

ORDINANCE NO. 2024-11-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 62, "MOTOR VEHICLES AND TRAFFIC," BY ADDING A NEW ARTICLE XVI, ENTITLED "GOLF CARTS," TO ALLOW FOR THE OPERATION OF GOLF CARTS ON CERTAIN PUBLIC STREETS WITHIN CITY LIMITS; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of the Texas Local Government Code, and the City's Home Rule Charter; and

WHEREAS, Section 551.404 of the Transportation Code authorizes a municipality to allow for the operation of golf carts on certain highways and streets that are located within a municipality's corporate boundaries and have a speed limit of not more than 35 miles per hour; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council") believes that the operation of golf carts on certain streets within the City's corporate boundaries should be permitted in accordance with state law; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the health, safety and welfare of the citizens of the City.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are hereby incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 62, "Motor Vehicles and Traffic," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by adding a new Article XVI, entitled "Golf Carts" to hereafter read as follows:

"ARTICLE XVI. - GOLF CARTS

Sec. 62-900. - Definitions.

- (a) *Golf Cart* shall have the meaning assigned to it by Texas Transportation Code § 551.401, as amended.

- (b) *Highway* shall have the meaning assigned to it by Texas Transportation Code § 541.302(5), as amended.

Sec. 62-901. - Operations authorized in certain areas.

- (a) In addition to the operation authorized by Texas Transportation Code § 551.403, as amended, an operator may operate a golf cart on all or part of a street or highway that:
- i. is in the corporate boundaries of the City of McKinney; and
 - ii. has a posted speed limit of not more than 35 miles per hour.
- (b) A golf cart operated pursuant to this article shall have all such equipment required under state law, including Texas Transportation Code § 551.4041, as amended.”

Section 3. Any person, firm or corporation violating or failing to comply with any of the provisions of this Ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the City’s Code of Ordinances; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.

Section 4. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 5. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. The Caption of this ordinance shall be published one (1) time in a newspaper having general circulation in the City of McKinney, Texas and shall be effective immediately upon its passage and publication.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 5TH DAY OF NOVEMBER, 2024.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER, City Attorney