

ORDINANCE

ADDING A NEW SECTION 53-15 OF THE CITY CODE RELATING TO RESTRICTIONS ON OPERATING A MOTOR VEHICLE NEAR VULNERABLE ROAD USERS; CREATING AN OFFENSE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERANCE; PROVIDING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. Chapter 53 of the City of Corpus Christi Code of Ordinances is amended by adding a new Section 53-15 to read:

CHAPTER 53 TRAFFIC

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ARTICLE I. In General

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Sec. 53-15. Protection of Vulnerable Road Users.

(a) In this section, a Vulnerable Road User means:

- (1) a bicyclist;
- (2) a pedestrian; or
- (3) a person with a disability.

(b) An operator of a motor vehicle passing a Vulnerable Road User shall pass to the left of the Vulnerable Road User at a safe distance.

(c) An operator of a motor vehicle passing a Vulnerable Road User may not move back to the right side of the roadway until safely clear of the passed Vulnerable Road User.

(d) An operator of a motor vehicle that passes a Vulnerable Road User at a distance of 3 feet is presumed to have passed at a safe distance.

(e) An operator of a truck (as defined by the Texas Transportation Code) that passes a Vulnerable Road User at a distance of 6 feet is presumed to have passed at a safe distance.

(f) A bicyclist shall use a bicycle lane when available and free of obstruction or debris that prevents the person from safely riding within the bicycle lane. This subsection does not apply to city-permitted organized events.

(g) A pedestrian shall use an adjacent sidewalk when available and accessible to the pedestrian. This subsection does not apply to city-permitted organized events.

(h) A person with a disability shall use an adjacent sidewalk when available and accessible to the person with a disability. This subsection does not apply to city-permitted organized events.

(i) The culpable mental state required by Section 6.02 of the Texas Penal Code is specifically negated and dispensed with and a violation of this section is a strict liability offense.

(j) A violation under this Section is a Class C misdemeanor

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SECTION 2. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance, for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

SECTION 3. Publication shall be made one time in the official publication of the City of Corpus Christi as required by the City Charter of the City of Corpus Christi.

SECTION 4. Penalties are as provided in Section 1-6 of the Code of Ordinances.

SECTION 5. This ordinance takes effect immediately upon passage.

The foregoing ordinance was read for the first time and passed to its second reading on this the 8th day of May, 2012, by the following vote:

| | | | |
|---------------------|------------|----------------|------------|
| Joe Adame | <u>Aye</u> | John E. Marez | <u>Aye</u> |
| Chris N. Adler | <u>Aye</u> | Nelda Martinez | <u>Aye</u> |
| Kelley Allen | <u>Aye</u> | Mark Scott | <u>Aye</u> |
| Larry Elizondo, Sr. | <u>Aye</u> | David Loeb | <u>Aye</u> |
| Priscilla G. Leal | <u>No</u> | | |

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 2012, by the following vote:

| | | | |
|---------------------|-------|----------------|-------|
| Joe Adame | _____ | John E. Marez | _____ |
| Chris N. Adler | _____ | Nelda Martinez | _____ |
| Kelley Allen | _____ | Mark Scott | _____ |
| Larry Elizondo, Sr. | _____ | David Loeb | _____ |
| Priscilla G. Leal | _____ | | |

PASSED AND APPROVED this the _____ day of _____, 2012.

ATTEST:

Armando Chapa
City Secretary

Joe Adame
Mayor