

ARTICLE VII. MOTOR ASSISTED SCOOTERS

Sec. 86-180. 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.

Adult means any individual 18 years of age or older.

Child means any individual 17 years of age and under.

Daylight hours means the time period from the National Weather Service official times of one-half hour before sunrise until one-half hour after sunset.

Gas combustible motor assisted scooter shall have the same meaning assigned by Texas Transportation Code Section 551.301(2), as amended, and includes 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 combustible motor 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.

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.

Inclement weather means any weather that impacts the performance or ability to control a motor assisted scooter, which includes but is not limited to, rain, lightning, heavy fog, high winds, snow, or icy conditions.

Motor assisted scooter shall have the same meaning assigned by Texas Transportation Code Section 551.301(2), as amended, and includes 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; an electric motor 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.

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

Passenger means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

Public way or public property means real property owned, leased or controlled by a political subdivision of the state, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but not limited to, a path, trail, sidewalk, alley, street or highway, and a public park facility.

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.

(Ord. No. 04-964, § 2, 11-9-2004)

Sec. 86-181. Restrictions and prohibitions for motor assisted scooters.

(a) It is unlawful for any child younger than 12 years of age to operate or ride a motor assisted

scooter on any path, trail, sidewalk, alley, street or highway within the city.

(b) It is unlawful for a parent to allow or permit a child younger than 12 years of age to operate or ride a motor assisted **scooter** on any path, trail, sidewalk, alley, street or highway within the city.

(c) Motor assisted **scooters** with electric engines only may be operated within the corporate city limits. Operating any motor assisted **scooter** with a gas combustible engine within the corporate city limits is prohibited.

(d) It is presumed that a parent allowed a child to operate or ride a motor assisted **scooter** in a restricted or prohibited area, or to operate a gas combustible motor assisted **scooter** within the corporate city limits.

(e) It is unlawful for any person to operate or ride a motor assisted **scooter** on any public way or public property for which the posted speed limit is more than 30 miles per hour. The motor assisted **scooter** may cross a road or a street at an intersection where the road or street to be crossed has a posted speed of more than 35 miles per hour.

(Ord. No. 04-964, § 2, 11-9-2004)

Sec. 86-182. Safety course required.

It is unlawful for an adult or child 12 years of age or older to operate a motor-assisted **scooter** within the corporate city limits unless one of the following criteria is met:

(1) The person possesses a valid Texas driver's license that does not possess the restriction "B," requiring an adult 18 years or older to ride in the front seat with the operator; or

(2) The operator has successfully completed a motor assisted **scooter** safety course, which at a minimum will include classroom instruction on basic traffic law, riding safety, and demonstration of proficiency, and includes a permit process. While operating a motor assisted **scooter**, those persons requiring permits will have the permit in their possession and shall be in good standing with the police department. This program will be designed and administered by the chief of police, and will include the authority to design administrative penalties in the permitting process as an additional alternative to the issuance of citations enforced in municipal court.

(Ord. No. 04-964, § 2, 11-9-2004)

Sec. 86-183. Conditions of operation.

(a) *Permissible speed.* A person shall not operate a motor assisted **scooter** in excess of 30 miles per hour, or the posted speed limit, whichever is less.

(b) *Hours of operation.* A motor assisted **scooter** may be operated only during daylight hours, as defined in this article.

(c) *Passengers prohibited.* Any passenger, as defined in this article, shall be prohibited.

(d) *Operation during inclement weather.* Motor assisted **scooters** shall not be operated during any period of inclement weather that would impair the operation of the motor assisted **scooter** in any way.

(e) *Designated areas.* Operators of motor assisted **scooters** will ride in the safest manner possible, utilizing sidewalks or paths and trails designated for the use of motor assisted **scooters** when available and appropriate.

(f) *Bicycle rules apply.* Operators of motor assisted **scooters** shall follow standard bicycle safety rules.

(Ord. No. 04-964, § 2, 11-9-2004)

Sec. 86-184. Helmet required.

(a) It is unlawful for any child between the ages of 12 and 17 years of age to operate or ride a motor assisted **scooter** unless the child is wearing a helmet.

(b) It is unlawful for a parent to allow or permit a child to operate or ride a motor assisted **scooter** unless the child is wearing a helmet.

(c) It is presumed that a parent allowed a child to operate or ride a motor assisted **scooter** without wearing a helmet.

(d) Persons who are 18 years of age and older, or those who possess a valid Texas driver's license, are not required by this chapter to wear a helmet while operating a motor assisted **scooter**.

(e) It is a defense to prosecution that the motor assisted **scooter** was not being operated upon a public way or public property at the time of the alleged offense.

(Ord. No. 04-964, § 2, 11-9-2004)

Sec. 86-185. Penalty.

(a) A person who violates any provision of section 86-184, above, requiring helmets, shall be guilty of a class C misdemeanor and upon conviction shall be fined an amount not exceeding \$50.00 upon the first conviction and an amount not exceeding \$100.00 upon the second and each subsequent conviction.

(b) Any person that has a documented medical necessity to utilize a motor assisted **scooter** to assist and improve mobility and promote a higher quality of life for that person, and would otherwise be required to wear a helmet under the conditions of this chapter, is exempt from the requirements of this chapter.

(c) The municipal court shall dismiss a charge against a child and/or parent for a first offense under section 86-184 upon receiving proof that:

(1) The defendant acquired a helmet for the child who was operating or riding the motor assisted **scooter** in violation of section 86-184; and

(2) The defendant acquired the helmet on or before the tenth day after receiving the citation of the violation.

(d) If the charge against a person is dismissed under section 86-181, a later conviction for a violation of section 86-184 shall be considered a second or subsequent conviction for purposes for section 86-181.

(e) The purpose of section 86-184 is to promote safety and encourage the use of helmets. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as amended, whenever the circumstances warrant deferred dispositions.

(Ord. No. 04-964, § 2, 11-9-2004)