

ORDINANCE NO. 2009-5

AN ORDINANCE OF THE CITY OF MOULTON, LAVACA COUNTY TEXAS, AMENDING CHAPTER 12 OF THE CITY OF MOULTON CODE OF ORDINANCES, "TRAFFIC AND VEHICLES," ARTICLE 12.03, "TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES," SECTION 12.3.006, "AUTHORITY TO INSTALL; REPORT", ESTABLISHING CERTAIN PEDESTRIAN CROSSWALKS, ORDERING THE INSTALLATION OF CERTAIN PAVEMENT MARKINGS; AND PROVIDING FOR FINDINGS OF FACT; SEVERABILITY; REPEALER CLAUSE; AND EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council of the City of Moulton, seeks to provide for orderly development and use of streets, roadways, and public right-of-way; and

WHEREAS, the City Council of the City of Moulton further seeks to provide for the free flow and expeditious handling of traffic safety of persons and property; and

WHEREAS, the City Council further finds it is in the best interest of the public's health, safety and welfare that the City of Moulton install and maintain official traffic control devices as described by this ordinance, and

WHEREAS, the Superintendent of the Moulton Independent School District (MISD) has requested crosswalk pavement markings to be installed on City maintained streets within City right-of-way at four locations adjacent to the MISD campus; and

WHEREAS, the City Council is authorized to regulate traffic pursuant to section 542.201 and 542.02(a)(11) of the Texas Transportation Code;

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

Section 1: Finding of Fact. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. Amendment. The City of Moulton Code of Ordinances, Chapter 12 "Traffic and Vehicles", Article 12.03, "Traffic-Control Signs, Signals and Devices," Section 12.3.006 "Authority to install, report", is hereby amended to add as follows:

"Section 12.03.006 Authority to install; report

(c) (1.) the City Administrator or the City Administrator's designee shall install and maintain standard crosswalk pavement markings in accordance with the latest revision of the Texas Department of Transportation (TXDOT) Manual of Uniform Traffic Control Devices (MUTCD) and Chapter 544 of the Texas Transportation Code, "Traffic Signs, Signals, and Markings." at the following locations:

- (1) North side of the intersection of Bobcat St. and Pecan St.;
- (2) Church St. east of the intersection with Pecan St.;
- (3) Church St. east of the intersection with Hackberry St.;
- (4) Bobcat St. west of the intersection with Main St.

2.) The City Administrator or the City Administrator's designee shall thereafter provide written notification, which shall be signed by the City Administrator, to the City Secretary, stating the aforementioned traffic control devices have been installed, or put into use, and giving the location and date thereof. The City Secretary shall maintain a list of such information among the official papers of the office of the City Secretary.

Section 3. Severability. Should any sentence, paragraph, subdivision, clause, phase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance, in whole or any part or provision thereof, other than that part so declared to be invalid, illegal, or unconstitutional.

Section 4. Repealer Clause. The provisions of this Ordinance shall be cumulative of all other Ordinances or parts of Ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior Ordinances or parts of Ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

Section 6. Proper Notice and Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was 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, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this _____ day of _____, 2009

Cynthia A. McIntosh, Mayor
City of Moulton Texas

ATTEST: _____
Gloria Jasek, City Secretary