

Maya Sanchez
Mayor

Leticia Miranda
Aldersperson Pl. 1

David Cantu
Aldersperson Pl. 2



Miguel Najera Jr.
Aldersperson Pl. 3

Rebecca Martinez-Juarez
Aldersperson Pl. 4

George Almanzar
Aldersperson Pl. 5

City of San Elizario

ORDINANCE NO. 1508.04A

ALL-TERRAIN VEHICLE PROHIBITION ORDINANCE

AN ORDINANCE PROHIBITING THE OPERATION OF ALL-TERRAIN VEHICLES ON CITY STREETS AND ROADWAYS; AND PROVIDING FOR FINDINGS OF FACT; REPEALER; SEVERABILITY; PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, all-terrain vehicles (“ATVs”), as described and defined in the Texas Transportation Code Sections 502.001(1) and 663.001(1) and amendments thereto, are being operated on the public streets and roadways of the City of San Elizario (“City”); and

WHEREAS, Texas Transportation Code Section 663.037(a) prohibits the operation of an ATV on a public street, road or highway with limited exceptions; and

WHEREAS, pursuant to Texas Transportation Code Section 551.303(b), the City has the authority to prohibit the operation of a neighborhood electric vehicle, such as an ATV, on a city street; and

WHEREAS, the reckless or careless operation of ATVs can result in endangerment, injury or damage to any person or property and can be detrimental to the safety of the citizens of the City and to the integrity of areas in the City; and

WHEREAS, the City Council of the City of San Elizario finds it necessary to prohibit the operation of ATVs on city streets and roadways in the interest of public safety and welfare; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and that is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

I. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact and are adopted fully herein.

2. ALL-TERRAIN VEHICLES PROHIBITED

The City Council hereby finds and orders that in the interest of public safety and welfare, the operation of all-terrain vehicles on city streets and roadways is prohibited.

3. PENALTY FOR VIOLATION

It is an offense to violate this Ordinance. A violation of this Ordinance shall be a Class C misdemeanor punishable by fines not to exceed \$200.00 per offense.

4. SIGNS

The Mayor or her designee shall cause all public streets and roadways to be clearly sign posted to give notice that this Ordinance is in effect.

5. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 24th day of March, 2015, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor