

ORDINANCE NO. 24-625

AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING SECTION 9-1, DEFINITIONS, OF ARTICLE I, IN GENERAL TO UPDATE LANGUAGE; AMENDING SECTION 9-9, OPERATION OF MOTOR DRIVEN VEHICLES ON PUBLIC SIDEWALKS AND PUBLIC HIKE AND BIKE PATHS PROHIBITED, OF ARTICLE I, IN GENERAL, TO ADD ALLOWANCE FOR ELECTRIC BICYCLES; ADDING SECTION 9-10, SMALL MOTORED VEHICLES RESTRICTED, OF ARTICLE I, IN GENERAL, TO RESTRICT SMALL MOTOR VEHICLES FROM PUBLIC SIDEWALKS; ADDING SECTION 9-133, ELECTRIC RIDING TOYS - GENERAL PROVISIONS, SECTION 9-134, ELECTRIC BICYCLES - BICYCLE PATHS, SECTION 9-135, ELECTRIC BICYCLES - CLASS 3 ELECTRIC BICYCLES, SECTION 9-136, ELECTRIC BICYCLES - ELECTRIC BICYCLE AGE RESTRICTIONS, SECTION 9-137, ELECTRIC BICYCLES - OPERATION AT NIGHT, SECTION 9-138, ELECTRIC SCOOTERS AND ELECTRIC SKATEBOARDS, SECTION 9-139, ELECTRIC RIDING TOYS - PENALTY OF ARTICLE V, BICYCLES, OF CHAPTER 9, MOTOR VEHICLE AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE UPDATING AND AMENDING RULES AND REGULATIONS RELATED TO ELECTRIC BICYCLES AND INCLUDING GENERAL DEFINITIONS AND GUIDELINES FOR USE OF ELECTRIC RIDING TOYS; AMENDING ARTICLE V, BICYCLES, TO READ ARTICLE V, BICYCLES AND ELECTRONIC RIDING TOYS OF CHAPTER 9, MOTOR VEHICLES AND TRAFFIC, OF THE CODE OF ORDINANCES OF THE CITY OF BUNKER HILL VILLAGE TO ADD RULES AND REGULATIONS RELATED TO ELECTRONIC SCOOTERS AND SKATEBOARDS; PROVIDING FOR PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the City Council of the City of Bunker Hill Village, Texas finds that the use of electric riding toys and small motor vehicles on public sidewalks causes a risk of injury for operators, pedestrians and bicycle operators; and

WHEREAS, the City Council of the City of Bunker Hill Village, Texas finds that Section 9-1, Definitions, of Article I, In General, of Chapter 9, Motor Vehicle and Traffic, of The Code of Ordinances of The City should be amended to include definitions of small electric riding toys and small motor vehicles; and

WHEREAS, the City Council of the City of Bunker Hill Village, Texas finds that Section 9-10, Small Motored Vehicles Restricted, should be added to the City's Code of Ordinances to regulate small motored vehicles in public spaces; and

WHEREAS, the City Council of the City of Bunker Hill Village, Texas finds that the following sections should be added to the City's Code of Ordinances to regulate the use of small electric riding toys: section 9-133, Electric Riding Toys - General Provisions, Section 9-134, Electric Bicycles - Bicycle Paths, Section 9-135, Electric Bicycles - Class 3 Electric Bicycles, Section 9-136, Electric Bicycles - Electric Bicycle Age Restrictions, Section 9-137, Electric Bicycles - Operation At Night, Section 9-138, Electric Scooters And Electric Skateboards, Section 9-139, Electric Riding Toys - Penalty Of Article V, Bicycles, of Chapter 9, Motor Vehicle And Traffic.

WHEREAS, the City Council of the City of Bunker Hill Village, Texas 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 BUNKER HILL 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 9-1, Definitions, Chapter 9, Motor Vehicles and Traffic of the City's Code of Ordinances is hereby amended by adding thereto the language underscored below:

"Sec. 9-1. - 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.

Moped means a motor vehicle that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground, that cannot attain a speed in one mile of more than 30 miles per hour, and the engine of which (1) cannot produce more than five-brake horsepower: and (2) if an internal combustion engine, has a piston displacement of 50 cubic centimeters or less and connects to a power drive system that does not require the operator to shift gears.

Motor-assisted Scooter means a self-propelled device with (1) at least two wheels in contact with the ground during operation: (2) a braking system capable of stopping the device under typical operating conditions: (3) a gas or electric motor not exceeding 40 cubic centimeters: (4) a deck designed to allow a person to stand or sit while operating the device; and (5) the ability to be propelled by human power alone.

Pocket bike or minimotorbike means a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters. is designed to propel itself with not more than two wheels in contact with the ground, has a seat or saddle for the use of the operator. is not designed for use on a highway. and is ineligible for a certificate of title under Chapter 501, Texas Transportation Code.

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

State Law Reference - Standard for Electric Bicycles. Texas Transportation Code Sec. 664.001.

State Law Reference - Standard for Motor-assisted scooter and pocket bike, Texas Transportation Code Chapter 551”

SECTION 3. Section 9-9, Operation of motor driven vehicles on public sidewalks and public hike and bike paths prohibited, of Article I, In General, of Chapter 9, Motor Vehicles and Traffic of the City's Code of Ordinances is hereby amended by adding the language as indicated by underscore below:

"Sec. 9-9. - Operation of Motor Driven Vehicle on Public Sidewalks and Public Hike and Bike Paths Prohibited.

It shall be unlawful for any person to operate a motor driven or motor propelled vehicle or conveyance of any kind upon any public sidewalk or public hike and bike path within the city unless,

(a) such vehicle is designed as an accommodation for a person with a physical disability and is being utilized by such person for its intended purpose; or

(b) such vehicle is an Electric Riding Toy that is expressly permitted to operate on a sidewalk under the provisions of this Code of Ordinances."

SECTION 4. Article I, In General, of Chapter 9, Motor Vehicles and Traffic of the City's Code of Ordinance is hereby amended by adding a new section, Section 9-10, Small Motored Vehicles Restricted by adding the language as indicated by underscore below:

"Sec. 9-10. - Small Motored Vehicles Restricted: Penalty

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

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

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

SECTION 5. Article V, Bicycles, of Chapter 9, Motor Vehicles and Traffic of the City's Code of Ordinances is hereby amended as indicated in the language underscored below:

"ARTICLE V. - BICYCLES AND ELECTRIC RIDING TOYS"

SECTION 6. Article V, Bicycles, of Chapter 9, Motor Vehicles and Traffic of the City's Code of Ordinances is hereby amended by adding thereto new sections Section, 9-133, Electric Riding Toys - General Provisions, Section 9-134, Electric Bicycles - Bicycle Paths, Section 9-135, Electric Bicycles - Class 3 Electric Bicycles, Section 9-136, Electric Bicycle - Age Restrictions, Section 9-137, Electric Bicycles - Operation at Night, Section 9-138, Electric Scooters and Skateboards, and Section 9-139, Electric Riding Toys - Penalty, as indicated in the language underscored below:

"Sec. 9-133. 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. 9-134. 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.

(d) 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. 9-135. 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. 9-136. 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. 9-137. 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. 9-138. 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. 9-139. Electric Riding Toys -Penalty

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

(b) Second violation of this ordinance may be subject to a fine not to exceed \$50.

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

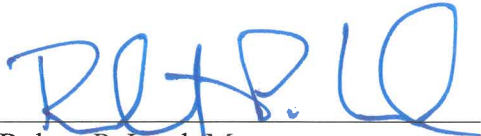
(d) A parent or guardian of a minor, who knowingly allowed said minor to violate this ordinance and said minor is found in violation of this ordinance, may be subject to a fine not to exceed \$2,000."

SECTION 7. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in an amount not to exceed two thousand dollars (\$2,000) for any violation hereof, with each day of violation constituting a separate violation.

SECTION 8. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent or ordinances 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

SECTION 9. The amendment to the Code of Ordinances, City of Bunker Hill Village, Texas provided for in this Ordinance shall be in full force and effect on the date of its execution below.

PASSED, APPROVED, AND ADOPTED this 16th day of April, 2024.



Robert P. Lord, Mayor

ATTEST:



Gerardo Barrera, City Administrator/ Acting City Secretary