

ORDINANCE NO. 2990

AN ORDINANCE OF THE CITY OF DEER PARK, TEXAS, ADDING A NEW ARTICLE VII REGULATIONS FOR MOTOR ASSISTED SCOOTERS TO CHAPTER 62, SEC. 180.01-180.05, OFFENSES-MISCELLANEOUS; PLACING RESTRICTIONS ON THE USE AND OPERATION OF MOTOR ASSISTED SCOOTERS BY LIMITING OR PROHIBITING THE OPERATION OF MOTOR ASSISTED SCOOTERS ON CERTAIN STREETS, HIGHWAYS AND ALLEYS; PROVIDING FOR A PENALTY FOR ADULTS, CUSTODIANS AND CHILDREN FOR THE USE OF A MOTOR ASSISTED SCOOTER IN A RESTRICTED OR PROHIBITED AREA; REQUIRING THAT CHILDREN WEAR A PROTECTIVE HELMET WHILE OPERATING OR RIDING A MOTOR ASSISTED SCOOTER; PROVIDING FOR A PENALTY FOR CUSTODIANS AND CHILDREN FOR FAILURE OF CHILD TO WEAR A HELMET; PROVIDING REPEALING, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the use of motor assisted scooters in the City of Deer Park on streets, alleys and sidewalks is increasing; and

WHEREAS, the City Council has determined that certain restrictions and rules should be implemented to provide for the public health, safety and welfare of the City of Deer Park and its citizens for persons using motor assisted scooters or those that may be impacted by their use; and

WHEREAS, the City Council wishes to set forth regulations with regard to the safe operation of motor assisted scooters on the sidewalks, streets, highways and alleys within the City; and

WHEREAS, the City Council has determined that it is in the public's interest and serves to promote the public health, safety and welfare of the community to eliminate traffic and safety hazards that result from the unauthorized use of streets, highways and alleys by persons using motor

assisted scooters, and that it promotes the public safety to require children to wear helmets while riding motor assisted scooters in certain places.

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

Section I. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section II. The City Council hereby revises Chapter 62, Offenses-Miscellaneous of the City of Deer Park Code of Ordinances by adding the following:

“Article VII. Regulations for Motor Assisted Scooters.

Sec. 180.01. Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Helmet means properly fitted protective headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Motorized Scooter means a self-propelled device with at least two wheels in contact with the ground during operation, a braking system capable of stopping the device under typical operating

conditions, a gas or electric motor forty (40) cubic centimeters or less, a deck designed to allow a person to stand or sit while operating the device, and the ability to be propelled by human power alone. All electric self-propelled devices with less than 150 watts, all electrical self-propelled devices used for medical or disability purposes and neighborhood electric vehicle which is defined as a vehicle subject to FEDERAL MOTOR VEHICLE SAFETY STANDARDS 500 (49 C.F.R. Sec. 571.500) (Tex. Trans. Code Section 551.301[1][2]) shall be exempt from this regulation.

Custodian means the natural or adoptive parent or court-appointed guardian or conservator of a child.

Public way or Public property means real property owned, leased or controlled by a political subdivision of the State of Texas, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use. This term does not include a sidewalk.

Wearing a helmet means that the person has a helmet fastened securely to his/her head with the straps of the helmet securely tightened in the manner intended by the manufacturer to provide maximum protection.

Sec. 180.02 Restrictions and Prohibitions for Motor Assisted Scooters.

The following restrictions apply to persons using motor assisted scooters and their custodians:

- (a) It shall be unlawful for any person to operate or ride a motorized scooter on any sidewalk, public ways or public property located within the territorial limits of the City of Deer Park, Texas.
- (b) It shall be unlawful for any person under the age of fourteen (14) years of age to ride or operate a motorized scooter on an alley, street, road, or highway.
- (c) It shall be unlawful for a custodian to allow or permit a child under the age of fourteen (14) to operate or ride a motorized scooter on any sidewalk, public way, public property, alley, street, road or highway.

Sec. 180.03 Additional Restrictions.

In addition to the restrictions in Sec. 180.02(a) and (b) above, it is unlawful:

- (a) for any person who is at least fourteen (14) years of age but under eighteen (18) years of age to operate or ride a motorized scooter on any alley, street, road or highway within the City, unless the person is wearing a helmet.

Sec. 180.05 Penalty.

A person who violates any provisions of this Article shall be guilty of a Class C misdemeanor and upon conviction shall be fined as provided in Deer Park City Code of Ordinances.

Section III. All provisions of the Ordinances of the City of Deer Park, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Deer Park not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section IV. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other provision of this Ordinance.

Section V. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined as set forth herein. Each unlawful act or continuing day's violation under this Ordinance shall constitute a separate offense.

Section VI. It is hereby officially found and determined that the meeting at which this Ordinance is adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given; all as required by Chapter 551 Of The Government Code Of The State of Texas.

Section VII. The City Council finds that this Ordinance relates to the immediate preservation of the public peace, safety and welfare, in that it is necessary that the above Ordinance be immediately put into effect to provide protection for persons and property from motor assisted scooters on the sidewalks, streets, highways and alleys within the City of Deer Park, thereby creating an emergency, on account of which the Charter requirements providing for the reading of Ordinances on three (3) several days should be dispensed with, and this Ordinance be passed finally on its introduction; and accordingly, such requirement is dispensed with, and this Ordinance shall take effect upon its passage and approval by the Mayor.

PASSED, APPROVED AND ADOPTED on first and final reading this 21 day of September, 2004, by a vote of 5 "ayes" and 0 "noes", this Ordinance having been read in full prior to such vote.

B.S. Day
MAYOR, City of Deer Park, Texas
PROTEM

ATTEST:

Dandra Watkins
City Secretary

APPROVED:

John T. Johnson
City Attorney