

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OR ORDINANCES BY AMENDING CHAPTER 18 – TRAFFIC, ARTICLE V. - RESERVED, BY ADDING A NEW ARTICLE V. - GOLF CARTS; ESTABLISHING REGULATIONS CONCERNING THE REGISTRATION AND OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR PENALTY; A SEVERABILITY CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Section 551.403(a) allows a person to operate a golf cart “(1) in a master planned community: (A) that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants; and (B) for which a county or municipality has approved one or more plats;” 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 five miles from the location where the golf cart is usually parked and for transportation to or from a golf course.”; and

WHEREAS, Section 551.403(b) provides that “Notwithstanding Section 551.402(b), a person may operate a golf cart in a master planned community described by Subsection (a) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.”; and

WHEREAS, Section 551.404(a) of the Texas Transportation Code grants the governing body of a municipality the power to “allow an operator to operate a golf cart on all or part of a highway that: (1) is in the corporate boundaries of the municipality; and (2) has a posted speed limit of not more than 35 miles per hour.”; and

WHEREAS, Section 551.4031 of the Texas Transportation Code grants a municipality the power to “prohibit the operation of a golf cart on a highway under Section 551.403 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.”; and

WHEREAS, Section 551.4041 of the Texas Transportation Code requires a golf cart operated under Section 551.404 to have headlamps, taillamps, reflectors, parking brake, and mirrors; and

WHEREAS, Section 551.402(b) allows a person to operate a golf cart on a highway in a manner authorized by that subchapter only if the vehicle displays a license plate issued under that section by the Texas Department of Motor Vehicles; and

WHEREAS, the City Council of the City of Keller, Texas, has determined that the regulation of golf carts is necessary to prevent and avoid collision and accidents with other motor vehicles traveling, or capable of traveling, at higher rates of speed, to protect the public health, safety, and welfare; and

WHEREAS, the City Council of the City of Keller, Texas, has determined that prohibiting the operation of golf carts on certain roadways which have no shoulder or no passing availability, have elevation increases or turns which limit or reduce visibility, have known speed or accident trends, or which are known to have heavier traffic conditions due to being an alternate route, is necessary to protect the public health, safety, and welfare; and

WHEREAS, the City Council of the City of Keller, Texas, has determined that the following regulations are necessary in order to protect the public health, safety, and welfare of the citizens of Keller, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OCUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, the City of Keller Code of Ordinances Chapter 18 - Traffic is hereby amended by the addition of a new Article V. – Golf Carts which shall read as follows:

Article V. Golf Carts

Sec. 18-500. Applicability.

This Article shall apply to all golf carts operated upon a highway or public street or path within the City except: the operation of golf

carts on private property with the knowledge and consent of the owner; and the use of golf carts by the City on official police business or the use of golf carts by City personnel for official business.

Sec. 18-510. Definitions.

Daytime means the period beginning one-half hour before sunrise and ending one-half hour after sunset as defined by Section 541.401 of the Texas Transportation Code.

Driver's License means an authorization issued by a State for the operation of a motor vehicle.

Highway means the public roadways within the City of Keller.

Golf Cart means a motor vehicle, gas or electric, designed by the manufacturer primarily for use on a golf course, as defined by Section 551.401 of the Texas Transportation Code. Vehicles commonly referred to as four-wheelers, ATVs, side-by-sides, and mules are specifically excluded from this definition for the purposes of this Article.

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

Owner means the person(s) holding legal title to the golf cart.

Sidewalk means the portion of a street that is between a curb or lateral line of a roadway and the adjacent property line that is improved and designed for or is ordinarily used for pedestrian travel, as defined by Section 316.001 of the Texas Transportation Code.

Street means the public roadways of the City that have a posted speed limit of 35 miles per hour or less.

Sec. 18-520. Required Equipment.

- (a) Every golf cart shall be equipped with all of the following equipment at all times, which shall be in good working condition:
 - (1) headlamps, (2) taillamps, (3) reflectors, (4) a parking brake, and (5) mirrors as required in Section 551.4041 of the Texas Transportation Code.
- (b) Every golf cart that is powered by gasoline shall at all times be equipped with an exhaust system in good working condition which is in compliance with federal and state regulations.

Sec18-530. Operational Regulations.

- (a) Pursuant to Section 521.021 of the Texas Transportation Code, no person shall operate a golf cart upon any highway of the State of Texas unless the person holds a driver's license issued under Chapter 521 of the Texas Transportation Code.
- (b) All operators of golf carts shall abide by all traffic regulations applicable to motor vehicles when using any street or highway within the City of Keller.
- (c) Golf carts which either come from the manufacturer with the ability to travel at speeds greater than twenty-five (25) miles per hour or are altered to allow them to travel at speeds greater than twenty-five (25) miles per hour are prohibited.
- (d) No person shall operate a golf cart on any sidewalk, hike trail, or bike trail within the City of Keller at any time, pursuant to Section 545.422 of the Texas Transportation Code.
- (e) No person shall operate a golf cart at any time other than the daytime, as defined within this Article.
- (f) No person may operate a golf cart upon any street or highway, or any portion thereof, having a posted speed greater than thirty-five (35) miles per hour, except when crossing said street or highway at an intersection in accordance with this Article.
- (g) The operator of a golf cart shall not pass in the same lane, operate the golf cart between lanes of traffic, in or on medians, or between adjacent lines of rows of vehicles.
- (h) The operator of a golf cart shall move to the right and yield the right-of-way to faster moving vehicles.
- (i) The number of occupants in a golf cart shall be limited to the seating capacity as designed by the manufacturer. The operator shall ensure that all occupants remain seated while the golf cart is in motion and use any safety devices such as seatbelts that the manufacturer has installed. The operator shall never allow any

person to ride in the lap of another person, to share the seat of any other person, or to be held by any other person while the golf cart is in motion.

- (j) The operator of a golf cart shall not transport a person on a part of the golf cart not intended for a passenger.
- (k) Golf carts are subject to the same stopping, standing, and parking prohibitions as other motor vehicles and, pursuant to Section 545.302 of the Texas Transportation Code, may not stop, stand, or park in any area, zone, or location listed under that Section.
- (l) Golf carts may not be parked in a space designated for disabled persons unless a current disabled parking placard is displayed according to Chapter 681 of the Texas transportation Code, and the person to whom the placard was issued is operating or being transported in the golf cart.
- (m) A golf cart may only be operated:
 - i. Within the subdivision where it is regularly stored; or
 - ii. For transportation to or from a golf course not more than five miles from the location where the golf cart is usually stored.
- (n) No golf cart shall be operated upon the following roads or highways at any time except to lawfully cross at a designated intersection while operating the golf cart in accordance with this Article:
 - i. Bancroft Road;
 - ii. Bourland Road (Johnson Road to Mt. Gilead Road);
 - iii. Fawkes Lane;
 - iv. Johnson Road (Bluebonnet Drive to Pearson Lane);
 - v. Keller Smithfield Road North;
 - vi. Keller Smithfield Road South;
 - vii. Knox Road;
 - viii. Melody Lane;
 - ix. Main Street (U.S. Hwy 377);
 - x. Mt. Gilead Road;
 - xi. North Pearson Lane;
 - xii. North Tarrant Parkway (Willis Lane to Cat Mountain Trail);
 - xiii. Ottinger Road (Keller Smithfield Road to Westlake);

- xiv. Pate Orr Road;
- xv. Rapp Road;
- xvi. Roanoke Road;
- xvii. Rufe Snow Drive (Keller Parkway to Johnson Road);
- xviii. Shady Grove Road;
- xix. South Elm Street; or
- xx. Whitley Road;

Sec. 18-540. Exceptions.

Golf carts operated for official government purposes by the City of Keller are exempt from regulation by this Article.

Sec. 18-550. Penalty.

A violation of this Article shall be a misdemeanor punishable by a fine not to exceed the maximum amount allowed by law. Each and every violation and each day of violation shall constitute a separate offense.

Sec. 18-560. Severability.

If any section, paragraph, clause, phrase, or provision of this Ordinance, or application thereof is held to be invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this Ordinance.

Sec. 18-570. Effective Date.

This Ordinance shall become effective and shall be in full force and effect from and after the date of passage and adoption by the City Council of the City of Keller, Texas and upon publication as provided by law.

Section 3: THAT, all other ordinances in conflict herewith are hereby repealed.

Section 4: THAT, if any section, paragraph, clause, phrase, or provision of this Ordinance, shall for any reason, be held invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase,

or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method of publication as provided by law.

Section 6: THAT, a violation of this Article shall be a misdemeanor punishable by a fine not to exceed the maximum amount allowed by law. Each and every violation and each day of violation shall constitute a separate offense.

Section 7: THAT, this Ordinance shall become effective upon its adoption and publication as provided by law.

AND, IT IS SO ORDAINED.

Passed and approved by a vote of _ to _ on this the 17th day of December 2024.

CITY OF KELLER, TEXAS

By: _____
Armin R. Mizani, Mayor

ATTEST:

Kelly Ballard, City Secretary

Approved as to Form and Legality:

L. Stanton Lowry, City Attorney