

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning and Inspections Department, Planning Division

AGENDA DATE: Introduction: November 27, 2018
Public Hearing: December 11, 2018

CONTACT PERSON/PHONE: Philip F. Etiwe, (915) 212-1553, EtiwePF@elpasotexas.gov
Richard Bristol, (915) 212-7000, BristolRX@elpasotexas.gov

DISTRICT(S) AFFECTED: All Districts

SUBJECT:

An Ordinance Amending Title 12 (Vehicles And Traffic) Chapter 12.04 (General Provisions And Definitions); And Title 12 (Vehicles And Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations), Section 12.80.090 (Driving On Sidewalks), of the El Paso City Code to allow for the use of motor assisted scooters on sidewalks. The Penalty is as provided in Chapter 12.84 of the El Paso City Code. (All Districts)

BACKGROUND / DISCUSSION:

There is no prior City Council action on this item. This item is related to the Title 15 Amendment for Shared Mobility Devices,

PRIOR COUNCIL ACTION:

There is no prior City Council action on this item.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A


*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Philip F. Etiwe
Director, Planning and Inspection Department



APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC) CHAPTER 12.04 (GENERAL PROVISIONS AND DEFINITIONS); AND TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.80 (MISCELLANEOUS TRAFFIC REGULATIONS), SECTION 12.80.090 (DRIVING ON SIDEWALKS), OF THE EL PASO CITY CODE TO ALLOW FOR THE USE OF MOTOR ASSISTED SCOOTERS ON SIDEWALKS. THE PENALTY IS AS PROVIDED IN CHAPTER 12.84 OF THE EL PASO CITY CODE.

WHEREAS, Chapter 551 of the Texas Transportation Code allows a municipality to prohibit the operation of a motor assisted scooter on a street, highway, or sidewalk if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, Title 12 of the El Paso City Code currently prohibits the use of vehicles on the public sidewalks; and

WHEREAS, new technologies allowing for dock-less shared use mobility devices have evolved; and

WHEREAS, some shared use mobility devices constitute motor assisted scooters; and

WHEREAS, the City finds that in the interest of public safety, a person should be allowed to use a motor assisted scooter outside of the portions of the streets designated for motor vehicles.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF EL PASO:

SECTION 1. Title 12 (Vehicles and Traffic) Chapter 12.04 (General Provisions and Definitions) is amended to add a new Section 12.04.125 to read as follows:

12.04.125- Motor Assisted Scooter.

“Motor assisted scooter” means a self-propelled device with: (1) at least two wheels in contact with the ground during operation; (2) a braking system capable of stopping the device under typical operating conditions; (3) a gas or electric motor not exceeding 40 cubic centimeters; (4) a deck designed to allow a person to stand or sit while operating the device; and (5) the ability to be propelled by human power alone. This term does not include a moped, motorcycle, electric bicycle, motor-driven cycle, a motorized mobility device, a pocket bike, minimotorbike, electric personal assistive mobility device, or a neighborhood electric vehicle all of which are defined in the Texas Transportation Code.

SECTION 2. Title 12 (Vehicles and Traffic) Chapter 12.80 (Miscellaneous Traffic Regulations), Section 12.80.090- Driving on sidewalks is amended in its entirety to read as follows:

12.80.090 - Driving on sidewalks.

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway. This prohibition does not apply to the driving of a motor assisted scooter as defined in this Title.

ORDINANCE NO. _____

18-1007-2316 | 837583
Title 12 Ordinance amendment
OAR

SECTION 3. Except as herein amended, all provision of Title 12 remain in full force and effect.

ADOPTED this _____ day of _____, 2018.

CITY OF EL PASO:

Dee Margo, Mayor

ATTEST:

Laura D. Prine, City Clerk

APPROVED AS TO FORM:



Omar A. De La Rosa
Assistant City Attorney

APPROVED AS TO CONTENT:



Philip F. Etiwe, Director
Planning & Inspections Department

ORDINANCE NO. _____

18-1007-2316 | 837583

Title 12 Ordinance amendment

OAR

MEMORANDUM

DATE: November 19, 2018

TO: The Honorable Mayor and City Council
Tommy Gonzalez, City Manager

FROM: Jeff Howell, Lead Planner

SUBJECT: An Ordinance Amending Title 12 (Vehicles And Traffic) Chapter 12.04 (General Provisions And Definitions); And Title 12 (Vehicles And Traffic), Chapter 12.80 (Miscellaneous Traffic Regulations), Section 12.80.090 (Driving On Sidewalks).

The proposed amendment would allow for motor-assisted scooters on sidewalks. This item is related to the Title 15 Amendment for Shared Mobility Devices.

Attachments:
Ordinance