

ORDINANCE NO. 30

AN ORDINANCE PROVIDING FOR AND ESTABLISHING RULES AND REGULATIONS RELATING TO VEHICULAR AND PEDISTRIAN TRAFFIC ON THE PUBLIC STREETS OF THE TOWN OF BAYSIDE, TEXAS: PROVIDING FOR TRAFFIC ADMINISTRATION; PROVIDING FOR TRAFFIC CONTROL DEVICES AND REGULATIONS; PROVIDING FOR ENFORCEMENT OF AND OBEDIENCE TO TRAFFIC REGULATIONS; PROVIDING SPEED REGULATIONS AND TURNING MOVEMENTS; PROVIDING FOR STOP AND YIELD SIGNS AT INTERSECTIONS; PROVIDING FOR STOPPING LOADING AND UNLOADING AND FOR STOPPING, STANDING, AND PARKING: PROVIDING FOR THE REGULATION OF CLASS AND TYPE OF VEHICULAR TRAFFIC ON CERTAIN STREETS; PROVIDING A PENALTY, AND CONTAINING A REPEALING CLAUSE, AND A SEVERABILITY CLAUSE.

SECTION 1 : RESPONSIBILITY AND AUTHORITY

The Town Council shall have the general responsibility and authority for governing the erection, maintenance and administration of traffic control devices and regulations in the Town of Bayside. It shall be vested on the Town Council or their duly appointed representative to carry out the powers and duties imposed by ordinance of this Town.

SECTION 2 : FURTHER AUTHORITY

Any responsibility or authority imposed or conferred by the provisions of this ordinance may be performed by the Town Council or by those officers, employees, or agents of the Town working under its supervision and control and designated by them to perform the same.

SECTION 3 : AUTHORITY OF FIRE DEPARTMENT OFFICIALS

Officers of the Volunteer Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic there or in the immediate vicinity thereof.

SECTION 4 : REQUIRED OBEDIENCE TO TRAFFIC ORDINANCE

It is unlawful and a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

SECTION 5 : OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of a law enforcement or fire department official.

SECTION 6 : ARREST WITHOUT WARRANT

Any law enforcement officer in the Town shall have the power and is hereby authorized to arrest, without a warrant of arrest being first issued, any person who violates any traffic ordinance of the Town or any provision of the State motor vehicle laws as are applicable within the Town limits in the presence of or within the view of such arresting officer.

SECTION 7 : AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES

The Town Council shall place and maintain official traffic-control devices when as required under traffic ordinances of this Town to make effective the provisions of such ordinances, and may deem necessary to regulate, warn or guide traffic under the traffic ordinances of this Town and State Law.

SECTION 8 : MANUAL AND SPECIFICATIONS FOR TRAFFIC CONTROL DEVICES

All traffic-control signs, signals and devices shall conform to the Manual and specifications approved by the Texas Commission on Highways and Public Transportation. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the Town. All traffic-control devices so erected and not inconsistent with the provisions of State Law and this ordinance shall be deemed official traffic-control devices.

SECTION 9 : OFFICIAL TRAFFIC-CONTROL DEVICES - PRESUMPTIONS OF LEGALITY

(a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(b) Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

SECTION 10 : CROSSWALKS, SAFETY ZONES AND TRAFFIC LANES

1. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in their opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
2. To establish safety zones of such kind and character and at such places as they may deem necessary for the protection of pedestrians.
3. To mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

SECTION 11 : EXISTING DEVICES AFFIRMED AND RATIFIED

All traffic-control signs, signals, devices and markings heretofore placed or erected by the officials or employees of the Town and now in use for the purpose of regulating, warning or guiding traffic are hereby affirmed, ratified and confirmed to be official traffic control devices; provided, however, such traffic control devices are not inconsistent with the provisions of State law or this ordinance.

SECTION 12 : STATE SPEED LAWS APPLICABLE

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this Town except where the Town Council, upon the basis of an engineering and traffic investigation, determines that other speed limits shall be applicable on specified streets or in certain areas, in which event it shall be unlawful for any person to drive at a speed in excess of any speed so determined when signs are in place giving notice thereof.

SECTION 13 : AUTHORITY TO PLACE DEVICES ALTERING OR RESTRICTING TURNS

The Town Council is authorized:

1. To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than prescribed by law.
2. To determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SECTION 14 : AUTHORITY FOR STOP SIGNS AND YIELD SIGNS

The Town Council is hereby authorized to erect and maintain stop signs, yield signs or other official traffic control devices to designate through streets or to designate intersections or other roadway junctions.

SECTION 15 : OBSTRUCTION OF VIEW

(a) The following terms as used in this section shall have the meaning respectively ascribed to them:

Curbline: The boundary of that portion of any street which is improved, designed or ordinarily used for vehicular traffic.

Fence: Any enclosing barrier, movable or immovable, constructed of wood, metal or any other material, regardless of its use or purpose.

Object: Every sign, advertisement, container or display item of any type or form, whether movable or immovable, which is not authorized by State law or Town Ordinance.

Plant: Any hedge, bush, shrub, vine, palm or vegetation, except trees.

Property Line: The boundary line of any street, which line marks the division between the street area and the property abutting upon the same.

(b) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any plant, object, or vehicle having a height greater than three (3) feet above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the Town, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the curblines, at points twenty-five (25) feet from the street corner intersection of the curblines.

(c) It shall be unlawful for any person to place or maintain, or cause to be placed or maintained, any tree on or in that portion of any corner lot in the Town, which portion is included in the triangle described in (b) above, unless all limbs, branches and foliage on the tree are kept trimmed and pruned to a minimum clearance of eight (8) feet above the level of the nearest curblines or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(d) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained, any tree, plant, object or vehicle on or in the area between the property line of any lot and the curblines of any street abutting such property line of that area by the public.

(e) It shall be unlawful for the owner or occupant of any property in the Town to maintain or permit limbs of trees growing thereon to overhang or grow above the area between his property line and the curblines of any abutting street, unless such limbs and all branches and foliage thereon are kept trimmed and pruned to a minimum clearance of eight (8) feet above the level of the nearest curblines, or to such clearance as will provide an unobstructed view of traffic signs and controls to oncoming traffic.

(f) It shall be unlawful for any person to place, maintain or permit, or cause to be placed or maintained on any property, any tree, plant or object within five (5) feet of any fire hydrant.

(g) It shall be unlawful for any person to construct or replace, or cause to be constructed or replaced, any fence having a height greater than three (3) feet above the level of the center of the nearest abutting street on or in the triangle described in (b) above: provided, this section will not apply to any fence authorized by law.

(h) It shall be the duty of the Town Council to cause a written notice to be served upon the owner or occupant of any property upon which any violation of this section exists to correct such condition as constitutes a violation of this section within ten (10) days after serving such notice; and if such condition is not corrected or remedied, or caused to be corrected or remedied by such person by the end of such ten (10) days, the Town Council is authorized and directed to cause a complaint to be issued against such owner or occupant, stating the offense with which he is charged.

(i) The Town Council is authorized to remove or cause to be removed any tree, plant or object found between the opposite curblines, in any street in the Town, and to trim branches, limbs or foliage of any tree or plant which overhangs or grows above the area which lies between the opposite curblines of any street, so as to provide a minimum clearance of eight (8) feet above the street level at the curbline and so as to be graduated toward the center level at the center of the street.

SECTION 16 : "DIG OUT" OR "TIRE SQUEAL" PROHIBITED

It shall be unlawful for the driver of any motor vehicle within the Town to "dig out" or produce "tire squeal". "Tire Squeal" means the sound produced by the friction of a motor vehicular tire against a dry pavement under sudden acceleration of the vehicle to which said tier is mounted, said tire then turning at a rate of revolution disproportionately greater than the length of distance then traveled on said pavement by said tire.

Prima facie evidence of such disproportional revolution shall include skid marks or tire marks left by such tire upon the pavement or smoke produced by such revolution.

SECTION 17 : TOWN COUNCIL TO DESIGNATE LOADING ZONES

(a) The Town Council is hereby authorized to determine the location of loading zones and passenger loading zones and shall place and maintain appropriate signs indicating the same and stating the hours which the provisions of this ordinance are applicable.

(b) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading or unloading exceed thirty (30) minutes.

(c) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter such zone to load or unload property.

SECTION 18 : PARKING

(a) The Town Council is hereby authorized on the basis of an engineering and traffic investigation or on submission of evidence of a safety hazard, to prohibit or limit stopping, standing or parking of vehicles at all times or during specified hours.

(b) No prohibition, regulation or limitation relating to stopping, standing or parking imposed under this or any other ordinance of this Town shall be effective unless official traffic control devices are erected and in place at the time of an alleged offense and it shall be the duty of the Town Council to erect and maintain such devices.

SECTION 19 : GROSS WEIGHT LIMITS

The Town Council is hereby authorized on basis of an engineering and traffic investigation, to erect and maintain traffic control devices on any streets or parts of streets to impose gross weight limits.

SECTION 20 : EXCLUDING SPECIFIED TRAFFIC

The Town Council is hereby authorized on the basis of an engineering and traffic investigation to determine and designate those heavily traveled streets upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal safe movement of traffic and shall erect appropriate official traffic control devices.

SECTION 21 : GENERAL PENALTY CLAUSE APPLICATION

Whenever in this ordinance an act or condition is prohibited, or is made and declared to be unlawful, or an offense, or a misdemeanor, or whenever in such ordinance the doing of any act is required, or the failure to do an act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision of this ordinance shall be punished by a fine not exceeding two hundred (\$200.00) dollars; provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State. Each violation of this ordinance shall constitute a separate offense.

SECTION 22 : REPEALING

All ordinances in force when this ordinance becomes effective and which ordinances are inconsistent herewith or in conflict with this ordinance are hereby repealed, insofar as said ordinances are inconsistent or in conflict with this ordinance.

SECTION 23 : SAVING

It is the finding of this Town Council that all provisions herein are within the power of the Town as given by the Constitution of the State of Texas, and it is hereby declared that this Town Council, in the event any decision of a statute of the State of Texas affording special authority to the Town for ordaining any provision of this ordinance be declared upon final judgement of any court of competent jurisdiction to be unconstitutional or invalid, that any such affected provision of this ordinance shall nonetheless be effective immediately as of the date of rendition of such final judgement by virtue of any prior ordinance of the Town for the same effect, or other applicable legal authority, or the end that all purposes and provisions of this ordinance be saved, in such event through any available laws therefore.

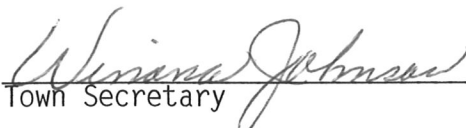
SECTION : SEVERABILITY

If any word, phrase, clause, sentence, paragraph, section, subsection, or part, or portion of this ordinance shall be held by any court of competent jurisdiction upon final judgement to be invalid, or unconstitutional, it shall not affect the validity or enforceability of any other work, phrase, clause, sentence, paragraph, section, subsection, part, or portion of this ordinance, which is hereby declared to be thus severable, and it is the intent of this City Council that all remaining portions of this ordinance, in such event, be effective regardless of whether or not the other portions thereof had been ordained.

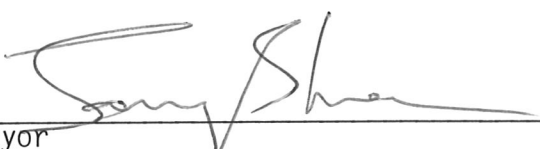
SECTION 25 : EMERGENCY CLAUSE

This ordinance shall become effective upon its passage due to the urgent nature of, and the need for prompt action on the matter, as so declared by the Mayor and found by the Town Board, thus justifying suspension of the rules, IT IS ACCORDINGLY SO ORDAINED, this 17 th day, of December, 1985.

ATTEST :



Town Secretary



Mayor
Town of Bayside