

Sec. 126-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than ~~14~~ten (10) inches in diameter.

*Vulnerable road user* means a pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger, a person on horseback, a person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment, or a person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.

(Code 1961, §§ 23-1, 23-69; Ord. No. 2005-06, § I, 1-24-05; Ord. No. 2011-59, § 1, 8-8-11)

**Cross reference**— Definitions generally, § 1-2.

**State Law reference**— Definitions, Vernon's Ann. Civ. St. art. 6701d, §§ 1 et seq., 20A.

Sec. 126-103. - Vulnerable road users.

~~(a) — In this section, a vulnerable road user means:~~

~~(1) — A pedestrian, including a runner, physically disabled person, child, skater, highway construction and maintenance worker, tow truck operator, utility worker, other worker with legitimate business in or near the road or right-of-way, or stranded motorist or passenger;~~

~~(2) — A person on horseback;~~

~~(3) — A person operating equipment other than a motor vehicle, including, but not limited to, a bicycle, handcycle, horse-driven conveyance, or unprotected farm equipment; or~~

~~(4) — A person operating a motorcycle, moped, motor-driven cycle, or motor-assisted scooter.~~

~~(b)~~ An operator of a motor vehicle passing a vulnerable road user operating on a highway or street shall:

(1) Vacate the lane in which the vulnerable road user is located if the highway or street has two or more marked lanes of traffic running in the same direction; or

(2) Pass the vulnerable road user at a safe distance.

~~(be)~~ For the purpose of subsection ~~(ba)~~(2), when road conditions allow, safe distance is at least:

(1) Three feet if the operator's vehicle is a passenger car or light truck; or

(2) Six feet if the operator's vehicle is a truck, other than a light truck, or a commercial motor vehicle as defined by V.T.C.A., Transportation Code § 552.003.

~~(dc)~~ An operator of a motor vehicle that is making a left turn at an intersection, including an intersection with an alley or private road or driveway, shall yield the right-of-way to a vulnerable road user who is approaching from the opposite direction and is in the intersection, or is in such proximity to the intersection as to be an immediate hazard.

~~(de)~~ An operator of a motor vehicle may not overtake a vulnerable road user traveling in the same direction and subsequently make a right-hand turn in front of the vulnerable road user unless the operator is safely clear of the vulnerable road user, taking into account the speed at which the

vulnerable road user is traveling and the braking requirements of the motor vehicle making the right-hand turn.

- (ef) An operator of a motor vehicle may not maneuver the vehicle in a manner that:
  - (1) Is intended to cause intimidation or harassment to a vulnerable road user; or
  - (2) Threatens a vulnerable road user.
- (gf) An operator of a motor vehicle shall exercise due care to avoid colliding with any vulnerable road user on a highway or street or in an intersection of highways or streets.
- (gh) It is an offense for an operator of a motor vehicle to violate subsections (ba), (dc), (ed), (fe) or (gf).
- (hi) It is an affirmative defense to prosecution under this section that at the time of the offense the vulnerable road user was acting in violation of the law.

(Ord. No. 2010-23, § 1, 4-26-10)

## ARTICLE V. - BICYCLES

### DIVISION 1. - RESERVED<sup>(6)</sup>

#### Footnotes:

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**Editor's note**— Sections I and II of Ord. No. 99-62, adopted Sept. 13, 1999, repealed §§ 126-196 and 126-197 in their entirety. Formerly, §§ 126-196 and 126-197 pertained to bicycles generally and derived from §§ 23-52 and 23-64 of the 1961 Code.

Secs. 126-196—126-210. - Reserved.

### DIVISION 2. - ~~LICENSES, TAGS, REGISTRATION AND FEES~~RESERVED

~~Sec. 126-211. — License — Voluntary.~~

~~Any person who operates a bicycle upon any of the streets of the City of New Braunfels may register the bicycle with the New Braunfels Police Department as provided in this article.~~

~~(Code 1961, § 23-53; Ord. No. 99-62, § VIII, 9-13-99)~~

~~Sec. 126-212. — Reserved.~~

**Editor's note**— Section II of Ord. No. 99-59, adopted Aug. 23, 1999, repealed § 126-212 in its entirety. Formerly, § 126-212 pertained to application for bicycle license, etc., and derived from § 23-54 of the 1961 Code.

~~Sec. 126-213. — Issuance — Duration.~~

~~The police department upon receiving proper application therefor is authorized and directed to issue a bicycle license. The license shall be perpetual in duration and may be transferred in a manner consistent with this article.~~

~~(Code 1961, § 23-55; Ord. No. 99-62, § IX, 9-13-99)~~

~~Sec. 126-214.— Same—Same—Prohibited under suspicious circumstances.~~

~~The police department shall not issue a license for any bicycle when it is known or there is reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.~~

~~(Code 1961, § 23-56)~~

~~Sec. 126-215.— Same—Same—Inspection; refusal if unsafe.~~

~~The chief of police or an officer assigned such responsibility shall, if it is deemed necessary, inspect each bicycle before licensing such bicycle, and if it is found that the bicycle is in unsafe mechanical condition, such license shall be refused.~~

~~(Code 1961, § 23-57)~~

~~Secs. 126-216.— Reserved.~~

**Editor's note**— Section III of Ord. No. 99-62, adopted Sept. 13, 1999, repealed § 126-216 in its entirety. Formerly, § 126-216 pertained to renewal of license and derived from § 23-58 of the 1961 Code.

~~Sec. 126-217.— Metal tags—Issuance.~~

~~Each year the police department shall:~~

- ~~(1)—*Issuance of tags.* Provide metallic tags and seals having the registration number, the year issued, and the letters "NBBL" stamped thereon, suitable for attachment upon the rear of each bicycle.~~
- ~~(2)—*Attachment to bicycle.* See that the metallic tag is attached to the rear of each bicycle where it is clearly visible at all times, and that at all times during the license year for which it is issued it remains so attached.~~
- ~~(3)—*Registration card.* At the time of the issuance of the license, the police department shall also issue to the person obtaining the license a registration card, which card shall bear the license and registration number of such bicycle.~~
- ~~(4)—*Records.* Keep a record of the date of the issuance of each license, the name of the person to whom issued, the number thereof, together with a description of the bicycle.~~

~~(Code 1961, § 23-59)~~

~~Sec. 126-218.— Duplicate tags.~~

~~Any licensee who has lost his bicycle registration card or license tag may receive a duplicate at no cost.~~

~~(Code 1961, § 23-60; Ord. No. 99-62, § X, 9-13-99)~~

~~Sec. 126-219.— Transfer of ownership— Seller's report; purchaser's registration.~~

~~(a) — Seller's report. It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made within five days of the date of the sale or transfer.~~

~~(b) — Purchaser's registration. It shall be the duty of the purchaser or transferee of a bicycle to apply for a transfer of registration therefor within five days of the sale or transfer.~~

~~(Code 1961, § 23-61)~~

~~Sec. 126-220.— Reserved.~~

**Editor's note**— Section IV of Ord. No. 99-62, adopted Sept. 13, 1999, repealed § 126-220 in its entirety. Formerly, § 126-220 pertained to metal tag fees and derived from § 23-62 of the 1961 Code.

~~Sec. 126-221.— Removal or alteration of identifying numbers; provision for supplying numbers.~~

~~(a) — Removal of factory numbers prohibited. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle frame licensed pursuant to this article.~~

~~(b) — Removal or destruction of license plate, seal or registration card prohibited. It shall be unlawful for any person to remove, destroy, mutilate or alter the number of any bicycle license plate, seal or registration card during the time for which issued.~~

~~(c) — Provision for supplying numbers. Nothing in this article shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which the serial number is illegible or insufficient for identification purposes.~~

~~(Code 1961, § 23-63)~~

~~Sec. 126-222.— Dismantling or taking out of operation.~~

~~Within ten days after any bicycle registered and licensed under this article shall have been dismantled and taken out of operation, such information shall be reported to the police department by the person in whose name the bicycle has been licensed and registered.~~

~~(Code 1961, § 23-68)~~

~~Secs. 126-223—126-235.— Reserved.~~

DIVISION 3. - RESERVED [\[7\]](#)

Footnotes:

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**Editor's note**— Sections V—VII of Ord. No. 99-62, adopted Sept. 13, 1999, repealed §§ 126-236—126-238 in their entirety. Formerly, §§ 126-236—126-238 pertained bicycle dealers and derived from §§ 23-65—23-67 of the 1961 Code.

Secs. 126-236—126-250. - Reserved.

#### DIVISION 4. - EQUIPMENT

Sec. 126-251. - Lamps and reflectors.

(a) No person shall operatedrive a bicycle between 9:00 p.m. and 7:00 a.m. unless the bicycle is equipped with either: (1) a red rear reflector mounted on the bicycle so located and of sufficient size and reflectivity to be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle; or (2)- a lamp mounted to the rear of the bicycle emitting a red light visible from a distance of at least 500 feet from the rear of the bicycle.

(b) No person shall operate a bicycle between 9:00 p.m. and 7:00 a.m. unless it is equipped with a lamp mounted on the front of the bicycle that emits a white light visible from a distance of at least 500 feet from the front of the bicycle.

~~Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~

(Code 1961, § 23-69)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 184(a).

Sec. 126-252. - Reserved.

**Editor's note**— Section I of Ord. No. 99-59, adopted Aug. 23, 1999, repealed § 126-252 in its entirety. Formerly, § 126-252 pertained to bells and derived from § 23-70 of the 1961 Code.

Sec. 126-253. - Brakes.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(Code 1961, § 23-71)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 184(b).

Secs. 126-254—126-265. - Reserved.

#### DIVISION 5. - OPERATION

Sec. 126-266. - Traffic regulations apply to persons riding bicycles; competitive racing.

(a) Every person riding a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

- (b) However organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the appropriate local law enforcement agencies. The sponsoring organization and the local law enforcement agency may establish by agreement special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races. ~~"Bicycle" as used in this section means a nonmotorized vehicle propelled by human power.~~

(Code 1961, § 23-72)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 179.

Sec. 126-267. - Obedience to traffic devices.

- (a) *Signs, signals and other devices.* Any person operating a bicycle shall obey the instructions of official traffic control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) *Turning.* Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(c) *Bike Lanes.* Unless a bike lane is specifically designated otherwise, a bicyclist riding in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(Code 1961, § 23-73)

Sec. 126-268. - Riding on seat required.

- (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(Code 1961, § 23-74)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 180.

Sec. 126-269. - Clinging to vehicles.

No person riding upon any bicycle shall attach such bicycle or himself to any vehicle upon a roadway.

(Code 1961, § 23-75)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 181.

Sec. 126-270. - Carrying articles.

No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handlebars.

(Code 1961, § 23-76)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 183.

Sec. 126-271. - Manner of riding on roadways; use of bicycle paths.

(a) Any person operating a bicycle upon a roadway at less than the normal and reasonable speed of traffic shall ride in the right-hand lane of the roadway subject to the following provisions:

(1) If the right-hand lane is wide enough to be safely shared with overtaking vehicles, a person operating a bicycle shall ride far enough to the right as judged safe by a reasonable bicyclist to facilitate the movement of such overtaking vehicles of the bicyclist unless other conditions make it unsafe to do so.

(2) A person operating a bicycle may use a lane other than the right-hand lane when:

a. Passing another vehicle;

b. Preparing for a left turn;

c. Avoiding fixed or moving hazardous or potentially hazardous conditions or objects;

d. Lanes are too narrow for a bicycle and vehicle to travel safely side by side;

e. Approaching an intersection where there is a designated right turn lane and the bicyclist does not intend to turn right, the cyclist may ride on the left-hand side of such designated lane;

f. Riding on a roadway designated for one-way traffic, when the bicyclist may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist; or

g. Riding on parts of roadways designated for bicycles.

(b) A bicyclist shall not be expected or required to:

(1) Ride over or through any hazards or apparent hazards.

(2) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.

(d) A person operating a bicycle in compliance with this section and not violating any other section of law is not impeding traffic. (a) Except as provided by subsection (c) of this section, a person operating a bicycle upon a roadway at less than the speed of the other traffic on the roadway at that time shall ride as near as practicable to the right curb or edge of the roadway, except when:

(1) The person is overtaking and passing another vehicle proceeding in the same direction;

(2) The person is preparing for a left turn at an intersection or onto a private road or driveway; or

(3) Conditions on the roadway, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes, make it unsafe to ride next to the right curb or edge of the roadway.

(b) For the purpose of subsection (a) of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a motor vehicle to travel in the lane safely side by side.

- ~~(c) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.~~
- ~~(d) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.~~
- ~~(e) Whenever a path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.~~

(Code 1961, § 23-77)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 182.

Sec. 126-272. - ~~Prohibited on sidewalks; posted areas~~Riding on sidewalks.

- (a) No person shall operate a bicycle upon a sidewalk where the sidewalk which abuts a building, or when riding on the sidewalk would endanger pedestrians, or where operation of a bicycle on a sidewalk is prohibited by an official traffic control device.
- (b) Any individual operating a bicycle upon a sidewalk shall yield the right-of-way to pedestrians and shall give an audible signal before overtaking and passing a pedestrian.
- (c) Any individual operating a bicycle within a pedestrian crosswalk must yield the right-of-way to motor vehicle traffic and pedestrians. When pedestrians are present within a crosswalk, an individual must dismount, walk the bicycle and obey applicable traffic control devices.
- (d) If any traffic control device is in place alongside of or on a sidewalk or a path, no driver of a bicycle or pedestrian shall fail to obey the requirements of the device.
- (e) The chief of police or city engineer is authorized to designate areas and erect signs on any roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey such signs.
- ~~(a) Sidewalks. No person shall ride a bicycle upon a sidewalk within the city.~~
- (f) The following exceptions apply to riding on sidewalk prohibitions:
  - (1) Any person 12 years of age or under may ride or operate bicycles on sidewalks within a designated area;
  - (2) Any adult accompanying a person 12 years of age or under riding a bicycle or transporting a person 12 years of age or under, may ride or operate a bicycle on sidewalks within a designated area; or
  - (3) Any person may ride or operate a bicycle on those portions of sidewalks within a designated area where there is an obstruction in the bike lane adjacent to the sidewalk.
- ~~(b) Places posted. The police department is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon by any person, and when such signs are in place no person shall disobey such signs.~~

(Code 1961, § 23-78)

Sec. 126-273. - Emerging from alley, driveway or building.



The operator of a bicycle emerging from an alley, driveway, or building shall, upon approaching a sidewalk area, yield the right-of-way to all pedestrians approaching on such sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1961, § 23-79)

Sec. 126-274. - Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1961, § 23-80)

Sec. 126-275. - Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against a building, or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1961, § 23-81)

Sec. 126-276. – Bicycle turn signals.

The driver of a bicycle is excepted from giving the hand and arm signal continuously if the hand is needed in the control or operation of the bicycle, but it shall be given for a substantial period while stopped waiting to turn. The driver of a bicycle may signal a right turn by extending the right hand and arm horizontally.

Secs. 126-27~~6~~—126-295. - Reserved.