

8-7-19

ORDINANCE NO. 31403

An ordinance amending Chapter 9, "Bicycles," and Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code by amending Sections 9-1, 9-6, and 28-159; providing that the city may not prohibit electric bicycles from traveling on rights-of-way used by motor vehicles; providing that the city may not prohibit electric bicycles from areas where non-electric bicycles are permitted; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the 86<sup>th</sup> Texas Legislature met between January 8, 2019 and May 27, 2019; and

WHEREAS, H.B. 2188 established regulations for the operation of electric and non-electric bicycles; and

WHEREAS, H.B. 2188 established that a municipality may not prohibit the operation of an electric bicycle in an area in which the operation of a non-electric bicycle is permitted; and

WHEREAS, H.B. 2188 was approved by both chambers of the Texas Legislature; and

WHEREAS, H.B. 2188 was signed by Governor Greg Abbott on June 7, 2019; and

WHEREAS, H.B. 2188 becomes law on September 1, 2019; Now, Therefore,

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

31403

SECTION 1. That Section 9-1, "Applicability of Traffic Regulations to Bicycle Riders," of Article I, "General," of Chapter 9, "Bicycles," of the Dallas City Code is amended to read as follows:

**"SEC. 9-1.            APPLICABILITY OF TRAFFIC REGULATIONS TO BICYCLE AND ELECTRIC BICYCLE RIDERS**

(a)    In this section, ELECTRIC BICYCLE has the same meaning as it does in Section 664.001 of the Texas Transportation Code.

(b)    Every person riding a bicycle and an electric bicycle upon the streets of the city shall be subject to provisions of all laws and ordinances applicable to the driver of any other vehicle, except those provisions of laws and ordinances which, by their very nature, can have no application; provided, however, it shall not be unlawful to ride a bicycle or an electric bicycle on a public sidewalk anywhere in the city outside of the central business district; said district being formed by the following street lines:

The south line of Young Street from Houston Street to Hawkins Street.

The west line of Hawkins Street from Young Street to Pacific Avenue.

The north line of Pacific Avenue from Hawkins Street to Pearl Street.

The east line of Pearl Street from Pacific Avenue to Ross Avenue.

The north line of Ross Avenue from Pearl Street to Austin Street.

The west line of Austin Street from Ross Avenue to Pacific Avenue.

The north line of Pacific Avenue from Austin Street to Houston Street.

The west line of Houston Street from Pacific Avenue to Young Street.

This provision which permits bicycles and electric bicycles to be operated on public sidewalks is not meant to apply to any motor propelled vehicle of any other type, but shall apply only to bicycles and electric bicycles [~~without motors~~]. Any person riding a bicycle or an electric bicycle upon a sidewalk shall yield the right- of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian."

SECTION 2. That Section 9-6, "Bicycles Prohibited on Enumerated Streets," of Article I, "General," of Chapter 9, "Bicycles," of the Dallas City Code is amended to read as follows:

**"SEC. 9-6 BICYCLES PROHIBITED ON ENUMERATED STREETS.**

No person shall operate, ride, push, pull, or walk a bicycle, other than an electric bicycle, as defined in Section 664.001 of the Texas Transportation Code, on any of the following freeways or expressways:

<b>STREET</b>	<b>LIMITS</b>
Central Expressway	Live Oak north to city limits
Central Expressway	Grand south to city limits
C. F. Hawn Freeway	All portions within the city limits
John W. Carpenter Freeway	All portions within the city limits
Lyndon B. Johnson Freeway	All portions within the city limits
Marvin D. Love Freeway	All portions within the city limits
R. L. Thornton Freeway	All portions within the city limits
Stemmons Freeway	All portions within the city limits
Walton Walker Boulevard	All portions within the city limits
Interstate 345	All portions within the city limits"

SECTION 3. That Section 28-159, "Animal-Drawn Vehicles, Motor Driven Cycle and Pushcarts Prohibited From Using Enumerated Streets," of Article XIV, "Freeway Regulations," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code is amended to read as follows:

**"SEC. 28-159. ANIMAL-DRAWN VEHICLES, MOTOR DRIVEN CYCLE, AND PUSHCARTS PROHIBITED FROM USING ENUMERATED STREETS.**

A person commits an offense if he operates, drives, or permits to be driven an animal-drawn vehicle, bicycle, other device propelled wholly or in part by human power, or a motor driven cycle, other than an electric bicycle, as defined in Section 664.001 of the Texas Transportation Code, on any of the following described streets or freeways:

STREET	EXTENT
Central Expressway	Live Oak Street, north to the city limits, and Park Row to Overton Road
Central Expressway (Elevated Bypass)	Central Expressway (north) at approximately Woodall Rodgers Freeway to Central Expressway (south) at approximately Grand Avenue
C. F. Hawn Freeway	All portions within the city
John W. Carpenter Freeway	All portions within the city
Julius Schepps Freeway	All portions within the city
Lyndon B. Johnson Freeway	All portions within the city
Marvin D. Love Freeway	All portions within the city
R. L. Thornton Freeway	All portions within the city
Stemmons Freeway	All portions within the city
Walton Walker Boulevard	Stemmons Freeway to Irving, Texas, city limits"

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 5. That Chapters 9 and 28 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. 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 7. 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 8. 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, Interim City Attorney



By \_\_\_\_\_  
Assistant City Attorney

**DEC 11 2019**

Passed \_\_\_\_\_



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL DEC 11 2019

ORDINANCE NUMBER 31403

DATE PUBLISHED DEC 14 2019

ATTESTED BY: