway 281, and FM 1431 and Bluebonnet Drive/Avenue N.

- (c) Golf carts, recreational off-highway vehicles and utility vehicles are prohibited on any public sidewalk, hike and bike trail, playground, greenbelts, or other public recreational areas not designated for motor vehicle traffic, except in designated areas within the corporate boundaries of the city.
- (d) All-terrain vehicles (ATVs) and sand rails are prohibited on any highway, roadway, public sidewalk, hike and bike trail, playground, greenbelt, or other public recreational areas within the corporate boundaries of the city.
- (e) An off-highway vehicle may not tow or pull a trailer, boat, personal watercraft, other object, or any person.
- (f) Operation of a golf cart, recreational off-highway vehicle, or utility vehicle is prohibited between the hours of 11:00 p.m. and 6:00 a.m.
- (g) No person or entity shall rent, lease, or otherwise provide a golf cart for compensation for operation on any public street, roadway, or highway within the city limits.

SECTION III. PENALTY.

- (a) Any violation of this ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00), except that the violation of any such provision of the ordinance that governs fire safety, zoning, or public health and sanitation shall be punishable by a fine not to exceed two thousand dollars (\$2,000.00). Each day, or portion thereof, during which a violation of this ordinance continues shall constitute a separate and distinct offense
- (b) The penalty provided for in subsection (a) shall not prevent the abatement of the violating condition in addition to the penalty.
- (c) Unless otherwise specifically stated within the provisions of this ordinance, any violation of this ordinance set forth herein that is punishable by a fine that does not exceed the amount authorized by Section 12.23 of the Texas Penal Code does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense.
- (d) Unless otherwise specifically stated within the provisions of this ordinance, any violation of this ordinance set forth herein that is punishable by a fine that exceeds the amount authorized by Section 12.23 of the Texas Penal Code shall require a culpable mental state of "criminal negligence."

SECTION IV. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION V. SEVERABILITY CLAUSE. If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION VI. REPEALER CLAUSE. The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance.

SECTION VII. PENALTY. Any violation of the terms of this Ordinance is further declared to be a misdemeanor, and any person, firm, corporation or other entity found to be guilty thereof shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense, and a fine of up to two thousand dollars (\$2,000.00) if the violation involves public health and safety.

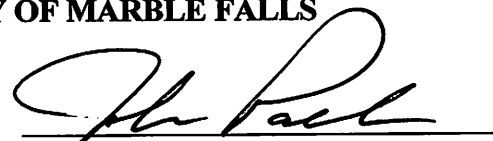
EFFECTIVE DATE. This ordinance shall take effect on March 17, 2026 after its passage and publication as may be required by governing law and after second reading.

SECTION VIII. NOTICE AND MEETING. 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 Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED by the City Council of the City of Marble Falls, Texas, on this 17th day of March, 2026.

CITY OF MARBLE FALLS

By:


John Packer, Mayor

ATTEST:


Christina McDonald, City Secretary

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Josh Brockman-Weber', written over a horizontal line.

Josh Brockman-Weber, City Attorney