

**ORDINANCE NUMBER 2014 – 13**

**AN ORDINANCE BY THE TOWN COUNCIL OF THE TOWN OF LAGUNA VISTA, TEXAS; AN ORDINANCE PROVIDING FOR SAFE PASSAGE OF VULNERABLE ROAD USERS; CONTAINING A REPEALER CLAUSE; PROVIDING FOR A FINE NOT TO EXCEED \$500 UPON CONVICTION THEREOF; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, bicyclists and pedestrians are allowed to use the roadway by law in Texas, but these users do not have the same physical protection as motorists and are at greater risk of injury or death; and,

**WHEREAS**, a Safe Passing ordinance provides the foundation for an education campaign of tolerance and acceptance for “active” forms of alternative transportation, which furthers the Town’s goals of promoting Laguna Vista as a Bicycle Friendly community, as well as for the enhancement of streets and neighborhoods.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAGUNA VISTA, TEXAS, AS FOLLOWS:**

**SECTION I.** The Code of Ordinances of the Town of Laguna Vista is hereby amended by adding a section entitled “Vulnerable Road Users” which shall read in its entirety as follows:

**SECTION 1: VULNERABLE ROAD USERS**

(A) In this section, a ***VULNERABLE ROAD USER*** means:

1. A pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;
2. A person on horseback;
3. A person operating equipment, other than a motor vehicle, including, but not limited to, a bicycle, hand cycle, horse-driven conveyance, or unprotected farm equipment; or
4. A person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

(B) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

1. Vacate the lane in which the vulnerable road user is located if the highway has two or more marked lanes running in the same direction; or
2. Pass the vulnerable road user at a safe distance.

- (C) For the purpose of subsection (B)(2), when road conditions allow, safe distance is at least:
1. Three feet if the operator's vehicle is a passenger car or light truck; or
  2. Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by Texas Transportation Code § 522.003.
- (D) An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.
- (E) An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.
- (F) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
1. Is intended to cause intimidation or harassment to a vulnerable road user;  
or
  2. Threatens a vulnerable road user.
- (G) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway or at an intersection of roadways.
- (H) It is an affirmative defense to prosecution under this ordinance that at the time of the offense the vulnerable road user was acting in violation of the law.

**SECTION 2.** Any person convicted of violation of Section 1(B), 1(C), 1(D), 1(E) or 1(F) of this ordinance shall be subject to a fine of up to \$500.00 per violation.

## **SECTION II: Effect**

This ordinance shall become effective ninety days after its passage, and after publication and the posting of signage along the public roadways within the Town informing the public of the duty to comply with the requirements of this ordinance.

**SECTION III: CONFLICT**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**FIRST READING - PASSED, APPROVED AND ADOPTED** by the Town Council of the Town of Laguna Vista, Texas at the Regular Meeting on the 13<sup>th</sup> day of May 2014.

**SECOND READING – PASSED, APPROVED AND ADOPTED** by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 10<sup>th</sup> day of June 2014.

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Susie Houston, Mayor

Attest:

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Alma Deckard, City Secretary