

**CITY OF HACKBERRY  
ORDINANCE NO. 139-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HACKBERRY, TEXAS PROHIBITING THE OPERATION OF ALL-TERRAIN AND OFF-ROAD VEHICLES AND ANY VEHICLE THAT CANNOT BE REGISTERED AND/OR MEET EQUIPMENT STANDARDS REQUIRED BY FEDERAL AND TEXAS LAW AS PROVIDED FOR IN THE TRANSPORTATION CODE – CHAPTER 551; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the excessive use of All-Terrain Vehicles (ATVs), Off-Road Vehicles (ORVs) and other recreational vehicles has created a nuisance and an unsafe environment for the citizens of the City of Hackberry, and

WHEREAS, it is incumbent upon the City of Hackberry to promote the health, general welfare and safety of its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS;**

**ARTICLE I – PROHIBITING THE OPERATION OF ALL-TERRAIN AND RECREATIONAL VEHICLES AND ANY VEHICLE THAT CANNOT BE REGISTERED AND/OR MEET EQUIPMENT STANDARDS REQUIRED BY FEDERAL AND TEXAS LAW ON THE STREETS AND PUBLIC PROPERTY WITHIN THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS AS PROVIDED FOR IN THE TRANSPORTATION CODE – CHAPTER 551 OF THE STATE OF TEXAS.**

**Section 1. Definitions**

**“All-Terrain Vehicle (ATV)”** means a motor vehicle that is equipped with a saddle for the use of the rider; and a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger; designed to propel itself with three or four tires in contact with the ground; designed by the manufacturer for off-highway use by the operator only; and not designed by the manufacturer for farming or lawn care.

**“Off-Road (Recreational) Vehicle (ORV)”** means a motor vehicle that is designed for recreational use only including, but not limited to, dirt bikes, motor assisted scooter, moped, moped scooters, pocket bike, pocket rocket, pocket rocket scooter, miniature motorcycle, mini bike, go-cart/go-kart, electric bicycle, and three/four wheeler.

**“Electric Personal Assistive Mobility Devices”** means a two non-tandem wheeled device designed for transporting one person that is: self-balancing; and propelled by an electric propulsion system with an average power of 750 watts or one horsepower.

**“Public Property”** means property owned or leased by the state or a political subdivision of the state.

**“City Street”** means any road or street located within the city limits of the City of Hackberry, Texas.

### **Section 2. Operation of All-Terrain and Off-Road (Recreational) Vehicles.**

It shall be illegal for any person to operate an All-Terrain Vehicle (ATV) or an Off-Road (Recreational) Vehicle (ORV) upon any public property or city road or street within the city limits of the City of Hackberry, Denton County, Texas.

A parent or legal guardian of a child/minor or ward shall not knowingly permit the child or ward to operate an All-Terrain Vehicle (ATV) or an Off-Road (Recreational) Vehicle (ORV) upon any public property or city road or street within the city limits of the City of Hackberry, Denton County, Texas.

### **Section 3. Operation of Electric Personal Assistive Mobility Device.**

It shall be legal for a person to operate an Electric Personal Assistive Mobility Device within the city limits of the City of Hackberry, Denton County, Texas in accordance with the standards set forth in the Transportation Code – Chapter 551 of the State of Texas.

## **ARTICLE II – PENALTY**

Any person, including a parent or guardian, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Hackberry, Texas, shall be subject to a fine not to exceed the sum of Two Thousand (\$2,000.00) Dollars for each offense, and each and every day said violation is continued shall constitute a separate offense.

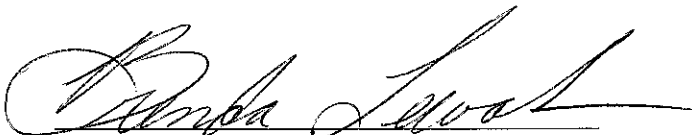
**ARTICLE III - SEVERABILITY**

That the sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word or provision in this Ordinance or the application thereof to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

**ARTICLE IV - EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication of the caption, as the law in such cases provide.

**PASSED AND APPROVED BY THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS, this 12th day of July, 2005.**

  
Mayor, City of Hackberry, Texas

**ATTEST:**

  
City Secretary, City of Hackberry, Texas