

ORDINANCE NO. 2026.06.16

AN ORDINANCE OF THE CITY OF SHALLOWATER, TEXAS, REGARDING THE REGULATION OF MOTOR SCOOTERS AND HELMETS; ADOPTING RESTRICTIONS ON THE USE AND OPERATION OF MOTOR ASSISTED SCOOTERS, MINI MOTORBIKES, POCKET BIKES, ELECTRIC BICYCLES (E-BIKE), AND ELECTRIC DIRT-BIKES BY LIMITING OR PROHIBITING THE OPERATION OF MOTOR ASSISTED SCOOTERS, MINI MOTORBIKES, POCKET BIKES, E-BIKES, AND ELECTRIC DIRT BIKES ON STREETS, HIGHWAYS, SIDEWALKS, PATHS AND ALLEYS; PROVIDING FOR A PENALTY FOR ADULTS, PARENTS AND CHILDREN FOR THE USE OF A MOTOR ASSISTED SCOOTER, MINI MOTORBIKE, POCKET BIKE, OR E-BIKE IN A RESTRICTED OR PROHIBITED AREA; REQUIRING THAT CHILDREN WEAR A PROTECTIVE HELMET WHILE OPERATING OR RIDING; PROVIDING FOR A PENALTY FOR PARENTS AND CHILDREN FOR FAILURE OF CHILD TO WEAR A HELMET; PROVIDING REPEALING, SEVERABILITY AND SAVINGS CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION.

WHEREAS, the City Council of the City of Shallowater ("City Council") has determined that restriction of the use and operation of motor assisted scooters, mini motorbikes, pocket bikes, E-bikes, and E-dirt bikes on the streets, highways, alleys, sidewalks, paths, and trails within the City of Shallowater ("Shallowater" or "City") is necessary in the interest of safety; and

WHEREAS, the City Council has determined that additional regulations are needed to protect the public health, safety, and welfare; and

WHEREAS, City Council has determined that requiring children to wear helmets while operating or riding a motor assisted scooter, mini bike, pocket bike, or E-bike is necessary in the interest of safety; and

WHEREAS, the City Council has investigated and determined that it will be advantageous, beneficial and in the best interest of the citizens of Shallowater to prevent potential traffic hazards and safety hazards resulting from unauthorized use on streets, highways, sidewalks, alleys and certain pathways and resulting from children failing to wear helmets.

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

SECTION 1: OPERATION OF MOTOR ASSISTED SCOOTERS, MINI BIKES, POCKET BIKES, E-BIKES, OR E-DIRT BIKES, ON PUBLIC STREETS

§ 1.01 Definitions

The terms below shall have the following meanings when used in this Ordinance:

Adult means any individual eighteen (18) years of age or older.

Child means any individual under eighteen (18) years of age, but does not include a licensed minor, as defined below.

Electric Bicycle (E-Bike) means a bicycle that is equipped with fully operable pedals, an electric motor of 750 watts or less, and with a top assisted speed of 28 mph or less—top assisted speed means the speed at which the bicycle’s motor ceases propelling the bicycle or assisting the rider. E-Bikes are classified in 3 categories:

- a) Class 1—equipped with a motor that assists the rider only when the rider is pedaling and with a top assisted speed of 20 mph or less. No vehicle registration, insurance, or Class M license is required of rider and can be ridden by any age;
- b) Class 2—equipped with a motor, and throttle, that be used to propel the bicycle without the pedaling of the rider and with a top assisted speed of 20 mph or less. No vehicle registration, insurance, or Class M license is required of rider, and can be ridden by any age;
- c) Class 3—equipped with a motor, and throttle, that assist the rider only when the rider is pedaling and with a top assisted speed of more than 20 mph, but less than 28 mph. No vehicle registration, insurance, or Class M license is required of rider, but must be 15 years of age or older.

Electric Motorcycle is considered a Class M vehicle and follows the same rules and regulations set for gasoline powered motorcycles by Texas Transportation Code Section 541.

Electric Dirt Bike has no pedals and is equipped with a throttle and motor of 750 watts or greater. These are not authorized for use on public streets, sidewalks, or alleys, and are for use on private property only.

Helmet means properly fitted protective headgear that is not structurally damaged and that conforms to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Licensed Minor means any individual who is fifteen (15), sixteen (16) or seventeen (17) years of age and has in their possession a valid license issued to them by the State of Texas, or the state of the licensed minor's residence, for the operation of a motorcycle or motor vehicle on public streets and highways.

Motor assisted scooter shall have the same meaning assigned by Texas Transportation Code Section 551.351, as it exists or may be amended, and includes a self-propelled device with at least two wheels in contact with the ground during operation; a braking system capable of stopping the device under typical operating conditions; a gas or electric motor forty (40) cubic centimeters or less; a deck designed to allow a person to stand or sit while operating the device; and the ability to be propelled by human power alone.

Parent means the natural or adoptive parent or court-appointed guardian or conservator of a child.

Pocket bike or Mini motorbike shall have the same meaning assigned by the Texas Transportation Code Section 551.301, as it exists or may be amended, and includes a self-propelled vehicle that is equipped with an electric motor or internal combustion engine having a piston displacement of less than 50 cubic centimeters, is designed to propel itself with not more than two (2) wheels in contact with the ground, has a seat or saddle for the use of the

operator, is not designed for use on a highway, and is ineligible for a certificate of title under Chapter 501 of the Texas Transportation Code, as it exists or may be amended; but does not include a moped, motorcycle, electric bicycle, motor-driven cycle, motorized mobility device, electric personal assistive mobility device or a neighborhood electric vehicle as those are defined in the Texas Transportation Code, as it exists or may be amended. These are not authorized for use on public streets, any public way or public property in the City, and are for use on private property only—Texas Transportation Code 551.353.

Public way or public property means real property owned, leased, or controlled by a political subdivision of the State of Texas, a governmental entity or agency, or similar entity, or any property that is publicly owned or maintained or dedicated to public use, including, but not limited to, a path, trail, walkway, sidewalk, alley, street or highway, and a public park facility.

Wearing a helmet means that the person has a helmet fastened securely to their head with the straps of the helmet securely tightened in the manner intended by the manufacturer to provide maximum protection.

§ 1.02 Restrictions and Prohibitions for Motor Assisted Scooters, Mini Motorbikes, Pocket Bikes, E-Bikes, or E-Dirt Bikes/Penalty for Violation

- a) Restrictions and Prohibitions on Locations of Use.
 - 1) It is unlawful for a parent to allow or permit a child to operate or ride a motor assisted scooter or E-bike, on any public way or public property within the City, except in areas authorized by this Ordinance.
 - 2) It is unlawful for any adult or licensed minor to operate or ride a motor assisted scooter or E-bike, on any public way or public property for which the posted speed limit is more than thirty-five (35) miles per hour. They may cross a road or a street at an intersection where the road or street to be crossed has a posted speed of more than thirty-five (35) miles per hour.
 - 3) It is unlawful for any adult or licensed minor to operate or ride a motor assisted scooter or E-bike, on any portion of Avenue Q (Bank Road), or on Avenue L, North of 15th street.
 - 4) It is unlawful for any person to operate a mini motorbike, pocket bike, or electric dirt bike on public streets, any public way or public property in the City, and are for use on private property only.
 - 5) It is presumed that a parent allowed a child or licensed minor to operate or ride a motor assisted scooter or E-bike, in a restricted or prohibited area.
 - 6) It is a defense to prosecution that the motor assisted scooter, mini motorbike, pocket bike, E-bike, or electric dirt bike, was not being operated upon public property or a public way at the time of the alleged offense.
- b) Penalty.
 - 1) A person who violates any provision of Section 1.02., above, shall be guilty of a Class C misdemeanor and upon conviction shall be fined an amount not exceeding five hundred dollars (\$500.00).
 - 2) The purpose of this Section is to promote safety and discourage the use of motor assisted scooters or E-bikes, in unsafe areas. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

§ 1.03 Liability

- a) Nothing in this Ordinance shall be construed as an assumption of liability by the City of Shallowater for any injuries (including death) to persons, pets or property which may result from the operation of a motor assisted scooter, mini motorbike, pocket bike, E-bike, or electric dirt bike, by an authorized driver; and
- b) Owners are fully liable and accountable for the action of any individual that they provide permission to operate, and drive said vehicles, both on personal and/or any authorized public streets, parking areas, and traffic ways. This described liability responsibility especially applies to personal injuries (including death) or property damage resulting from drivers who are minors under the age of twenty-one (21) with or without a current and valid driver's license.

SECTION 2: HELMETS REQUIRED/PENALTY FOR FAILURE TO WEAR HELMET

§ 2.01 Helmet Required

- a) It is unlawful for any child or licensed minor to operate or ride a motor assisted scooter or E-bike, unless the child or licensed minor is wearing a helmet.
- b) It is unlawful for a parent to allow or permit a child or licensed minor to operate or ride a motor assisted scooter or E-bike, unless the child or licensed minor is wearing a helmet.
- c) It is presumed that a parent allowed a child or licensed minor to operate or ride a motor assisted scooter or E-bike, without wearing a helmet.
- d) It is a defense to prosecution that the motor assisted scooter or E-bike, was not being operated upon public property or a public way at the time of the alleged offense.

§ 2.02 Penalty

- a) A person who violates any provision of Section 2.01 above, requiring helmets, shall be guilty of a Class C misdemeanor and upon conviction shall be fined an amount not exceeding fifty dollars (\$50.00) upon the first conviction and an amount not exceeding one hundred dollars (\$100.00) upon the second and each subsequent conviction.
- b) The municipal court shall dismiss a charge against a child, licensed minor and/or parent for a first offense under Section 5.A. upon receiving proof that:
 - 1) The defendant acquired a helmet for the child or licensed minor who was operating or riding the motor assisted scooter in violation of Section 2.01; and
 - 2) The defendant acquired the helmet on or before the tenth day after receiving the citation of the violation.
- c) If the charge against a person is dismissed, a later conviction for a violation of Section 2.01 shall be considered a second or subsequent conviction for purposes of subsection 2.02.
- d) The purpose of this Section is to promote safety and encourage the use of helmets. The courts may consider deferred dispositions under the Texas Code of Criminal Procedure, as it exists or may be amended, whenever the circumstances warrant deferred dispositions.

SECTION 3: ADDITONAL OPERATIONAL REGULATIONS

§ 3.01 Rules of the Road

- a) When operated in areas authorized by this Ordinance, motor assisted scooters and E-bikes, shall observe the following:
 - 1) Always ride with the flow of traffic, never against it;
 - 2) Obey traffic signs and signals, and observe others' right of way;
 - 3) Yield to pedestrians;
 - 4) Not pass another vehicle within the same lane;
 - 5) Not ride more than 2 abreast; and
 - 6) Allow any person, other than operator, to ride, unless equipped to do so.

§ 3.02 Safety Equipment

- a) A person may not operate a motor assisted scooter or E-bike, unless it is equipped with a brake capable of making a braked wheel skid on dry, level, clean pavement
- b) Lighting required.
 - 1) A lamp on the front that emits a white light visible from a distance of at least 500 feet; and
 - 2) A red reflector, or lamp, that is visible when directly in front of lawful upper beams of motor vehicle headlamps from all distances from 50 to 300 feet

§ 3.03 Hours of Operation

- a) Motor assisted scooters and E-bikes, are prohibited from being operated in areas approved by this ordinance after dark.

SECTION 6: SAVINGS/REPEALING CLAUSE

All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 7: SEVERABILITY

Should any section, subsection, clause, or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided any and all remaining portions of this Ordinance shall remain in full force and effect.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective 06/16/2026 and publication as required by law. PASSED AND APPROVED on this the 16th day of June, 2026.

A handwritten signature in black ink, appearing to read "Reginald J. Potter". The signature is written in a cursive style with a large initial "R".