

## **ORDINANCE NO. 19-03**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS  
DEFINING MOTOR-ASSISTED SCOOTERS; ESTABLISHING  
TEMPORARY REGULATIONS PROHIBITING THE RENTAL AND/OR  
LEASING OF MOTOR-ASSISTED SCOOTERS; PROVIDING FOR  
PENALTY FOR VIOLATION; PROVIDING FOR CUMULATIVE AND  
CONFLICTS AND SEVERABILITY CLAUSES; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Transportation Code Section 551.352, (b) allows a municipality to prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, the City Council is tasked with finding ways to improve the safety of pedestrians, bicyclists and vehicular traffic; and

**WHEREAS**, the reduction of additional equipment on sidewalks, bike lanes, and public streets is necessary to increase safety; and

**WHEREAS**, the City Council finds that it needs time to study the issues related to motor-assisted scooters and research state and federal laws that impact the development and implementation of regulations of motor-assisted scooters; and

**WHEREAS**, the City Council finds that Senate Bill 549 in the current Texas Legislative Session may impact the Council's decisions on the best method to regulate motor-assisted scooters; and

**WHEREAS**, the City Council finds that pursuant to the section 18.3 of the City Code of Ordinances the Mayor and/or the Chief of Police are empowered to make and enforce temporary regulations to cover emergency and special conditions; and

**WHEREAS**, the City Council finds that the influx of visitors during the Spring Break season and summer vacation season creates special conditions that would be detrimental and have a negative impact on the safety of the temporary increase in the number of pedestrians and other traffic on city streets, sidewalks and other roadways; and

**WHEREAS**, the City Council finds that a temporary regulations prohibiting services that provide the use of motor-assisted scooters through the rental or leasing of such devices in the corporate city limits is the interest of the health, safety and welfare of the City.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH PADRE ISLAND, TEXAS.**

**Section one. Findings.** The findings set out herein are found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes.

**Section two. Definitions.** Chapter 18 Section 18-31, "Definitions" and Section 18-32 "Rental and/or Leasing of Motor-assisted Scooters Prohibited" of the South Padre Island Code of Ordinances is adopted to read as follows:

***Sec. 18-31 Definitions:***

(1) "Motor-assisted scooter":

(A) means a self-propelled device with:

- (i) at least two wheels in contact with the ground during operation;
- (ii) a braking system capable of stopping the device under typical operating conditions;
- (iii) a gas or electric motor not exceeding 40 cubic centimeters;
- (iv) a deck designed to allow a person to stand or sit while operating the device;
- and
- (v) the ability to be propelled by human power alone; and

(B) does not include:

- (i) a pocket bike or a minimotorbike.
- (ii) a moped or motorcycle;
- (iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;
- (iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;
- (v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or
- (vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

***Sec. 18-32 Rental and/or Leasing of Motor-assisted Scooter Temporarily Prohibited***

The rental or leasing of motor-assisted scooters in the corporate city limits is temporarily prohibited. For purposes of this ordinance the rental or leasing of motor-assisted scooters means and service that displays, offers or places for rent on a public way or public property one or more motor-assisted scooters or similar personal transportation devices.

**Section three. Temporary Regulations**

The temporary regulation shall expire in 180 days from the date of adoption of this Ordinance and may be superseded in its entirety if the City Council adopts permanent regulations before the expiration of the temporary regulations.

**Section four. Penalty.** Violation of this ordinance shall be a Class C misdemeanor and upon conviction for such violation, the defendant shall be subject to a fine not less than \$1.00 and not more than \$500.00.

**Section five. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of South Padre Island, Texas, except where the provisions of the

Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.


**Section six. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section seven. Publication.** The City Secretary is authorized and directed to publish a caption of this ordinance.

**Section eight. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval, and publication as provided by law.

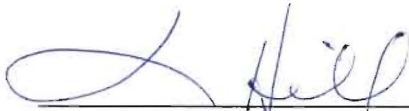
PASSED AND APPROVED ON FIRST READING THIS THE 20th DAY OF February 2019.

PASSED AND APPROVED ON SECOND READING THIS THE 6th DAY OF March 2019.



Dennis Stahl, Mayor

ATTEST:



Susan Hill, City Secretary

