

Ordinance No. 2021-09  
Village of Salado  
County of Bell  
7/15, 2021

**ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS TO PROVIDE FOR THE OPERATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES WITHIN THE VILLAGE LIMITS OF THE VILLAGE AS PROVIDED IN THE TEXAS TRANSPORTATION CODE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; RESERVATION OF RIGHTS; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Village of Salado, Texas (the "Village") desires to regulate the safe operation and use of all-terrain vehicles and utility-terrain vehicles within the Village; and

**WHEREAS**, the Legislature of the State of Texas has enacted Texas Transportation Code Chapter 551A, "Off-Highway Vehicles," which provides for the safe operation of off-high way vehicles (including all-terrain vehicles and utility-terrain vehicles) within municipalities; and

**WHEREAS**, the Village and reviewed the requirements and provisions of Transportation Code Chapter 551A Subchapter D, relating to the use and operation of off-highway vehicles (including all-terrain vehicles and utility-terrain vehicles) on roads or highways, and determines such provisions to be desirable to tourism, economic development, and the quality of life in the Village; and

**WHEREAS**, the Village has determined that the necessary regulations, enforcement provisions, and guidelines related to the use and operation of all-terrain and utility-terrain vehicles within the village limits of the Village will protect the health, safety, and welfare of all citizens and visitors to the Village; and

**WHEREAS**, the Village has the authority to enact and impose necessary regulations related to the use and operation of all-terrain and utility-terrain vehicles within the Village pursuant to Transportation Code Chapter 551A as well as Texas Local Government Code Chapter 51; and

**WHEREAS**, as a general law municipality, the Village has exclusive control over the highways, streets, and alleys of the municipality pursuant to Texas Transportation Code § 311.002; and

**WHEREAS**, the Village has the authority to designate the streets within the village limits upon which the operation and use of all-terrain and utility-terrain vehicles will be permitted;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS:**

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The All-Terrain and Utility-Terrain Vehicle Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, and public parks.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

## SECTION II. ADOPTION

Ordinance No. 2021-~~M~~ is hereby adopted as follows:

### A. Rules of Interpretation

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word “shall” is always mandatory, while the word “may” is merely directory. Headings and captions are for reference purposes only.

### B. Specific Terminology

**All-Terrain Vehicle:** A motor vehicle equipped with seats for a driver or driver and passenger, that is designed to propel itself with three or more tires in contact with the ground for off-highway use, is not designed by the manufacturer for farming or lawn care, and is not more than fifty (50) inches wide, as defined by Texas Transportation Code Section 551A.001.

**Off-Highway Vehicle:** An all-terrain vehicle or recreational off-highway vehicle, a sand rail, or a utility-terrain vehicle.

**Person:** Any human being corporation, association, sole proprietorship, company or agency.

**Public Street:** A publicly-owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the Village limits.

**Utility-Terrain Vehicle:** A motor vehicle that is not a golf cart, as defined by Texas Transportation Code Section 551.401, or lawn mower, and is equipped with side-by-side seating for the use of the operator and a passenger, designed to propel itself with at least four tires in contact with the ground, designed by the manufacturer for off-highway use only, and is designed by the manufacturer primarily for utility work and not for recreational purposes.

**Village Limits:** The incorporated, municipal boundaries of the Village.

### **C. The Operation of All-Terrain Vehicles and Utility-Terrain Vehicles**

1. The Village hereby authorizes the operation of All Terrain Vehicles and Utility-Terrain Vehicles on Public Streets in accordance with Texas Transportation Code § 551A.053(a). All-Terrain Vehicles and Utility-Terrain Vehicles may be operated on Public Streets within the Village Limits that have a posted speed limit of not more than thirty-five (35) miles per hour.
2. All-Terrain Vehicles and Utility-Terrain Vehicles may be operated on Public Streets during daytime or nighttime.
3. The operational and equipment requirements for Off-Highway Vehicles, including All-Terrain Vehicles and Utility-Terrain Vehicles, found in Texas Transportation Code Chapter 551A, including but not limited to Sections 551A.032, 551A.052, and 551A.071-.074, are applicable within the Village.
4. Pursuant to Transportation Code § 551A.034, All-Terrain Vehicles and Utility-Terrain Vehicles are permitted to cross intersections, including Public Streets with speed limits exceeding thirty-five (35) miles per hour.

### **D. Enforcement**

1. The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to a suit for injunctive relief as well as potential prosecution for criminal violations.
2. The Village Police Department shall have the power to have an All-Terrain or Utility-Terrain Vehicle towed to a Village-approved impound lot at the sole expense of the All-Terrain or Utility-Terrain Vehicle owner if the vehicle is operated in violation of this Ordinance.
3. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five hundred dollars (\$500). An offense under this Ordinance constitutes a Class C misdemeanor.
4. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law.

## **SECTION III. RESERVATION OF RIGHTS**

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **SECTION IV. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

#### **SECTION V. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

#### **SECTION VI. REPEALER CLAUSE**

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

#### **SECTION VII. EFFECTIVE DATE**

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

#### **SECTION VIII. NOTICE AND MEETING CLAUSE**

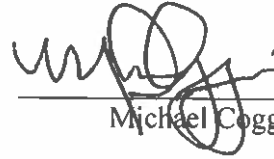
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

#### **SECTION IX. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

**PASSED AND APPROVED** on **FIRST READING** this, the 15<sup>th</sup> day of July, 2021, by a vote of 3 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.

PASSED AND APPROVED on SECOND READING this, the 5<sup>th</sup> day of July, 2021, by a vote of 5 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.



Michael Coggin, Mayor

ATTEST:



Cara McPartland, Village Secretary

Approved to Form:

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Josh Katz, Village Attorney

