

ORDINANCE NO. _____

An ordinance amending Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Section 28-41.1.1; providing safety, parking, and speed limit requirements for motor assisted scooters and electric bicycles; providing a penalty not to exceed \$200; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 28-41.1.1, "Restriction on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Division I, "Generally," of Article VI, "Operation of Vehicles," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

SEC. 28-41.1.1. RESTRICTIONS ON THE USE OF MOTOR ASSISTED SCOOTERS AND ELECTRIC BICYCLES [~~POCKET BIKES, AND MINIMOTORBIKES~~].

(a) In this section:

(1) BUFFER/FURNISHING/CURB ZONE means the areas between the curb and the sidewalk clear zone that provides separation and protection from moving vehicle traffic [~~ADULT means any individual 17 years of age or older~~].

(2) CHILD means any individual younger than 17 years of age.

(3) ELECTRIC BICYCLE:

(A) has the meaning assigned by Section 664.001 of the Texas Transportation Code, as amended;

(B) the term does not include:

(i) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;

(ii) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or

(iii) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended.

(4) HELMET means a properly-fitted bicycle helmet that:

(A) is not structurally damaged; and

(B) conforms to current 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.

(5[4]) MOTOR ASSISTED SCOOTER has the meaning assigned by Section 551.351 of the Texas Transportation Code, as amended

~~[(A) means a self-propelled device with:~~

~~(i) at least two wheels in contact with the ground during operation;~~

~~(ii) a braking system capable of stopping the device under typical operating conditions;~~

~~(iii) a gas or electric motor not exceeding 40 cubic centimeters;~~

~~(iv) a deck designed to allow a person to stand or sit while operating the device; and~~

~~(v) the ability to be propelled by human power alone; and~~

~~(B) does not include:~~

~~(i) a pocket bike or minimotorbike;~~

~~(ii) a moped or motorcycle;~~

~~(iii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~(iv) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~(v) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended; or~~

~~(vi) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended].~~

(6[5]) PARENT means a person who is the natural parent, adoptive parent, step-parent, [or] court-appointed guardian or conservator of a child, or adult with care, custody, or control of a child.

(7[6]) PASSENGER means any person riding upon or attached to a motor assisted scooter who is not the primary operator of the vehicle.

(8[7]) PEDESTRIAN ZONE means the portion of the street that accommodates non-vehicular activity, it extends from the face of the building or edge of the property line to the face of the curb ~~[POCKET BIKE or MINIMOTORBIKE:~~

~~(A) means a self-propelled vehicle that:~~

~~(i) is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters;~~

~~(ii) is designed to propel itself with not more than two wheels in contact with the ground;~~

~~(iii) has a seat or saddle for the use of the operator;~~

~~(iv) is not designed for use on a highway; and~~

~~(v) is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as amended; and~~

~~(B) does not include:~~

~~(i) a moped or motorcycle;~~

~~(ii) an electric bicycle or motor-driven cycle, as defined by Section 541.201 of the Texas Transportation Code, as amended;~~

~~(iii) a motorized mobility device, as defined by Section 542.009 of the Texas Transportation Code, as amended;~~

~~(iv) an electric personal assistive mobility device, as defined by Section 551.201 of the Texas Transportation Code, as amended;~~

~~(v) a neighborhood electric vehicle, as defined by Section 551.301 of the Texas Transportation Code, as amended; or~~

~~(vi) a motor-assisted scooter, as defined in this subsection].~~

~~(9[8]) SIDEWALK CLEAR ZONE means the portion of the pedestrian zone that is specifically reserved for pedestrian travel [SPECIAL EVENT means a temporary outdoor gathering which has been issued a special event permit under Chapter 42A of the Dallas City Code].~~

~~(10) SHARED DOCKLESS VEHICLE has the meaning assigned by Article X, “Shared Dockless Vehicle Operating Permit” of Chapter 43, “Streets and Sidewalks,” of the Dallas City Code, as amended.~~

~~(11) SLOW RIDE ZONE means an area where shared dockless vehicles may not exceed 10 miles per hour or the speed limit otherwise posted.~~

~~(12[9]) STATE FAIR GROUNDS means the area:~~

~~BEGINNING at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;~~

~~THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;~~

~~THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;~~

~~THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;~~

~~THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;~~

~~THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;~~

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(13[10])STATE FAIR OF TEXAS means the annual fall fair held at Fair Park.

(14) TRAIL means a pathway for pedestrian circulation, alternative transportation, and recreational uses that is designed and constructed in compliance with standards and specification adopted and maintained by the city.

(15[44])WEARING A HELMET means that a helmet is properly attached to a person's head with the chin straps of the helmet securely fastened and tightened.

(b) Every motor assisted scooter and electric bicycle must be equipped with a lamp on the front that emits a white light that is visible at a distance of not less than 500 feet and a red reflector on the rear that is visible from a distance of not less than 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(c) The traffic engineer is authorized to designate zones where the operation of motor assisted scooters is prohibited and slow ride zones for motor assisted scooters and electric bicycles. Slow ride zones are in the areas where, in the professional judgment of the traffic engineer:

(1) congested pedestrian or non-motorized traffic is present;

(2) without a speed limit, a significant speed differential would exist between pedestrians or non-motorized traffic and motor assisted scooters and electric bicycles; and

(3) without a speed limit, the presence of motor assisted scooters and electric bicycles could endanger public safety.

(d) A rider shall comply with the requirements of this chapter imposed on a driver of a vehicle, except those by which their nature can have no application.

(e) A rider shall obey the instruction of traffic signals, signs, and other traffic-control devices as applicable to vehicles, unless directed by a peace officer.

(f) Unless a bike lane is specifically designated otherwise, a rider traveling in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(g) A person commits an offense if the person:

- (1) operates or rides a motor assisted scooter on any sidewalk within the city;
- (2) operates or rides a motor assisted scooter or an electric bicycle at a speed greater than:
 - (A) 20 miles per hour;
 - (B) the designated speed limit in a designated slow ride zone; or
 - (C) the posted speed limit on a public street or trail.
- (3) operates or rides a motor assisted scooter on the state fair grounds during the State Fair of Texas;
- (4) operates or rides a motor assisted scooter in a public park or public plaza [at a special event location as determined by the director of transportation or a designated agent];
- (5) is a parent of a child [~~or is an adult with care, custody, or control of a child,~~] and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter on any sidewalk within the city;
- (6) is a child and operates or rides a motor assisted scooter or electric bicycle without wearing a helmet while in the public right-of-way or in a public park or public plaza [~~on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk~~] within the city;
- (7) is a parent of a child [~~or is an adult with care, custody, or control of a child,~~] and the parent knowingly permits, or by insufficient control allows, the child to operate or ride a motor assisted scooter or electric bicycle in the public right-of-way or in a public park or public plaza [~~on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk~~] within the city when the child is not wearing a helmet;
- (8) transports any passenger on a motor assisted scooter or electric bicycle while in the public right-of-way or public park or public plaza [~~on any city owned or city operated property or on any public path, trail, alley, street, highway, or sidewalk~~] within the city, unless the device [~~scooter~~] is equipped with a seat and a set of foot rests for the passenger; [~~or~~]
- (9) [~~while operating a motor assisted scooter on a sidewalk or a public path or trail set aside for the exclusive use of bicycles,~~] fails to yield the right-of-way to any pedestrian while operating a motor assisted scooter or an electric bicycle; [on the sidewalk, path, or trail.]

(10) operates a motor assisted scooter on a trail where riding is prohibited or during the hours that riding is prohibited on the trail; or

(11) operates a motor assisted scooter or electric bicycle on public landscaping or art or on public amenities in a manner that is contrary to the intended use of the amenity.

(h) In the public right-of-way, a person shall park a motor assisted scooter or an electric bicycle in a standing upright position:

(1) on concrete or other non-porous surface;

(2) in a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) in the pedestrian zone if it is fully contained in the buffer/furnishing/curb zone; or

(4) fastened to a bicycle rack in the right-of-way, if the device includes a locking mechanism.

(i) A person may not park a motor assisted scooter or electric bike:

(1) within 10 feet of an intersection or crosswalk, unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(2) on a roadway unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles;

(3) on a sidewalk or public path in such a way as to obstruct traffic that prevents the free passage over any part of the sidewalk or public path, including in the sidewalk clear zone or pedestrian zone

(4) along a blockface where the combined width of the sidewalk clear zone and buffer/furnishing/curb zone is less than eight feet;

(5) in a space designated as a motor vehicle parking or loading space or between two designated vehicle parking spaces;

(6) within, against, or adjacent to a public transit shelter or public transit stop, in a manner which restricts the use of the shelter or stop by pedestrians who are waiting for public transportation;

(7) in a manner that obstructs fire suppression appurtenances, building entryways or exits, or vehicular driveways;

(8) on any private property without permission of the property owner; or

(9) in a public park or plaza unless that area is a space designated by the city for the parking of motor assisted scooters or electric bicycles.

~~[(e) A person commits an offense if the person operates or rides a pocket bike or minimotorbike on any city-owned or city-operated property or any public path, trail, alley, street, highway, or sidewalk within the city.]~~

~~[(j)(4)]~~ An offense under this section is punishable by a fine not to exceed \$200. Except as specifically provided otherwise in this section, a culpable mental state is not required for the commission of an offense under this section.

~~[(k)(e)]~~ A peace officer has the authority to enforce Subsection (g) of this section and to issue citations. A parking enforcement officer ~~[The director of transportation, or a designated agent,]~~ has authority to enforce the provisions of this section and to issue citations for violations of this section including moving violations.”

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$200.

SECTION 3. That Chapter 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, City Attorney

By _____
Assistant City Attorney

Passed _____