

# Chapter ? All-Terrain Vehicle (ATV)

## GENERAL PROVISIONS

### 20. ADJUSTMENTS, WAIVERS OR VARIANCES

Unless otherwise stated herein, any adjustments to, waivers of, or variances from these ordinance restrictions are for the purpose of alleviating hardships for owners and assisting in the orderly development of the City. Only the City Council, in writing, may grant such adjustments, waivers or variances.

## ATV Operation and Regulations

### Section 1 DEFINITIONS

Driver - the person driving and having physical control over the ATV.

All-terrain vehicle (ATV) - the meaning assigned by Texas Transportation Code 551A.001 and means a motor vehicle that is:

- (1) Equipped with a seat or seats for the use of the rider, and a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
- (2) Designed to propel itself with three or more tires in contact with the ground;
- (3) Designed by the manufacturer for off-highway use;
- (4) Not designed by the manufacturer primarily for farming or lawn care; and
- (5) Not more than 50 inches wide.

Off-highway vehicle – an ATV or recreational off-highway vehicle, a sand rail, or a utility vehicle.

Owner - the person holding ownership of the ATV.

Person - any human being, corporation, association, sole proprietorship, company, and/or agency. The term "person" also includes general contractor, subcontractor, or truck driver.

Public street - a publicly owned or dedicated road, street, drive, or other right-of-way for the use of vehicles within the City limits that:

- (1) Has a posted speed limit of 25 miles per hour or less and
- (2) Is not designated as part of either the state or federal highway system.

City means the City of Mountain City, a general-law municipality in Hays County, Texas.

City limits means the incorporated, municipal boundaries of the City.

### Section 2 OPERATION

It is the intent of this ordinance to limit the operation of ATVs within the City limits to licensed drivers only. The City is authorized to regulate ATVs under Chapter 551A.001 in the Texas Transportation Code and finds that efforts to discourage and reduce under-aged drivers of ATVs and promote the safe operation of ATVs is in the best interest of the health, safety, and general welfare of City residents.

The City hereby allows the lawful operation of ATVs on public streets in the City in accordance with state traffic laws and as follows:

- (1) The operator shall be a licensed driver as provided by Texas Transportation Code § 521.021, as amended, and carry a valid driver's license;

(2) The operator shall hold a safety certificate indicating they completed ASI's ATV RiderCourse or are actively engaged in taking a safety training course under the direct supervision of a certified ATV safety instructor or is under the direct supervision of an adult who holds a safety certificate.

(3) All drivers of ATVs shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets;

(4) ATVs are prohibited from pulling boats, jet skis, other objects or people on public streets and the right-of-way;

(5) Headlights shall be used at dark beginning 30 minutes before sunset and 30 minutes after sunrise;

(6) Passengers shall be limited to designated seating capacity by the manufacturer;

(7) No one shall stand in or on the ATV while it is in operation;

(8) Any passenger under the age of seven shall be restrained by either an adult or by a seatbelt; and

~~(9) The ATV is registered with the Texas Department of Motor Vehicles and has been issued a license plate.~~

(9) The reckless or careless operation of an ATV is prohibited.

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### Section 3 REQUIRED EQUIPMENT

(a) An ATV must be equipped with the following minimum equipment as mandated by Texas Transportation Code § 551A.701, as amended, and/or required by the city to be eligible for road operation:

- (1) Brake system;
- (2) Muffler system;
- (3) US Forest Service qualified spark arrester;
- (4) Operational headlamps;
- (5) Operational tail lamps;
- (6) Operational parking brake;
- (7) Rearview mirror; and
- (8) Slow moving vehicle sign having a reflective surface.

(b) An ATV may not be operated if the vehicle has an exhaust system that has been modified with a cutout, bypass, or other similar device.

(c) Equipment and its installation must meet standards provided by the Texas Transportation Code, as amended. All such safety equipment shall be maintained as provided by the state traffic laws within the Texas Transportation Code, as amended.

(d) An operator is required to meet the safety apparel requirements of 551A.072 which includes:

(1) Safety helmet that complies with US Dept of Transportation standards;

(2) Eye protection; and

(3) Seat belts, if the vehicle is equipped with seat belts.

(4) An ATV is not required to meet (d)(1) and (2) if the vehicle has four wheels, is equipped with a bench or bucket seats and seat belts, and includes a roll bar or roll cage construction.

#### Section 4 ENFORCEMENT

The Hays County Sheriff's Office shall have the power to have an ATV towed to an approved impound lot at the sole expense of the golf cart owner if the:

(1) ATV is operated in violation of this ordinance;

(2) ATV is not operated by a person eligible by state law to operate the vehicle; or

(3) Location of the ATV in the public right-of-way at the time of towing poses a hindrance to the safe and orderly flow of traffic or a threat to public safety.