TOWN OF FLOWER MOUND, TEXAS
ORDINANCE NO. 15-25

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING CHAPTER 58 "STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES," OF THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS BY ADDING ARTICLE IV, "MICROMOBILITY DEVICES AND BICYCLES," PROVIDING THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound, Texas (the "Town"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the Town Council desires to update the Town's Code of Ordinances to provide and maintain the safety of citizens who access streets, sidewalks, and other public places of the Town; and,

WHEREAS, the Town Council finds it necessary for the protection of public safety to define what constitutes a "micromobility device" and "bicycles" and to establish regulations that promote the safe use and operation of such devices; and,

WHEREAS, the Town Council finds and determines that the regulations proposed are in the best interest of and are necessary to protect the health, safety, and general welfare of the citizens of the Town and the general public;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

Article IV, "Micromobility Devices and Bicycles," is hereby added to Chapter 58, "Streets, Sidewalks, and Other Public Places," of the Code of Ordinances, Town of Flower Mound, Texas, to read as follows:

"ARTICLE IV. – MICROMOBILITY DEVICES AND BICYCLES

Sec. 58-73. - Definitions.

The following definitions shall be used for the purpose of this section:

Bicycle means a human-powered vehicle with two wheels in tandem designed to transport by a pedaling action a person seated on a seat.

Child means any person less than 14 years of age.

Helmet means 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 governmental agency having regulatory jurisdiction over bicycle helmets at the time of the manufacture of the helmet.

Micromobility devices refer to the range of small, lightweight vehicles or devices incapable of operating at a top-assisted speed faster than 28 mph and driven by one person. These devices may include, but are not limited to, electric motor-assisted scooters, electric skateboards, Segways, hoverboards, skateboards with one or more wheels, or similar devices. Gas-powered devices are not included in this definition.

Micromobility Safety Course means the safety course taught by the Flower Mound Police Department. Its curriculum is designed to educate attendees regarding the contents and requirements of this article, other provisions of this code, state law relating to the operation of bicycles and micromobility devices on public streets and roadways, and recommended safety practices.

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise, as established by the National Weather Service office located at Dallas-Fort Worth International Airport.

Public way or public property refers to any interest in real property owned or as an easement or right-of-way, leased, or controlled by a governmental entity, including, but not limited to; a path, trail, sidewalk, alley, street or highway, or a public park.

Sec. 58-74. - General prohibitions.

(a) It is unlawful for a child to operate a micromobility device or bicycle on a public way or on public property within the town unless the child is wearing a properly fitted helmet fastened securely.

(b) It is unlawful for a parent to allow a child to operate a bicycle or micromobility device on a public way or on public property within the town in violation of this article.

Sec. 58-75. - Operation rules for micromobility devices.

It is unlawful to:

(a) Operate a bicycle on a public way or property at nighttime in violation of Texas Transportation Code 551.104 Safety Equipment.

(b) Operate a micromobility device on a public way or property at nighttime without a:

(1) lamp on the front of the device that emits a white light visible from a distance of at least 500 feet in front of the device, and

(2) a red reflector on the back of the device that is visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet to the rear of the device, or a lamp that emits a red light visible from a distance of 500 feet to the rear of the device.

(c) Use a handheld electronic device, including, but not limited to, a mobile phone or tablet, while operating a micromobility device or bicycle on a public roadway or public property.

(d) Use any device, including, but not limited to, headphones or earphones, that inhibit or prevent the operator from hearing approaching vehicles from any direction while operating a micromobility device or bicycle on a public roadway or public property.

Sec. 58-76. - Pedestrians.

(a) An operator of a micromobility device or bicycle shall yield the right-of-way to pedestrians.

(b) The operator of a micromobility device or bicycle shall slow and provide an audible warning to pedestrians before passing them.

Sec. 58-77. - Penalties.

Any person found guilty of violating any of the terms of this article shall be fined an amount not to exceed $50. For a first offense, proof of the completion of a Micromobility Safety Course may be presented to the court within 90 days of the entry of a plea of guilty or no contest to this matter in exchange for a refund of the fine. Subsequent offenses shall be fined an amount not to exceed $100."

SECTION 2

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances, Town of Flower Mound, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the Town Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 4

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine in accordance with Section 1-13 of the Code of Ordinances, Town of Flower Mound, Texas. Any person found guilty of violating any of the terms of this article shall be fined an amount not to exceed $50. Subsequent convictions shall be fined an amount not to exceed $100.

SECTION 5

All rights and remedies of the Town are expressly saved as to any and all violations of the provisions of the Code of Ordinances, Town of Flower Mound, Texas, as amended or revised herein, or any other ordinances affecting the matters regulated herein that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance, but may be prosecuted until final disposition by the courts.

SECTION 6

The Town Secretary is hereby directed to publish in the official newspaper of the Town, the caption and penalty clause of this Ordinance as provided by the Town's Charter.

SECTION 7

This Ordinance shall be in full force and effect 30 days after the date of its passage and publication, and it is so ordained.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 5TH DAY OF MAY, 2025.

APPROVED:

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Cheryl Moore, MAYOR

ATTEST:

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Theresa Scott, TOWN SECRETARY