

ORDINANCE NO. O2019-45

AN ORDINANCE OF THE CITY OF WEATHERFORD, TEXAS, AMENDING TITLE X OF THE CITY CODE OF WEATHERFORD, TEXAS (MOTOR VEHICLES AND TRAFFIC) BY AMENDING EXISTING DEFINITIONS AND PROVIDING DEFINITIONS FOR PLAY VEHICLES, SKATEBOARDS AND MOTOR ASSISTED SCOOTERS IN TITLE 10, CHAPTER 1; AMENDING TITLE X, CHAPTER 2 (OBEDIENCE TO TRAFFIC REGULATIONS) TO PROVIDE THAT THE PROVISIONS THEREOF APPLY TO OPERATORS OF BICYCLES, PLAY VEHICLES AND SKATEBOARDS; AMENDING TITLE X, CHAPTER 10 (CLINGING TO VEHICLES) TO APPLY TO “PLAY VEHICLES” AND SKATEBOARDS; AND AMENDING TITLE X, CHAPTER 10 BY ADDING SECTION 10-10-16 REGULATING THE OPERATION OF BICYCLES, PLAY VEHICLES, SKATEBOARDS AND SIMILAR DEVICES ON: PUBLIC ROADWAYS GENERALLY AND IN CITY PARKS AND RECREATION AREAS; PROHIBITING THE OPERATION OF BICYCLES, PLAY VEHICLES, SKATEBOARDS AND SIMILAR DEVICES ON OTHER CITY-OWNED PROPERTY; REGULATING THE OPERATION OF PLAY VEHICLES, SKATEBOARDS AND SIMILAR DEVICES IN THE CENTRAL BUSINESS DISTRICT; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; CREATING OFFENSES, PROVIDING PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY APPLICABLE LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Weatherford, Texas is a home rule city acting under its Charter duly adopted by the electorate pursuant to Article XI, Section of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City of Weatherford has experienced growth and increases in traffic in all forms of transportation including, but not limited to, motor vehicles, bicycles, skateboards and play vehicles; and

WHEREAS, concurrent with the increase in growth and traffic in those modes of transportation, the City of Weatherford has – in order to provide safe environments for their operation and to promote the safety and welfare of its citizens - established paths and trails designated for hiking and the operation of bicycles; designated on certain public roadways within the City lanes set aside for the exclusive operation of bicycles; and established recreational areas specifically designed for the safe operation of skateboards and other play vehicles; and

WHEREAS, the City Council of the City of Weatherford has, in its Comprehensive Zoning Ordinance, established a defined Central Business District with the intent that the District be a “pedestrian friendly environment”;

WHEREAS, the City Council of the City of Weatherford has determined that the operation of certain modes of transportation in and on certain public property and upon private property jeopardizes the safety and welfare of both pedestrian movement and vehicular operation in those areas and upon that property; and

WHEREAS, the City Council of the City of Weatherford has determined that where the operation of certain modes of transportation is prohibited by this ordinance, the prohibition is in the interest of public safety; and where the operation of certain modes of transportation is regulated, those regulations are also in the interest of public safety and necessary for the general public health, safety and welfare; and that reasonable regulations should be adopted for the safe operation of bicycles, skateboards and play vehicles within the City as set forth herein;

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

Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect and promote the public health, safety and quality of life in the City.

Amendments to Title X – “Motor Vehicles and Traffic” of the City Code of Weatherford, Texas.

The City Council hereby amends Title X, Chapter 1 (Terms Defined), Section 10-1-1 of the City Code of Weatherford, Texas, to provide that the definition of “bicycle” shall be as follows:

Section 10-1-1: *Bicycle* A device that a person may ride and that (a) is capable of being ridden solely using human power; and (b) has two tandem wheels at least one of which is more than 14 inches in diameter

The City Council hereby amends Title X, Chapter 1 (Terms Defined), Section 10-1-1 to add the following definitions:

Skateboard. A device consisting of a board or deck constructed of any material with wheels affixed to the underside of the board and designed to be ridden by a person and propelled solely by human power

Play vehicle Coasters, scooters, motor-assisted scooters, roller skates, rollerblades or any other form of non-motorized device with wheels or rollers (other than skateboards and bicycles as defined herein) upon which a person may ride but excluding wagons, strollers or other devices used for transporting children, wheelchairs and motorized mobility devices; personal assistive devices; personal delivery devices; and mobile carrying devices when same are being used for the purpose(s) for which they are intended

Motor assisted scooter A self-propelled device with (a) 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 or electric motor not exceeding 40 cubic centimeters; (d) a deck designed to allow a person to stand or sit while operating the device, and (e) the ability to be propelled by human power alone

The City Council hereby amends Title X, Chapter 2 (Enforcement and Obedience to Traffic Regulations), Section 10-2-2 to hereafter provide as follows:

Section 10-2-2: Required Obedience to Traffic Regulations.

(a) *A person commits an offense if he commits an act prohibited herein or fails to perform an act required in this Title. Persons operating or riding a bicycle, play vehicle or skateboard upon a public roadway shall be subject to the provisions of this Title applicable to the driver of a vehicle save and except as to a provision which, by its nature, can have no application to a bicycle, play vehicle or skateboard.*

(b) *A parent of a child or a guardian of a ward shall not knowingly permit the child or ward to violate the provisions of this Title.*

The City Council hereby amends Title X, Chapter 10 (Miscellaneous Driving Rules, Section 10-10-10 to hereafter provide as follows:

Sec 10-10-10 – Clinging to Vehicles

A person commits an offense if he operates a bicycle, play vehicle, skateboard or similar device and attaches the same or himself to any vehicle upon a roadway.

The City Council hereby amends Title X, Chapter 10 to add Section 10-10-16 to read as follows:

Section 10-10-16 – Operation of bicycles, play vehicles, skateboards and similar devices

(a) *Operation on public roadways*

(1) *A person may not operate a play vehicle, skateboard or similar device upon a public roadway with a posted speed limit of 35 miles per hour or greater,*

(2) *All operation of bicycles, play vehicles, skateboards and similar devices upon public roadways shall be conducted as far to the right of the traffic lane as possible in a single file and flowing with traffic,*

(3) *In the event a public roadway has a designated bicycle lane, all on street operation of bicycles, play vehicles, skateboards and similar devices on that public roadway shall be conducted in the lane designated for the use of bicycles,*

(4) *A person operating a bicycle, play vehicle, skateboard or similar device after daylight hours shall wear reflective clothing or reflective strips on his/her clothing and helmet which reflective material is visible at night from a distance of 500 feet to the rear and to the side of the operator,*

(5) *A person operating a bicycle, play vehicle, skateboard or similar device shall yield the right of way to pedestrians on the public roadway or in crosswalks or safety zones on the public roadway*

(b) *Operation in the Central Business District*

(1) For purposes of this ordinance, the Central Business District shall be defined as the area so designated by the Official Zoning Map of the City of Weatherford, Texas (a copy of which is attached hereto and incorporated by reference herein) as the Central Business District exists on the date of this ordinance or as it may hereafter be drawn,

(2) A person commits an offense if he operates a bicycle, play vehicle, skateboard or similar device upon a sidewalk situated within the Central Business District of the City of Weatherford,

(3) It shall not be necessary that signs be posted in the Central Business District prohibiting the operation of bicycles, play vehicles, skateboards or similar devices upon sidewalks within the Central Business District.

(c) Operation in City of Weatherford parks and recreation areas

(1) A person commits an offense if he operates a bicycle, play vehicle, skateboard or similar device in a City park or City recreation area where a sign prohibiting the operation of same is duly posted,

(2) The Director of Parks and Recreation is authorized to designate parks or recreation areas (or specific areas within a City park or City recreation area) in which operation of bicycles, play vehicles, skateboards or similar devices is prohibited, and to erect legible signs of uniform size and design advising the public of the prohibition against the operation of a bicycle, play vehicle, skateboard or similar device in the area

(d) Operation on the premises of City of Weatherford owned buildings

(1) A person commits an offense if he operates a bicycle, play vehicle, skateboard or similar device upon the premises of City owned buildings including steps, walls, railings, walkways, courtyards, concession areas, pavilions or other covered structures, restroom areas, park benches and picnic tables, and parking lots or parking areas associated with City owned buildings.

(2) It shall not be necessary or required for enforcement of this subsection that signs prohibiting the operation of bicycles, play vehicles, skateboards or similar devices be posted on City owned buildings or any City owned facility or area set out in subsection (1) above

Resolution of Conflicting Ordinances. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City of Weatherford, the provisions of this ordinance shall control.

Savings Clause. All rights and remedies of the City of Weatherford are expressly saved as to any and all provisions of any prior ordinance affecting fees of the City of Weatherford and as to any rights or privileges thereunder which existed or had accrued as of the effective date of this ordinance; and, as to such accrued fees, rights or privileges, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but are preserved and may be pursued until final disposition by a court of competent jurisdiction.

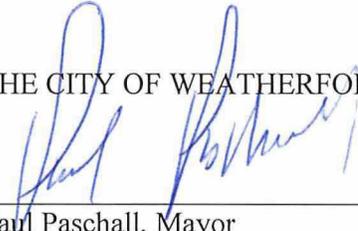
Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accord with the provisions of the Texas Local Government Code.

Severability. It is the express intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance be and they are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, that invalidity shall not affect other provisions or application of this ordinance which can be given effect without the invalid provision and, to this end, the provisions of this ordinance are hereby declared to be severable.

Open Meeting. The City Council finds and determines that the meeting at which this ordinance was passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given in compliance with the provisions of the Texas Open Meetings Act.

PASSED AND APPROVED BY A VOTE OF 5 AYES AND 0 NAYS ON THE 10TH DAY OF SEPTEMBER 2019.

THE CITY OF WEATHERFORD, TEXAS



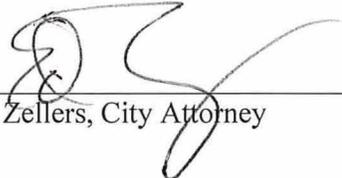
Paul Paschall, Mayor

ATTEST:

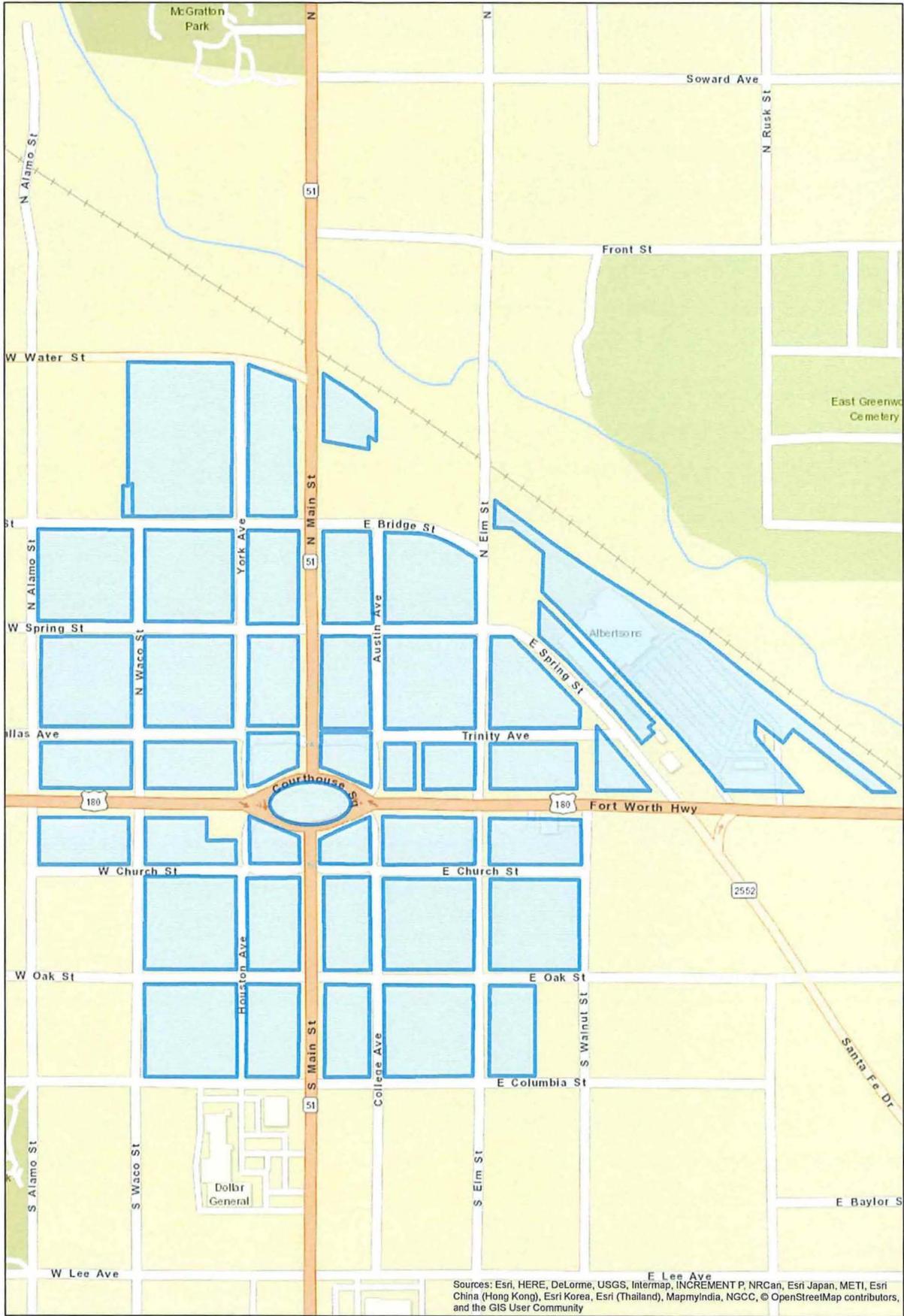


Malinda Nowell, TRMC, City Secretary

APPROVED AS TO FORM:



Ed Zellers, City Attorney



Central Business District (CBD)



 Central Business District (CBD)

