

## **ORDINANCE O-25-2329**

**AN ORDINANCE AMENDING CHAPTER 86 (STREETS, SIDEWALKS AND OTHER PUBLIC PLACES) OF THE CITY OF COLLEYVILLE CODE OF ORDINANCES BY REPEALING AND REPLACING ARTICLE I ENTITLED "IN GENERAL"; ADOPTING SAFETY RESTRICTIONS FOR THE USE OF ELECTRONIC BICYCLES AND ELECTRONIC SCOOTERS WITHIN THE CITY; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** the City of Colleyville, Texas (the "City") is a home-rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

**WHEREAS,** the Colleyville City Council (the "City Council") finds and determines the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

**WHEREAS,** the City Council finds and determines that the regulations herein are necessary and proper for carrying out its power to protect the government interest, welfare, and good order of the City; and

**WHEREAS,** the City Council finds and determines that the following regulations are necessary to promote safety and discourage the use of electronic bicycles and electronic scooters in unsafe areas and at unsafe speeds; and

**WHEREAS,** the City Council is authorized by law to adopt the provisions contained herein and has complied with all the prerequisites necessary for the passage of this ordinance, including but not limited to the Texas Open Meetings Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:**

Sec. 1.        THAT all the forgoing premises and findings are found to be true and correct and are incorporated into the body of this ordinance as if copied in their entirety.

- Sec. 2. THAT Chapter 86 "Streets, Sidewalks, and Other Public Places" is hereby amended by repealing and replacing Article I entitled "In General", as provided in "Exhibit A."
- Sec. 3. THAT any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in Section 1-7 of the City of Colleyville Code of Ordinances, and upon conviction shall be punishable by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense.
- Sec. 4. THAT all provisions of the Code of Ordinances of the City of Colleyville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.
- Sec. 5. THAT if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 6. THAT this ordinance shall take effect immediately from and after its passage subject to the publication of the caption, as the law or charter in such cases may provide.

**AND IT IS SO ORDERED.**

The first reading and public hearing being conducted on the 6<sup>th</sup> day of May 2025.

The second reading and public hearing being conducted on the 13<sup>th</sup> day of May 2025.

APPROVED BY A VOTE OF 7 AYES, 0 NAYS, ON THIS THE 13<sup>TH</sup> DAY OF MAY 2025.

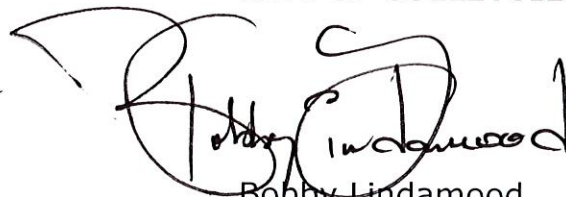
Mayor Bobby Lindamood	<u>Aye</u>	Mark Alphonso, Place 2	<u>Aye</u>
Mayor Pro Tem Brandi Elder	<u>Aye</u>	Ben Graves, Place 4	<u>Aye</u>
Deputy Mayor Pro Tem Scotty Richardson	<u>Aye</u>	Tim Raine, Place 6	<u>Aye</u>
Kimberly Holt Gunderson, Place 5	<u>Aye</u>		

**ATTEST:**

**CITY OF COLLEYVILLE**



Christine Loven, TRMC  
City Secretary



Bobby Lindamood  
Mayor

**APPROVED AS TO FORM:**



Sarah Ross  
City Attorney

## EXHIBIT A

### "CHAPTER 86 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES..."

#### Article 1 - USE AND OPERATION OF ELECTRONIC BICYCLES AND ELECTRONIC SCOOTERS

##### **Sec. 86-1. – Findings and Purpose.**

The purpose of this article is to secure the general health, safety, and welfare for the residents of the City of Colleyville by implementing safety restrictions on the use of electronic bicycles and electronic scooters within the city while maintaining consistency with state law.

##### **Sec. 86-2. - 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 eighteen (18) years of age or older.

*Child* means any individual under eighteen (18) years of age.

*Electronic Bicycle or E-Bike* means a bicycle or tricycle that is equipped with fully operable pedals and an electric motor with a maximum power output of 750 watts (1 horsepower) or less. There are three classes of electric bicycle in Texas.

- Class 1: e-bikes equipped with a pedal-assist only motor which stops when the bike reaches 20 mph.
- Class 2: e-bikes equipped with a motor that may be used exclusively to propel the bicycle and stop when the bike reaches the speed of 20 mph.
- Class 3: e- bikes equipped with a motor that provides assistance only when the rider is pedaling and stops when the rider stops pedaling or when the bicycle reaches the speed of 28 mph.

*Helmet* means properly fitted 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.

*Electronic Scooter or E-Scooter* means a self-propelled device with:

- 1) at least one (1) wheel in contact with the ground during operation;
- 2) braking system capable of stopping the device under typical operating conditions;
- 3) a gas or electric motor 40 cubic centimeters or less;
- 4) a deck designed to allow a person to stand or sit while operating the device;

- 5) the ability to be propelled by human power alone; and
- 6) also includes electric one-wheelers, electric longboards, and electric skateboards, but does not include a pocket bike or mini-motorbike.

*Motor-Assisted Scooter* means a self-propelled device with at least two wheels, a gas or electric motor capable of making the device travel up to 15 miles per hour, and a braking system. The primary difference between a Motor-Assisted Scooter and an Electronic Scooter is that a Motor-Assisted Scooter is self-propelled and cannot be propelled by human power alone.

*Operator* means the person driving/riding and having physical control over the electronic bicycle or electronic scooter.

*Pocket bike or mini-motorbike* shall have the same meaning assigned by Transportation Code sec. 551.301, as it exists or may be amended, and includes 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 , Transportation Code Ch. 501, as it exists or may be amended; but does not include a moped, electric bicycle, motor-driven cycle, motorized mobility device, electric personal assistive mobility device or a neighborhood electric vehicle as those are defined in the Texas Transportation Code, as it exists or may be amended.

*Public way or public property* means real property owned, leased or controlled by the City of Colleyville, Texas, 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.

### **Sec. 86-3. - Allowable uses.**

- (a) The operation of electronic bicycles (Class 1 and Class 2) and electronic scooters is permitted in public parks, on city sidewalks, on paved trails, and on streets designated as "local" on the 2015 Master Thoroughfare Plan by adults and by children ten (10) years of age or older with the following speed limits in effect:
  1. Sidewalks and Trails – ten (10) miles per hour maximum speed;
  2. Cotton Belt Trail – fifteen (20) miles per hour maximum speed; and
  3. Local Roads – the maximum posted speed limit

- (b) The operation of Class 3 electronic bicycles is permitted in public parks, on city sidewalks, on paved trails, and on streets designated as "local" on the 2015 Master Thoroughfare Plan by adults and by children fifteen (15) years of age or older with the following speed limits in effect:
  - 1. Sidewalks and Trails – ten (10) miles per hour maximum speed;
  - 2. Cotton Belt Trail – fifteen (20) miles per hour maximum speed; and
  - 3. Local Roads – the maximum posted speed limit.
- (c) Operation of any electronic bicycles on public streets not designated as "local" on the 2015 Master Thoroughfare Plan is permitted as may be required by state law.
- (d) Operators of electronic bicycles and electronic scooters must obey all state and city traffic laws.

**Sec. 86-4. - Restrictions and prohibitions for use; penalty for violations.**

(a) *Restrictions and prohibitions of use adopted in the interest of safety.*

- 1. It is unlawful for any adult or child to operate or ride a mini-motorbike, or pocket bike on any public property within the city unless otherwise allowed by state law.
- 2. It is unlawful for any child under the age of sixteen (16) to operate an electronic bicycle or electronic scooter while wearing any headphones, earbuds, or other device(s) which may restrict hearing.
- 3. It is unlawful for any person operating an electronic bicycle or electronic scooter to carry a passenger unless the electronic bicycle or electronic scooter is specifically designed for a passenger with additional seating, or the passenger is a child riding in a properly attached child safety seat.
- 4. It is unlawful for any person to operate a Class 3 electronic bicycle without a classification sticker issued by the Colleyville Police Department displayed on the Class 3 electronic bicycle in a visible manner.
- 5. It is unlawful for any person to operate an electronic bicycle or electronic scooter on an unimproved surface of public property within the city unless for the purpose of accessing another paved surface/trail for a distance of no greater than twenty (20) feet and in a manner that does not damage the surface.
- 6. As it is necessary in the interest of safety, operation of electronic scooters on public streets not designated as "local" on 2015 Master Thoroughfare

Plan is prohibited by operators under the age of sixteen (16) years of age and on roads with a speed limit over 30 miles per hour.

7. It is unlawful for any person to operate or ride a bicycle, electronic bicycle or electronic scooter after dusk without being equipped with a front white light visible from 500 feet away, and a red rear reflector visible from 300 feet or lamp visible from at least 500 feet away.
8. A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this section, and the parent or guardian shall be subject to prosecution.
9. It is an affirmative defense to prosecution that the electronic bicycle or electronic scooter was not being operated upon public property or a public way at the time of the alleged offense.

(b) *Penalty.*

1. Any person ten (10) years of age or older who violates any provision of subsection (a) above shall be guilty of a civil infraction, and upon adjudication of a first offense shall be fined \$100.00 and be required to take a bicycle safety course.
  2. Any person ten (10) years of age or older who violates any provision of subsection (a) above shall be guilty of a civil infraction, and upon adjudication of a second offense shall be fined \$200.00. The operator, and their parent or guardian if the operator was a child, shall be required to attend a hearing before the municipal court judge.
  3. Any person ten (10) years of age or older who violates any provision of subsection (a) above shall be guilty of a civil infraction, and upon adjudication of a third offense shall be fined \$500.00. The operator, and their parent or guardian if the operator was a child, shall be required to attend a hearing before the municipal court judge.
4. Upon issuance of a citation following a first offense, the electronic bicycle, electronic scooter, mini-motorbike, or pocket bike shall be confiscated by the issuing officer.
- a. The electronic bicycle, electronic scooter, mini-motorbike, or pocket bike shall only be released during business hours.
  - b. If the operator was a child, the electronic bicycle, electronic scooter, mini-motorbike, or pocket bike shall only be released to the parent or guardian of the child, and the child must accompany the parent or guardian to the police department to retrieve the electronic bicycle, electronic scooter, mini-motorbike, or pocket bike.

5. The purpose of subsection is to promote safety and discourage the use of electronic bicycles and electronic scooters in unsafe areas and at unsafe speeds. The municipal court may consider alternative dispositions or dismissal for first time offenses, only following an appearance by the violator and their parent/guardian before the prosecutor or the judge.

**86-5. - Helmets required; penalty for failure to wear helmet.**

(a) *Helmet required.* The purpose of this section is to promote safety and encourage the use of helmets. The municipal court may consider alternative dispositions or dismissal for first time offenses, only following an appearance by the violator and their parent/guardian before the prosecutor or the judge.

1. It is unlawful for any child under the age of sixteen (16) to operate or ride an electronic bicycle or electronic scooter unless the child is wearing a helmet.
2. It is an affirmative defense to prosecution that the electronic bicycle or electronic scooter was not being operated upon public property or a public way at the time of the alleged offense.
3. A parent of a child or a guardian of a ward may not knowingly permit the child or ward to violate this section.

(b) *Penalty.*

1. Any person ten (10) years of age or older who violates any provision of subsection (a)(1), above, requiring helmets, shall be guilty of a civil infraction and upon adjudication shall be fined an amount not exceeding \$50.00 upon the first violation and an amount not exceeding \$100.00 upon the second and each subsequent violation.
2. The municipal court shall dismiss the charge against a child, parent, or guardian for a first offense under subsection (a)(3), upon receiving proof that:
  - A. The defendant acquired a helmet on or before the tenth day after receiving the citation for the violation.
  - B. If the charge against a person is dismissed under subsection (b)(2), a later charge for a violation of subsection (a) shall be considered a second or subsequent violation for purposes of subsection (b).

**Secs. 86-6—86-25. - Reserved.**