

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS

ORDINANCE NO. 101

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, DEFINING THE TERM "TRAFFIC CONTROL DEVICE"; AUTHORIZING THE ERECTION OF TRAFFIC CONTROL DEVICES; MAKING IT UNLAWFUL TO FAIL TO OBEY A TRAFFIC CONTROL DEVICE; ESTABLISHING THE POSITION OF DIRECTOR OF TRAFFIC CONTROL; PROVIDING THAT ALL TRAFFIC CONTROL DEVICES HEREINAFTER ERECTED WITHIN THE CITY SHALL CONFORM TO THE 1980 TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, INCLUDING REVISION NO. 6; MAKING IT UNLAWFUL TO PLACE, MAINTAIN OR DISPLAY UNAUTHORIZED SIGNS, SIGNALS OR DEVICES; MAKING IT UNLAWFUL TO ALTER, DEFACE, INJURE, KNOCK DOWN OR REMOVE ANY TRAFFIC CONTROL DEVICE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

SECTION 1. DEFINITIONS

"Traffic Control Devise" as that term is used in this Ordinance, shall mean any sign, signal or marking, including markings upon pavement and curbs, installed within the City at the direction of the Director of Traffic Control for the purpose of directing and controlling traffic within the City or to guide or warn traffic within the City.

SECTION 2. TRAFFIC CONTROL DEVICES

The Director of Traffic Control shall place and maintain traffic control devices as he may deem necessary to regulate traffic under the Ordinances of the City and the Laws of this State or to guide or warn traffic. He shall first obtain approval of the city council for the installation of permanent traffic control devices, however, once installed a showing of city council approval shall not be required for the prosecution for failure to obey, or necessary for proof that such device is an Official Traffic Control Device of the City.

SECTION 3. OBEDIENCE TO TRAFFIC CONTROL DEVICES

The driver of any vehicle or animal shall obey the instruction of any Traffic Control Device applicable thereto placed in accordance with this ordinance or other traffic ordinances of the City, unless otherwise directed by a Police Officer, subject to the exceptions granted herein to the driver of an authorized emergency vehicle.

SECTION 4. DIRECTOR OF TRAFFIC CONTROL

In absence of other specific appointment, the Chief Building Inspector of the City shall be the Director of Traffic Control.

SECTION 5. UNIFORM TRAFFIC CONTROL DEVICES

All Traffic Control Devices, erected and maintained within the City shall conform with the 1980 Texas Manual on Uniform Traffic Control Devices for Streets and Highways, including Revision No. 6, as the same shall from time to time be amended (hereinafter called the Manual).

SECTION 6. EXCEPTIONS FOR EMERGENCY VEHICLES

The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions hereinstated.

A. The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this ordinance.
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
3. Exceed the maximum speed limits so long as he does not endanger life or property.
4. Disregard regulations governing direction of movement or turning in specified directions.

B. The exemptions herein granted to the driver of an authorized vehicle shall apply only when such vehicle is making use of audible siren, exhaust whistle or bell as may be reasonably necessary, and visual signals from signal lamps mounted as high and as widely spaced laterally as practical, which are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level having sufficient intensity to be visible at five hundred feet (500') in normal sunlight.

C. The foregoing Provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 7. UNAUTHORIZED SIGNALS OR DEVICES

It shall be unlawful for any person to place, maintain or display upon or in view of any highway, street or alley any unauthorized sign, signal marking, 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 traffic control device or any railroad sign or signal.

SECTION 8. UNLAWFUL INTERFERENCE

It shall be unlawful for any person without lawful authority to 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.

SECTION 9. DUTY TO ERECT

The City Council shall, in its legislative discretion, determine the necessity for installing and maintenance of all permanent traffic control devices within the City. Such determination shall be consistent with the above mentioned Manual (Texas Manual on Uniform Traffic Control Devices for Streets and Highways) and shall take into consideration the recommendation of the Director of Traffic Control, any engineering assistance from other jurisdictions, and any traffic investigation the Council shall consider necessary.

The Director of Traffic Control shall install and maintain all temporary traffic control devices and all permanent Traffic Control Devices approved for installation within the City by the City Council, or cause the same to be done. Such installation to be in accordance with this ordinance and consistent with the above mentioned Manual. Whenever the City Council has authorized the erection of a permanent official traffic control device at any location within the City and has caused the erection of the same to be done under the direction of the Director of Traffic Control, said Director shall thereafter file a report with the City Secretary stating the type of traffic control device, and when and where the same was erected and installed. The City Secretary shall file and maintain such report as a part of the official papers of the office of the City Secretary. Provided, however, lack of such report shall not change or alter the prima facie proof set out in Section 10 of this ordinance.

Any traffic control device within the City which is determined by the City Council based upon recommendation of the Director of Traffic Control, to be no longer needed for safety or welfare of the

citizens of the City, shall be removed by the Director of Traffic Control or a person acting in such capacity.

SECTION 10. PRIMA FACIE PROOF

In any prosecution for failure to obey a traffic control device or in any prosecution for violation of this ordinance or other Traffic Ordinance of the City, proof that a traffic control device was actually in place on any street shall constitute prima facie evidence that the same was authorized by the City Council and installed by the Director of Traffic Control pursuant to the authority of this ordinance, and that such device is an Official Traffic Control Device of the City.

SECTION 11. REPEALING CLAUSE

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 12. SEVERABILITY CLAUSE

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 13. SAVINGS CLAUSE

An offense committed before the effective date of this ordinance is governed by the prior law and ordinances, as amended, in effect when the offense was committed and the former law is continued for this purpose.

SECTION 14. PENALTY CLAUSE

Any person firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each day that a violation occurs or continues constitutes a separate offense.

SECTION 15. EFFECTIVE DATE

This ordinance shall take effect immediately after its passage and publication of the caption, as the law in such cases provides.

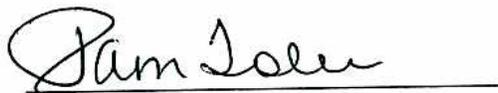
DULY ADOPTED by the City Council of the City of Lowry Crossing, Texas, on the 7th day of July, 1998.

APPROVED:



TOM DILLARD
MAYOR PRO-TEM

ATTEST:



PAN TOLER
CITY SECRETARY

APPROVED AS TO FORM:

LAWRENCE W. JACKSON
CITY ATTORNEY