

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2022-04-02**

Adding Article 11.05 of the Code of Ordinances – Prohibiting Vehicles on Trails and Sidewalks

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ADOPTING RULES AND REGULATIONS FOR PROHIBITING VEHICLES ON TRAILS AND SIDEWALKS BY AMENDING CHAPTER 11 “TRAFFIC AND VEHICLES” TO ADD ARTICLE 11.05 “PROHIBITING VEHICLES ON TRAILS AND SIDEWALKS”; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING A PENALTY; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Lavon ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Lavon, Texas (the "City") to amend the City's Code of Ordinances in Chapter 11 to add regulations prohibiting vehicles on trails and sidewalks; and

**WHEREAS**, the City Council has authority pursuant to Texas Local Government Code 51.001, to adopt an ordinance that is for the good government, peace, or order of the City, and pursuant to Texas Transportation Code 311.003, may prevent encroachments or obstructions on sidewalks in the City; and

**WHEREAS**, the City Council finds that the adoption of this Ordinance is in the best interest of the City and that this Ordinance will promote and provide for the health, safety, and welfare of the City.

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

**SECTION 1. Recitals**

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. Amendment**

Chapter 11 "Traffic and Vehicles" of the City's Code of Ordinances is hereby amended to add Article 11.05 "Prohibiting Vehicles on Trails and Sidewalks" to read entirely as provided in Exhibit "A", attached hereto and incorporated herein.

**SECTION 3. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION 4. Proper Notice and Meeting**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

**SECTION 5. Penalty**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of the City's Code of Ordinances. Each time that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this division is a misdemeanor. The penalty provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies to it pursuant to local, State and federal law.

**SECTION 6. Severability**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

**SECTION 7. Repealer and Savings**

This Ordinance shall be cumulative of all other ordinance of Lavon and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncodified, and all other provisions of the ordinances of Lavon, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Any repeal occurring due to this provision shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation occurring before the effective date of this Ordinance.

**SECTION 8. Open Meeting**

That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Section 551.042, Texas Government Code.

**PASSED AND APPROVED** by the City Council of the City of Lavon, Texas this 5<sup>th</sup> day of April 2022.

  
Vicki Sanson Mayor

ATTEST:

  
Rae Norton  
City Secretary



ORDINANCE NO. 2022-04-02

EXHIBIT A

ARTICLE 11.05. PROHIBITING VEHICLES ON TRAILS AND SIDEWALKS

**Sec. 11.05.001. Definitions.**

For the purpose of this article, the following definitions shall apply unless the context indicates or requires a different meaning:

"Vehicle" shall mean a self-propelled vehicle, including:

- (A) Motor vehicle, as defined by Texas Transportation Code Section 541.201(11), as may be amended;
- (B) Motor-assisted scooter, as defined by Texas Transportation Code Section 551.351(1), as may be amended;
- (C) a Golf Cart, as defined by Texas Transportation Code Section 551.401, as may be amended;
- (D) a Neighborhood Electric Vehicle as defined by Texas Transportation Code Section 551.301, as may be amended;
- (E) a Motorcycle, as defined by Texas Transportation Code Section 551.201(9), as may be amended;
- (F) an All-Terrain Vehicle, as defined by Texas Transportation Code Section 551A.001(1) as may be amended;
- (G) Off-Highway Vehicle, as defined by Texas Transportation Code Section 551A.001(1-d) as may be amended;
- (H) Recreational Off-Highway Vehicle, as defined by Texas Transportation Code Section 551A.001(5) as may be amended;
- (I) Pocket bike or mini motorbike, as defined by Texas Transportation Code Section 551.351(2), as may be amended.

The term "vehicle" does not include:

- (A) an electric bicycle, as defined by Texas Transportation Code Section 551.107 as may be amended;
- (B) an Electric Personal Assistive Mobility Device, as defined by Texas Transportation Code Section 551.201 as may be amended; or
- (C) a child's electric powered toy with an electric motor capable of producing two-brake horsepower or less; or
- (D) a wheelchair or other electric assistive devices designed to provide enhanced mobility to physically disabled persons.

**Sec. 11.05.002. Prohibiting Operation of a Vehicle on a Trail or Sidewalk.**

- (a) Except as provided in Section 11.05.003, it shall be unlawful for any person to operate a vehicle on any sidewalk or trail within the City of Lavon.
- (b) Except as provided in Section 11.05.003, it shall be unlawful for any parent or guardian of a minor child to allow the child to operate a vehicle on any sidewalk or trail within the City of Lavon.

**Sec. 11.05.003. Exceptions.**

- (a) A person shall not be in violation of Sec. 11.05.002 when crossing a sidewalk or trail, perpendicular to the sidewalk at the point a driveway crosses the sidewalk – for the purpose of entering or exiting the driveway.
- (b) Authorized personnel shall not be in violation of Sec. 11.05.002 when operating an emergency vehicle on a trail or sidewalk.
- (c) Authorized personnel shall not be in violation of Sec. 11.05.002 when operating city owned vehicles on a trail or sidewalk for the purpose of performing their duties as an employee or contractor of the City.

**Sec. 11.05.004. Penalty clause.**

- (a) Any person violating any provision of this article shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of this code. Each time that a provision of this article is violated shall constitute a separate offense. An offense under this division is a misdemeanor.
- (b) The penalty provisions imposed under this article shall not preclude the City of Lavon from filing suit to enjoin the violation. The City of Lavon retains all legal rights and remedies to it pursuant to local, State and federal law.

**Sec. 11.05.005. Reserved.**