

ORDINANCE NO. 2019-07

AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 23, "TRAFFIC AND MOTOR VEHICLES", BY INSERTING A NEW ARTICLE IX. "MOTOR-ASSISTED SCOOTERS" BY ADDING DEFINITION, PROHIBITIONS, RULES, REGULATIONS, VIOLATIONS AND PENALTY; PROVIDING FOR THE VALIDITY OF SAID ORDINANCE; REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Port Aransas ("City Council") seeks to establish regulations for the use and operation of motor-assisted scooters, as defined in this ordinance and by Chapter 551 of Texas Transportation Code; and

WHEREAS, pursuant to Chapter 551.352 of the Texas Transportation Code, the City has the authority to regulate the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council has strong reason to believe that left unchecked, the commercial proliferation of motor assisted scooters presents a safety issue for the public; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:

SECTION 1. ADDITION

That Chapter 23 "Traffic And Motor Vehicles", By Inserting A New Article IX. "Motor-Assisted Scooters", is hereby added to wit:

Article IX: Motor Assisted Scooters

23-315: Title:

This division shall be commonly cited as the "motor-assisted scooter ordinance".

23-316: Purpose:

These rules are established to regulate the use of motor-assisted scooters on all property within the incorporated municipal boundaries (i.e. city limits). These rules are intended to ensure public safety. Failure to abide by these rules shall result in penalty as defined in this ordinance.

23-317: Definitions:

For the purposes of this chapter, the following terms or words will have the following definitions, unless the context clearly indicates that a different meaning is intended:

Motor-assisted scooter.

Means

- a. a self-propelled device with at least two wheels in contact with the ground during operation;**
- b. a braking system capable of stopping the device under typical operating conditions;**
- c. a gas motor not exceeding 40 cubic centimeters;**
- d. an electric motor whose power output does not exceed 2000 watts;**
- e. a deck designed to allow a person to stand or sit while operating the device;**
- f. and the ability to be propelled by human power alone;**
- g. or as defined now or in the future by Chapter 551 of Texas Transportation Code. A motorized wheelchair, scooter or any other motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code to be used by the disabled is not a motor-assisted scooter as defined or regulated in this division.**

Helmet.

Any protective headgear which meets the standards of the American National Standards Institute (ANSI Z90.4 Bicycle Helmet Standard) or any similarly approved head protection for use in bicycling.

23-318: Motor-assisted Scooter Use and Operation:

- A. Commercial Rental of motor-assisted scooters for use on any public street, sidewalk, Right-Of-Way (ROW) or any other public area is prohibited in the city limits of Port Aransas. Commercial rental for the purpose of this section means an agreed to temporary use of a motor-assisted scooter in exchange for compensation or any other form of consideration.**
- B. Privately owned, non-commercial motor-assisted scooters may be operated in the municipal boundaries of Port Aransas (i.e. city limits) provided that:**
 - 1. The operator of the motor-assisted scooter is 16 years of age or older.**
 - 2. A parent or guardian shall not allow a child in their care, who is under the age of 16 years old, to operate a motor assisted scooter.**
 - 3. The motor-assisted scooters is only operated on private property; public street, alley or roadway for which the posted speed limit is 35 miles per hour or less; or on a public path specifically set aside as a bicycle path. The vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than thirty-five (35) miles per hour only if the operator walks the vehicle across the street while observing all applicable pedestrian laws.**
 - 4. The motor-assisted scooter is not operated on a sidewalk unless that**

sidewalk has been specifically designated as a bicycle path and is of sufficient width to allow simultaneous counter movement of pedestrian traffic.

5. Operators under the age of 18 wear a properly fitted and fastened helmet.
6. Operators of a motor-assisted scooter traveling at a speed slower than the normal and reasonable flow of motor vehicle traffic shall ride as near to the right side of the right through lane as is safe, except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another vehicle or pedestrian proceeding in the same direction.
7. Every motor-assisted scooter when in use at any time from half hour after sunset to a half hour before sunrise must be equipped with a lamp on the front that emits a white light visible at a distance of at least five hundred (500) feet to the front and with a red reflector visible from the rear.
8. At all times, operators of motor-assisted scooters shall yield the right-of-way to pedestrians and human-powered devices and shall give an audible signal before overtaking and passing a pedestrian or human-powered device.
9. No motorized foot scooter shall be operated with any passenger or other person in addition to the operator.
10. Any person operating a motorized scooter shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.

23-319: Impoundment:

- A. The City may impound any motor-assisted scooter found unattended on any public property, public sidewalk, public street or highway within the City.
"Impoundment" or "impound" as used in this chapter means removal of a motor-assisted scooter to a temporary storage location of the city.
- B. All motor-assisted scooters impounded under this section shall be subject to an impound fee set by City Council sufficient to offset the city's costs of enforcement and storage for each such motor- assisted scooter.

23-320: Criminal Offenses:

- A. The Office of the Chief of Police shall enforce and administer this Ordinance and includes police officers and code compliance officers.
- B. A person commits an offense if the person violates or attempts to violate a provision of this Article.
- C. Violations of the Texas Transportation Code Chapter 551, Subchapter B and Subchapter F as they relate to the operation of motor-assisted scooters will be strictly enforced.
- D. A culpable mental state is not required for the commission of an offense under this article. A separate offense is committed each day in which an offense occurs.
- E. Prosecution for an offense under this article does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

- F. Any person who violates any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor and upon adjudication or conviction thereof shall be fined in an amount not to exceed \$500 for each offense.

23-321: Severability:

If any section or provision of the ordinance codified in this chapter is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this chapter.

23-322—23-330-Reserved

SECTION 3. EFFECTIVE DATE.

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption upon adoption on third and final reading and upon publication of the Ordinance Header in the City's official newspaper.

SECTION 4. READING.

As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

SECTION 5. SEVERANCE.

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

SECTION 6. PENALTY FOR VIOLATION.

Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-15, "General Penalty for Violations of Code; Continuing Violations" Port Aransas Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

PASSED, ORDAINED, APPROVED and ADOPTED 18th day of JULY, 2019.



CITY OF PORT ARANSAS, TEXAS

A handwritten signature in blue ink, appearing to read "Charles R. Bujan", written over a horizontal line.

Charles R. Bujan, Mayor

ATTEST:



Francisca Nixon, City Secretary

1st Reading: May 16, 2019

2nd Reading: June 20, 2019

3rd Reading: July 18, 2019