

CHAPTER 12

TRAFFIC AND VEHICLES

Article 12.01:	General Provisions	12-3
Article 12.02:	Administration	12-4
Article 12.03:	Traffic-Control Signs, Signals and Devices	12-5
Article 12.04:	Standing, Parking and Stopping	12-7
Article 12.05:	Speed Limits	12-10
Article 12.06:	Truck Routes	12-11
Article 12.07:	Truck Parking	12-11

..-./.

ARTICLE 12.01 GENERAL PROVISIONS'

Sec. 12.01.001 Definitions

Wherever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

Authorized emergency vehicle. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the city council.

Crosswalk. That portion of a roadway ordinarily included within the prolongation of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lanes or other markings on the surface.

Intersection. The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

Motor vehicle. Every vehicle, as herein defined, which is self-propelled.

Official traffic signals. All signals, not inconsistent with this chapter, placed or erected by the city council, for the purpose of directing, warning or regulating traffic.

Official traffic signs. All signs, markings and devices, other than signals, not inconsistent with this chapter, placed or erected by the city council for the purpose of guiding, directing, warning or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle.

Parking. The standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading, or in obedience of traffic regulations or traffic signs and signals.

Pedestrian. Any person afoot.

Police officer. Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. Every road or driveway not open to the use of the public for the purposes of vehicular travel.

Right-of-way. The privilege of the immediate use of the street or highway.

Roadway. That portion of a street or highway between the regularly established curb lines or that part devoted to the vehicular traffic.

- State law reference-Traffic regulation, generally, V.T.C.A., Transportation Code.

Safety zone. That area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. That portion of a street between the curblines and the adjacent property lines.

Street or highway. Every way set apart for public travel, except footpaths.

Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any street for purposes of travel.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 12.01.002 Driving through processions

It shall be unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or by police officers.

Sec. 12.01.003 Unnecessary noise

It shall be unlawful to operate a vehicle that makes unusually loud or unnecessary noise.

Sec. 12.01.004 Riding outside of vehicle

It shall be unlawful for any person to ride on any portion of any vehicle not designed or intended for the use of passengers when such vehicle is in motion. This provision does not apply to an employee engaged in the necessary discharge of his duty nor to persons riding within truck bodies intended for merchandise.

ARTICLE 12.02 ADMINISTRATION

Sec. 12.02.001 Police to direct traffic

It shall be the duty of the police department of this city to enforce the provisions of this chapter. Officers of the police department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Sec. 12.02.002 Adoption of emergency regulations

The city marshal is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergencies or special conditions.

(Ordinance 33 adopted)

ARTICLE 12.03 TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES*

Sec. 12.03.001 Enforcement authority

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, any traffic-control sign or signal herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof. (Ordinance 33 adopted_)

Sec. 12.03.002 Conformity to state requirements

All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the state manual and specifications adopted by the state traffic commission. All signs, signals and markings erected or used by the city shall be uniform and shall be located so far as practicable according to the directions shown in the state manual and specifications throughout the city. All existing traffic-control devices and those erected in the future by the city being consistent with the state manual and specifications, state law and this article shall be official traffic-control devices.

Sec. 12.03.003 Obedience to devices

The driver of any vehicle, motor vehicle or animal shall obey the instructions of any official traffic-control device, sign, signal or marking applicable thereto placed in accordance with this article, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

Sec. 12.03.004 Unauthorized signs or devices

(a) No person shall place, maintain, or display upon or in view of any highway, street or alley any unauthorized sign, signal, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley any traffic sign or signal bearing thereon any commercial advertising.

(c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.

- State law references-Authority to place and maintain traffic-control devices, V.T.C.A., Transportation Code, sec. 542.202(1); destruction of traffic-control devices, V.T.C.A., Transportation Code, sec. 544.005.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the chief of police is hereby empowered to remove the same or cause it to be moved without notice.

Sec. 12.03.005 Defacing signs or signals

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, sign or signal or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof.

Sec. 12.03.006 Authority to install; report

(a) The city council shall by ordinance direct that the director of public works shall have the authority of erecting or installing upon, over, along, or beside any highway, street or alley signs, signals and markings or cause the same to be erected, installed or placed in accordance with this article and consistent with the state manual and specifications. Said traffic-control devices shall be installed immediately, or as soon as such specific device, sign or signal can be procured.

(b) Whenever the director of public works has erected and installed any official traffic-control device, signal or sign at any location in the city or has caused the same to be done under his direction, in obedience to this article and the state manual and specifications, the director shall thereafter file a report with the city secretary in writing and signed officially by the director of public works, stating the type of traffic-control device, sign or signal, and when and where the same was erected and installed. The city secretary shall file and maintain such report of the director of public works among the official papers of the office of the city secretary.

Sec. 12.03.007 Evidence of installation

It being unlawful for any person other than the director of public works, acting pursuant to an ordinance of the city, to install or cause to be installed any signal, sign or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof. in any prosecution for a violation of this article or any traffic ordinance of the city, that any traffic-control device, sign, signal or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the director of public works pursuant to the authority of this article and of the ordinance directing the installation of such device, signal or marking.

Sec. 12.03.008 Penalty

Any person convicted of violating any of the provisions of this article shall be punished by a fine in accordance with the general penalty provision found in section 1.01.009.

(Ordinance 8-78 adopted 8/14/78)

ARTICLE 12.04 STANDING, PARKING AND STOPPING

Sec. 12.04.001 Stopping prohibited in specified places

It shall be unlawful for the operator of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal:

- (1) In the center of the street.
- (2) Within twenty-five (25) feet from the intersection of curblines, or, if none, then within fifteen feet of the intersections of property lines at an intersection, except at alleys.
- (3) Within thirty (30) feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway.
- (4) Within fifteen (15) feet of the driveway entrance to any fire station.
- (5) Within ten (10) feet of any fire hydrant.
- (6) In front of any private driveway, except with the consent of the owner.
- (7) On the roadway beside any vehicle stopped or parked at the right-hand edge or curb of a street. It is the intention of this subsection to prohibit what is commonly known as double parking or double line parking.

Sec. 12.04.002 Standing for loading, or unloading only in certain places

(a) The city marshal shall have authority by and with the consent of the city council to determine the location of passenger zones and loading zones and shall erect and maintain or cause to be maintained appropriate signs indicating the same.

(b) It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.

(c) It shall be unlawful for the operator of a vehicle to stop, stand, or park said vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers or for the unloading and delivery or pick up and loading materials, in any place marked as a loading zone. In no case shall the stop for loading and for unloading of materials exceed thirty (30) minutes.

Sec. 12.04.003 Bus stop and taxicab stands

The city council shall have the right to establish bus stops and taxicab stands on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public, and every such bus stop and taxicab stand so established shall be designated by appropriate signs.

Sec. 12.04.004 Parking in bus stops and taxicab stands

It shall be unlawful for the operator or driver of any vehicle other than a bus to stand or park in an officially designated bus stop, or for any vehicle other than a bus or taxicab to stand or park in an officially designated taxicab stand, except that the operator or driver of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in loading or unloading passengers.

Sec. 12.04.005 Buses and taxicabs parking in other than designated stands

It shall be unlawful for the operator of any bus or taxicab to stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

Sec. 12.04.006 Parking prohibited in certain places

(a) It shall be unlawful for any operator to stop, stand or park any vehicle upon a street, other than an alley, in such manner or under such conditions as to leave available less than ten feet of the width of the roadway free for movement of vehicular traffic, except on streets on which no parking is allowed during the actual unloading or loading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(b) It shall be unlawful for any operator to park a vehicle within an alley in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic.

(c) It shall be unlawful for any operator to park any vehicle within three hundred (300) feet of any burning building or structure or thing where firefighting apparatus is being used for the purpose of extinguishing same, except under the direction of the chief or other officer of the fire department or a police officer of the city.

Sec. 12.04.007 Parking prohibited during certain hours in designated places

The operator or driver of any vehicle shall not park such vehicle between the hours of 8:00 a.m. and 6:00 p.m. of any day within the district or streets designated by the city council by resolution, except in accordance with the time limit specified on the official signs and signals and other provisions of this article, Sundays and legal holidays excepted. Signs shall be placed or erected and maintained in each block designating the provisions of this section upon the passage of such resolution.

Sec. 12.04.008 All-night parking

It shall be unlawful for the operator of any vehicle to park said vehicle for a period of time longer than thirty (30) minutes between the hours of 12 midnight and 6 a.m. on any street designated by the city council.

Sec. 12.04.009 Standing or parking close to curb

(a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of the traffic, and with the curbside wheels of the vehicle within 18 inches of the edge of the curb, except upon those streets which have been marked or signed for angle parking, in which case vehicles shall be parked at the angle to the curb indicated by such sign.

(b) The city council shall determine by resolution upon what streets angle parking shall be permitted and shall, at the time of such determining, provide for the marking or signing of such streets.

Sec. 12.04.010 Parking vehicles for sale

It shall be unlawful for any person to park upon a street any vehicle displayed for the purpose of selling same.

Sec. 12.04.011 Display of advertising

It shall be unlawful for any person to park on any street any vehicle for the primary purpose of displaying advertising.

(Ordinance 33 adopted)

Sec. 12.04.012 Parking prohibited at specific intersections

The parking of motor vehicles is hereby prohibited at designated intersections as follows:

- (1) Parking of motor vehicles be prohibited on the east side of East First St. (State Highway 95) beginning at the intersection of East First St. and Jackson St. (Farm Road No. 532) south for a distance of 205 feet, and within 15 feet of the traveled portion of East First St. (State Highway 95).
- (2) Parking of motor vehicles be prohibited on the west side of East First St. (State Highway 95) beginning at the intersection of Moore Ave. north for a distance of 170 feet, and within 15 feet of the traveled portion of East First St. (State Highway 95).

(Ordinance 1-82 adopted 1/14/82)

- (3) Parking of motor vehicles be prohibited on the west side of East First Street (Hwy. 95) beginning at the intersection of East First Street and Jackson Street (SH 95 and PM 532) north for a distance of 205 feet and within 15 feet of the traveled portion of East First Street (SH 95). (Ordinance 10-86 adopted 10/9/86)

Sec. 12.04.013 Penalty

Any person violating any of the provisions of this article or any rule or regulation made in compliance therewith shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine in accordance with the general penalty found in section 1.01.009.

Sec. 12.04.014 Owner prima facie responsible for illegal parking

If any vehicle is found upon any roadway in violation of any provision in this article regulating the stopping, standing, or parking of vehicles and the identity of the operator cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

ARTICLE 12.05 SPEED LIMITS

Sec. 12.05.001 Speed, reckless driving

(a) Any operator of a vehicle on a roadway shall operate the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the roadway and of any other conditions then existing, and no operator shall drive any vehicle upon a roadway at such speed as to endanger the life, limb or property of any person. Rates of speed in excess of the following are "prima facie" evidence of violation of this section:

- (1) In the business district, 20 miles per hour.
- (2) In a residence district, 20 miles per hour.
- (3) When passing a school building or the grounds thereof during school recess or while children are going to or leaving school during opening and closing hours, 20 miles per hour.

(b) It shall be unlawful for any person to drive any vehicle upon a roadway carelessly and heedlessly in willful or wanton disregard of the rights or safety of others, or without due caution or circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

(Ordinance 33 adopted)

Sec. 12.05.002 Specific limits set

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of section 169 of article 6701d, Vernon's Texas Civil Statutes, the following prima facie limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- (1) On F.M. 1680 (Lancaster Street) from a point at the north city limit to a point 2,086 feet south, a distance of approximately 0.395 of a mile, 35 miles per hour.
- (2) On F.M. 1680 (Lancaster Street) from a point 2,086 feet south of the north city limit to a point 290 feet south, a distance of approximately 0.054 of a mile, 30 miles per hour.

Sec. 12.05.003 Penalty

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty found in section 1.01.009.

(Ordinance 7-81 adopted 7/17/81)

ARTICLE 12.06 TRUCK ROUTES

Sec. 12.06.001 Routes designated

There is hereby designated a pattern of truck routes as follows, upon which all trucks of more than two (2) tons' carrying capacity shall travel while within the city except as otherwise permitted: Truck routes shall be those routes designated as state or federal highways including farm-to-market highways as marked in the city.

Sec. 12.06.002 Exceptions

Section 12.06.001 shall not apply to the operation of a motor truck of more than two (2) tons' carrying capacity at a location to secure fuel or repairs or to load or unload cargo or for the purpose of parking an unloaded vehicle on private property. Any such operation away from the designated truck routes shall be by the most direct route and return thereto. It shall be specifically understood that said trucks of over two (2) tons' carrying capacity shall not be parked on any city or other public property and that the parking of such vehicle shall be a violation of the terms of this article.

Sec. 12.06.003 Penalty

Any person violating the terms of this article shall be fined in accordance with the general penalty provision found in section 1.01.009.

(Ordinance 3-81 adopted 5/5/81)

ARTICLE 12.07 TRUCK PARKING

Sec. 12.07.001 Weight limitation

(a) It shall be unlawful for any person, driver or owner to leave, park or stand any truck-tractor, road tractor, semitrailer, flatbed trailer, livestock trailer, bus, or truck trailer with a rated capacity in excess of one (1) ton upon public property within any area specifically designated by zoning as either single-family or multifamily according to the zoning ordinances of the city.

(b) This article shall not prevent parking or standing of the above-described vehicles in such zoned areas for the purposes of expeditiously loading and unloading passengers, freight or merchandise or for parking of trucks with a rated capacity in excess of one (1) ton, provided the vehicle shall be on private property, and provided an inspection of the designated parking area has been made to insure sufficient clearance and drainage in streets and alleys, but not otherwise.

(c) Nothing in this article is intended to supersede other ordinances specifying designated truck routes or truck parking areas as provided by ordinances of the city.

Sec. 12.07.002 Hours

(a) It shall be unlawful for a person, driver or owner to stand, park or allow to stand an automobile, truck or any other motor vehicle or any trailer on any public property for a period in excess of ninety-six (96) hours when such vehicle or trailer is without one (1) or more wheels or is apparently inoperative for any reason. For this purpose, any vehicle without license or inspection for the current registration or inspection year may be deemed inoperative.

(b) It shall be unlawful for a person, driver or owner to stand, park or allow to stand a boat, boat trailer or recreational vehicle on any public property for a period in excess of forty-eight (48) hours, whether or not such unit is operative.

(c) For the purpose of this section, recreational vehicle means a vehicular type unit primarily designed as temporary living quarters for recreational camping or travel use that either has its own motive power or is mounted on or towed by another vehicle. This would include but is not limited to such entities as travel trailers, camping trailers, truck trailers and motor homes.

Sec. 12.07.003 Nuisance

Vehicles or trailers found to be situated so as to violate any part of this article are hereby declared nuisances and shall be towed into the city pound and such shall not be allowed to be reclaimed except upon proof of ownership and payment of the towing fee and costs of storage.

Sec. 12.07.004 Presumption of ownership and violation

In any prosecution charging a violation of any law or regulation governing the standing or parking of certain vehicles or trailers, proof that the particular vehicle or trailer described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

(Ordinance adopting Code)