

ORDINANCE NO. 07.15.24A

AN ORDINANCE OF THE CITY OF HEREFORD, TEXAS AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES", CITY OF HEREFORD CODE OF ORDINANCES, SPECIFYING RESTRICTIONS AND PROHIBITIONS OF USE; MOTOR VEHICLE INSURANCE; PROVIDING DEFINITIONS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature has granted municipalities the authority to govern the use of all-terrain vehicles, recreational off-highway vehicles, and utility vehicles upon public streets and roads within a Municipality through passage of Texas Transportation Code, Title 7, Chapter 551A; and

WHEREAS, the City Commission of Hereford, Texas has determined that it is in the best interest for the safety of the citizens of Hereford, Texas, and to ensure public safety to have certain regulations regarding all-terrain vehicles, recreational off-highway vehicles, and utility vehicles.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HEREFORD, TEXAS:

SECTION 1. Chapter 12, "Traffic and Vehicles" of the City of Hereford Code of Ordinances is hereby amended by adding the following Article:

ARTICLE 12.09. ALL-TERRAIN VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES, AND UTILITY VEHICLES

§12.09.001. Definitions.

All-terrain vehicle for the purpose of this ordinance, means a motor vehicle that is:

- (a) equipped with a seat or seats for the use of:
 - (1) the rider; and
 - (2) a passenger, if the motor 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 manufacturer for off-highway use;
- (d) not designed by the manufacturer primarily for farming or lawn care; and
- (e) not more than 50 inches wide.

Highway or street means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.

Recreational off-highway vehicle means a motor vehicle that is:

- (a) Equipped with a seat or seats for the use of (1) the rider; and (2) a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger;
- (b) Designed to propel itself with four or more tires in contact with the ground;
- (c) Designed by the manufacturer for off-highway use by the operator only; and
- (d) Not designed by the manufacturer primarily for farming or lawn care.

Utility vehicle means a motor vehicle that is not a golf cart or lawn mower and is:

- (a) Equipped with side-by-side seating for the use of the operator and a passenger;
- (b) Designed to propel itself with at least four tires in contact with the ground;
- (c) Designed by the manufacturer for off-highway use only; and
- (d) Designed by the manufacturer primarily for utility work and not for recreational purposes.

All other definitions shall be governed by the definitions in Texas Transportation Code, Title 7, Chapter 551a, Off-Highway Vehicles.

§12.09.002. Restrictions and prohibitions of use.

- (a) It shall be unlawful for a person to operate an all-terrain vehicle upon any street, access road, highway, or any part thereof, within the city limits of Hereford, Texas.
- (b) It shall be unlawful for a person to operate a recreational off-highway vehicle or a utility vehicle on any street, access road, highway, or any part thereof within the city limits of Hereford, Texas, which has a posted speed limit of 35 miles per hour or greater.
- (c) It shall be unlawful for a person under the age of 18 to operate a recreational off-highway vehicle or a utility vehicle on any street, access road, highway, or any part thereof within the city limits of Hereford, Texas.
- (d) Any recreational off-highway vehicle or utility vehicle operated within the city limits of Hereford, Texas shall be equipped and/or outfitted with all safety equipment required by the Texas Transportation Code Chapter 551a.

§12.09.003. Insurance requirement.

Any person operating a recreational off-highway vehicle or utility vehicle, as described above, shall have the minimum amount of liability insurance for the vehicle as ordered in the Texas Transportation Code, Title 7, Chapter 601 et seq.

§12.09.004. Violations.

Any person found guilty under the terms of this division, in addition to any traffic violation they may have committed or traffic fines they may be subject to, shall be fined no more than \$500.00; provided that each occurrence, violation, and/or conviction constitutes a separate offense under the terms of §1.01.009 General penalty for violations of code; continuing violations.

§12.06.005. Exceptions for public safety personnel.

Public safety personnel may operate all-terrain vehicles, recreational off-highway vehicles, and utility vehicles on any public street, parking area, and traffic way without any further restrictions when the all-terrain vehicles, recreational off-highway vehicles, and utility vehicles are used in the performance of his/her duties or on official business of the city or on city-owned property and city-leased property, including, but not limited to, a parade, a festival or other special events.

SECTION 2. Severability. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by a final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3. Effective Date. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Hereford, Texas.