

ORDINANCE NO. 20201221-01

AN ORDINANCE OF THE CITY OF TROUP, TEXAS REGULATING OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES AND UTILITY VEHICLES WITHIN THE INCORPORATED LIMITS OF THE CITY OF TROUP, TEXAS; PROVIDING FOR DEFINITIONS; PROVIDING EXCEPTIONS TO SUCH REGULATIONS; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Troup, Texas is a Type-A General Law municipality organized and existing pursuant to the laws of the State of Texas and has the statutory power to regulate off-highway vehicles; and

WHEREAS, Texas Transportation Code Chapter 551A.001, *et seq.*, provides a framework which allows the City of Troup to regulate the travel of off-highway vehicles, all-terrain vehicles, recreational off-highway vehicles and utility vehicles within the city limits; and

WHEREAS, the City Council for the City of Troup finds that the regulations found herein concerning the travel of off-highway vehicles, all-terrain vehicles, recreational off-highway vehicles and utility vehicles enhances and protects the general welfare and safety of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF TROUP, TEXAS AS FOLLOWS:

I. DEFINITIONS

The following words and phrases shall carry the meaning as defined herein.

- A. “Off-highway vehicle” means an all terrain vehicle, recreational off-highway vehicle or utility vehicle.
- B. “All terrain vehicle” means a motor vehicle that is:
 - 1. equipped with a seat or seats for the use of:
 - a. the rider; and
 - b. a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;
 - 2. designed to propel itself with three (3) 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 fifty inches (50”) wide.

C. “Recreational off-highway vehicle” means a motor vehicle that is:

1. equipped with a seat or seats for the use of:
 - a. the rider; and
 - b. a passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
2. designed to propel itself with four (4) or more tires in contact with the ground;
3. designed by the manufacturer for off-highway use by the operator only; and
4. not designed by the manufacturer primarily for farming or lawn care.

D. “Utility vehicle” means a motor vehicle that is not a golf cart or lawn mower and is:

1. equipped with side-by-side seating for the use of the operator and a passenger;
2. designed to propel itself with at least four (4) tires in contact with the ground;
3. designed by the manufacturer for off-highway use only; and
4. designed by the manufacturer primarily for utility work and not for recreational purposes.

**II. REGULATION OF OFF-HIGHWAY VEHICLES,
ALL-TERRAIN VEHICLES, RECREATIONAL OFF-HIGHWAY VEHICLES
AND UTILITY VEHICLES**

A. By the passing of this Ordinance and unless allowed in Sections III and IV herein, off-highway vehicles, all-terrain vehicles, recreational off-highway vehicles and utility vehicles on any highway, street, road or other thoroughfare located within the city limits of Troup, Texas are hereby prohibited.

**III. PERMISSIBLE USES OF AN OFF-HIGHWAY VEHICLE,
ALL-TERRAIN VEHICLE, RECREATIONAL OFF-HIGHWAY VEHICLE
AND UTILITY VEHICLE**

A. An off-highway vehicle, all-terrain vehicle, recreational off-highway vehicle and utility vehicle may be operated on a highway, street, road or thoroughfare located within the incorporated limits of the City of Troup if the transportation is in connection with the following:

1. the production, cultivation, care, harvesting, preserving, drying, processing, canning, storing, handling, shipping, marketing, selling or use of agricultural products; or
 2. utility work performed by a utility.
- B. The operator of an off-highway vehicle, all-terrain vehicle, recreational off-highway vehicle and utility vehicle meeting the criteria of Section III (A) must attach to the back of the off-highway vehicle a triangular orange flag that is at least six (6) feet above ground level, must have vehicle headlights and taillights illuminated, must operate the vehicle in the daytime and the operation of the vehicle does not exceed a distance of twenty-five (25) miles from the point of origin to the destination.
- C. A vehicle operated pursuant to Section III (A) is not required to display a license plate.
- D. A peace officer or other person providing law enforcement, firefighting, ambulance, medical or other emergency services, including a volunteer firefighter, may operate an off-highway vehicle, all-terrain vehicle, recreational off-highway vehicle and utility vehicle on any highway, street, road or thoroughfare located inside the incorporated limits of the City as follows:
1. the transportation is in connection with the performance of the operator's official duties;
 2. the operator attaches to the back of the vehicle a triangular orange flag that is at least six (6) feet above ground level;
 3. the vehicle's headlights and taillights are illuminated; and
 4. the operation of the vehicle does not exceed a distance of ten (10) miles from the point of origin to the destination.
- E. A vehicle operated pursuant to Section III (D) is not required to display a license plate.
- F. An off-highway vehicle, all-terrain vehicle, recreational off-highway vehicle and utility vehicle may be operated by a motor carrier for the purpose of retrieving or delivering packages.
- G. Upon a showing of undue hardship, an individual may petition the Chief of Police and seek permission to operate a vehicle identified and defined in Section I of this Ordinance. The Chief of Police shall determine whether such hardship exists. Should the Chief of Police find such an undue hardship exists, the individual may be permitted to operate the vehicle for a length of time as determined by the Chief of Police.

IV. EQUIPMENT AND EMBLEM

- A. An off-highway vehicle operated pursuant to this Ordinance shall be equipped with the following:
1. headlamps
 2. taillamps
 3. reflectors
 4. parking brake
 5. mirrors
- B. An off-highway vehicle, all-terrain vehicle, recreational off-highway vehicle and utility vehicle operated pursuant to this Ordinance and being driven at a speed of twenty-five (25) miles per hour or less shall have affixed to the vehicle a “slow moving vehicle” emblem.

V. PENALTY

A violation of any provision of this Ordinance shall be charged as a Class C Misdemeanor and, if found guilty, shall be punishable by a fine not to exceed \$500.00.

VI. SEVERABILITY

Should any phrase, section, sentence or paragraph of this Ordinance be deemed illegal or unconstitutional by a court or tribunal having jurisdiction, such finding shall not affect the remaining phrases, sections, sentences or paragraphs of this Ordinance.

VII. REPEALER

Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

VIII. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall become effective once it is approved by the City Council for the City of Troup, Texas and published as required by law.

PASSED AND APPROVED by the City Council for the City of Troup, Texas, this _____ day of _____, 2020.

APPROVED BY:

Joe Carlyle, Mayor

ATTEST:

Buffie Deason, City Secretary