

ORDINANCE NO. 2011-046

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, ADDING SECTION 18-36 OF THE CODE OF ORDINANCES RELATING TO VULNERABLE ROAD USERS; BY CREATING SECTION 18-36 TO DEFINE VULNERABLE ROAD USERS AND REAFFIRM THE OBLIGATION OF ALL OPERATORS OF MOTOR VEHICLES TO EXERCISE DUE CARE IN THE OPERATION OF MOTOR VEHICLES; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$200 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

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, approximately 50 cyclists and 400 pedestrians are killed every year in Texas; 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 City’s goals of promoting Denton as a bicycle friendly community, as well as for the enhancement of walkable streets and neighborhoods; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 18 “Motor Vehicles and Traffic” of the Code of Ordinances of Denton, Texas, is hereby amended by adding Section 18-36 regarding vulnerable road users. Section 18-36 shall read as follows:

Sec. 18-36 VULNERABLE ROAD USERS.

- (a) In this section, a “Vulnerable Road User” means a person utilizing the roadway for travel including:
- (1) a pedestrian, a runner, a physically disabled person, a highway construction or maintenance worker, tow truck operator, a utility worker, or any other worker with legitimate business in or near the road or right-of-way, or a stranded motorist or passenger, or one assisting or providing aid to a stranded or injured motorist;
  - (2) a person on horseback;
  - (3) a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle (including an electric bicycle), tricycle, hand-cycle, moped, horse-drawn conveyance, skateboarder, rollerblader, roller-skater, or a person operating a manual scooter, so long as any such equipment is legally operable on public streets; or

- (4) a person operating an electric personal assistive mobility device in compliance with the following requirements:
  - a. A person may operate an electric personal assistive mobility device on a residential street, roadway, or public highway with a speed limit of 30 miles per hour or less only:
    - 1. while making a direct crossing of a highway in a marked or unmarked crosswalk;
    - 2. where no sidewalk is reasonably accessible; or
    - 3. when so directed by a traffic control device or by a law enforcement officer.
  - b. A person may operate an electric personal assistive mobility device on a path set aside for use by bicyclists or pedestrians.
  - c. Any person operating an electric personal assistive mobility device on a residential street, roadway, or public highway shall ride as close as practicable to the right-hand edge.
  - d. Except as otherwise provided by this section, provisions of this section applicable to the operation of bicycles apply to the operation of electric personal assistive mobility devices.
- (b) In this section, a “motor vehicle” means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric personal assistive mobility device.
- (c) Pedestrians, runners, and physically disabled persons shall utilize a sidewalk when reasonably available and accessible or, if none, shall travel against traffic as close as practicable to the edge of the roadway.
- (d) Vulnerable road users, as defined by subsections (a)(2), (a)(3) and (a)(4) above, shall comply with the requirements for bicycles set forth as follows:
  - (1) Except as provided by subsection (2), a person operating a bicycle on a roadway who is moving slower than the other traffic on the roadway shall ride as near as practicable to the right curb or edge of the roadway, unless:
    - a. the person is passing another vehicle moving in the same direction;
    - b. the person is preparing to turn left at an intersection or onto a private road or driveway;

- c. a condition on or off the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal, or surface hazard prevents the person from safely riding next to the right curb or edge of the roadway; or
- d. the person is operating a bicycle in an outside lane that is:
  - 1. less than 14 feet in width and does not have a designated bicycle lane adjacent to that lane; or
  - 2. too narrow for a bicycle and a motor vehicle to safely travel side by side.
- (2) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.
- (3) Persons operating bicycles on a roadway may ride two abreast. Persons riding two abreast on a laned roadway shall ride in a single lane. Persons riding two abreast may not impede the normal and reasonable flow of traffic on the roadway.
- (e) An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:
  - (1) move to the left lane 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.
- (f) For the purpose of subsection (e)(2), when road conditions allow, safe distance is at least:
  - (1) three (3) feet if the operator's vehicle is a passenger car or light truck; or
  - (2) six (6) feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by the Texas Transportation Code § 522.003.
- (g) An operator of a motor vehicle that is making a left turn or a u-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 in all circumstances in which the operator would be required to yield right-of-way pursuant to the traffic law.
- (h) 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 in light of all conditions impacting safety.

- (i) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
  - (1) is intended to intimidate or harass a vulnerable road user; or
  - (2) places the vulnerable road user at risk of unreasonable imminent bodily injury.
- (j) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a roadway including public rights-of-way.
- (k) A vulnerable road user on a roadway or public right-of-way shall exercise due care and comply with all applicable city ordinances and state statutes. It is a defense to prosecution under this section that at the time of the offense, the vulnerable road user was acting in violation of state law or local ordinances.

SECTION 2. If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Denton, Texas, hereby declares it would have entered such remaining portions despite any invalidity.

SECTION 3. Save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

SECTION 4. Any person found guilty of violating this Ordinance by a court of competent jurisdiction shall be fined a sum not to exceed two hundred dollars (\$200).

SECTION 5. This Ordinance providing for a penalty shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 5<sup>th</sup> day of April, 2011.

  
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MARK A. BURROUGHS, MAYOR

ATTEST:  
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:  
ANITA BURGESS, CITY ATTORNEY

BY: Anita Burgess