

ORDINANCE 2017-0912-10 FILE No. \_\_\_\_

**AN ORDINANCE ADOPTING THE RULES AND REGULATION FOR STREET SIGNS, STOP SIGNS AND SPEED CONTROL SIGNS, USED IN/FOR THE CITY OF ROPESVILLE, "STOP" SIGNS AND OTHER TYPES OF SIGNS, ROAD MARKINGS, AND ANY OTHER DEVICE THAT IS USED TO REGULATE, WARN, OR GUIDE TRAFFIC ARE "TRAFFIC CONTROL DEVICES." UNIFORMITY IN THE USE AND DISPLAY OF TRAFFIC CONTROL DEVICES IS FOR REDUCING THE LIKELIHOOD OF ACCIDENTS, SAFEGAUDING ALL CITIZENS; AND REPEALING ALL CODES AND ORDINANCES IN CONFLICT WITH THIS ORDINANCE; THE ORDINANCE WILL ESTABLISH THE PLACEMENT OF SIGNS, FOR TRAFFIC SAFETY, CONTROLLING SPEED BY SPEED ZONES; PRIMA FACIE EVIDENCE, ERECTING SIGNS; AND THIS ORDINANCE WILL PROVIDE A SERVEABILITY CLAUSE, AND PROVIDE AN EFFECTIVE DATE.**

***WHEREAS, The City of Ropesville desires to place stop sign at all intersections, cross road in town for the safety and best interest of the citizens of Ropesville. Requiring and Regulation of "STOP" signs that shall be installed inside the city limits for reducing the likelihood of vehicle conflicts at intersecting roads, and***

***WHEREAS, The State law requires the commission, for standardization and uniformity, to adopt and to publish regulations establishing a uniform system of traffic control, devices, signs, and markings consistent with state law for use upon the public highways, and***

***WHEREAS, the general guidance for when "STOP" signs should be considered and more quantitative guidance for consideration when the City Aldermen, are determining if signs should have installed on more than one approach to an intersection, i.e., "multiway" stops. "STOP" signs should not be used for speed control and that, in most cases, the street carrying the lowest volume of traffic should be stopped rather than the busier street, and***

***WHEREAS, the City of Ropesville desire to post signs for speed limits in and around town, for the safety of small children and the Citizens of Ropesville, and***

***WHEREAS, the City of Ropesville desires to alert all citizens to the allowable speed limit inside the city limits of Ropesville, there shall be the placement of speed zone signs in areas necessary to control the uniformity of speed inside the city limits of Ropesville, and***

***WHEREAS, the requirements of this Ordinance take precedence over all past ordinances.***

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ROPESVILLE.***

**SECTION 1                      STOP AND YIELD SIGNS                      (Sec.544.010 TRC)**

*The stop or yield sign indicating the preferential right-of-way must:*

- (1) conform to the manual and specifications adopted under Section 544.001; and*
- (2) be located:*

*(A) as near as practicable to the nearest line of the crosswalk; or*

*(B) in the absence of a crosswalk, at the nearest line of the roadway.*

*(c) If safety requires, the operator of a vehicle approaching a yield sign shall stop as provided by Subsection (c) of the transportation code.*

*(d) An operator required to stop by this section shall stop before entering the crosswalk on the near side of the intersection. In the absence of a crosswalk, the operator shall stop at a clearly marked stop line. In the absence of a stop line, the operator shall stop at the place nearest the intersecting roadway where the operator has a view of approaching traffic on the intersecting roadway.*

*(e) A person shall not stop or stand in the way to in any manner obstruct the use of the sidewalks, streets, or any other public places in the city by loafing, lounging or standing in or upon such places.*

**SECTION 2                      COMPLIANCE WITH TRAFFIC-CONTROL DEVICE.**

*(a) The operator of a vehicle shall comply with an applicable official traffic-control device placed as provided by this ordinance unless the person is:*

*(1) otherwise directed by a traffic or police officer; or*

*(2) operating an authorized emergency vehicle and is subject to exceptions under this subtitle.*

*(b) A provision of this ordinance requiring an official traffic-control device may not be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to an ordinarily observant person. A provision of this ordinance that does not require an official traffic-control device is effective regardless of whether a device is in place.*

*(c) An operator approaching an intersection:*

*1) Shall stop, yield and grant immediate use of the intersection, and*

*2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street, or roadway;*

*3) An operator on an unpaved street or roadway approaching an intersection of a paved street or roadway, shall stop and grant immediate use of the intersection to a vehicle on the paved street or roadway that is within the intersection;*

4) *An operator approaching an intersection of a street or a roadway that is not controlled by an official traffic-control device, shall stop, and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right or is approaching the intersection from the operator's right*

**SECTION 3: INTERFERENCE WITH TRAFFIC-CONTROL DEVICE OR RAILROAD SIGN OR SIGNAL. (TRC Sec. 544.005)**

*It shall be unlawful for any person to interfere with or obstruct any public improvements authorized by the city aldermen, the mayor or other city officials by means of threats, coercion, duress, or any other method whatsoever, either directly or indirectly. A person may not, without lawful authority, alter, injure, knock down, or remove or attempt to alter, injure, knock down, or remove:*

- (1) an official traffic-control device or railroad sign or signal;*
- (2) an inscription, shield, or insignia on an official traffic-control device or railroad sign or signal; or*
- (3) another part of an official traffic-control device or railroad sign or sign.*

**SECTION 4: SPEED LIMITS**

*Speed limits are posted primarily to inform motorists of the speed considered reasonable by most drivers on a roadway. Motorists, especially those unfamiliar with the road, can use this information to evaluate how they should drive on a road. A safer driving environment is established when motorists drive at the same speed.*

- 1. Unless a special hazard exist that requires a slower speed the following speed is lawful inside the city limits of Ropesville:*
  - a) 30 miles per hour inside the city residential area, and on a street, and*
  - b) 15 miles per hour in an alley.*
- 2. The City of Ropesville may declare a lower speed limit of not less than 10 miles per hour, if the governing body determines that the prima facie speed limit on the street is unreasonable or unsafe.*
  - a. The prima facie speed limit maybe altered by the governing body of a municipality and is effective when the governing body erect signs giving notice of the new limit and always or at other time as determined by the City Council.*
  - b. A prima facia speed is prudent and a reasonable speed, and shall be enforced in the same manner as other prima facie speed limits established by this ordinance.*
  - c. "Prima facie "means on its first encounter or at first sight. Prima facie denotes evidence.*

**SECTION 5: TRAFFIC CONTROL DEVICES (TRC 541.304)**

*The City of Ropesville shall use speed limit signs to alert motorists of the speed zones. The City of Ropesville may also use pavement markings and raised pavement markers to guide motorists, and signs to advise drivers of reduced speed limits ahead.*

1. *Limitations on Local Control (Section 542.203 TRC)*
  - a) *A local authority may not erect a traffic control sign on the farm-to -market highway or state highway. (221.002 TRC)*
2. *Effect of Speed limits in a Civil Action. (Section 542.206 TRC)*
  - a) *The City of Ropesville declaring a maximum or minimum speed limit does not relieve the plaintiff in a civil action from the burden of providing negligence of the defendant as the proximate cause of an accident, AND*
3. *Gives the City of Ropesville Powers (Section 542.202 TRC)*
  - a) *To regulate the stopping, standing, or parking of a vehicle;*
  - b) *Designating an intersection as a stop intersection or a yield intersection and requiring each vehicle to stop or yield at one or more entrances to the intersection;*
  - c) *Designating school crossing guards and school crossing zones;*
  - d) *Altering a speed limit as authorized by Section 542.202 TRC;*
  - e) *"Regulating" means criminal, civil, and administrative enforcement against a person, including the owner or operator of a motor vehicle, in accordance with a state law or a municipal ordinance.*

**SECTION 6: GENERAL PENALTY**

*Any person who shall violate any of the provisions of this section or fail to comply therewith shall be guilty of a misdemeanor. An offense under this section is a Class C misdemeanor. Punishable by a fine not less than \$1.00 or more than \$200.00 fine.*

**SECTION 7: Effective Date**

*This Ordinance shall be effective 30 days from the date of its final passage. The city hereby reserves the right to put into effect at any time other restrictions and regulations as to the erection of the traffic control devices, which shall include stop and speed zone signs.*

## **GENERAL ENFORCEMENT PROCEDURE: CHECKLIST**

### **INSPECTION OF PREMISE OFR VIOLATIONS BASED UPON:**

**Receipt of Complaint- citizen**

**Maintain Information of Complainant**

**File –Mark file with number and date received**

**Information on complainant maybe CONFIDENTIAL check with city Secretary before information can be released**

**Personal observation-REPORT**

**Report**

**Maintain logs/notes of observation –take pictures**

**Violation issued must be photographed**

**Keep notes on any contact person-include telephone number and owner or person who is in care, custody, or control of property,**

**Identify the Violation by Ordinance**

**Inspection of Structure- (include interior is required)**

**Inspection for complaint**

**Form-have a consent form to search-initial by owner, r person who is in care, custody, or control of property,**

**Administrative can have a search warrant (Law Enforcement)**

**Probable cause affidavit**

**Law Enforcement-can obtain a search warrant from Judge**

**Warrant can be issued to Law Enforcement, fire Marshall, or health officer.**

**2. Verify Ordinance – determine if Ordinance code was violated**

**3. Compare with latest ordinance**

**4. Confirm notification requirement of Ordinance**

**5. Notification of Violation**

**1. Keep record of contact**

**a. Informal**

**b. Verbal**

**c. Door hanger**

**d. Written**

**e.**

6. NOTICE TO PROPERTY OWNERS-54.005 Texas Local Government Code
7. A The government is required by statute, ordinance, to send notice to an owner of real property for enforcement
8. "Per the real property records of Hockley County, you own the real property described in this notice. If you are no longer the owner, you must execute an affidavit stating that you no longer own the property and stating the name and address of the known owner. The notice must be delivered by certified mail, return receipt requested to this office no later than the 20 days after you received this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not."
9. Official notice for Abatement
  - a. File case number
10. Give notice of abatement by certified mail to owner, or **person who is in care, custody, or control of property,**
11. Time and date
12. Time to abate will consist with Ordinance
13. Notice must be clear about the Ordinance violated and the abatement requirements.
14. Each violation must have a separate notice but may be mailed together.
15. 30 day notice to correct-then inspection again for correction
16. If corrected date and condition with pictures kept in file.
17. If not corrected
18. Notice of Violator to appear in court –certified mail
19. Take new pictures with date and time
20. Hearing
21. Abatement
22. Order to clean up property
23. Second notice of cost of clean-up to owner
24. Appropriate abatement hearing
25. Inspect
26. Began abatement-file cost with county

**SECTION 8: Severability.**

If, for any reason, any one or more paragraphs of this ordinance are held invalid by a court of competent jurisdiction, such holding shall not effect, impair or invalidate the remaining paragraphs of this ordinance, but shall be confined in its operations to the specific sections, sentences, clauses or parts of this ordinances in any one or more instances shall not effect or prejudice, in any way, the validity of this ordinance in any other instance.

This Ordinance amends all prior, ordinances, and If any provision, sentence, clause, phrase or wording of this ordinance shall be declared invalid or illegal. such shall not affect the validity of the remainder of this ordinance, which remainder shall continue in effect. If any provision is declared unconstitutional or illegal, for any reason, such infirmity shall not affect the validity of the remainder of this ordinance, which remainder shall continue in effect.

**PASSED AND APPROVED ON THE FIRST READING \_12\_ DAY OF \_September\_, 20\_17\_\_**

**PASSED AND APPROVED ON THE SECOND READING \_28\_\_ DAY OF September \_\_, 2017\_\_**

*Brenda Rabel*

**MAYOR FOR THE CITY OF ROPESVILLE**

**ATTEST:**

*Ofelia Corral*

**CITY SECRETARY OFELIA CORRAL**



**TRAFFIC SIGNS AND SIGNALS; State Law Reference Stop Signs (TRC 544.010). -Speed limit (TRC 545.356). Speed Signs (TRC Subtitle C rules of the Road 544.) Traffic Control (TRC 541. Subchapter D) TRC (541.304) Power of the Local Authority (TRC 542.202 (a) (2)**