

## CITY OF DRIPPING SPRINGS

### ORDINANCE No. 2019-12

AN ORDINANCE AMENDING CHAPTER 18, TRAFFIC AND VEHICLES, CREATING ARTICLE 18.04, OF THE DRIPPING SPRINGS CODE OF ORDINANCES; ESTABLISHING REGULATIONS FOR MOTOR-ASSISTED SCOOTERS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

**WHEREAS**, the City Council of the City of Dripping Springs (“City Council”) seeks to establish regulations banning the use of motor-assisted scooters, as defined in this ordinance and by Texas Transportation Code; and

**WHEREAS**, pursuant to Chapter 551.352 of the Texas Transportation Code, the City has the authority to prohibit the operation of a motor-assisted scooter on a street, highway, or sidewalk if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety; and

**WHEREAS**, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that the amendments imposed by this Ordinance are characterized as reasonable, necessary, and proper for the good government of the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Dripping Springs City Council:

#### 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

#### 2. ENACTMENT

Chapter 18 of the City of Dripping Springs Code of Ordinances is hereby amended to include the addition of Section 18.04 to read in accordance with Attachment A, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

### 3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

### 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

### 5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

### 6. EFFECTIVE DATE

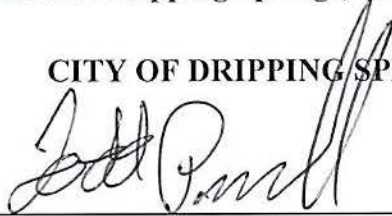
This Ordinance shall be effective immediately upon passage and publication of caption.

### 7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED** this, the 12<sup>th</sup> day of March 2019, by a vote of 4 (ayes) to 0 (nays) to 1 (recusal) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:

  
Andrea Cunningham, City Secretary

**City of Dripping Springs**  
**CODE OF ORDINANCES**  
**TITLE 1: GENERAL ORDINANCES**  
**CHAPTER 18: TRAFFIC AND VEHICLES**  
**ARTICLE 18.04: MOTOR-ASSISTED SCOOTERS**

**Division 1. Motor-Assisted Scooters**

**Sec. 18.001 Title**

This division shall be commonly cited as the "motor-assisted scooter ordinance".

**Sec. 18.002 Purpose**

These rules are established to regulate the use of motor-assisted scooters on public rights-of-way and sidewalks within the city. These rules are intended to ensure public safety. Failure to abide by these rules shall result in penalty as defined in this ordinance.

**Sec. 18.003 Scope**

This division applies to all property within the incorporated municipal boundaries (i.e., city limits).

**Sec. 18.004 Definitions**

(a) Rules of interpretation. Words and phrases used in this division shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Code of Ordinances, shall be given the meanings set forth in the code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number shall include the singular number (and vice versa), and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

Motor-assisted 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 not exceeding 40 cubic centimeters; 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. Or as defined by Chapter 551 of Texas Transportation Code.

**Sec. 18.005 OFFENSES AND REMEDIES.**

- (1) It is an offense for any person to operate a motor-assisted scooter on any public sidewalk, public property, public park, public way, public street, or highway within the City. For the purposes of this Section, the term motor-assisted scooter is defined herein, but may also be amended to include future definitions assigned by Texas Transportation Code 551.351.
- (2) It is an offense for any person to abandon, place, or leave behind any motor-assisted scooter on any public sidewalk, public property, public park, public way, public street, or highway within the City.
- (3) A person who violates, causes, allows or permits a violation a section of this chapter designated as an offense commits a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500.00).
- (4) Each violation of this chapter designated as an offense constitutes a separate offense.

**Sec. 18.006 IMPOUNDMENT**

- (1) The City may impound any motor-assisted scooter found unattended on any public property, public sidewalk, public way, public street, or highway within the City.
- (2) Prior to impoundment, and where no emergency conditions exist or where traffic is not unduly impeded, a warning shall be issued and placed upon any motor-assisted scooter found in violation of this chapter. The warning shall state that should the motor-assisted scooter not be removed within twenty-four (24) hours, then impoundment shall occur.
- (3) "Impoundment" or "impound" as used in this chapter means removal of a motor-assisted scooter to a temporary storage location or designated impound facility by the city.
- (4) Not more than seventy-two (72) hours after impoundment of any motor-assisted scooter, the city shall attempt notice to the owner of the motor-assisted scooter, as disclosed by readily identifiable owner contact information attached to the motor-assisted scooter. The notice shall be attempted by telephone, electronic mail, or U.S. mail. The notice shall outline the impoundment and redemption process. If a motor-assisted scooter is redeemed prior to the submission of notice, or if the city is unable to readily identify the owner, then notice need not be sent. Saturdays, Sundays and city holidays are to be excluded from the calculation of the seventy-two (72) hour period.
- (5) All motor-assisted scooters impounded under this section shall be subject to an impounded fee that is sufficient to offset the city's costs of enforcement and storage for each such motor-assisted scooter.