

**CITY OF SANDY OAKS, TEXAS**

**ORDINANCE NO. 2026 - 267**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS PROHIBITING THE USE OF A WIRELESS COMMUNICATION DEVICE WHILE OPERATING A MOTOR VEHICLE WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY; PROVIDING FOR A SEVERABILITY AND OPEN MEETINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City of Sandy Oaks (“City”) is a Type A general law city incorporated and operated under Chapter 22 of the Local Government Code and the laws of the State of Texas; and

**WHEREAS**, the City Council seeks to promote the health, safety, and general welfare of the community by preventing death, injuries, and property damage within the city limits; and

**WHEREAS**, the City Council finds that the use of a wireless communication device while operating a motor vehicle leads to distracted driving and is a danger to the public; and

**WHEREAS**, the City Council finds that prohibiting the use of portable electronic devices while driving, with certain defenses would further and protect the public health, safety, and welfare in the City;

**WHEREAS**, section 54.001 of the Local Government Code provides the governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS THAT:**

**SECTION 1. FINDINGS OF FACT.** The findings set forth above are found to be true and correct and incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. DEFINITIONS.** The following words, terms, and phrases, when used in this Ordinance shall have the meanings ascribed to them in this section. All other words, terms, and phrases have their ordinary meaning.

- (A) “Authorized emergency personnel” means a person who is a lawful enforcement officer, firefighter, member of a emergency medical services, employed by a communications or utility function, or member of a governmental emergency management function.
- (B) “Hands-free device” means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator’s hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function.

- (C) "Park or parked" means that the operator of a motor vehicle has completely ceased movement in a lawful manner and location. For purposes of this Ordinance, park does not include or mean a vehicle stopped in a lane of traffic due to either the lawful traffic control device, or the conditions of the roadway, or traffic congestion then existing.
- (D) "Wireless communication device" means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332 and includes a device that is designed to receive and transmit voice communications, text message or pictorial communication, or both, whether by Internet or other electronic means. The term includes a mobile telephone.

**SECTION 3. PROHIBITION AGAINST THE USE OF WIRELESS COMMUNICATION DEVICE.** A person commits an offence if the person uses a wireless communication device while operating a motor vehicle within the corporate limits of the City. This section is not applicable to use of a hands-free device.

**SECTION 4. SIGNAGE.** The City Administrator, or the City Administrator's designee, is authorized and directed to post signage is required by Texas Transportation Code section 545.425, as amended, and shall post signs that are located at each point at which a state highway, U.S. highway, or interstate highway enters the jurisdiction of the City and that state:

- (A) that an operator is prohibited from using a wireless communication device while operating a motor vehicle in the City, and whether use of a wireless communication device with the hands-free device is allowed in the City; and
- (B) that the operator is subject to a fine if the operator uses a wireless communication device while operating a motor vehicle in the City.

**SECTION 5. DEFENSE TO PROSECUTION.** It is an affirmative defense to the prosecution of an offense under this Ordinance that:

- (A) the wireless communication device was used to make an emergency call to:
  - (1) an emergency response service, including a rescue, emergency medical, or hazardous material response service;
  - (2) a hospital;
  - (3) a fire department;
  - (4) a health clinic;
  - (5) a medical doctor's office;
  - (6) an individual to administer first aid treatment; or
  - (7) a police department; or
- (B) a sign required by this Ordinance was not posted as required.

**SECTION 6. EXCEPTIONS.** The provisions of this Ordinance do not apply to:

- (A) an operator of an authorized emergency vehicle while acting in an official capacity;
- (B) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device; or

- (C) an operator of a school bus or passenger bus using a wireless communication device while in the performance of the operator's duties as a bus driver and in a manner using a two-way radio communication device in a school bus, passenger bus, or commercial vehicle.

**SECTION 7. CONFLICT WITH STATE LAW.** To the extent that this Ordinance conflicts with Texas Transportation Code Section 545.425, regarding the use of wireless communication devices while operating a motor vehicle, State law shall control.

**SECTION 8. PENALTY.** Any person in violation of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not to exceed \$500. A sign designated in this Ordinance shall become property of the City and penalty for removing or having in possession any signs designated as property of the City shall be punishable by a fine not to exceed \$500. The City of Sandy Oaks retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 9. REPEALING OF CONFLICTING ORDINANCES.** The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances that are directly inconsistent with or in direct conflict with any of the provisions of this ordinance are hereby expressly repealed but only to the extent of any such inconsistency or conflict.

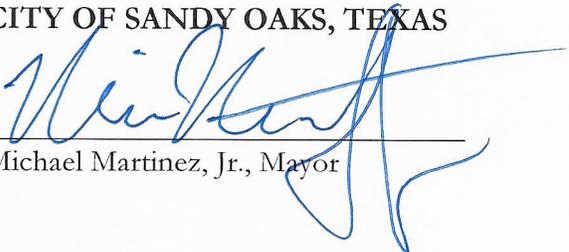
**SECTION 10. SEVERABILITY.** If any section, subsection, sentence, clause, or phrase of this Ordinance for any reason is held invalid, illegal, or incapable of being enforced, such section, subsection, sentence, clause, or phrase shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other sections, subsections, sentences, clauses or phrases hereof shall remain in full force and effect.

**SECTION 11. OPEN MEETING.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551 of the Texas Government Code.

**SECTION 12. EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication as required by section 52.011 of the Local Government Code.

**PASSED AND APPROVED** on this 12th day of February 2026.

**CITY OF SANDY OAKS, TEXAS**

  
Michael Martinez, Jr., Mayor

**ATTEST:**

  
Delma Doyal, City Secretary