



COPY

"City of Choice"

ORDINANCE No. 1157

AN ORDINANCE OF THE CITY OF CIBOLO AMENDING CHAPTER 74 (TRAFFIC AND VEHICLES) OF THE CODE OF ORDINANCES BY CREATING AN OFFENSE OF EXHIBITION OF ACCELERATION AND PROHIBITING CERTAIN CONDUCT BY PERSONS OPERATING VEHICLES UPON ROADWAYS AND PARKING AREAS; PROVIDING A PENALTY FOR VIOLATIONS AND REPEALING ALL PRIOR ORDINANCES IN CONFLICT;

WHEREAS, the City Council of the City of Cibolo, Texas finds that the exhibition of acceleration by drivers poses certain hazards to the motoring public and pedestrians; and

WHEREAS, the City Council of the City of Cibolo, Texas finds that the sound produced by the exhibition of acceleration is a public nuisance and a breach of the peace; and

WHEREAS, the City Council of the City of Cibolo, Texas finds that it necessary to prohibit exhibition of acceleration to protect the health, safety, and welfare of the community.

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

Section 1. Amendments. The City of Cibolo Code of Ordinances, Chapter 74 is hereby amended by adding Section 74-38, which shall read as follows:

74-38 – Exhibition of Acceleration

(a) Definitions: For the purposes of this section terms set out below shall have the definitions that follow:

Exhibition of acceleration means the acceleration of a motor vehicle in such a manner that: (i) causes one or more of a vehicle's tires to loose traction with the paved or gravel surface on which the vehicle is traveling; and/or (ii) cause tire squeal.

Tire squeal means the sound produced by the friction of a motor vehicular tire against a paved surface under sudden acceleration of the vehicle to which said tire is mounted, said tire then turning at a rate of revolution disproportionately greater than the length of distance traveled by the vehicle.

(b) **Exhibition of acceleration prohibited.** It is unlawful for the driver of any motor vehicle to engage in an exhibition of acceleration within the corporate limits of the City of Cibolo, Texas.



(c) **Exceptions.** It is an exception to this ordinance if the exhibition of acceleration occurs on a track designed for racing and located on a property that has been (i) issued a certificate of occupancy for such use; or (ii) has been so operating with such use prior to the enactment of this ordinance.

(d) **Penalty.** Violation of this section is a class C misdemeanor and upon conviction a fine of not less than \$25 or more than \$200.00 shall be assessed for each offense.

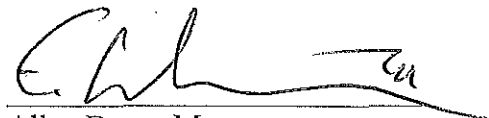
(e) **Not a moving violation.** An offense under this section is not a moving violation and may not be made a part of a person's driving record.

Section 2. Severability. The provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance.


Section 4. Repealer. All ordinances or portions of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Notice and Effective Date. The City Secretary shall publish notice of this ordinance in accordance with the requirements of City Charter Section 3.13(3) and this ordinance shall become effective upon compliance with the requirements of City Charter Section 3.13(3).

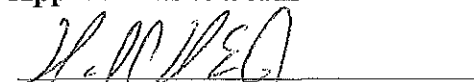
PASSED AND APPROVED THIS 22nd DAY OF MARCH 2016.


Allen Dunn, Mayor

ATTEST:


Peggy Cimics, City Secretary

Approved as to Form:


City Attorney's Office

