

ORDINANCE NO. 110923A

AN ORDINANCE OF THE CITY OF LITTLE RIVER-ACADEMY, TEXAS, PROHIBITING EXHIBITION OF ACCELERATION AND UNSAFE EXHIBITION RELATED TO THE OPERATION OF MOTOR VEHICLES IN THE CITY; PROVIDING FOR ENFORCEMENT; PROVIDING A SAVINGS CLAUSE AND AN AMENDMENT OF CONFLICTING ORDINANCES CLAUSES; PROVIDING FOR SEVERABILITY, OPEN MEETINGS, AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Section 51.012 of the Texas Local Government Code authorizes the City of Little River-Academy ("City") to adopt an ordinance, not inconsistent with state law, that is in the best interest of the City and in the best interest of the public health, safety, and welfare of the citizens of the City;

WHEREAS, the City Council for the City ("City Council") is further authorized to adopt ordinances on behalf of the City regulating the use of highways and streets of the City pursuant to Chapter 311 of the Texas Transportation Code;

WHEREAS, the City has an interest in regulating the operation of motor vehicles on highways and streets within the City by prohibiting unsafe acts, actions, and driving such as conduct commonly referred to as 'exhibition of acceleration' and 'unsafe exhibition';

WHEREAS, operating motor vehicles in a manner that includes the acceleration of a motor vehicle in such a manner as to cause the tire of the vehicle to excessively spin or lose traction, or the sudden deceleration of a motor vehicle in such a manner as to lose traction and intentionally causing the front wheel or wheels of a motor vehicle to leave the driving surface (commonly known as a "wheelie"), or otherwise driving a motor vehicle in an unreasonable and unsafe manner under the conditions at the time is dangerous, represents a threat to the health and safety of other drivers and pedestrians, and also represents a threat and danger to property both public and private; and

WHEREAS, the City Council desires to adopt an ordinance prohibiting such conduct on highways and streets within the City and prohibiting conduct that includes the acceleration of a motor vehicle in such a manner as to cause the tire of the vehicle to excessively spin or lose traction, or the sudden deceleration of a motor vehicle in such a manner as to lose traction and intentionally causing the front wheel or wheels of a motor vehicle to leave the driving surface, or otherwise driving a motor vehicle in an unreasonable and unsafe manner under the conditions at the time, will protect the general health, safety, and welfare of the public and the residents of the City and is necessary for the government, interest, welfare, and good order of the City,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLE RIVER ACADEMY, TEXAS, THAT:

Section 1. Authority. This ordinance is adopted pursuant to the authority given to the City by the police powers and authority of the City under Texas law, the Constitution, and the codes and the laws of the State of Texas, including but not limited to Chapter 51, Tex. Loc. Gov't. Code and Chapter 311 of the Tex. Trans. Code.

Section 2. Findings of Fact. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 3. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

“Exhibition of acceleration.” The acceleration of a motor vehicle in such a manner as to cause the tire of the vehicle to excessively spin or lose traction, or the sudden deceleration of a motor vehicle in such a manner as to lose traction.

“Motor vehicle.” Any motor driven or propelled vehicle as defined in Chapter 501 of the Texas Transportation Code.

“Public place.” Any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, parking lots and common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

“Unsafe exhibition.” Intentionally causing the front wheel or wheels of a motor vehicle to leave the driving surface (commonly known as a “wheelie”), or otherwise driving a motor vehicle in an unreasonable and unsafe manner under the conditions at the time.

Section 4. Prohibited Acts. (a) It shall be unlawful for an operator of a motor vehicle to engage in any exhibition of acceleration, as defined in Section 3 of this Ordinance, in a public place within the City.

(b) It shall be unlawful for an operator of a motor vehicle to engage in any unsafe exhibition, as defined in in Section 3 of this Ordinance, in any public place within the City.

Section 5. Enforcement. The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered and authorized to enforce the terms of this Ordinance.

Section 6. Penalties. Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Five Hundred dollars (\$500.00) for each offense.

Section 7. Savings Clause. All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting the operation of vehicles within the City which have accrued 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. Amendment of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby amended to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

Section 9. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

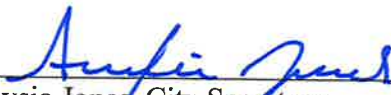
Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the *Tex. Loc. Gov't. Code*.

Section 11. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, *Tex. Gov't. Code*.

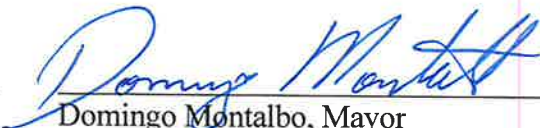
PASSED AND APPROVED on this 9th day of November, 2023.

ATTEST:

CITY OF LITTLE RIVER-ACADEMY, TEXAS



Anyisia Jones, City Secretary



Domingo Montalbo, Mayor