

ORDINANCE NO. 20-2019

AN ORDINANCE AMENDING CHAPTER 18 "MOTOR VEHICLES AND TRAFFIC," ARTICLE I, "IN GENERAL," SECTION 18-3, "USE OF ROADWAY BY PERSONS ON ROLLER SKATES, ETC." AND SECTION 18-10, "ROLLERSKATES, BICYCLES AND SIMILAR DEVICES PROHIBITED WITHIN CERTAIN DISTRICT; EXCEPTION," OF THE CODE OF THE CITY OF ABILENE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, the newly enacted Chapter 23, Scooter and Bicycle Sharing, of the code of ordinances allows for the use and operation of scooters and bicycles in certain areas within the city limits; and

WHEREAS, Sections 18-3 and 18-10 of the code of ordinances currently prohibit the use and operation of scooters and bicycles in certain areas within the city limits; and

WHEREAS, there is a conflict between the newly enacted Chapter 23 and Sections 18-3 and 18-10 of the code of ordinance that needs to be corrected.

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

PART 1: That Chapter 18, Article I, "In General," Section 18-3, "Use of Roadway by Persons on Roller Skates, Etc." and Section 18-10, "Rollerskates, Bicycles and Similar Devices Prohibited Within Certain District; Exceptions" of the Code of Ordinances of the City of Abilene, Texas, are hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.

PART 2: That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

PART 3: That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.

PASSED ON FIRST READING this 28th day of March, 2019.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 7th day of April, 2019, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 11th day of April, 2019, to permit the

EXHIBIT "A"

Sec. 18-3. Use of roadway by persons on roller skates, etc.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway designated as a "through street" except while crossing such street on a crosswalk and when so crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. **This section shall not apply to persons using or riding a scooter or bicycle as authorized by Chapter 23, Scooter and Bicycle Sharing.**

Sec. 18-10. Rollerskates, bicycles and similar devices prohibited within certain district; exception.

- (a) No person shall use or operate rollerskates, rollerblades, or skateboards, or ride in or by means of any coaster, toy vehicle or similar device, upon any public roadway, sidewalk, walkway or other public areas within the district designated and described under section (c), unless specifically permitted and posted for such purposes.
- (b) No person shall use or operate a bicycle, tricycle, unicycle or other similar device upon any sidewalk, walkway or other public areas other than the public roadway within the district designated and described under section (c), unless specifically permitted and posted for such purposes.
- (c) The activities set forth in sections (a) and (b) are prohibited within the area encompassed by the boundaries of the Abilene Reinvestment Zone #1, commonly known as the Tax Increment Financing District (TIF District).

The outside boundary streets are as follows:

Beginning at the intersection of Orange Street and N. 8th Street as the northwest corner then east along N. 8th Street to Plum Street, then north to N. 10th Street, then east to N. Treadaway Boulevard, then south on N. Treadaway Boulevard to N. 3rd Street, then east to Almond Street, then south and southwesterly to a point just north of the east-west Texas & Pacific Railroad tracks on the northern projection of Rose Street, then south on Rose Street to S. 2nd Street, then west to Locust Street, then south on Locust Street to S. 5th Street, then west on S. 5th Street to Pecan Street, then south on Pecan Street to S. 7th Street, then west to Butternut Street for the southwest corner, then north on Butternut Street to S. 1st Street, then northeasterly along the connecting roadway to N. 1st Street at Hickory Street, then north on Hickory Street to N. 7th Street, then west to Orange Street, then north to the beginning point, the intersection of Orange Street and N. 8th Street.

The district to include all property within the above described streets and the full right-of-way of the boundary streets. This prohibition includes, but is not limited to the following specific properties within the district: Everman Park, Minter Park, T&P Freight Warehouse, the R.E.A. Building, T&P Depot, City Hall, Civic Center, and the Taylor County Courthouse.

(d) Said boundary as herein described shall continue in effect for the purpose of this section without regard to the expiration of the TIF district or any changes to its stated boundary for tax collection purposes.

(e) Exceptions.

- (1) Wheel chairs and other such devices to assist handicapped or physically impaired persons are excluded from the provisions of this section.
- (2) Registered participants in an approved parade, festival, celebration or similar event are excluded from the provisions of this section to the extent of their approved participation.
- (3) Uniformed public safety representatives are excluded from the provisions of this section while in the course of their regular duties.
- (4) **Persons using, riding or operating a scooter or bicycle as authorized by Chapter 23, Scooter and Bicycle Sharing.**

public to be heard. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 11th day of April, 2019.

ATTEST:



CITY SECRETARY



MAYOR



CITY ATTORNEY

