

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING SECTION 46-31, MOTOR VEHICLE AREAS, DIVISION 1, GENERALLY, OF ARTICLE II, STREETS, OF CHAPTER 46, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ADDING ARTICLE III, ELECTRIC RIDING TOYS AND SMALL MOTOR VEHICLES, OF CHAPTER 58, TRAFFIC AND VEHICLES OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE WITH UPDATED AND AMENDED RULES AND REGULATIONS RELATED TO ELECTRIC RIDING TOYS AND SMALL MOTOR VEHICLES; PROVIDING FOR PENALTY; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City Council of the City of Piney Point Village, Texas, finds Section 46-31, Motor vehicle areas, Division 1, Generally, of Article II, Streets, of Chapter 46, Streets, Sidewalks, and other Public Places should be amended and Article III, Electric Riding Toys and Small Motor Vehicles of Chapter 58, Traffic and Vehicles, of its Code of Ordinances should be added in accordance with the provisions of this ordinance; and

**WHEREAS**, the City Council hereby finds that it is the purpose of this Ordinance to update the Code to promote the public health, safety, and general welfare of the citizens of the City and to minimize public and private injury and losses due to electric riding toys and small motor vehicles;

**NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:**

**SECTION 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2.** Section 46-31, Motor vehicle areas, Division 1, Generally, of Article II, Streets, of Chapter 46, Streets, Sidewalks, and other Public Places of its Code of Ordinances is hereby amended by removing language struckthrough and adding thereto the language underscored below:

**“Sec. 46-31. – Motor Vehicle areas.**

(a) It shall be unlawful for any person to cause or permit any motor vehicle, as that term is defined in chapter 541, Texas Transportation Code, as amended, to be operated upon any lot or tract of land, public or private, within the city except upon areas paved for the purpose of motor vehicle parking or motor vehicular access to the lot upon which such vehicle is operated. It shall be a defense to prosecution hereunder that the operation of a vehicle in violation hereof (1) was upon a lot or

tract of land owned or occupied by the person operating the vehicle, or (2) was with the consent of the owner of the lot or tract upon which the vehicle was operated.

(b) It shall be unlawful for any person to cause or permit any Class 3 electric bicycle, as that term is defined by Section 58-50, Article III, Chapter 58, Traffic and Vehicles and Chapter 664, Texas Transportation Code, as amended, to be operated upon any lot or tract of land, public or private, within the city except upon areas paved for the purpose of motor vehicle parking or motor vehicular access to the lot upon which such vehicle is operated. It shall be a defense to prosecution hereunder that the operation of a vehicle in violation hereof (1) was upon a lot or tract of land owned or occupied by the person operating the vehicle, or (2) was with the consent of the owner of the lot or tract upon which the vehicle was operated.

~~(b)~~ (c) Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.”

**SECTION 3.** Article III, Electric Riding Toys and Small Motor Vehicles, of Chapter 58, Traffic and Vehicles of the City’s Code of Ordinances is hereby amended adding new sections, Section 58-50, Definitions, Section 58-51, Electric Riding Toys – General Provisions, Section 58-52, Electric Bicycles – Bicycle Paths; Section 58-53, Electric Bicycles – Class 3 Electric Bicycles, Section 58-54, Electric Bicycles – Age Restrictions, Section 58-55, Electric Bicycles – Operation at Night, Section 58-56, Electric Scooters and Electric Skateboards, Section 58-57, Electric Riding Toy – Penalty, and Section 58-58, Small Motor Vehicles – General Provisions; Penalty as indicated in the language underscored below:

**“ARTICLE III – ELECTRIC RIDING TOYS AND SMALL MOTOR VEHICLES**

**Sec. 58-50. – Definitions.**

Class 1 electric bicycle means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of 20 miles per hour or less.

Class 2 electric bicycle means an electric bicycle equipped with a motor that may be used to propel the bicycle without the pedaling of the rider and with a top assisted speed of 20 miles per hour or less.

Class 3 electric bicycle means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of more than twenty (20) but less than twenty-eight (28) miles per hour (MPH).

Electric bicycle means a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts and with a top assisted speed of twenty-eight (28) miles per hour or less.

Electric scooter means a scooter assisted by an electrical source or battery that allows for self-propulsion of three (3) miles per hour (MPH) or greater.

Electric skateboard means a skateboard assisted by an electrical source or battery that allows for self-propulsion of three (3) miles per hour (MPH) or greater.

Electric riding toys means any electric bike, electric skateboard, and / or electric scooter.

Top assisted speed means the speed at which the bicycle's motor ceases propelling the bicycle or assisting the rider.

#### **“Sec. 58-51. Electric Riding Toys – General Provisions**

(a) Operators and/or Riders of any Electric Riding Toy operating on a sidewalk where permissible by City Ordinance shall slow and yield to any vehicle exiting a driveway.

(b) Operators and/or Riders of any Electric Riding Toy operating on a sidewalk where permissible by City Ordinance shall yield and, if necessary, stop when crossing any street or roadway.

(c) Chapter 551 of the Texas Transportation Code, as amended, shall apply to the extent it does not conflict with City Ordinance.

#### **Sec. 58-52. Electric Bicycles – Bicycle Paths**

(a) Wherever a useable public path for bicycles has been provided adjacent to a public street, Class 1 and Class 2 electric bicycle riders may use such path.

(b) When operating on a sidewalk, Class 1 and Class 2 electric bicycle riders shall not exceed five (5) miles per hour.

(c) Class 1 and Class 2 electric bicycle riders shall yield and provide right-of-way to pedestrians, slow to no more than three (3) miles per hour and pass no closer than three (3) feet of while passing pedestrians, and clearly announce presence before overtaking a pedestrian. The pedestrian shall have the right-of-way.

(c) Class 3 electric bicycles shall not be used on bicycle paths but shall use the public street and shall comply with all applicable traffic ordinances.

#### **Sec. 58-53. Electric Bicycles – Class 3 electric bicycles**

Class 3 electric bicycle riders shall ride as near as practicable to the right curb or edge of the road way, unless:

(a) the person is passing another vehicle moving in the same direction; or

(b) the person is preparing to turn left at an intersection or onto a private road or driveway; or

(c) a condition on or of the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway.

#### **Sec. 58-54. Electric Bicycles – Age Restrictions**

(a) All riders of Class 1 and 2 electric bicycles under the age of seventeen (17) shall wear a helmet. All riders of Class 3 electric bicycles under the age of twenty-one (21) shall wear a helmet.

(b) Class 1 and Class 2 electric bicycle riders under the age of twelve (12) shall be accompanied by an adult when on a public space.

(c) Class 3 electric bicycle riders shall be fifteen (15) or older to ride the electric bicycle on public space.”

#### **Sec. 58-55. Electric Bicycles – Operation at Night**

All electric bicycles operated at night on a public street, path or sidewalk shall be upfitted with lights and reflectors as required by Chapter 551 of the Texas Transportation Code, as amended.

#### **Sec. 58-56. Electric Scooters and Electric Skateboards**

(a) Electric Scooters and Electric Skateboards shall be ridden on sidewalks where sidewalks are available.

(b) Electric Scooters and Electric Skateboard riders shall yield to any pedestrian or bicycle when passing or overtaking on sidewalks. Pedestrians have the right of way.

#### **Sec. 58-57. Electric Riding Toys - Penalty**

(a) A first violation under this article may result in the violators being required to complete an electric riding toy safety class conducted by the Memorial Villages Police Department.

(b) A first violation under this article may be subject to a fine not to exceed \$50.

(c) Subsequent or repeat violations under this article may be subject to a fine not to exceed \$2,000.

(d) A parent or guardian of a minor, who knowingly allowed said minor to violate this ordinance and said minor is found in violation of this ordinance, may be subject to a fine not to exceed \$2,000.”

#### **Sec. 58-58. Small Motor Vehicle – General Provisions; Penalty**

(a) It shall be unlawful for any person to operate a moped or motor-assisted scooter upon any public sidewalk or public hike path or public bike path within the city.

(b) It shall be unlawful for any person to operate a pocket bike or minimotorbike upon any public sidewalk, public hike path, public bike path, highway, road, or street within the city.

(c) Any person who shall violate this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not to exceed \$2,000.”

**SECTION 4.** Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine in the amount not to exceed \$2,000.00 for any violation hereof, with each day being a separate violation.

**SECTION 5.** In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 6.** The amendment to the Code of Ordinances, City of Piney Point Village, Texas provided for in this Ordinance shall be in full force and effect on the date of its execution below.

PASSED, APPROVED and ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

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MARK KOBELAN, MAYOR

ATTEST:

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BOBBY PENNINGTON, City Administrator / City Secretary