

WHEREAS, a city police officer acting as a peace officer in a district pursuant to an Interlocal Cooperation Agreement is in fact a district peace officer and is authorized by Section 49.216 of the Water Code to enforce the traffic laws governing the District's roadway facilities.

NOW, THEREFORE, IT IS ORDERED BY THE BOARD OF DIRECTORS OF THE DISTRICT, THAT:

I.

The Board of Directors hereby adopts Attachment "A" hereof as its written policies and procedures for the traffic regulations. As now exist or may be amended from time to time, to all public roads within the District, which are owned, operated and maintained by the District or will be owned, operated and maintained by the District.

II.

The President and Secretary of the Board are authorized to evidence adoption of this Order on behalf of the District and to do all other things proper and necessary to carry out the intent hereof.

APPROVED AND ADOPTED this the 16th day of June, 2020.

Frisco West Water Control and Improvement District
of Denton County

By: _____

Jacob Walls, President
Board of Directors

ATTEST:

By: _____

Billy Logsdon, Secretary



EXHIBIT "A"

TRAFFIC REGULATIONS FOR ROADWAY FACILITIES

ARTICLE I. - IN GENERAL

Sec. 1.01. - Adoption of Relevant State Law.

- (a) *Uniform Act regulating traffic on highways.* It shall be the duty of the police officers of said District to enforce all the applicable provisions of V.T.C.A., Transportation Code § 541.001 et seq., within the boundaries of the District; said title and chapter being the Uniform Act Regulating Traffic on Highways.
- (b) *Motor vehicle and traffic ordinances.* It shall be the duty of all police officers of the District to enforce all laws of the state applicable to motor vehicles and traffic within the boundaries of the District.

State Law reference— Rules of the Road, V.T.C.A., Transportation Code § 541.001 et seq.

Sec. 1.02. - Procedure upon arrest.

- (a) *Notice to appear in court—Written promise to appear.* Whenever a person is arrested for any violation of traffic rules of the District and such person is not immediately taken before the judge of the court, the arresting officer shall prepare in duplicate written notice to appear in the court for the District, containing the name and address of such person, the license number of his vehicle, when and where such person shall appear in court; provided, however, that the offense of speeding shall be the only offense making mandatory the issuance of a written notice to appear in court and only then if the arrested person gives his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer; and provided further that it shall not be mandatory for an officer to give a written notice to appear in court to any person arrested for the offense of speeding when such person is operating a vehicle licensed in a state or country other than the state or who is a resident of a state or country other than the state. The time specified in said notice to appear must be at least ten days after such arrest unless the person arrested shall demand an earlier hearing. The arrested person, in order to secure release as provided in this article, must give his written promise to appear in court by signing in duplicate the written notice prepared by the arresting officer. The original of said notice shall be retained by said officer and the copy thereof delivered to the person arrested; thereupon, said officer shall forthwith release the person arrested from custody.
- (b) *Violation of promise to appear.* Any person violating his written promise to appear before the court, given as provided in this article, is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested, and upon conviction thereof shall be fined not to exceed \$100.00. A written promise to appear before the court may be complied with by an appearance by counsel.

State Law reference— Promise to appear, V.T.C.A., Transportation Code § 543.009(b)

ARTICLE II. - TRAFFIC CONTROL DEVICES

Sec. 2.01. - Manual on Uniform Traffic Control Devices.

All traffic control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the District shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Volumes I and II (hereafter called the manual). Vernon's Ann. Civ. St. art. 6701d states: all signs, signals and markings erected or used by the District shall be uniform and be located so far as practicable according to the directions shown in the manual throughout the District. All existing traffic control devices erected by the District being consistent with the manual, state law and this article shall be official traffic control devices.

Sec. 2.02. - Traffic-Control Devices

The driver of any vehicle, motor vehicle shall obey the instructions of any official traffic-control device, sign, signal or marking applicable thereto placed in accordance with this article unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 2.03. - Noninterference with Traffic Signs and Devices.

- (a) No person shall place, maintain, or display upon or in view of any highway, street or alley any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the police are hereby empowered to remove the same or cause it to be moved without notice.

Sec. 2.04. - Unlawful to Deface or Remove Traffic-Control Devices.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, sign or signal or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

Sec. 2.05. - Penalty.

Any person convicted of violating any of the provisions of this article shall be punished by a fine of not less than \$10.00 nor more than \$500.00.

ARTICLE III. – DESIGNATED STOP INTERSECTION

Sec. 3.01. - Duty of Driver.

It shall be the duty of the driver of any vehicle to bring such vehicle to a complete stop at a designated stop intersection. Such driver, after having so yielded, may proceed and the drivers of all other vehicles approaching on the intersection street shall yield the right-of-way to the vehicle so proceeding into or across the intersection.

Sec. 3.02. - Penalty.

Any person found violating any provision of this article by a police officer of the District shall be so charged and cited, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not to exceed \$500.00.

ARTICLE IV. - SPEED REGULATIONS

Sec. 4.01. - Prima Facie Speed Limits and Posting Requirements.

The maximum speed limit with respect to vehicular travel on any street, road, or right-of-way shall be consistent with state law, and shall be marked by posting traffic control signs in the description, manner and in at least as many locations as required by appropriate provisions of state law.

Sec. 4.02. - Identification of Speed Limits.

Speed limit signs shall be erected and maintained in such manner and description and location and with such frequency as is required by applicable state law. Further, whenever a prima facie maximum speed limit as referenced herein has been designated, said speed shall be deemed to be the maximum reasonable and prudent speed for vehicular travel in the particular designated area.

Sec. 4.03. - Duty of driver.

It shall be the duty of the driver of any vehicle approaching or operating a vehicle within an area on a road, street, or right-of-way controlled by any referenced maximum speed limit sign erected and/or maintained pursuant hereto to operate such vehicle at or below the speed limit specified, except when directed to proceed at a speed other than that specified or lower, by a police officer, a traffic-control device, or a road construction and/or repair crew. Upon

compliance with the specified prima facie maximum speed limit, and where said driver is operating said vehicle in compliance with all other traffic laws and regulations as established by the state; said driver shall be conclusively presumed to be operating said vehicle at a reasonable and prudent speed.

Sec. 4.04. - Penalty.

Any person violating any provision of this article shall be charged and cited, and upon conviction, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not less than \$10.00, but not to exceed \$500.00.

Sec. 4.05. - Speed in school zones.

No person shall operate a motor or any other vehicle in any school traffic zone at a greater speed than 20 miles per hour and any speed in excess of 20 miles per hour shall be prima facie evidence that the speed is not reasonable or prudent and it is unlawful. The District shall designate school traffic zones with appropriate street markings and signs. The speed limit designated for school traffic zones shall be effective only at such times as appropriate signs advising motorists to this effect are placed in conspicuous places.

ARTICLE V. - PARKING, DRIVEWAYS AND VEHICULAR USE AREAS

Sec. 5.01. - Definitions.

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

Automobile means a four-wheeled, self-propelled vehicle designed for passenger transportation.

Bus means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle other than a taxicab, designed and used for the transportation of persons for compensation.

Commercial motor vehicle means any motor vehicle designed or used for the transportation of property, or for delivery purposes, operating primarily for profit, not including a passenger automobile, passenger bus, motorcycle, panel delivery truck, pickup truck or vehicle used in the delivery of the United States Mail.

Driveway means a private roadway leading from a public street to a garage or other shelter for a motor vehicle or an entrance to private land for any purpose, to be used by a motor vehicle.

Motor vehicle means any vehicle which is self-propelled by mechanical power such as automobiles, trucks, motorcycles or buses designed to carry one or more persons; but excluding construction equipment, forklifts and farm implements.

Oversized vehicle means any vehicle designated in this definition, or any vehicle designed for the transport of property or cargo where the vehicle has a rated capacity in

excess of one and one-half tons, or any vehicle that is more than 20 feet in length from end to end, more than seven feet in width at their widest point, or more than seven feet in height at their highest point including, but not limited to, the following designated vehicles: dump trucks, truck-tractors, tractor-trailers, semitrailers, concrete mixing trucks, stake-bed trucks, buses, trailers, or other similar vehicles. The term "oversized vehicle" shall exclude any self-contained recreational vehicle, which has a kitchen, bath or sleeping quarters and is designed for recreational purposes.

Park or *parking* means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Parking space means an area not less than 180 square feet (measuring nine feet by 20 feet) not on a public street or alley, surfaced with concrete, enclosed or unenclosed, together with a concrete driveway connecting the parking space with a public street or alley permitting free ingress and egress.

Public street means the width between the boundary lines of a publicly maintained way, any part of which is open to the public, other than the berm or shoulder that is improved, designed, or ordinarily used for vehicular travel.

Recreational vehicle means a vehicular portable structure designed for a temporary or short-term occupancy for travel, recreation or vacation including, but not limited to, recreational vehicles, travel trailers, boats, boat trailers, utility trailers or other trailers, in excess of eight and one-half feet in width, or 14 feet in height, or 36 feet in length. The term "recreational vehicle/travel trailer/camper" does not include mobile homes and/or HUD-Code manufactured homes, as these terms are defined by Texas Occupations Code Ch. 1201, which are designed for year round occupancy. The term recreational vehicle shall include travel trailers, campers, motor homes or any other type of mobile dwelling unit, specifically excluding HUD-Code manufactured dwellings and/or mobile homes, not otherwise defined in this Code.

Semitrailer means every vehicle without motor power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some of its weight and that of its load rests upon or is carried by the motor vehicle including, but not limited to, lowboys, goosenecks, fifth wheels and other similar vehicles.

Stand or *standing* means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Tractor-trailer means a combination of a truck-tractor and semitrailer.

Trailer means every vehicle without motor power, designed for carrying persons or property on its own structure exclusively and for being drawn by a motor vehicle and so constructed that no part of its weight and that of its load rests upon or is carried by another vehicle including, but not limited to, pop-up campers/tent trailers, flatbeds and other similar vehicles.

Truck-tractor means every motor vehicle designed and used primarily for drawing/hauling other vehicles and not constructed to carry a load other than part of the weight of the vehicle and load being drawn or that is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

Vehicle means every mechanical device in, upon, or by which any person or property is or may be transported or drawn or moved upon a public street, highway, waterway or airway, except devices moved exclusively by human power, or used exclusively upon stationary rails or tracks including, but not limited to, a motor vehicle, truck-tractor-trailer or semitrailer.

Vehicular use areas means privately owned or publicly owned off-street paved areas for the access, parking, maneuvering, storage or placement of vehicles.

To the extent not otherwise defined, all words and phrases used in this section shall have the same meaning as set forth in pertinent sections of the Texas Transportation Code § 541.001 et seq.

Sec. 5.02. - Parking.

- (a) The requirements set forth in the Texas Transportation Code regulating the stopping, standing or parking of vehicles shall be applicable upon all public streets within the District, and no person shall allow, suffer or permit any vehicle to stand or be parked in or upon any public street or highway in the District in violation of any of the provisions of this section regulating stopping, standing or parking of vehicles.
- (b) The District may take into custody and dispose of any vehicle found on public property in violation of this section in the manner and pursuant to the procedures provided for abandoned motor vehicles.

State Law reference— Parking, V.T.C.A., Transportation Code § 545.302

State Law reference— Abandoned Motor Vehicle, V.T.C.A., Transportation Code § 683.002

Sec. 5.03. – Overnight Parking of Commercial Motor Vehicles.

Parking of commercial motor vehicles shall comply with the following provisions:

- (a) It shall be unlawful for any person to park, or allow to be parked, any commercial motor vehicle upon any public street, alley, parkway, boulevard, public place, or public right-of-way within the District after 10 p.m. and before 6 a.m. This subsection shall not apply to street construction equipment, maintenance and repair equipment or trucks, rollers and implements, equipment trailers or vehicles used by public service utility companies engaged in repairing or extending public service utilities when used, or intended for use, in the general vicinity; motor buses when taking on or discharging passengers at the customary bus stops; vehicles parked in a designated loading zone while in the act of accepting from the immediate shipper or delivering to a consignee or addressee any transportable thing; or vehicles with mechanical defects during the time it takes to make emergency repairs.
- (b) This subsection shall not prevent the parking or standing of the above-described vehicles in such zoned areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise.
- (c) For subsections (a) and (b) of this section, the court may take judicial notice of an owner's manual, dealer brochure and other such similar informational literature, which

may constitute a prima facie presumption of the size and weight of the vehicle. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05.

State Law reference— Parking Commercial Vehicle, V.T.C.A., Transportation Code § 545.307

Sec. 5.04. - Parking in Residential Area.

- (a) Parking in residential districts (to include residential uses and all residential areas) shall comply with the following provisions:
- (1) No recreational vehicle, travel trailer, motorhome, boat, boat trailer, jet skis, or stock trailer shall be parked or stored on a public thoroughfare. The provisions of this section shall not prevent the parking or standing of such vehicles upon the public thoroughfare in for a period not to exceed 72 hours.
 - (2) No motorized vehicle or other equipment shall encroach upon public sidewalks or alleys.
 - (3) Display of vehicles for sale or storing vehicles for profit is prohibited, unless legally parked in the driveway and not otherwise a junked or inoperable vehicle.
 - (4) No junked vehicle, as defined by the Transportation Code, shall be parked or stored on a public roadway. Any such vehicle shall be subject to the procedures outlined in the Transportation Code.
 - (5) For the purposes of this section, a vehicle shall be considered stored if it has remained parked at or nearly the same location for a continuous period of time in excess of five days. A stored vehicle is deemed to be a vehicle, which is illegally parked on public property, and such vehicle shall be subject to removal and disposal as an abandoned vehicle.
 - (6) No recreational vehicle, motorhome, travel trailer, boat, boat trailer, camper, camper top, or any other type of vehicle shall be connected to utilities except for the purpose of maintenance. Utilities shall only include electricity and water. Habitation is prohibited.
 - (7) No person as driver or owner shall leave, park or stand, or allow or suffer another to leave parked or standing, any truck-tractor, semi-trailer, pole trailer, commercial vehicle or trailer, or any vehicle or trailer not listed in subsection (1) of this section upon any public thoroughfare or public property. This subsection shall not prevent the parking or standing of the above-described vehicles in such areas for the purpose of expeditiously loading and unloading passengers, freight, equipment or merchandise.
- (b) For the purposes of this section, the court may take judicial notice of an owner's manual, dealer brochure, and other such similar literature, which may constitute a prima facie presumption of the size and weight of the vehicle. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05.

Sec. 5.05. - Prohibited Parking in Certain Places.

It is an offense for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a police officer or traffic-control device, in any of the following places:

- (1) In any clearly marked lane for vehicular traffic movement on any lane roadway unless specially allowed by official signs.
- (2) Within 15 feet of a fire hydrant or fire department sprinkler and standpipe connection.
- (3) On the side of any public street adjacent to any school property when such parking would interfere with traffic or create a hazard.
- (4) In any manner or location that prevents access to a mailbox, postal drop box, or similar postal receptacle used by the United States Postal Service, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. It is an exception to and not a violation of the prohibition stated in this subsection that a vehicle stops or parks momentarily to engage in loading or unloading passengers or cargo.
- (5) In a manner or location that prevents access to a trash container by a trash collection truck which is attempting to empty the trash container.
- (6) In such a manner and under such conditions as to leave available less than ten feet in width of the roadway open for the free movement of vehicular traffic.
- (7) On a public street or roadway within 30 feet of any intersection of two or more roadways within the District.

Sec. 5.06. - Parking for Certain Purposes.

No person shall park a vehicle upon any public street for the principal purpose of:

- (a) Display of such vehicle for sale.
- (b) Washing, greasing, dismantling or repairing such vehicle except repairs necessitated by an emergency.

Sec. 5.07. - Fire Lanes.

- (a) It is hereby declared unlawful to park or stand a vehicle in any designated fire lane appropriately marked on privately owned property unless loading or unloading.
- (b) After due study and investigation, the fire chief upon the advice of the fire marshal may designate fire lanes on any public streets or public property, on private property of shopping centers, churches, schools, and commercial areas.

State Law reference— Texas Towing and Booting Act

Sec. 5.08. - Declared a Public Nuisance.

The presence of any vehicles within the boundaries of the District in violation of this article is hereby declared to be a public nuisance.

State Law reference— Junked Vehicle Declared to be Public Nuisance, V.T.C.A., Transportation Code § 683.072

Sec. 5.09. - Penalties for Violation of Article.

- (a) Any person found in violation of any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00. The impounded vehicle shall be taken into custody and have fees assessed in the same manner as the procedures regarding abandoned motor vehicles.
- (b) If any vehicle is found in violation of any provision of this article or of state statute regulating the stopping, standing or parking of a vehicle, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall constitute a prima facie presumption that the registered owner of such vehicle is the person who committed the violation. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05.
- (c) The state department of transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 5.10. - Special Event Parking.

Authority of the police to impose and enforce temporary regulations for parking and other traffic control measures for special events, emergency situations, and special conditions.

- (1) The police, by and with the approval of the Board, are hereby empowered to impose and enforce regulations necessary to make effective the provisions of this chapter and other traffic rules of the District, and to make and enforce temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental regulation shall remain in effect for more than 30 days.
- (2) In addition to the powers granted by subsection (1) above, the police, by and with the approval of the Board, are hereby empowered to impose and enforce regulations necessary to regulate parking and vehicular traffic at special events held in or near the District, in the opinion of the police, will create traffic congestion and/or parking problems on a temporary basis as a result of the event.
- (3) After taking into consideration the anticipated parking and traffic congestion problems reasonably likely to occur as a result of the special event including, but not necessarily limited to, on street parking problems, congestion created by on-street parking, and traffic safety and danger to vehicles and pedestrians in the area of the special event, the police, by and with the approval of the Board, are hereby empowered to impose and enforce regulations necessary to regulate parking and vehicular traffic at special events held in or near the District including, but not necessarily limited to the following enumerated powers:

- a. To install traffic control devices and signage, and to regulate the operation of vehicles upon the streets of the District impacted by the special event including, but not necessarily limited to, the placement of temporary "no parking" signs in locations as necessary to prohibit parking along streets, in fields, and in other areas determined to be inappropriate for parking for the special event.
 - b. To establish and designate temporary fire lanes in which the parking of vehicles is prohibited.
 - c. To designate areas available for public parking, reserved or permitted parking, and no parking, and to designate times and dates for which the parking restrictions are to be in place.
 - d. To redesignate otherwise designated handicapped parking spaces as non-handicapped public parking spaces; provided that other parking and transportation arrangements are made for those persons who would have been entitled to lawfully park in the otherwise designated handicapped parking spaces.
 - e. To designate non-police personnel and appointed civilians to direct traffic by voice, hand, or signal as conditions may require.
- (4) A vehicle parked in violation of a parking restriction, established under the authority of this section is hereby deemed injurious to the health, safety and general welfare of the public within the District. The police and the fire marshal are authorized to order the removal of such vehicle, including the immediate impounding and towing of the vehicle, at the vehicle owner's expense.
 - (5) A driver of a motor vehicle shall obey the instructions of any temporary traffic control device, sign, signal or marking, as well as the directions of authorized personnel, unless otherwise directed by a police officer.
 - (6) Temporary traffic control devices and signage, parking regulations, fire lanes, and other measures temporarily established pursuant to the authority of this section need not comply with the standards required for permanent traffic control devices and related measures including, but not necessarily limited to, the Texas Manual on Uniform Traffic Control Devices and other standards promulgated by the District for permanent traffic control devices and related measures.
 - (7) All temporary traffic control devices and signage established under the authority of this section shall be subject to the enforcement provisions of article II, "Traffic Control Devices," of this chapter. All parking regulations established under the authority of this section shall be subject to the enforcement provisions of article V, "Parking, Driveways and Vehicular Use Areas," of this chapter. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine not to exceed the sum of \$500.00.

ARTICLE VI. - SCOOTERS

Sec. 6.01. - Definitions.

- (a) *Motor-assisted scooter* shall have the same meaning assigned by the V.T.C.A., Transportation Code § 551.351, as amended or superseded, and includes a self-propelled device with: (i) at least two wheels in contact with the ground during operation; (ii) a braking system capable of stopping the device under typical operating conditions; (iii) a gas or electric motor not exceeding 40 cubic centimeters; (iv) a deck designed to allow a person to stand or sit while operating the device; and (v) the ability to be propelled by human power alone.
- (b) *Public way or public property* means real, property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but limited to, a path, trail, sidewalk, alley, street or highway and a public park facility.

Sec. 6.02. - Restrictions and Prohibitions for Motor Assisted Scooters.

Location of use.

- (a) It is unlawful to operate or ride a motor assisted scooter on any path or trail within the District, except on paths and trails set aside for the exclusive operation of bicycles.
- (b) It is unlawful for a parent of a child to allow or permit the child to operate or ride a motor assisted scooter on any path or trail within the District, except on paths and trails set aside for the exclusive operation of bicycles.
- (c) If a child operates or rides a motor assisted scooter in violation of this section, it is presumed that a parent of the child allowed the child to so operate or ride the motor assisted scooter.
- (d) It is unlawful to operate or ride a motor assisted scooter on any public way or public property for which the posted speed limit is more than 35 miles per hour. The motor assisted scooter may cross a road or a street at an intersection where the road or street to be crossed has a posted speed of more than 35 miles per hour.

Sec. 6.03. - Penalty.

- (a) An offense under subsection (a) is a misdemeanor, and a person who violates any provision of subsection (a) shall, upon conviction, be fined an amount of not exceeding \$500.00.
- (b) The purpose of Article VI is to promote safety and discourage the use of motor assisted scooters in unsafe areas. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

- (c) It shall be unlawful for any person to violate any provision of this article, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, as set forth herein, and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

ARTICLE VII. - OPERATION OF GOLF CARTS ON PUBLIC STREETS

Sec. 7.01. - 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:

Daytime means the hours during a day after dawn and before dusk.

Golf cart means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course, as defined in V.T.C.A., Transportation Code, § 551.401, as amended. A golf cart shall include a motor vehicle which must have a minimum of no less than three wheels, and have an attainable top speed not greater than 25 miles per hour on a paved level surface, which is manufactured primarily for transporting persons on a golf course in compliance with federal motor vehicle safety standards for low-speed vehicles.

Public safety personnel means any employee or officer of a governmental law enforcement agency or the Little Elm Fire Department.

Public street means a publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the boundaries of the District.

Sec. 7.02. - Golf Carts Permitted Operation.

A person may operate a golf cart on a public street, if:

- (a) The public street has a maximum posted speed limit of not more than 35 miles per hour and the golf cart is operated during the daytime;
- (b) The person possesses a valid driver's license;
State Law reference— Transportation Code § 521.021
- (c) The person complies with all applicable federal, state, and local laws;
- (d) The golf cart has the following equipment:

State Law reference— Transportation Code § 551.4041

1. headlamps;
2. taillamps;
3. reflectors;
4. parking brake; and
5. mirrors

Sec. 7.03. - Prohibition.

- (1) No person may operate a golf cart in violation of the provisions of this article.
- (2) No person may operate a golf cart in a negligent manner. For purposes of this article, "operate a golf cart in a negligent manner" shall mean the operation of a golf cart in such a way as to endanger any person or property, to obstruct, hinder or impeded the lawful course of travel of any motor vehicle or the use of a golf cart on a sidewalk, path, trail, walkway or park.

ARTICLE VIII. - USE OF HAND-HELD WIRELESS COMMUNICATION DEVICES WHILE DRIVING

Sec. 8.01. - Regulating the use of Hand-Held Wireless Communication Devices While Driving.

(a) *Definitions.* In this section:

- (1) *Engaging in a call* means talking, dialing, or listening on a hand-held wireless communication device, including holding a wireless communication device to activate or deactivate the device.
- (2) *Hand-held wireless communication device* means a text-messaging device or other electronic, two-way communication device that uses a commercial mobile service, as defined by 47 United States Code § 332, that is designed to receive and transmit voice communication, text message or pictorial communication, or both, whether by internet or other electronic means. The term also includes devices such as mobile telephones, personal digital assistants (PDA), MP3 or other portable music players, electronic reading devices, laptop computers or tablets, portable computing devices, portable global positioning or navigation systems, pagers, electronic game devices and broadband personal communication devices.
- (3) *Hands-free wireless communication device* means a mobile telephone, a device with speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether or not permanently installed in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands (or prosthetic device or aid, in the case of a physically disabled person).
- (4) *Operating a motor vehicle* includes motor vehicle that is moving, stopped or standing on a public street, highway or right-of-way, unless it is lawfully parked, as that term is defined herein.
- (5) *Park or parked* shall mean for the operator to completely cease movement of a motor vehicle in a lawful manner and location. For the purposes of this section, "parked" does not mean a vehicle stopped in a lane of traffic due to either a lawful traffic control device, or the conditions on the roadway, or traffic congestion patterns then existing.
- (6) *Text message* means a two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a

short message service (SMS) or a computer network. This term includes instant messaging and e-mail. The term does not include a communication transmitted through a global positioning or navigation system.

(b) *Offense.*

- (1) It is an offense if the person uses a hand-held wireless communication device while operating a motor vehicle to:
 - a. Engage in a call;
 - b. Send, read or write a text message;
 - c. Take or view pictures or written text whether transmitted by internet or other electronic means, or access or view an internet website or software application;
 - d. Engage in gaming; or
 - e. Engage in any other use of the device while operating a motor vehicle. This includes holding the hand-held wireless communication device.
- (2) This section does not apply to an operator of a motor vehicle using a hand-held wireless communication device:
 - a. While the vehicle is legally parked as that term is defined herein, or is being driven on private property;
 - b. That is used with a hands-free wireless communication device;
 - c. If the operator is a law enforcement officer, firefighter, member of a governmental emergency medical services function, or member of a governmental emergency management function, and the operator is using the device to conduct official business related to the position; or
 - d. Who is licensed by the Federal Communications Commission while operating a radio frequency device, other than a hand-held wireless communication device; or an operator using a two-way radio communication device.
- (3) It shall be an affirmative defense to prosecution under this section that the person was using a hand-held wireless communication device for the purpose of:
 - a. Reporting illegal activity to a law enforcement agency;
 - b. Communicating with an emergency response operator, a fire department, a law enforcement agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency situation; or
 - c. In the reasonable belief that a person's life or safety is in immediate danger.
- (4) A person convicted of an offense under this section shall be fined in accordance with the following:
 - a. First offense shall have a minimum fine of \$100.00 and a maximum fine of \$500.00;
 - b. Second offense shall have a minimum fine of \$200.00 and a maximum fine of \$500.00; and

- c. Third and subsequent offenses shall have a minimum fine of \$500.00.
 - d. Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.
- (5) An offense under this section is not a moving violation and may not be made a part of a person's driving record or insurance record.
- (6) To the extent that this section conflicts with V.T.C.A., Transportation Code § 545.424, as amended, regarding the use of wireless communication devices while operating a motor vehicle by minors, or V.T.C.A., Transportation Code § 545.425, as amended, regarding use of wireless communication devices in school crossing zones, state law shall control.

ARTICLE IX. – OPERATION OF CERTAIN MOTOR VEHICLES ON OR NEAR PUBLIC FACILITIES

Sec. 9.01 – Regulation of Motor Vehicles Operated on or Near District facilities.

- (a) In this section “motor vehicle” means a self-propelled device in, upon, or by which a person or property is or may be transported or drawn on a road or highway.
- (b) A person may not operate a motor vehicle on a levee, in a drainage ditch, or on land adjacent to a levee, canal, ditch, exposed conduit, pipeline, pumping plant, storm water facility, or other facility for the transmission, storage, treatment, or distribution of water, sewage, or storm water owned or controlled by the District.
- (c) This section does not prohibit a person from:
 - (1) driving on a public road or highway; or
 - (2) operating a motor vehicle used for repair or maintenance of public water, sewer, or storm water facilities.
- (d) A person who operates a motor vehicle in violation of Subsection (b) commits an offense. An offense under this section is a Class C misdemeanor, except that if a person has been convicted of an offense under this section, a subsequent offense is a Class B misdemeanor. (Texas Water Code § 49.217)

ARTICLE X. – OBSTRUCTING ROAD OR PASSAGEWAY

Sec 10.01 – Regulating Impeding Public Roads and Sidewalks

- (a) A person commits an offense if, without legal privilege or authority, he intentionally, knowingly, or recklessly:

(1) obstructs a highway, street, sidewalk, railway, waterway, elevator, aisle, hallway, entrance, or exit to which the public or a substantial group of the public has access, or any other place used for the passage of persons, vehicles, or conveyances, regardless of the means of creating the obstruction and whether the obstruction arises from his acts alone or from his acts and the acts of others; or

(2) disobeys a reasonable request or order to move issued by a person the actor knows to be or is informed is a peace officer, a fireman, or a person with authority to control the use of the premises:

(A) to prevent obstruction of a highway or any of those areas mentioned in Subdivision (1); or

(B) to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

(b) For purposes of this section, "obstruct" means to render impassable or to render passage unreasonably inconvenient or hazardous.

(c) An offense under this section is a Class B misdemeanor.

(Texas Penal Code § 42.03)

ARTICLE XI. – FIREWORKS

Sec 11.01 – Fireworks Prohibited on Property Owned and Maintained by the District

(a) A person commits an offense if, without legal privilege or authority, they intentionally, knowingly, or recklessly detonate fireworks on property owned and maintained by the District, including District roadways and right-of-ways.

(b) The discharge of fireworks is restricted to private property.