

**CITY OF SUNRISE BEACH
ORDINANCE NUMBER 298**

AN ORDINANCE PROVIDING DEFINITIONS; REGULATING TRAFFIC BY ADMINISTRATION, ENFORCEMENT, OBEDIENCE TO TRAFFIC REGULATIONS, AND TRAFFIC CONTROL DEVICES; EXPLAINING RULES AND CONSTRAINTS REGARDING SPEED REGULATIONS, TURNING MOVEMENTS, STOP AND YIELD INTERSECTIONS, MISCELLANEOUS TRAFFIC LAWS, PEDESTRIANS, BICYCLES, STOPPING, STANDING AND PARKING; REGULATING THE KINDS AND CLASSES OF TRAFFIC; OUTLINING PROCEDURES OF ARREST AND THE EFFECT OF THE ORDINANCE; AND SETTING A PENALTY FOR VIOLATIONS.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNRISE BEACH VILLAGE, LLANO COUNTY, TEXAS:

SECTION I - - DEFINITIONS

VEHICLE means every device in, or by which any person or property is or may be transported or drawn upon a public highway.

MOTOR VEHICLE means every vehicle, as herein defined, that is self-propelled.

TRAILER means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.

OPERATOR means every person who is in actual physical control of a motor vehicle.

OWNER means a person who holds the legal title of a motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee or in the event of mortgagor shall be deemed the owner for the purpose of this Act. (V.S.C. Art 670th Motor Vehicle Safety Responsibility Act.)

PUBLIC PROPERTY means property owned or leased by the state or a political subdivision of the state.

RIGHTS-OF-WAY means and includes the entire width between property lines of any road, street, way, thoroughfare, bridge, public beach or park in this city, not privately owned or controlled, when any part thereof is opened to the public for vehicular traffic and/or over which the city has legislative jurisdiction under its police power.

STREET as used in this ordinance refers to the paved portion of the rights-of-way. In case of an unpaved roadway, street is the commonly used portion of the rights of way.

SECTION II – TRAFFIC ADMINISTRATION

- A. The City Council hereby adopts the State Code and Federal Traffic Standards.
- B. The City Police Department is charged with enforcement of this ordinance.
- C. The City Maintenance Department is charged with location, erection and maintenance or regulatory and informational traffic signs and devices.

SECTION III – ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

- A. Authority of police and volunteer fire department officials:
 - 1. In addition to enforcement of this ordinance, and Texas Traffic Laws, it will be the duty of officers of the Police Department to:
 - a. Direct traffic as needed.
 - b. Issue warnings to violators when in the opinion of the officer a warning will suffice.
 - c. Issue citations or make arrests as necessary.
 - d. Appoint others to direct traffic or assist with violators as needed.
 - 2. Members of the local, and surrounding, fire departments have authority to direct traffic as needed at fire scenes and medical emergency scenes in the absence of police
 - 3. Drivers of Emergency Vehicles when on official call may:
 - a. Park or stand, irrespective of the provisions of this ordinance.
 - b. Proceed past a stop or yield sign, but only after slowing down as may be needed to assure safe operation.
 - c. Exceed the speed limit so long as it does not endanger life or property
 - d. Disregard regulations governing direction of movement or turning in specific directions.
 - 4. Members of fire and emergency service units responding in private vehicles are not automatically granted the same authority as drivers of emergency vehicles unless the private vehicle is equipped with appropriate highway warning devices and are approved/authorized by the fire department. Operators of private vehicles dispatched to a fire and/or medical emergency scene will make sure the unattended vehicle does not impede traffic or block required off road access by emergency vehicles.
- B. It is unlawful for any person to violate any part of this ordinance, or to permit a minor person for whom they are responsible to violate any part of this ordinance.

SECTION IV – TRAFFIC CONTROL DEVICES

A. The City Maintenance Department will:

1. Place and maintain official traffic control devices and informational signs in accordance with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways
 2. Maintain a register listing each sign and device approved by the City Council. Approval by the City Council and entry into the register constitutes legality and inventory/record of the sign or device.
- B. No person other than a member of the Maintenance department will erect, move, alter, maintain or remove any traffic control device, sign, or light within the city.
- C. No person will erect or maintain any device, sign, or light that because of similarity or placement can be confused with an official traffic control device or which detracts from the effectiveness of nearby official traffic control devices or signs.
- D. City Police and Maintenance Department personnel are authorized and empowered to remove any sign or device from a city rights-of-way that works harm to effective and safe traffic control and movement.

SECTION V – SPEED REGULATIONS

- A. Speed limits on city streets are 30 Miles Per Hour unless otherwise posted.
- B. The speed limit in any park is 10 Miles Per Hour when properly posted.
- C. Drivers will reduce speed to a safe limit as dictated by traffic, weather, road conditions and pedestrians and/or native or domestic animals on the street.

SECTION VI – MISCELLANEOUS TRAFFIC LAWS

- A. Funeral Processions. No operator will drive between vehicles in a procession. Drivers in a procession will drive to the right side of the roadway with headlights on low beam and following the vehicle ahead as close as possible at a safe speed.
- B. No person may board or leave a vehicle that is in motion.
- C. Prohibited Areas of Operation. No vehicle (except emergency vehicles, and city maintenance and inspection vehicles) will be operated on the airfield, in the picnic area of any park, or on private property without the consent of the owner.
- D. Excessive or unusual Noise. No motor vehicle will be operated unless equipped with a properly working muffler that is unaltered or modified and which effectively muffles sound so that such operation is the same or equivalent to sound levels that existed when the vehicle was first sold.

SECTION VII - - PEDESTRIANS

- A. Pedestrians will walk facing traffic.
- B. At night pedestrians will wear reflective clothing and/or carry working hand lights.

SECTION VIII - - BICYCLES

- A. Operators will operate in accordance with traffic laws for motor vehicles except when such law by its very nature has no applicability to a bicycle.
- B. Parents, guardians and/or other individuals responsible for minors operating bicycles will ensure that such minors have been taught laws applicable to operation of a bicycle before they are permitted to operate on any street or park in the city.
- C. Operators will ensure their bicycle is in good and safe operating condition if it is to be used on any city street or operated in any city park. Parents, guardians and/or other individuals responsible for a minor operating a bicycle will be held responsible for the condition of the equipment used by minors. Minimum requirements:
 - 1. Authorized lights and reflectors if bicycle is used during nighttime.
 - 2. Brakes meeting standards required by Texas law.
- D. Bicycles, as used herein includes adult tricycles.

SECTION IX - - STOPPING, STANDING, PARKING

- A. No person will stop, stand, or park any vehicle or trailer upon any street except as authorized by a police officer or other emergency personnel as indicated in Section III.
 - 1. In emergencies, when such vehicle or trailer cannot be moved because of mechanical failure the police must be notified immediately.
 - 2. In cases where a vehicle or trailer must be loaded/unloaded using all or a portion of the street, the owner/operator must notify the police department in advance so that a determination may be made as to the type of traffic control that will be needed.
- B. No person will stop, stand or park any vehicle on the airport runway, except as authorized by the police officer or other emergency personnel as indicated in Section III.
- C. No person will park a vehicle in the picnic area of any park, except as authorized by a police officer or other emergency personnel as indicated in Section III.
- D. Vehicles and trailers in violation of this regulation may be towed away by order of a police officer, the fire chief during fire emergencies.

- E. Motor vehicles and/or trailers will not be parked in a city park between the hours of midnight and 6:00AM.
- F. Motor vehicles and/or trailers will not be parked in such a manner as to hinder use and/or easy access to city park launching ramps or parking areas.
- G. Commercial vehicles picking up or delivering packages are exempted from these provisions for stops not exceeding five minutes unless otherwise prohibited by State Law. In every case enough clearance must remain so that the free flow of vehicular traffic can safely pass.

SECTION X – REGULATING THE KINDS AND CLASSES OF TRAFFIC

- A. Trash/Garbage collection vehicles will not compact garbage while the vehicle is stopped/parked on a paved portion of the rights-of-way.
- B. Load Restrictions:
 - 1. Vehicles and trailers will not carry loads greater than authorized for that vehicle.
 - 2. Oversize loads will not be moved on city streets without prior approval of city hall or the police department. No oversize loads will be hauled in the city between sunset and sunrise.
- C. Loose Materials:
 - 1. Loose materials including mud and slurry will be removed from tires and parts of vehicles and trailers before movement on city streets.
 - 2. Vehicles and trailers will not carry loose materials, including leaves and brush, unless the load is covered by a net or tarp that keeps any of the material from falling on the rights-of-way or on adjacent property.
 - 3. Operators are responsible for immediate removal of any item or material dropped from a vehicle operating on city streets or other public land. This provision includes fuel spills.
- D. Operation of a vehicle on public property is limited to currently registered and inspected vehicles.
 - 1. This provision is intended to prohibit the use—on public property—of:
 - a. Motorized vehicles such as dirt bikes, all-terrain vehicles, home made vehicles, go carts and similar off-road vehicles.
 - b. Non-motorized vehicles and devices such as skateboards, roller skates, scooters, soap box racers, except in specifically designated areas. Bicycles and adult tricycles are not prohibited by this provision.

2. Exception to registration and inspection requirements is made for bicycles and special medical design vehicles registered with the city and approved by the City Council.

E. Tires and Tracks:

1. Permitted on city streets—only vehicles with pneumatic tires.
2. Prohibited on city streets—vehicles with metal tires, tires containing metal studs, metal tracks, metal rims and padded tracks if any portion of the track containing metal touches the surface of the street.

SECTION XI – PROCEDURES OF ARREST

- A. Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation other than for the purpose of giving a warning notice or warning, and does not take the person into custody under arrest, will take the name, address, and drivers license information of said person, the registered number of the vehicle involved, and such other pertinent information as may be necessary and will issue to him in writing a traffic citation containing a notice to answer to the charge against him in the Municipal Court at a time at least ten (10) days after such.
- B. It will be unlawful for a person to violate his promise to appear, regardless of the disposition of the charge for which a citation was originally issued.
- C. Citation on Illegally Parked or Unmanned Vehicle. Whenever any vehicle without driver/operator is found parked, standing, or stopped in violation of this ordinance, the officer finding such vehicle will take its registration number or any other information of identification, and will conspicuously affix to such vehicle a traffic citation for the driver/operator to answer to the charge against him during the hours and at a place specified in the citation. If the ownership of such vehicle cannot be determined, or the owner cannot be contacted, the vehicle may be towed to a storage facility used by the city to await claim by the owner. Release will be dependent upon proof of ownership.
- D. Failure to Comply with Citation Attached to Vehicle. If a violator does not appear at the time and date specified in a citation affixed to a vehicle, the court clerk will send a letter to the owner of the vehicle informing him of the violation and warning him that in the event such letter is disregarded beyond the date specified in the letter that a warrant of arrest will be issued.
- E. Presumption in Reference to Illegal Parking, Standing, Stopping. In any prosecution charging a violation of any law governing the parking, standing, or stopping of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with the proof that the vehicle belonged to the defendant named in the complaint at the time of

the alleged violation, will constitute a rebuttable presumption that the registered owner of such vehicle was the person who parked such vehicle at the point where, and for the time during which, such violation occurred.

F Impounding Vehicles.

- a. When authorized by the laws of this state, members of the police department may remove a vehicle from a street, park, airfield, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city.
- b. Whenever a vehicle is removed the officer will affix a citation/notice to the vehicle, will ensure that the garage owner/operator knows of the citation/notice, and that the registered owner, if known, is notified by letter of the removal.
- c. Whenever the owner of a vehicle fails to retrieve the vehicle or the owner will comply with state laws concerning Abandoned Motor Vehicles.

SECTION XII EFFECT OF THE ORDINANCE

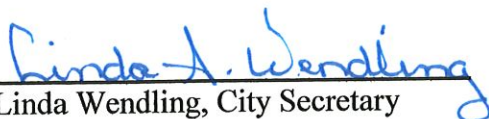
- A. Section and paragraph headings contained herein will not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any section or paragraph thereof.
- B. This ordinance will not have a retroactive effect.
- C. Validity. If any section, part or clause of the Ordinance shall be adjudged invalid or held unconstitutional, it shall not affect the validity of this Ordinance, as a whole or any part or provision thereof other than that part which has been held invalid or unconstitutional.
- D. This ordinance supersedes:
 1. Ordinance # 15, dated November 19, 1974
 2. Ordinance #23, dated May 18, 1976
 3. Ordinance #61, dated November 18, 1980
 4. Ordinance #110, dated December 18, 1990
 5. Ordinance #278, dated August 19, 2010

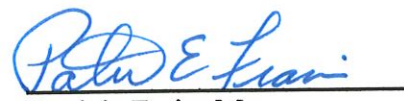
XIII – PENALTY FOR VIOLATION

It is a misdemeanor for any person to violate any of the provisions of this Ordinance and every person convicted of a violation will be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00).

READ, VOTED UPON, PASSED, APPROVED AND ADOPTED by the affirmative vote of all members of the City Council on this the 14th day of December, 2011.

TRAFFIC CONTROL ORDINANCE 298


Linda Wendling, City Secretary


Patricia Frain, Mayor

Reviewed and Approved as to form:

Ray H. S.
City Attorney/Asst. City Attorney