

**CITY OF KRUGERVILLE, TEXAS  
ORDINANCE NUMBER 2021-013**

**AN ORDINANCE OF THE CITY OF KRUGERVILLE, TEXAS, AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, OF THE KRUGERVILLE CODE OF ORDINANCES BY ADDING A NEW ARTICLE 12.06, OFF-HIGHWAY VEHICLES; REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC HIGHWAYS; REQUIRING CITY REGISTRATION AND TEXAS MOTOR VEHICLE LICENSING OF OFF-HIGHWAY VEHICLES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, Section 551A.053 of the Texas Transportation Code authorizes the City Council of the City of Krugerville, Texas (“City Council”) to allow the operation of unregistered off-highway vehicles within the City of Krugerville, Texas (“City”) under certain conditions; and

**WHEREAS**, the City Council has determined that it is in the best interest of the public health, safety, and general welfare to establish the following regulations for the operation of off-highway vehicles within the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KRUGERVILLE, TEXAS:**

**SECTION 1. Findings Incorporated.** The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Amendment to Chapter 12 (Traffic and Vehicles) of the Krugerville Code of Ordinances.** Chapter 12 (Traffic and Vehicles) of the Krugerville Code of Ordinances is amended to add a new Article 12.06, to read as follows:

**“ARTICLE 12.06. OPERATION OF OFF-HIGHWAY VEHICLES ON PUBLIC HIGHWAYS”**

**Sec. 12.06.001 Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the following meanings:

“All Terrain Vehicle (ATV)” is a motor vehicle that:

- (A) Has a seat or seats for the rider and one passenger;
- (B) Has three or more tires;
- (C) Is not more than 50 inches wide;

- (D) Is designed for off-highway use; and
- (E) Is not designed by the manufacturer for farm or lawn care.

“Recreational Off-Highway Vehicle (ROV)” is a motor vehicle that:

- (A) Has a seat or seats for the rider and one or more passengers;
- (B) Has four or more tires;
- (C) Is designed for off-highway use; and
- (D) Is not designed by the manufacturer for farm or lawn care.

“Utility Vehicle (UTV)” is a motor vehicle that:

- (A) Has side by side seating for the operator and passenger;
- (B) Has four or more tires;
- (C) Is designed for off-highway use; and
- (D) Is designed by the manufacturer for utility work and not for recreational purposes.

“Sand rail” is a motor vehicle that:

- (A) Is designed or built for off-highway use in sandy terrains;
- (B) Has a tubular frame;
- (C) Has an integrated roll cage;
- (D) Has an engine that is rear-mounted or placed midway between the front and rear axles; and
- (E) Has a gross vehicle weight between 700 and 2,000 pounds.

"Off-highway vehicle" means:

- (A) An all-terrain vehicle or recreational off-highway vehicle;
- (B) A sand rail; or
- (B) A utility vehicle.

#### **Sec. 12.06.002 Off-Highway Vehicles Permitted.**

An operator may operate an off-highway vehicle on all or part of a public highway that:

- (1) Is in the corporate boundaries of the City; and
- (2) Has a posted speed limit of not more than thirty-five (35) miles per hour.

#### **Sec. 12.06.003 Operational Requirements.**

- (A) An off-highway vehicle operated under this article must have the following equipment:
  - (1) A brake system;
  - (2) A muffler system;

- (3) U. S. Forest Service qualified spark arrester;
  - (4) A head light and tail light;
  - (5) A slow moving vehicle emblem; and
  - (6) An Off-Highway Vehicle license plate issued by the Department of Motor Vehicles
- (B) An operator of an off-highway vehicle must have a valid driver's license.
- (C) An operator of an off-highway vehicle must carry evidence of financial responsibility in accordance with Section 601.051 of the Texas Transportation Code, as amended;
- (D) An off-highway vehicle must be operated with headlamps on at all times.
- (E) An operator and all occupants of an off-highway vehicle must be seated in a seat intended to hold occupants while the off-highway vehicle is in motion. No occupant of a off-highway vehicle may stand or sit in the lap of another occupant while the off-highway vehicle is in motion.
- (F) Off-highway vehicles may cross intersections, including a public highway that has a posted speed limit of more than thirty-five (35) miles per hour.
- (G) Off-highway vehicles may not be operated in or on a public sidewalk, pedestrian walkway, playground, park, or other public recreational areas, not designated for motor vehicles.
- (H) Off-highway vehicles shall only be operated during the following hours:  
8:00 am to 11:00 pm on Sunday through Thursday  
8:00 am to 12:00 midnight on Friday and Saturday

**Sec. 12.06.004 Registration Requirements.**

All motorized off-highway vehicles operated on streets and parking areas of the City of Krugerville must be registered with Krugerville City Hall and submit evidence of compliance with Section 12.06.003(A)(6) above.

**Sec. 12.06.005 Transfer**

Upon transfer of ownership of the off-highway vehicle to a person who intends to operate it over authorized streets and parking areas, the new owner must register the off-highway vehicle, as outlined in Sec. 12.06.004, Registration Requirements. The new registration must occur within ten (10) days.

**Sec. 12.06.006 Public Safety Personnel.**

Notwithstanding Section 12.06.003 of this Article, public safety personnel may operate an off-highway vehicle on any public highway within the City when the off-highway vehicle is being used in the performance of official duties.

**Sec. 12.06.007 Penalty Provision.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined in accordance with Chapter 1, Section 1.01.009, General Penalty for Violations of Code.

**SECTION 3. Savings/Repealing Clause.** All ordinances of the City in conflict with the provisions of this Ordinance are hereby repealed to the extent they are in conflict.

**SECTION 4. Severability.** Should any section, subsection, clause, or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full for force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, and phrases be declared unconstitutional and invalid.

**SECTION 5. Effective Date.** This Ordinance shall be effective from and after its passage and publication of its caption as required by law, and the City Secretary is hereby directed to implement such publication.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KRUGERVILLE, TEXAS on this 22<sup>nd</sup> day of JULY, 2021.**

**APPROVED:**



  
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JEFF PARRENT, MAYOR

**ATTEST:**

  
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SANDY FRANTZ, CITY SECRETARY