

ORDINANCE 26-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANBURY, TEXAS, REPLACING ORDINANCE 23-09 UNIQUE VEHICLES: ADOPTING REGULATIONS OF TRAFFIC AND VEHICLES, OF THE DANBURY CODE OF ORDINANCES RELATING TO MOTORIZED AND NON-MOTORIZED VEHICLES INSIDE THE INCORPORATED CITY LIMITS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 PER VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Danbury, Texas, desires to adopt regulations to protect the safety and general welfare of its residents; and

WHEREAS, the City is authorized by Texas Local Government Code § 54.001 to adopt ordinances necessary to protect the public health, safety, and welfare, including traffic safety measures; and

WHEREAS, the City Council finds that regulating the use of motorized and non-motorized vehicles on sidewalks and in public spaces is necessary to reduce conflicts between vehicles, pedestrians, and other users;

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

Section 1. The following language is hereby added to the City of Danbury Code of Ordinances in its entirety:

Section 1 – Definitions

All Terrain Vehicle (ATV) shall mean a motor vehicle that has a seat or seats for the rider and one passenger; has three or more tires; is not more than 50” wide; is designed for off-highway use; and is not designed by the manufacturer for farm or lawn care.

Daylight Hours shall mean the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Golf Cart(s) shall mean a motor vehicle designed by the manufacturer primarily for use on a golf course.

Neighborhood Electric Vehicle (NEV) shall mean a vehicle with a maximum speed of 35 miles per hour; four tires; seat belts; head and tail lights; a windshield; a parking brake; turn signals; rear-view mirrors; brake lights; reflectors; and a valid 17-digit Vehicle Identification Number (VIN).

Off-Highway Vehicles shall collectively mean All-Terrain Vehicle (ATV), Recreational Off-Highway Vehicle (ROV), Utility Vehicle (UTV), and a Sand Rail as defined by the Texas Department of Motor Vehicles.

Operator shall mean the person driving and having physical control over the Unique Vehicle.

Owner shall mean the person holding title to the Unique Vehicle.

Recreational Off-Highway Vehicle (ROV) shall mean a motor vehicle that has a seat or seats for the rider and one or more passengers; has four or more tires; is designed for off-highway use; and is not designed by the manufacturer for farm or lawn care.

Sand Rail shall mean a motor vehicle that is designed or built for off-highway use in sandy terrains; has a tubular frame; has an integrated roll cage; has an engine that is rear-mounted or placed midway between the front and rear axles; and has gross vehicle weight between 700 and 2,000 pounds.

Unique Vehicle shall collectively mean Off-Highway Vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs).

Utility Vehicle (UTV) shall mean a motor vehicle that has side by side seating for the operator and passenger; has four or more tires; is designed for off-highway use; and is designed by the manufacturer for utility work and not for recreational purposes.

Class 1 Electric Bicycle means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of 20 miles per hour or less.

Class 2 Electric Bicycle means an electric bicycle equipped with a motor that may be used to propel the bicycle without the pedaling of the rider and with a top assisted speed of 20 miles per hour or less.

Class 3 Electric Bicycle means an electric bicycle equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of more than twenty (20) but less than twenty-eight (28) miles per hour (MPH).

Electric Bicycle means a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts and with a top assisted speed of twenty-eight (28) miles per hour or less.

Electric Scooter means a scooter assisted by an electrical source or battery that allows for self-propulsion of three (3) miles per hour (MPH) or greater.

Electric Skateboard means a skateboard assisted by an electrical source or battery that allows for self-propulsion of three (3) miles per hour (MPH) or greater.

Electric Riding Toys means any electric bike, electric skateboard, and/or electric scooter.

Section 2 – Unique Vehicle Regulations

The City hereby allows the operation of Unique Vehicles on public roadways inside the incorporated City limits in accordance with state traffic laws and as follows:

- (1) The Operator shall be a licensed driver as provided by Texas Transportation Code Sec. 521.021 as amended and carry a valid driver's license as provided by Texas Transportation Code Sec. 521.025.
- (2) The Owner shall carry at minimum, liability insurance on the Unique Vehicle at all times. Proof of insurance shall be provided if asked by a peace officer.
- (3) Registration and license plate requirements:
 - a. A Unique Vehicle classified as a Neighborhood Electric Vehicle (NEV) by the Texas Department of Motor Vehicles shall have and visibly display, at all times, the registration and vehicle license plate issued by the County tax assessor-collector's office.
 - b. A Unique Vehicle classified as a Golf Cart by the Texas Department of Motor Vehicles shall have and visibly display, at all times, a Golf Cart license plate from the County tax assessor-collector.
 - c. A Unique Vehicle classified as an Off-Highway Vehicle by the Texas Department of Motor Vehicles shall have and visibly display, at all times, an Off-Highway Vehicle license plate from the County tax assessor-collector.
- (4) All Operators of Unique Vehicles shall abide by all traffic regulations applicable to vehicular traffic.
- (5) Unique Vehicles shall be required to display a slow-moving vehicle emblem when operated on public roadways if the posted speed limit is 25 miles per hour or less, including but not limited to, school zones.
- (6) Unique Vehicles are prohibited from pulling or towing trailers, boats, jet skis, other objects on public roadways and the right of way unless the item being towed is within the weight, width, length, and height specification of Unique Vehicle and in compliance with the Texas Department of Public Safety, including lighting requirements.
- (7) Passengers shall be limited to the designated seating capacity by the manufacturer.
- (8) Unique Vehicles shall be permitted during daylight hours until midnight with appropriate front and rear lighting to include head lamps, tail lamps, reflectors, parking brakes and mirrors.
- (9) No one shall stand in or on the Unique Vehicle while it is in operation.
- (10) Any passenger under the age of eight (8) shall be restrained by either an adult or by a seatbelt.
- (11) Four wheelers, dirt bikes, pocket bikes, mini bikes, and any other motor vehicle that are not defined or eligible for a license plate by the County tax assessor-collector are prohibited from any roadway or right-of-way inside the incorporated City limits.
- (12) It shall be unlawful for any person to operate a Unique Vehicle on a public roadway in violation of the provisions of this article.

Section 3 – Electric Bicycles, Electric Scooter, Electric Skateboard, and Electric Riding Toys Regulations

- (1) No person, upon roller skates or riding in or by means of any motorized or non-motorized hover board, scooter, coaster, skateboard, toy vehicle, or other similar device

with any number of wheels, shall skate or ride such device on any public park, public way, public street, or highway within the city.

(2) It shall be unlawful for any person traveling upon any motorcycle, bicycle, coaster, sled, roller skates, or toy vehicle to cling to or attach himself or herself or the vehicle to any moving vehicle upon any roadway.

(3) No person may operate a motor-assisted scooter, electric personal assistive mobility device, bicycle, or electric bicycle on a roadway except as permitted by state law.

(4) 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. "Motor-assisted scooter" shall have the meaning assigned by Texas Transportation Code § 551.351, as amended.

(5) **ELECTRIC BICYCLES — AGE AND SAFETY REQUIREMENTS.**

- (a) Riders of Class 1 and Class 2 electric bicycles under seventeen (17) years of age shall wear a helmet.
- (b) Riders of Class 3 electric bicycles under seventeen (17) years of age shall wear a helmet.
- (c) Riders under twelve (12) years of age operating a Class 1 or Class 2 electric bicycle shall be accompanied by an adult in a public space.
- (d) No person under fifteen (15) years of age may operate a Class 3 electric bicycle in a public space.
- (e) It shall be unlawful for a parent or legal guardian of a child under fifteen (15) years of age to allow the child to violate this section while operating or riding as a passenger on any such device.
- (f) All electric bicycles operated at night on a public street, path or sidewalk shall be up fitted with lights and reflectors as required by Chapter 551 of the Texas Transportation Code, as amended.
- (g) All riders must comply with state laws and local ordinances.

Section 4. Penalty. A violation of this ordinance is a fine-only misdemeanor punishable by a fine not to exceed \$500.00 upon conviction in the Danbury Municipal Court. Each violation and each day a violation continues constitutes a separate offense. This ordinance may be enforced by any peace officer authorized under Article 2.12 of the Texas Code of Criminal Procedure. When the violator is a minor, a citation may be issued to the parent or legal guardian as permitted by law.

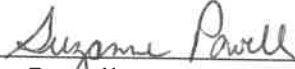
Section 5.Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6.Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part

declared to invalid or unconstitutional; and the City Council of the City of Danbury, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. Effective Date. This Ordinance and the definitions, rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately upon passage and adoption.

PASSED AND APPROVED THIS 26th day of January, 2026.



Suzanne Powell
Mayor

ATTEST:


Erin Nolan, City Secretary

