

ORDINANCE NO. 2016-02

**AN ORDINANCE REGULATING THE
OPERATION OF ATV'S WITHIN THE CITY; SPECIFICALLY NEGATING A
REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING FOR PENALTY;
REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERANCE;
AND PROVIDING FOR PUBLICATION**

WHEREAS, the unregulated use of ATV's, especially within the populated areas creates a safety hazard for the operator, pedestrians, residents and automobiles; and

WHEREAS, the citizens of the City will benefit from regulations governing the safe use of ATV's; and

WHEREAS, such regulation will promote safety and protection for persons, property and the environment; and

WHEREAS, such regulation will promote the health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

Section 1. Definitions:

- I. "ATV" shall mean an all terrain vehicle that is
 - (A) equipped with a seat or seats for the use of:
 - (i) the rider; and
 - (ii) a passenger, if the vehicle is designed by the manufacturer to transport a passenger;
 - (B) designed to propel itself with three or more tires in contact with the ground;
 - (C) designed by the manufacture for off-highway use;
 - (D) not designed by the manufacturer primarily for farming or lawn care; and
 - (E) not more than 50 inches wide.
- II. "Court" means the Municipal Court of the City of Ingleside on the Bay.
- III. "Operator" means a person driving an ATV, or a person who drove an ATV.
- IV. "Property Damage" means any physical harm to personal or real property, or cost to repair any personal or real property.
- V. "Street" means any public right of way including alleys, easements, streets or any public property.

Section 2. ATV's may be operated on any street under the following conditions:

- a) The operator of the ATV must be at least 16 years of age and in possession of a valid Texas driver's license.
- b) All ATV operators and passengers under the age of 18 years must wear a safety helmet approved for motorcycle use.
- c) The ATV must operate only on the extreme right edge of the travelled portion of the roadway, in the same direction as motor vehicle traffic, except for turning or crossing movements at intersections. Operation of ATV's in ditches, slopes, backslopes, shoulders or public parks is prohibited.
- d) The ATV shall not exceed a speed of 15 miles per hour.
- e) The ATV shall at all times observe all stop signs, yield signs or other traffic control devices, and shall at all times observe all Texas statutory traffic laws, including the muffling of engine/exhaust noise.
- f) The ATV shall not engage in stunt or exhibition driving.
- g) The ATV shall not be operated on any street at any time prior to 6:00 am, or after 10:00 pm on any given day.
- h) If the ATV is not equipped with turn signals, the operator shall use arm signals when executing turning movements.
- i.) All ATV's shall be equipped with at least one functioning headlight and taillight, which shall be illuminated at all times when the ATV is operated on any street.
- j) The operator of any ATV when crossing a street shall do so as close as possible to right angles with the direction of the street crossed.
- k) No more than one person (the operator) may be on an ATV, unless the ATV is factory designed to carry more than one person.
- l) Operators of any ATV shall be strictly liable for property damage, except for possible claims of comparative negligence.
- m) The operator of any ATV shall always operate the ATV in a reasonable safe manner and shall obey all other rules of the road.
- n) Reckless operation by an operator of an ATV is prohibited.

o) No ATV is allowed to have any aftermarket modifications to the muffler system that would lead to increased or excessive noise.

Section 3. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 4. A person violating any term or provision of this article shall be subject to a fine not to exceed \$500.00. A person commits a separate offense for each day during which a violation is committed, or for possession of each item described under this Ordinance.

Section 5. Any rule, regulation or ordinance in conflict hereof are hereby repealed.

Section 6. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of the City Council that every section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance be given full force and effect for its purpose and for all purposes.

Section 7. This Ordinance shall be effective upon the publication of the caption hereof in the official newspaper of the City of Ingleside on the Bay in accordance with State law.

PASSED and approved this the 2nd day of Aug, 2016.




Jo Ann Ehmann

Jo Ann Ehmann
Mayor

ATTEST:

Diane Hosea

Diane Hosea
City Secretary

City of Ingleside on the Bay
P.O. Box 309, Ingleside, Texas 78362
776-5451 fax 776-5283

August 11, 2016

Ingleside Index
Fax 758-5393

Please print in the Ingleside Index **ONE** time. Please forward the Publishers Affidavit to PO
Box 309, Ingleside, TX 78362

Thank you,

Diane Hosea

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Pass and Approved by City Council on August 2, 2016

Affidavit of Publication

STATE OF TEXAS

COUNTY OF SAN PATRICIO

Before me, the undersigned authority, on this day personally appeared

JOHN D. BOWERS, the PUBLISHER of the
(Name) (Title)

ARANSAS PASS PROGRESS, a newspaper having general circulation in
(Name of Newspaper)

SAN PATRICIO County, Texas, who being by me duly sworn, deposes and

says that the foregoing attached notice was published in said newspaper on the following

date(s), to wit: 8/17/16.



Signature

Subscribed and sworn to before me this the 18th day of

August, 2016, to certify which witness my hand and seal of office.


Notary Public in and for

SAN PATRICIO County, Texas.

