

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, AMENDING CHAPTER 90 (TRAFFIC AND VEHICLES) OF THE FRISCO CODE OF ORDINANCES BY ADDING A NEW ARTICLE X (OPERATION OF GOLF CARTS ON PUBLIC STREETS); REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Legislature of the State of Texas has recently amended the Transportation Code to allow for the operation of golf carts within municipalities under certain conditions; and

WHEREAS, the Texas Transportation Code grants to municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

WHEREAS, the Legislature also permitted municipalities to prohibit the operation of golf carts on a public highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the City Council of the City of Frisco, Texas (the "City Council") has investigated and determined that the prohibitions set forth in this ordinance are necessary in the interest of safety; and

WHEREAS, the City Council has further investigated and determined that it would be advantageous and beneficial to the citizens of the City of Frisco, Texas ("Frisco") and in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts as set forth below.

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

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Amendment to Chapter 90 (Traffic and Vehicles) of the Frisco Code of Ordinances.** Chapter 90 (Traffic and Vehicles) of the Frisco Code of Ordinances is amended to add a new Article X to read as follows:

## “ARTICLE X. OPERATION OF GOLF CARTS ON PUBLIC STREETS

### Sec. 90-255 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* means a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course.

*Public Safety Personnel* means any employee or officer of a governmental law enforcement agency or the Frisco 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 corporate boundaries of the City of Frisco.

### Sec. 90-256 Golf Carts Permitted and Restricted.

A person, other than Public Safety Personnel, may operate a golf cart on a public street if:

- (a) the maximum speed limit on the public street is thirty-five (35) miles per hour or less;
- (b) the person has a valid drivers license;
- (c) the person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the Texas Transportation Code Section 601.051;
- (d) the person complies with all applicable federal, state, and local laws and ordinances;
- (e) the golf cart has the following equipment:
  - (1) headlamps;
  - (2) tail lamps;
  - (3) reflectors;
  - (4) parking brake;
  - (5) mirrors; and
  - (6) a slow-moving vehicle emblem; and
- (f) while the golf cart is in motion, the driver and every passenger in a golf cart is seated in a seat designed to hold passengers. No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

**Sec. 90-257 Public Safety Personnel.**

Public Safety Personnel may operate a golf cart on any public street without any further restrictions when the golf cart is used in the performance of his/her duties.”

**SECTION 3. Penalty Provision.** Any person, firm, entity or corporation who violates any provision of this Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Frisco from filing suit to enjoin the violation. Frisco retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 4. Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. Severability.** Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6. Effective Date.** This Ordinance shall be effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS** on this 19th day of October, 2010.



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Maher Maso, Mayor

**ATTESTED AND CORRECTLY RECORDED**

*Jenny Page*  
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Jenny Page, City Secretary

**APPROVED AS TO FORM:**

*Claire E. Swann*  
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Abernathy, Roeder, Boyd & Joplin, PC  
Claire E. Swann, City Attorneys

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