

**ORDINANCE NO. 2019-287**

**AN ORDINANCE AMENDING ARTICLE I “IN GENERAL” IN CHAPTER 17 “PARKS AND RECREATION,” AND ARTICLE I “IN GENERAL,” ARTICLE IV “OPERATION OF VEHICLES,” AND ARTICLE XII “BICYCLES” IN CHAPTER 25 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, FOR THE PURPOSE OF ADDRESSING MATTERS RELATED TO THE CREATION OF A SHARED MOBILITY DEVICE PROGRAM IN THE CITY, INCLUDING: AMENDING AND/OR ADDING DEFINITIONS OF VARIOUS MODES OF TRANSPORTATION IN SECTION 25-1; AMENDING THE DEFINITION OF VULNERABLE ROAD USER IN SECTION 25-84; RENAMING ARTICLE XII (FROM “BICYCLES” TO “TRANSPORTATION DEVICES AND SHARED MOBILITY DEVICES”) TO ADDRESS VARIOUS TRANSPORTATION DEVICES; AMENDING RESTRICTIONS TO PARKING AND RIDING ON SIDEWALKS IN SECTIONS 25-297 AND 25-298 TO PROVIDE AN EXCEPTION FOR SHARED MOBILITY DEVICE ACTIVITIES; RENAMING SECTION 25-299 (FROM “BIKE SHARE ACTIVITIES” TO “SHARED MOBILITY DEVICE ACTIVITIES”) TO ADDRESS VARIOUS TRANSPORTATION DEVICES; AMENDING RESTRICTIONS IN CITY RIGHT-OF-WAY AND ON CITY-OWNED PROPERTY IN SECTION 25-299 TO PROVIDE AN EXCEPTION FOR SHARED MOBILITY DEVICE ACTIVITIES AUTHORIZED BY AN AGREEMENT WITH THE CITY; ADDING SECTION 25-300 TO ALLOW FOR SHARED MOBILITY AND TRANSPORTATION DEVICES TO USE SHARED-USE PATHS; AND AMENDING THE PROHIBITED OPERATION OF VEHICLES IN PARKS IN SECTION 17-10 TO PROVIDE AN EXCEPTION FOR USE OF CERTAIN VEHICLES ON SHARED-USE PATHS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, it is necessary to make certain amendments to Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco for the purpose of addressing matters in the creation of a shared mobility device program in the City,

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

**Section 1.** That Article I “In General” of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco is amended by amending Section 25-1 to read as follows (~~deletions/~~ additions):

**Sec 25-1. - Definitions**

*Bicycle* shall mean a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter. It also includes a device that has more than two wheels and is designed for use by a person with reduced mobility (such as an adaptive or accessible bicycle).

*Electric Bicycle, or E-Bike,* shall mean a Bicycle designed to be propelled by an electric motor, exclusively or in combination with the application of human power, that cannot attain a speed of more than 20 miles per hour without the application of human power and does not exceed a weight of 100 pounds.

*Electric Scooter, or E-Scooter, or Motor-assisted Scooter,* shall mean a self-propelled device with: at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor not exceeding 40 cubic centimeters; a deck designed to allow a person to stand or sit while operating the device; the ability to be propelled by human power alone; and does not include a pocket bike or a mini motorbike as defined by Texas Transportation Code §551.351.

*Motor vehicle* shall mean a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or any other transportation device, as defined in this Section, or an electric personal assistive mobility device, as defined by V.T.C.A., Transportation Code § 551.201.

*Shared Mobility Device* shall mean a transportation device that is accessed by an on-demand portal (smartphone application, membership card, website, or similar method) and is part of a shared mobility system.

*Shared Mobility System* shall mean a network or system of shared mobility devices or shared mobility activities, placed in the public right-of-way, public area, or on private property, and made available for rent in short-time increments.

*Shared-Use Path* shall mean a path that is outside of a roadway and physically separated from motor vehicle traffic, and intended for use by bicyclists, pedestrians, and other authorized transportation devices as defined in this Section. It is differentiated from a sidewalk, which is designed for preferential or exclusive use by pedestrians.

Transportation Device shall mean a device or structure that is human-powered or motor-powered (with a motor not exceeding 40 cubic centimeters) and that is used to carry person(s) and/or thing(s) from place to place. Examples include, but are not limited to, Bicycles, Electric Bicycles, Electric Scooters, Motor-Assisted Scooters, hand cycles, unicycles, and motor-driven cycles.

**Section 2.** That Article IV “Operation of Vehicles” of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco shall be amended by amending Subsection (a) of Section 25-84 to read as follows (~~deletions/~~ additions):

**Sec. 25-84. - Passing vulnerable road users.**

(a) The following words and phrases as used in this section shall have the meanings as set forth in this subsection:

*Safe distance* shall mean three feet if the operator's vehicle is a passenger car or light truck, as defined by V.T.C.A., Transportation Code § 541.201(7), or six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle.

*Vulnerable road user* shall mean a person operating a transportation device ~~bicycle, hand cycle, unicycle, motor-driven cycle, or other human-powered wheeled vehicle~~ on a street or highway.

**Section 3.** That Article XII “Bicycles” of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco, Texas, is amended by (1) amending the title of said Article, (2) amending Section 25-297, (3) amending Section 25-298, (4) amending the title of and amending Section 25-299, and (5) adding Section 25-300, all to read as follows (additions, ~~deletions~~):

**Article XII. – ~~Bicycles~~ Transportation Devices and Shared Mobility Devices**

**Sec. 25-297. - Parking.**

Except as permitted by a written agreement with the city concerning ~~bike-share~~ shared mobility devices or shared mobility activities, no person shall park a ~~bicycle~~ transportation device or shared mobility device upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the ~~bicycle~~ transportation device or shared mobility device, or against a building, in such a manner as to afford the least obstruction to pedestrian traffic.

**Sec. 25-298. - Riding on sidewalks.**

No person shall ride a ~~bicycle~~ transportation device or shared mobility device upon a sidewalk within a business district. No person 12 or more years of age shall ride a ~~bicycle~~ transportation device or a shared mobility device upon any sidewalk in any district.

**Sec. 25-299. ~~Bike Share~~ Shared Mobility Device activities.**

It shall be unlawful for a person that provides ~~bicycles~~ shared mobility devices on a short-term basis in exchange for compensation to place or allow to be placed ~~bicycles~~ any shared mobility device in the city's right-of-way or on city-owned property without an agreement with the city authorizing such use of the city's right-of-way or city-owned property.

**Sec. 25-300. - Riding on shared-use paths.**

Transportation devices and shared mobility devices may be operated on shared-use paths. When riding on a shared-use path, users of transportation devices and shared mobility devices must always yield the right of way to pedestrians.

**Secs. 25-~~301-300~~—25-315. – Reserved.**

**Section 4.** That Article I “In General” of Chapter 17 “Parks and Recreation” of the Code of Ordinances of the City of Waco shall be amended by amending Subsection (a) of Section 17-10 to read as follows (~~deletions~~/ additions):

**Sec. 17-10. - Operation of vehicles in parks, etc.**

(a) It shall be unlawful for any person to drive or operate any vehicle whatsoever through or upon or to park such vehicle upon any park, hospital grounds or other public property within the city except upon official, designated roadways or parking lots, and except that transportation devices and shared mobility devices may be used on any shared-use path (as these terms are defined in Chapter 25 of this Code).

**Section 5.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6.** That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 7.** That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

**Section 8.** That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco which shall be a fine of not less than \$1.00 and no more than \$500.00, and each day a violation exists shall be a separate offense.

**Section 9.** That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place and purpose of said meeting was given as required by law.

**PASSED AND APPROVED:**

**First Reading:** this 16th day of April, 2019.

**Second Reading:** this 30th day of April, 2019.

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Kyle Deaver, Mayor  
City of Waco, Texas

**ATTEST:**

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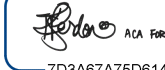
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Esmeralda Hudson, City Secretary



**APPROVED AS TO FORM & LEGALITY:**

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Jennifer Richie, City Attorney