

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

I.

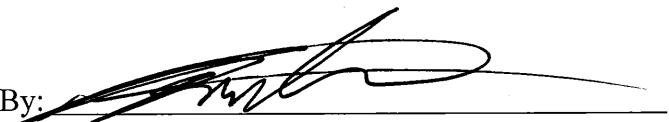
The Board of Directors hereby adopts Attachment "A" hereof as its written policies and procedures for the traffic regulations. As now exist or may be amended from time to time, to all public roads within the District, which are owned, operated and maintained by the District or will be owned, operated 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 20th day of June, 2018.

Denton County Fresh Water Supply District No. 8-C

By: 
Jacob Walls, President
Board of Directors

ATTEST;

By: 
Jeffrey Paell, Secretary

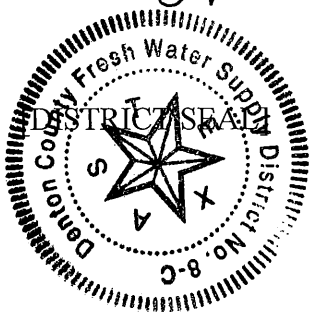


EXHIBIT "A"

TRAFFIC REGULATIONS FOR ROADWAY FACILITIES

ARTICLE I. - IN GENERAL

Sec. 1-1. - 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. 1-2. - Procedure upon arrest.

- (a) *Notice to appear in court—Written promise to appear.* Whenever a person is arrested for any violation of traffic ordinances of the District and such person is not immediately taken before the judge of the corporation 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. 1-3. - 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 and those erected in the future by the District being consistent with the manual, state law and this article shall be official traffic control devices.

Sec. 1-4. - Traffic-control devices must be obeyed.

The driver of any vehicle, motor vehicle or animal 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. 1-5. - 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. 1-6. - 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. 1-7. - Duty of the Board.

- (a) The Board shall direct the District's designated traffic-control device representative to erect or install upon, over, along, or cause the same to be erected, installed or placed in accordance with this article and consistent with the manual. Said traffic-control devices shall be installed immediately, or as soon as such specific device, sign or signal can be procured.
- (b) Whenever the District's designated traffic-control device representative has erected and installed any official traffic-control device, signal, or sign at any location in the District, or has caused the same to be done under his direction, in obedience to this article and the manual shall thereafter file a report with the District in writing stating the type of traffic-control device, sign or signal, and when and where the same was erected and installed. The District shall file and maintain such report among the official papers of the office of the District.

Sec. 1-8. - Unlawful installation.

It being unlawful for any person other than the District's designated traffic-control device representative to install or cause to be installed any signal, sign or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof, in any traffic ordinance of the District, that any traffic-control device, sign, signal or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the District's designated traffic-control device representative pursuant to the authority of this article and of the ordinance directing the installation of such device, signal or marking.

Sec. 1-9. - Penalty.

Any person convicted of violating any of the provisions of this article shall be punished by a fine of not less than \$1.00 nor more than \$100.00.

ARTICLE III. - INTERSECTION DESIGNATION

Sec. 1-10. - Designation of intersections.

The Board, may by majority vote of those members present at a duly called and properly noticed council meeting, designate any street intersection contained within the boundaries of the District, as a stop intersection and designate the streets upon which vehicles shall stop before entering such intersections.

Sec. 1-11. - Identification of designated intersections.

Whenever any intersection has been so designated as a stop intersection by the Board, the designated traffic-control device representative shall cause the same to be identified by the erection of stop signs indicating which vehicles approaching the intersection shall stop.

Sec. 1-12. - 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. 1-13. - 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 \$100.00.

ARTICLE IV. - SPEED REGULATIONS

Sec. 1-14. - Prima facie speed limits and posting requirements.

The Board, may by majority vote of those members present at a duly called and properly noticed Board meeting at which a quorum of said Board is present, and where such action is reflected properly in the minutes of the Board meeting wherein such action is taken, designate any maximum speed limit with respect to vehicular travel on any street, road, or right-of-way within the inconsistent state law, and may designate the streets and/or roadways upon which such prima facie maximum speed limit signs may be erected; provided, however, that any road, street, or right-of-way with respect to which a prima facie maximum speed limit is designated pursuant hereto 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, prior to said prima facie maximum speed limit or amendment thereto becoming effective.

Sec. 1-15. - Identification of speed limits.

Whenever any street, road, and/or right-of-way has been assigned a specific prima facie maximum speed limit with respect to vehicular travel on any certain road, street, or right-of-way by the District, the Board shall cause the same to be identified by the erection of speed limit signs indicating to all approaching vehicles, and vehicles traveling within the special controlled

area, the prima facie maximum speed limit accorded that street, road, and/or right-of-way. Such 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. 1-16. - 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. 1-17. - 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 \$1.00, but not to exceed \$100.00.

Sec. 1-18. - 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. 1-19. - 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. 1-20. - Parking zones enumerated.

- (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 and highways 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) No person shall permit a vehicle to stand or be parked at a location where signs or markings prohibit such standing or parking. The parking prohibition provided for in this subsection 1-20(b) shall not be in effect until appropriate informational signs, containing language reasonably calculated to provide notice of parking restrictions have been provided at the location giving notice to motorists.

- (c) Within the District there shall be certain locations, adopted and enumerated by resolution, where it shall be unlawful for a person to park, stand or stop a commercial or private vehicle at all hours. Such locations shall be enumerated and established as necessary, from time to time, by resolution. Parking, stopping or standing at such location designated by resolution pursuant to this ordinance shall be unlawful on the date the resolution establishing the locations is adopted. The parking, standing, stopping prohibition at each location shall remain in effect until such time as the enumerated location is specifically repealed.
- (d) 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 in division 3, article III of chapter 46 of this Code.

Sec. 1-21. - Parking of oversized vehicles or commercial motor vehicles.

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

- (1) It shall be unlawful for any person to park or store, or allow to be parked or stored, any oversized vehicle or commercial motor vehicle upon any public street, alley, parkway, boulevard, public place, public right-of-way or railroad right-of-way within the corporate limits of the District. 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.
- (2) It shall be unlawful for any person to park or store, or allow to be parked or stored, any oversized vehicle or commercial motor vehicle upon property within any residentially zoned district or any property used for residential purposes, within the corporate limits of the District. 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.
- (3) For subsections (1) and (2) 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.

Sec. 1-22. - Parking in nonresidential zoned area.

- (a) It shall be unlawful for any person to park or store, or allow to be parked or stored, a truck-tractor, tractor-trailer, or recreational vehicle on any public street, alley, parkway, boulevard, public right-of-way, public access drive, public parking area, or public thoroughfare in any nonresidentially zoned district (or use thereof) for a period longer than a two-hour duration.
- (b) The parking or storing of any automobile, boat, trailer, or any other motor vehicle is prohibited on lots without a primary structure in existence that is actively occupied, used, and in possession of a valid certificate of occupancy. Undeveloped lots shall not have vehicles stored on them.
- (c) Display of vehicles for sale or storing vehicles for profit is prohibited, except for where prescribed by chapter 106 (Zoning) of this Code.
- (d) All new parking and vehicular use areas must be constructed with concrete to the District's engineering design criteria.
- (e) Parking shall be provided according to the parking regulations in chapter 106 (Zoning) of this Code.

Sec. 1-23. - Parking in residential zoned 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 in any residential district. The provisions of this section shall not prevent the parking or standing of such vehicles upon the public thoroughfare in such zoned district 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 in article III of chapter 46 of this Code, shall be parked or stored in violation of article III of chapter 46 of this Code. Any such vehicle shall be subject to the procedures set forth in chapter 46.
 - (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 according to division 3, article III of chapter 46 of this Code.
 - (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.
 - (8) All new parking and drives must be constructed with concrete to the District's engineering design criteria. Where drives exceed 100 feet in length, an all-weather surface is permitted beyond the drive approach. Vehicles stored legally in the rear yard and/or side yard are exempt from needing a concrete parking space.
- (b) Parking on private residential property shall also comply with the following provisions:
- (1) The parking or storing of any vehicle, including but not limited to, trailers, farm implements, recreational vehicles, or forklifts, is prohibited on lots without a primary structure in existence that is actively occupied, used, and in possession of a valid certificate of occupancy. Undeveloped lots shall not have vehicles stored on them.
 - (2) No vehicle shall be parked or stored between the building and street frontage, unless parked on the driveway. Parking off the driveway in the front yard area (area between building and the street, to include the side yard of corner and irregular shaped lots) is prohibited.
 - (3) All parked or stored vehicles not on the driveway shall be located in the rear yard area, enclosed by a permitted fence, generally screened from public view, and at least ten feet from adjoining property lines. Up to one water craft or trailer may be parked in the side yard when sufficient space exists and stored neatly adjacent to the primary structure.
 - (4) A maximum of four recreational vehicles can be parked or stored on a residentially zoned lot, excluding enclosed garage spaces.
- (c) 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. 1-24. - 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) In front of any entrance which provides access to hotels, to theaters or to the upper floors of any building four or more stories in height. Such entrances shall remain open for fire or other emergency purposes.
- (4) On the side of any public street adjacent to any school property when such parking would interfere with traffic or create a hazard.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) On a public street or roadway within 30 feet of any intersection of two or more roadways within the District.

Sec. 1-25. - Parking for certain purposes.

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

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

Sec. 1-26. - Fire lanes.

- (a) Pursuant to and in accordance with V.T.C.A., Local Government Code § 431.001, 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, apartment projects, churches, schools, theaters and commercial and industrial areas.

Sec. 1-27. - 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.

Sec. 1-28. - 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. When any person refuses to comply with the provisions of this article or in emergency circumstances, then pursuant to V.T.C.A., Local Government Code § 431.001, the offending vehicle may be impounded or the tires blocked to prohibit the vehicle from moving. The impounded vehicle shall be taken into custody and have fees assessed in the same manner as the procedures regarding abandoned motor vehicles in division 3, article III, chapter 46 of this Code.
- (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. 1-29. - 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 ordinances 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 45 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 including, but not necessarily limited to, water carnivals, boat regattas, music festivals, dramatic presentations, special recreation programs, sporting events and others events which, 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 nonhandicapped 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 areas as "no camping" areas during certain times and dates for which camping will be prohibited.
 - f. To designate nonpolice 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, or in violation of a "no camping" 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 and/or camping equipment, including the immediate impounding and towing of the vehicle, at the vehicle owner's expense, as provided for in section 1-28 of this chapter.
 - (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. 1-30. - Definitions.

When used in this article, the following words and phrases shall have the respective meanings ascribed to them:

Adult means an individual 18 years of age or older.

Child means any individual less than 18 years of age.

Helmet means properly fitted protective headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Motor-assisted scooter shall have the same meaning assigned by the V.T.C.A., Transportation Code § 551.301(2), 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.

Parent means the natural or adoptive parent or court-appointed guardian or conservator of a child.

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.

Wearing a helmet means that the person has a helmet fastened securely to the person's head with the straps of the helmet securely tightened in the manner intended by the manufacturer to provide maximum protection.

Sec. 1-31. - Restrictions and prohibitions for motor assisted scooters.

(a) *Location of use.*

- (1) It is unlawful for a child to operate or ride a motor assisted scooter on any path, trail, alley, street or highway within the District, except on paths and trails set aside for the exclusive operation of bicycles or on a sidewalk.
- (2) 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, trail, alley, street or highway within the District, except on paths and trails set aside for the exclusive operation of bicycles or on a sidewalk.
- (3) If a child operates or rides a motor assisted scooter in violation of subsection (a)(1) of this section, it is presumed that a parent of the child allowed the child to so operate or ride the motor assisted scooter.

- (4) It is unlawful for an adult 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.
- (b) *Helmets required.* The following criteria shall apply to the operation of motor assisted scooters:
- (1) It is unlawful for any child to operate or ride a motor assisted scooter unless the child is wearing a helmet.
 - (2) It is unlawful for a parent of a child to knowingly allow or permit the child to operate or ride a motor assisted scooter unless the child is wearing a helmet.
 - (3) If a child operates or rides a motor assisted scooter in violation of subsection (b)(1) of this section, it is presumed that a parent of the child allowed the child to operate or ride a motor assisted scooter without wearing a helmet.
 - (4) It is a defense to prosecution that the motor assisted scooter was not being operated upon public property or a public way at the time of the alleged offense.

Sec. 1-32. - Penalty.

- (a) (1) An offense under subsection 98-125(b) is a misdemeanor, and a person who violates any provision of subsection 98-125(a) shall, upon conviction, be fined an amount of not exceeding \$500.00.
 - (2) The purpose of subsection 98-125(a) 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.
- (b) (1) An offense under subsection 98-125(b) is a misdemeanor, and a person who violates any provision of subsection 98-125(b) shall, upon conviction, be fined an amount of not less than \$10.00 or more than \$50.00.
- (2) The municipal court shall dismiss a charge against a child and/or parent for a first offense under subsection 98-125(b) upon receiving proof that:
 - a. The defendant acquired a helmet for the child who was operating or riding the motor assisted scooter in violation of subsection 98-125(b); and
 - b. The defendant acquired the helmet on or before the tenth day after receiving the citation of violation.
 - (3) The purpose of this subsection is to promote safety and encourage the use of helmets. 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. - AUTOMATED RED LIGHT ENFORCEMENT

Sec. 1-33. - Purpose.

- (a) It is the purpose of this article to implement a photographic traffic signal enforcement system program in order to promote the health, safety and general welfare of the citizens of the District by reducing the hazards of running red lights.
- (b) This article shall apply within the corporate boundaries of the District.

Sec. 1-34. - Definitions.

The following 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:

Contracting entity shall mean the entity with which the District contracts for the installation, administration and enforcement of the photographic traffic signal enforcement system.

Department means the police department of the District.

Motor vehicle or *vehicle* shall mean any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act (V.T.C.A., Transportation Code Ch. 501).

Owner shall mean the owner of a motor vehicle as shown on the motor vehicle registration records of the state department of transportation or the analogous department or agency of another state or country.

Photographic traffic signal enforcement system or *system* means a system that:

- (1) Consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic control signal; and
- (2) Is capable of producing at least two recorded images that depict the license plate attached to the front or rear of a motor vehicle that is not operated in compliance with the instructions of the traffic control signal.

Recorded image means a photographic or digital image that depicts the front or the rear of a motor vehicle.

Traffic-control signal has the meaning assigned by V.T.C.A., Transportation Code § 541.304.

Sec. 1-35. - Imposition of civil penalty for violations.

- (a) The owner of a motor vehicle is liable for a civil penalty of \$75.00 if, while facing only a steady red signal displayed by an electrically operated traffic-control signal located in the District, the vehicle is operated in violation of the instructions of that traffic-control signal, as specified by V.T.C.A., Transportation Code § 544.007(d).
- (b) An owner who fails to pay the civil penalty within the time allowed by this article shall be subject to a late payment penalty of \$25.00.

Sec. 1-36. - Enforcement; procedures.

- (a) The department is responsible for the enforcement and administration of this article.
- (b) Any and all locations selected for installation of a photographic traffic signal enforcement system must be approved by the Board by resolution prior to installation of such system.
- (c) In order to impose a civil penalty under this article, a notice of violation shall be mailed to the owner of the motor vehicle against whom the District seeks to impose a civil penalty not later than the 30th day after the date the violation is alleged to have occurred to:
 - (1) The owner's address as indicated on the registration records of the state department of transportation; or
 - (2) If the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country that is analogous to the state department of transportation.
- (d) A notice of violation issued under this article shall contain the following:
 - (1) A description of the violation alleged;
 - (2) The location of the intersection where the violation occurred;
 - (3) The date and time of the violation;
 - (4) The name and address of the owner of the vehicle involved in the violation;
 - (5) The registration number displayed on the license plate of the vehicle involved in the violation;
 - (6) A copy of a recorded image of the violation limited solely to a depiction of the area of the registration number displayed on the license plate of the vehicle involved in the violation;
 - (7) The amount of the civil penalty for which the owner is liable;
 - (8) The number of days the person has in which to pay or contest the imposition of the civil penalty and a statement that the person incurs a late payment penalty of \$25.00, if the civil penalty is not paid or imposition of the penalty is not contested within that period;

- (9) A statement that the owner of the vehicle in the notice of violation may elect to pay the civil penalty by mail sent to a specified address instead of appearing at the time and place of the administrative adjudication hearing; and
- (10) Information that informs the owner of the vehicle named in the notice of violation:
 - a. Of the owner's right to contest the imposition of the civil penalty in an administrative adjudication hearing;
 - b. That the imposition of the civil penalty may be contested by submitting a written request for an administrative adjudication hearing before the expiration of the period specified under subsection (d)(9) of this section;
 - c. That failure to pay the civil penalty or contest liability for the penalty in a timely manner is an admission of liability and a waiver of the owner's right to appeal the imposition of the civil penalty; and
 - d. That if the owner of the motor vehicle fails to timely pay the amount of the civil penalty imposed against the owner:
 - 1. An arrest warrant will not be issued for the owner; and
 - 2. The imposition of the civil penalty will not be recorded on the owner's driving record.
- (e) A notice of violation under this article is presumed to have been received on the fifth day after the date the notice of violation is mailed.
- (f) In lieu of issuing a notice of violation, the department may mail a warning notice to the owner.

Sec. 1-37. - Admission of liability.

A person who fails to pay the civil penalty or to contest liability for the penalty in a timely manner or who requests an administrative adjudication hearing to contest the imposition of the civil penalty against the person and fails to appear at that hearing is considered to:

- (1) Admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the person; and
- (2) Waive the person's right to appeal the imposition of the civil penalty.

Sec. 1-38. - Presumption.

- (a) It is presumed that the owner of the motor vehicle committed the violation alleged in the notice of violation mailed to the person if the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system belongs to the owner of the motor vehicle.

- (b) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system was owned by a person in the business of selling, renting, or leasing motor vehicles or by a person who was not the person named in the notice of violation, the presumption under subsection (a) is rebutted on the presentation of evidence establishing that the vehicle was at that time:
 - (1) Being test driven by another person;
 - (2) Being rented or leased by the vehicle's owner to another person; or
 - (3) Owned by a person who was not the person named in the notice of violation.
- (c) Notwithstanding section 1-39, the presentation of evidence under subsection (b) by a person who is in the business of selling, renting or leasing motor vehicles or did not own the vehicle at the time of the violation must be made by affidavit, through testimony at the administrative hearing set by the court under section 1-39, or by a written declaration under penalty of perjury. The affidavit or written declaration may be submitted by mail to the court through the contracting entity.
- (d) If the presumption established by subsection (a) is rebutted under subsection (b), a civil penalty may not be imposed on the owner of the vehicle or the person named in the notice of violation, as applicable.
- (e) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in the photograph or digital image taken by the photographic traffic signal enforcement system was owned by a person in the business of renting or leasing motor vehicles and the vehicle was being rented or leased to an individual, the owner of the motor vehicle shall provide to the District through the contracting entity the name and address of the individual who was renting or leasing the motor vehicle depicted in the photograph or digital image and a statement of the period during which that individual was renting or leasing the vehicle. The owner shall provide the information required by this subsection not later than the 30th day after the date the notice of violation is received. If the owner provides the required information, it is presumed that the individual renting or leasing the motor vehicle committed the violation alleged in the notice of violation and a notice of violation may be sent to that individual at the address provided by the owner of the motor vehicle.
- (f) The District reserves the right to nominate the name and address of the operator of a vehicle in violation of this article when the vehicle is owned by the District. The District must follow the procedures set forth in subsection (e) above.

Sec. 1-39. - Affirmative defenses.

The owner of the motor vehicle shall be responsible for a violation of this article, unless the owner can, by preponderance of the evidence, prove that:

- (1) The traffic-control signal was not in proper position and sufficiently legible to an ordinarily observant person;

- (2) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a police officer;
- (3) The operator of the motor vehicle violated the instructions of the traffic-control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
- (4) The motor vehicle was being operated as authorized emergency vehicle under V.T.C.A., Transportation Code Ch. 546 and the operator was acting in compliance with that chapter;
- (5) The motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner;
- (6) The license plate depicted in the recorded image of the violation was a stolen plate being displayed on a motor vehicle other than the motor vehicle for which the plate has been issued;
- (7) The presence of ice, snow, unusual amounts of rain or other unusually hazardous road conditions existed that made compliance with this article more dangerous under the circumstances than noncompliance; or
- (8) The person who received the notice of violation was not the owner of the motor vehicle at the time of the violation.

Sec. 1-40. - Effect of liability; exclusion of civil remedy; enforcement.

- (a) The imposition of a civil penalty under this article is not a conviction and may not be considered a conviction for any purpose.
- (b) The implementation of a photographic traffic signal enforcement system by the District under this article does not prohibit a peace officer from arresting a violator of V.T.C.A., Transportation Code § 544.007(d) as provided by V.T.C.A., Transportation Code Ch. 543 if the peace officer personally witnesses the violation or from issuing the violator a citation and notice to appear as provided by V.T.C.A., Transportation Code Ch. 543.
- (c) No civil penalty may be imposed under this article on the owner of a motor vehicle if the operator of the vehicle was arrested, was issued a criminal citation and notice to appear or was issued a warning by a duly authorized peace officer for a violation of V.T.C.A., Transportation Code § 544.007(d) recorded by the photographic traffic signal enforcement system.
- (d) If the owner of the motor vehicle fails to timely pay the amount of the civil penalty imposed against the owner:
 - (1) An arrest warrant will not be issued for the owner; and
 - (2) The imposition of the civil penalty will not be recorded on the owner's driving record.

ARTICLE VIII. - OPERATION OF GOLF CARTS ON PUBLIC STREETS

Sec. 1-41. - 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, § 502.001, 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 corporate boundaries of Denton County Fresh Water Supply District No. 8-C.

Sec. 1-42. - Golf carts permitted and restricted.

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

- (1) 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;
- (2) The person possesses a valid drivers license;
- (3) The person maintains current financial responsibility for the golf cart, as required of other passenger vehicles in the V.T.C.A., Transportation Code § 601.051;
- (4) The person complies with all applicable federal, state, and local laws and ordinances;
- (5) The golf cart has the following equipment:
 - a. Parking brake; and
 - b. Mirrors.
- (6) While the golf cart is in motion:
 - a. The driver shall operate the golf cart as near to the right-hand curb as practical;
 - b. The driver and each passenger in the golf cart is seated in a seat designed to hold a passenger. No person may stand on a golf cart or ride in the lap of the driver and/or other passenger of a golf cart while it is moving.

- (7) Crossing certain roadways: A golf cart may cross intersections, including a road or street that has a posted speed limit of more than 35 miles per hour (V.T.C.A., Transportation Code § 551.405).

Sec. 1-43. - Prohibition.

- (a) No person may operate a golf cart in violation of the provisions of this article.
- (b) 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.

Sec. 1-44. - Exceptions.

- (a) 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.
- (b) A golf cart operated solely on private property is not subject to the regulations set forth in this article.

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

Sec. 1-45. - 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.