CHAPTER 37

TRAFFIC

ARTICLE I. IN GENERAL

Sec. 37-1. Definitions.

Wherever in this chapter the following terms are used, they will have the meanings respectively ascribed to them in this section, unless clearly indicated to the contrary:

Authorized emergency vehicle. Vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the City.

Crosswalk. That portion of a roadway ordinarily included within the connection of curb and property lines at intersections, or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface.

Hand signals. All signals made by the operator by use of the hand and forearm for the purpose of indicating his intention of turning, stopping, or changing the course of the vehicle.

Intersection. The area embraced within the connection of the lateral curb lines or, if none, then the lateral boundary lines of two (2) or more streets or highways which join one another at an angle, whether or not one such street or highway crosses the other.

Intersection visibility triangle. That area enclosed by drawing an imaginary line connecting two points located within 15 feet of the curb line of any street intersection, street/driveway intersection or street/alley intersection. It includes that portion of public street right-of-way and any corner lot in the triangular area formed by extending the curb lines of the intersecting streets to their imaginary point of intersection for the first point of the triangle, then proceeding back from this imaginary point of intersection 15 feet along the curb lines of the intersecting streets to establish the two remaining points of the triangle. These points must then be connected with imaginary lines, thereby forming a triangle. If there are no curbs existing, the triangular area are formed by extending the pavement edges to the imaginary point of intersection of the streets and then proceeding in the same manner described above.

Motor vehicle. A self-propelled vehicle.

Non-motor Vehicle. Any vehicle or device without motive power and which is not self-propelled and is designed or used to carry property or passengers on its own structure and is drawn by a motor vehicle. Non-motor vehicles include boat trailers, utility trailers, trailer-mounted equipment or wheel-mounted

machinery.

Official traffic signs. All signals, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction for the purpose of directing, warning, or regulating traffic.

Operator. Any person who is in actual physical control of a vehicle.

Park or parking. To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Pedestrian. Any person afoot.

Police officer. Every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. A privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

Recreational vehicle. A motor vehicle primarily designed or used as temporary living quarters for recreational camping or travel use. Recreational vehicle includes a travel trailer, camping trailer, tent trailers, motor homes, and converted buses, but does not include truck camper which do not exceed one ton in capacity and are not longer than twenty-two (22) feet in length.

Right-of-way. The privilege of the immediate use of the street or highway.

Roadway. That portion of a street or highway between the regularly established curb lines or that part devoted to vehicular travel.

Safety zone. That area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk. The portion of a municipal street that is:

(a) Between a curb or lateral line of a roadway and the adjacent property lines; and

(b) Improved and designed for or is ordinarily used for pedestrian travel.

Street or highway. Every way set apart for public travel, except a sidewalk.

Traffic. Pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.

Vehicle. A device that can be used to transport or draw persons or property on a roadway. The term does not include:

(a) A device exclusively used on stationary rails or tracks; or

(b) Manufactured housing as that terms is defined by Chapter 1201, Occupations Code.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-2. Duty of police to enforce chapter.

It is the duty of the police department of the city to enforce the provisions of this chapter, except as otherwise indicated in this chapter.

Sec. 37-3. Authority of police and firemen to direct traffic.

Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of this chapter. In the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

Sec. 37-4. City transportation director; position established; duties.

(a) There is hereby established the position of transportation director. The holder of this position will exercise the powers and duties with respect to traffic as provided in this chapter.

(b) It is the general duty of the transportation director, in conjunction with the police department, to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

Sec. 37-5. Emergency and experimental regulations.

(a) The chief of police, by and with the approval of the transportation director, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation will remain in effect for more than ninety (90) days.

(b) The transportation director may test traffic-control devices under actual conditions of traffic.

(c) The chief of police may authorize the temporary placing of official traffic-control devices when

required by an emergency. The chief of police will notify the transportation director of his or her action as soon thereafter as is practicable.

Sec. 37-6. Obedience to traffic officers.

It is unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer or fire department official given, as authorized by this chapter, to direct, control, or regulate traffic.

Sec. 37-7, 37-8. Reserved.

Sec. 37-9. Clinging to moving vehicles.

It is unlawful for the rider of a bicycle, motorcycle or other vehicle to catch on to or hold to the side or rear of any other moving vehicle in the city.

Sec. 37-10. Riding on sidewalks.

(a) It is unlawful for any person to ride or propel a bicycle or skate upon a skateboard upon any sidewalk in any area of the City zoned Central Area.

(b) Subsection (a) does not apply to a sidewalk that is 8 feet or larger in width.

(c) Any person riding or propelling a bicycle or skating upon a skateboard on any sidewalk in the City, must yield the right-of-way to any pedestrian on the sidewalk.

Sec. 37-11. Reserved.

Sec. 37-12. Application of chapter to operators of government vehicles.

The provisions of this chapter apply to the operator of any vehicle owned by or used in the service of the government of the United States or this state, county or city, and it is unlawful for any such operator to violate any of the provisions of this chapter, except as otherwise permitted in this chapter.

Sec. 37-13. Permissible conduct for authorized emergency vehicles.

(a) Authorized emergency vehicle in this section is defined by the Texas Transportation Code, Sec. 541.201.

(b) In operating an authorized emergency vehicle the operator may disregard any provision of this chapter.

(c) An operator of an authorized emergency vehicle in disregarding a provision of this chapter has

the same rights and restrictions as operators of authorized emergency vehicles under Texas Transportation Code, Chapter 546, Operation of Authorized Emergency Vehicles and Certain Other Vehicles.

Sec. 37-14. Authority to regulate classes and kinds of traffic on certain highways.

(a) *Gross weight limits.* The transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-control devices on any streets or parts of streets to impose gross weight limits.

(b) *Trucks exceeding ten thousand pounds.* The transportation director is hereby authorized, on the basis of engineering and traffic investigation, to erect and maintain official traffic-control devices on the streets or parts of streets to prohibit the operation of trucks exceeding ten thousand (10,000) pounds gross weight; provided that such devices do not prohibit necessary local operation on such streets for the purpose of making a pickup or delivery.

(c) *Vehicle size restrictions.* The transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to erect and maintain official traffic-control devices on any streets or parts of streets to impose vehicle size restrictions.

(d) *Incompatible traffic.* The transportation director is hereby authorized, upon the basis of an engineering and traffic investigation, to determine and designate those heavily traveled streets upon which it is prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic and the transportation director will erect appropriate official traffic-control devices giving notice thereof.

Secs. 37-15--37-22. Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY

Secs. 37-23--37-27. Reserved.

Sec. 37-28. Speed limits.

(a) Except as otherwise posted, it is unlawful for any person to drive or operate a motor vehicle within a City urban district on a street other than an alley at a rate of speed in excess of thirty (30) miles per hour.

(b) “Urban district” in this section means the territory adjacent to and including a street or highway, if the territory is improved with structures that are used for business, industry, or dwelling houses and are located at intervals of less than 100 feet for a distance of at least one-quarter mile on either side of the street or highway.

Sec. 37-29. Reserved.

Sec. 37-30. Authority to place devices altering normal course for turns.

The transportation director is authorized 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 as prescribed by law.

Sec. 37-31. Authority to place restricted turn signs.

The transportation director is hereby authorized to determine those intersections at which drivers of vehicles may not make a right, left, or "U" turn and will 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 will be plainly indicated on the signs or they may be removed when such turns are permitted.

Sec. 37-32. Turning around in middle of block prohibited.

No vehicle may be turned around in the middle of the block, nor between the corners thereof, but must go on to the intersection of a street or avenue before turning or attempting to turn.

Sec. 37-33, 37-34. Reserved.

Sec. 37-35. Authority to sign one-way streets and alleys.

The transportation director is hereby authorized to determine and designate one-way streets or alleys and will place and maintain official traffic-control devices giving notice thereof. No such designation will be effective unless such devices are in place.

Sec. 37-36. Authority for stop signs and yield signs.

The transportation director 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 at which vehicular traffic on one or more of the roadways should yield or stop and yield before entering the intersection or junction.

Secs. 37-38--37-42. Reserved.

Sec. 37-43. Driving between vehicles of authorized procession.

It is unlawful for the operator of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion. This provision will not apply at intersections where traffic is controlled by traffic-control signals or by police officers.

Sec. 37-44. Operation in parks.

It is unlawful for any person to drive, park, or place any vehicle through, in, along, upon, or across any public park belonging to the city except upon designated streets, alleys, driveways, or parking areas located in such park.

Sec. 37-45. Motor vehicles prohibited on school grounds; exceptions.

It is unlawful for any person to drive, park or place any motor vehicle through, in, along, upon, or across any public school grounds within the City of Temple except:

(1) Upon designated streets, alleys, driveways, or parking areas located on said school grounds;

(2) At the direction of a police officer of the City of Temple or a duly designated official of the school district;

(3) When the vehicle is owned and operated by an employee or agent of the City of Temple or the school district.

Secs. 37-46--37-49. Reserved.

Sec. 37-50. Restrictions on towing.

No vehicle may tow more than one other vehicle at a time, and no tow connection thereon may be more than fifteen (15) feet in length.

Sec. 37-51. Reserved.

Sec. 37-52. Reserved.

Sec. 37-53. Truck routes established.

(a) Definitions. Whenever used in this section, the following terms shall be defined as follows:

(1) *Truck* means any motor vehicle designed, used, or maintained primarily for the transportation of property, with a manufacturer's rated carrying capacity exceeding two thousand (2,000) pounds and is not intended to include those trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks.

(2) *Semitrailer* means vehicles of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle.

(3) *Road tractor* means any motor vehicle designed or used for drawing other vehicles or loads and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

(4) *Truck tractor* means every motor vehicle designed or used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load as drawn.

(b) Established. There are hereby established and created certain truck routes in, through, and around the City of Temple for all trucks, semitrailers, road tractors, and truck tractors entering or exiting the City as follows:

(1) Interstate Highway No. 35.

(2) State Highway No. 53.

(3) State Highway No. 36.

(4) Loop 363--State Highway No. 190.

(5) F.M. Road No. 2305.

(6) South First Street from where it intersects with Loop 363 and Highway 36 north to the point where South First becomes South Third Street and from that point north to where North Third Street intersects with Interstate Highway No. 35.

(7) F.M. Road No. 438.

(c) Through traffic prohibited. Through traffic of any truck, semitrailer, road tractor, or truck tractor on any street within the City of Temple other than those streets or highways specifically designated in subsection (b) hereof is expressly prohibited and declared to be unlawful.

(d) Exceptions. The terms, provisions and regulations set forth in this section do not and are not intended to apply to trucks, semitrailers, road tractors, and truck tractors entering the City of Temple and traveling on streets other than those designated herein for the purposes of pickup and delivery to a specific location, or to obtain service, repairs, commercial lodging, fuel, or other legitimate purposes requiring a stop within the city. For purposes of this section, a person commuting to and from a residence for purposes other than making a delivery or pickup within the City is not a “legitimate purpose.”

(e) Signs. The transportation director is hereby directed to place appropriate signs upon the streets indicated herein and may, at his or her discretion, place signs upon other local streets notifying the public that no truck traffic is allowed thereon.

Sec. 37-54. Alleys -- Speed limit established.

(a) The reasonable and prudent prima facie maximum speed limit for any vehicular traffic upon alleys within the City of Temple is hereby established as 15 miles per hour.

(b) It is unlawful for any person to drive or operate a motor vehicle, bicycle, or other vehicle of any kind, whether or not motor-powered, at a speed greater than is reasonable and prudent under the circumstances then existing along, or upon, or over any alley within said city, but any speed in excess of the reasonable and prudent prima facie maximum speed limit as set forth in paragraph (a) hereof is prima facie evidence that such speed is not reasonable and prudent and that it is unlawful.

Sec. 37-55. Use of engine break or retarder prohibited.

(a) This section applies to a roadway or street within the corporate limits of the City, including a state maintained roadway.

(b) A person may not use an engine brake or engine retarder to assist in slowing or braking a motor vehicle, except for a fire truck engaged in emergency duties.

Secs. 37-56--37-64. Reserved.

ARTICLE III. TRAFFIC-CONTROL DEVICES GENERALLY

Sec. 37-65. Authority to install traffic-control devices.

The transportation director will place and maintain official traffic-control devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this city or the Texas Transportation Code.

Sec. 37-66. Manual and specifications for traffic-control devices.

All traffic-control signs, signals, and devices will conform to the manual and specifications approved by the Texas Department of Transportation. All signs and signals required hereunder for a particular purpose will so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter will be official traffic-control devices.

Secs. 37-67--37-70. Reserved.

Sec. 37-71. Marking of traffic lanes.

The transportation director is hereby authorized to mark traffic lanes upon the roadway of any street or

highway where a regular alignment of traffic is necessary.

Sec. 37-72. Designation and marking of crosswalks.

The transportation director is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in the transportation director's opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as the transportation director may deem necessary.

Sec. 37-73. Establishment and marking of safety zones.

The transportation director is hereby authorized to establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians.

Secs. 37-74--37-76. Reserved.

Secs. 37-77--37-85. Reserved.

ARTICLE IV. STOPPING, STANDING AND PARKING

Sec. 37-86. Parking of vehicles with capacity of more than one and one-half tons in certain districts.

(a) A person commits an offense if he stops, parks, or stands a truck-tractor, road tractor, semitrailer, bus, trailer, or a truck with more than two axles, rated capacity in excess of one and one-half tons, or with a height of more than nine feet, according to the manufacturer's classification, in front of, or forward of the building setback line (as shown by the property's plat or the zoning ordinance, whichever is a greater distance from the property line adjacent to the street) upon property within a residential area. This subsection will not apply to the parking or standing of a vehicle for the purpose of expeditiously loading or unloading passengers, freight, or merchandise or to recreational vehicles, as defined by Section 37-1 of the Code of Ordinances.

(b) In this section, **Residential Area** means any block zoned SF-1, SF-2, SF-3, SFA, SFA-2, SFA-3, MH, MF, 2F, TH or UE.

Sec. 37-87. Stopping, standing, or parking prohibited in specified places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person may:

(a) Stop, stand, or park a vehicle:

(1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(2) On a sidewalk;
(3) In an intersection;
(4) On a crosswalk;
(5) Between a safety zone and the adjacent curb or within thirty (30) feet of a place on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
(6) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
(7) On a bridge or other elevated structure on a highway or in a highway tunnel;
(8) On a railroad track;
(9) On any controlled-access highway;
(10) In the area between roadways of a divided highway, including crossovers; or
(11) At any place where official traffic-control devices prohibit stopping.

(b) Stand or park an occupied or unoccupied vehicle except momentarily to pick up or discharge a passenger:

(1) In front of a public or private driveway;
(2) Within fifteen (15) feet of a fire hydrant;
(3) Within twenty (20) feet of a crosswalk at an intersection;
(4) Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
(5) Within twenty (20) feet of a driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of the entrance when the entrance is properly marked with a sign; or
(6) At any place where an official traffic-control device prohibits standing.

(c) Park an occupied or unoccupied vehicle except temporarily to load or unload merchandise or passengers:

(1) Within fifty (50) feet of the nearest rail of a railroad crossing; or
(2) At any place where an official traffic-control device prohibits parking.

(d) A person may not move a vehicle that is not lawfully under the person's control into an area where a vehicle is prohibited under Section 37-87.

Sec. 37-88. Parking prohibited in alleys located in the central business district.

(a) Definition. As used in this section, "central business district" means all parts of the city which are within the area bounded on the south by Avenue B, on the east by Eighth Street, on the north by French Avenue, and on the west by Ninth Street.

(b) Parking in alleys within the central business district is prohibited. It is unlawful to park,

abandon, or leave a motor vehicle in an alley within the central business district, except as hereinafter provided.

(c) Exception and duty.

(1) Vans and trucks used for delivery of merchandise, and actually loading or unloading merchandise, and vans and trucks of utility companies, plumbers, electricians, air conditioning and heating firms, etc., utilized at the time in providing services to buildings abutting the alley are excepted from the provision of subsection (b); provided, however, that this exception applies only to vans and trucks during the time actually being loaded or unloaded, or being utilized in providing service, and parked in such a manner to leave a ten-foot clearance for other vehicles traveling the alley.

(2) The operator of any vehicle, described in subsection (c)(1) above, must remain in such close proximity to said vehicle that if another vehicle does not have sufficient clearance to pass said vehicle in the alley, the operator may be promptly summoned to move said vehicle at any time such movement is necessary to allow passage of another vehicle in the alley.

Sec. 37-89. Prohibited for certain purposes.

It is unlawful for any person to stop, stand, or park any vehicle upon any public street, alley, city-owned parking lot, park, playground, golf course, or athletic field of the City of Temple for any of the following purposes:

(1) For the primary purpose of offering such vehicle for sale or selling the same;

(2) For the purpose of repairing such vehicle or accessories thereon or attached thereto; provided that part (2) of this section will not apply to emergency tire repair nor to any other emergency repairs for the purpose of removing the vehicle from the streets, avenues, and alleys; or

(3) For the primary purpose of washing a vehicle.

Sec. 37-90. Leaving less than ten feet of roadway open for traffic.

(a) It is unlawful for the operator of any vehicle to stop, stand, or park such vehicle upon a street, except as otherwise authorized in this chapter, in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway free for movement of vehicular traffic, except during actual unloading or loading of passengers or when necessary in obedience to traffic regulations, an official traffic control device, or a police officer.

(b) It is unlawful for the operator of any vehicle to park such vehicle within an alley in such manner or under such conditions as to leave available less than ten (10) feet of the width of the alley for the free movement of vehicular traffic.

Sec. 37-91. Intersection visibility triangle.

(a) A vehicle, fence, wall, screen, view obstruction, or foliage is not allowed within the intersection visibility triangle at elevations between three feet and eight feet above the average street grade. Obstructions of this nature are declared to be a public traffic nuisance. A person may not park or allow parking of a vehicle or boat in the intersection visibility triangle at elevations between three feet and eight feet above the average street grade.

(b) Obstruction of an intersection visibility triangle must be abated within 10 days after written notice.

(Ordinance No. 2010-4361, 06-03-10)

Sec. 37-92. Designation and marking of parking spaces and areas where parking is prohibited or limited.

(a) The transportation director is hereby authorized, on the basis of an engineering and traffic investigation, to prohibit, regulate, or limit stopping, standing, or parking vehicles at all times or during specified hours.

(b) No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any other ordinance of this city will be effective unless official traffic-control devices are erected and in place at the time of any alleged offense. It is the duty of the transportation director to erect and maintain such devices.

Sec. 37-93. Two-hour parking zone.

(a) The city manager or his/her designee is hereby authorized to determine and designate in and on such streets and portions thereof spaces in which parking is limited to two-hour periods of time. In area designated as a two-hour parking zone, signs or other clearly distinguished markings will be posted or made at both ends of the two-hour parking zone and at reasonable intervals between the beginning and ending of the zone. If the signs or other markings for the two-hour parking zone indicate the days or times allowed for parking therein, such prohibition will only apply on such days and between such hours as prescribed by the signs or markings

(b) It is unlawful for any person to leave standing or parked any vehicle for a period of more than two hours in a two-hour parking zone, and each successive two hours that a vehicle should be left continuously parked in such zone will constitute a separate offense.

(c) The city manager is authorized to suspend this section by decree during public events or when the municipal parking lot adjacent to City Hall is closed.

(d) The city manager is authorized to grant permits to persons involved in construction in or near two-hour parking zones to park construction related vehicles in these zones longer than designated by signage. It is

unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Sec. 37-94. Parking areas designated for persons with disabilities.

(a) Except as provided in subsection (b), a person may not stop, stand, or park a vehicle in a parking space or area on public or private property that is designated for use by a person with a disability in accordance with applicable law. Parking spaces or areas designated for persons with disabilities on private property do not have to be in compliance with the identification requirements referred to in Chapter 681 (*Privileged Parking*) of the Texas Transportation Code.

(b) This prohibition does not apply if the vehicle is operated by or for a person with a temporary or permanent disability, and the vehicle displays:

(1) License plates for the vehicle issued in accordance with the Texas Transportation Code for use by persons with disabilities; or

(2) A disabled parking placard issued in accordance with Chapter 681 of the Texas Transportation Code.

(c) A person may not stop, stand, or park a vehicle on public or private property in a manner that blocks an access or curb ramp, accessible pedestrian space between or adjacent to a parking space, or other architectural feature designed to aid a person with a disability.

(d) A peace officer or a person designated by the city under Sec. 681.0101 of the Texas Transportation Code may enforce this section.

Sec. 37-95. Direction of parked or stopped vehicles.

(a) Every vehicle parked or stopped on any street in the city must be parked or stopped parallel with the edge of the roadway, headed in the direction of traffic, and with curb-side wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except where streets are appropriately marked for perpendicular or for angle parking.

(b) Every vehicle parked or stopped on any street in the city in a parking space appropriately marked for perpendicular or angle parking must be parked with the front of such vehicle adjacent to the curb or sidewalk.

Sec. 37-96. Compliance with parking space markings.

(a) If a parking space limit line is delineated on a street or parking lot owned or maintained by the city, a person:

(1) May not park a vehicle on or across the line; and

(2) Must park a vehicle entirely within the delineated area.

(b) A person may not park a vehicle in a driveway of a parking lot owned or maintained by the city.

Sec. 37-97. Loading or unloading at an angle to the curb.

Backing of a vehicle to the curb is permitted for the limited purpose of loading or unloading merchandise or other property. In no case shall the stop for loading and unloading merchandise or other property exceed 30 minutes.

Sec. 37-98. Parking of trucks with more than two axles.

The parking of trucks with more than two (2) axles on any street or alley within the corporate limits of the City of Temple, Texas, is hereby prohibited; provided, however, that the prohibition set out in this section will not apply to such trucks parked for the purpose of loading or unloading or for the purpose of making emergency repairs.

Sec. 37-99. Parking of Boats, Non-Motor Vehicles and Recreational Vehicles.

(a) Definitions. Whenever used in this section, the following terms are defined as follows:

(1) *Boat* means any watercraft, vessel, or outboard motor.

(2) *Public roadway* means any public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

(b) It is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle on any public roadway within the city limits of Temple, Texas, unless the boat, non-motor vehicle or recreational vehicle is connected or otherwise secured to a motor vehicle.

(c) It is unlawful for any person to park or place any boat, non-motor vehicle or recreational vehicle which is connected or secured to a motor vehicle on any public roadway within the city limits of Temple, Texas for a period of more than forty-eight (48) hours at any one place.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property adjacent to the location of the offense is the person who parked or placed the boat, non-motor vehicle, or recreational vehicle in violation of subsection (b) or (c) of this section, at the time and place of the offense charged.

Sec. 37-100. Parking for more than two days prohibited.

It is unlawful for any person to park or permit to remain parked or standing any vehicle upon any street, alley, or city-owned parking lot within the city for longer than two (2) days at any one place.

Sec. 37-101. Parking of vehicles used for transporting liquefied petroleum gases.

(a) Except in an emergency, no tank vehicle containing liquefied petroleum gas ("LPG") may be left unattended on any street, highway, avenue or alley, provided that this does not prevent a driver from the necessary absence from the truck in connection with the delivery of his or her load, except that during actual discharge of the liquid some responsible person must be present at the vehicle, nor does it prevent stops for meals during the day or night if the street is lighted at point of parking.

(b) Tank vehicles used to transport or deliver LPG may not be parked out of doors at any one point longer than 1 hour, except on a premises of a facility approved for storing or servicing LPG tank vehicles. The location must be off any street, at least 50 feet from any building, and 25 feet from any property line.

(c) LPG tank vehicles used to transport may not be parked or garaged in any building or near any building other than those specifically approved for such use by the fire official.

Sec. 37-102. Parking near scene of fire.

It is unlawful for any operator to park any vehicle within three hundred (300) feet of any burning building or other thing where fire-fighting apparatus is being used for the purpose of extinguishing the same, except under the direction of the chief, other officer of the fire department, or a police officer of the city.

Sec. 37-103. Parking in fire lanes.

(a) The marking of fire lanes on private property, devoted to public use, will be approved by the fire chief of the City or his or her designee(s).

(b) The fire chief has the authority, by and with the consent of the city council expressed by resolution, to determine where such fire lanes will be required and has the authority to require that such fire lanes be marked and maintained. Such fire lanes will be marked by painting the curb red with the words "Fire Lane" stenciled thereon at appropriate intervals together with signs, placed at appropriate distances, which indicate the existence of the fire lane and that parking in or blocking the fire lane is prohibited.

(c) It is unlawful for any person to park or to allow to be parked any vehicle in a properly marked fire lane or to otherwise obstruct such fire lane.

Sec. 37-104. Parking of vehicles at Draughon-Miller Airport.

(a) It is unlawful for any person to park any motor or non-motor vehicle at Draughon-Miller Airport outside the limits of the designated parking area for the particular kind or type of vehicle.

(b) No aircraft or vehicle may be parked within twenty-five (25) feet of a fire hydrant at Draughon-Miller Airport.

Sec. 37-105. Parking of non-motor vehicles and recreational vehicles prohibited.

(a) Definitions. Whenever used in this section, the following terms are defined as follows:

(1) *Corner lot* means any triangular portion of a plot of ground defined by measuring thirty (30) feet along the curb line or adjacent streets and whose hypotenuse is the connection of the two (2) points as measured along the curb line.

(2) *Private property* means any privately owned real property, lot, tract or parcel of land, or portion thereof, including a private driveway, roadway or alley, within the city limits of Temple, Texas.

(b) It is unlawful for any person to park, place or locate on any private property any non-motor vehicle or recreational vehicle that:

(1) Is within six (6) feet from the back of any curb or edge of the pavement if no curb exists;

(2) Is in, blocks, or otherwise obstructs any paved sidewalk;

(3) Is within a corner lot; or

(4) Is not secured with wheel stops on the wheels on each side or otherwise secured to adequately hold the vehicle on any grade on which the vehicle is parked.

(c) It is unlawful for any person to use a non-motor vehicle or recreational vehicle for housekeeping, dwelling, or sleeping quarters for any period exceeding two (2) weeks during any six (6) month period.

(d) For prosecution under subsection (b) or (c) of this section, it is presumed that the registered owner or the owner or occupant of the property which is the location of the offense is the person who parked, placed, or used the non-motor vehicle or recreational vehicle in violation of this section.

Sec. 37-106. Passenger and loading zones generally.

(a) The transportation director is hereby authorized to determine the location of loading zones and passenger loading zones and will place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Code are applicable. In lieu of such signs, such zones may be laid out and designated by yellow-colored lines or marks on the surface of the street or curb.

(b) No person may 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 zones are in effect. In no case may the stop for the expeditious loading and unloading of property 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 or about to enter such zone to load or unload property. In no case may such a stop exceed thirty (30) minutes.

(d) The city manager is authorized to grant permits to persons involved in construction in or near passenger and loading zones to park construction related vehicles in these zones longer than designated by signage or colored markings or lines. Persons who fail to abide by the terms and conditions of the permit may receive a citation for each successive thirty (30) minutes that a vehicle is left continuously parked in these zones in violation of the permit.

Sec. 37-107. Bus stop and taxicab stands.

(a) The transportation director is hereby authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he or she determines to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand will be designated by appropriate signs.

(b) The operator of a bus may not stand or park such vehicle upon any street at any place other than a bus stand, bus stop, or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus may not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand, or passenger loading zone so designated as provided herein, except in case of an emergency.

(d) The operator of a bus must enter a bus stop, bus stand, or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, will be in a position with the right front wheel of such vehicle not farther than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular

traffic.

(e) The operator of a taxicab may not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision does not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(f) No person may stop, stand, or park a vehicle other than a bus in a bus stop, bus stand, or passenger loading zone or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Sec. 37-108. Reserved

Sec. 37-109. Vehicle parked in violation of city ordinance.

No person may allow, suffer, or permit any vehicle registered in his name to stand or be parked in, on or upon any street in the City of Temple in violation of any of the ordinances of this city regulating the stopping, standing, or parking of vehicles.

Sec. 37-110. Parking violations made civil offenses.

A violation of a provision of this article governing the stopping, standing, and parking of a vehicle is a civil offense.

Sec. 37-111. Hearing officer powers, duties, and functions.

(a) The city manager, or the city manager's designee, will appoint one or more hearing officers to administratively adjudicate stopping, standing, and parking violations under the Code of Ordinances.

(b) A hearing officer has the authority to:

(1) Administer oaths;

(2) Issue orders compelling the attendance of witnesses and the production of documents, which may be enforced by the municipal court;

(3) Accept admissions and hear and determine contests of parking violations under this article;

(4) Assess civil fines, penalties, and costs for a parking violation in accordance with this article;

(5) Issue orders of immobilization or impoundment of vehicles;

(6) Set conditions for the release of vehicles immobilized or impounded under this article;

(7) Administratively terminate citations or dismiss cases arising from possible violations of this article that the hearing officer determines to be uncollectable, unenforceable, or erroneously issued; and

(8) Preside over, hear evidence, and make findings at immobilization and impoundment hearings under this article.

Sec. 37-112. Citations.

(a) The administrative adjudication process for violations under this article will be initiated by the issuance of a citation which may be issued by a peace officer or by a parking enforcement official designated to perform this duty by the Temple Police Department.

(b) A citation serves as the summons and provides the time and place of an administrative adjudication hearing.

(c) A citation will contain the following information:

(1) The nature, date, time, and location of the alleged violation;

(2) The state license plate number of the vehicle, or if the license plate number is not visible or legible, other observable identification information, including but not limited to vehicle identification number or the state inspection tag number;

(3) The make of the vehicle, if known, or a vehicle description;

(4) The appearance date for the citation, including information as to the time and place of the administrative adjudication hearing for the alleged offense committed under this article scheduled on the appearance date;

(5) A notification that the person charged with the violation has the right to an instanter hearing on or before the appearance date on a day of the week established by the municipal court for the routine operation of the court;

(6) A notification that failure to answer the citation or to appear for a hearing on or before the appearance date is considered an admission of liability for the violation and will result in the assessment of civil fines, costs, and fees; and

(7) The identification number and/or the initials of the individual issuing the citation.

(d) The original or a copy of the citation is a governmental record kept in the ordinary course of city business and is rebuttable proof of the facts it contains.

Sec. 37-113. Service of a citation; presumption of service.

(a) A citation must be served on the operator of the vehicle or the registered owner of the vehicle by either personal service of the citation or by affixing the citation to the vehicle in a conspicuous place.

(b) The operator of a vehicle who is not the registered owner but has the express or implied permission to operate the vehicle is considered the registered owner's agent and is authorized to receive a citation.

(c) The original and all copies, including electronic copies, of a citation are prima facie evidence that the citation was issued and that an attempt at service was made in accordance with this section.

Sec. 37-114. Answering a citation.

(a) A person issued a citation must answer the citation not later than the appearance date provided on the citation.

(b) An answer may be made in any of the following ways:

(1) A person may admit liability and pay the applicable civil fines, costs, and fees. A person may pay in person, by mail, by electronic means, or by other method of payment as determined by the municipal court clerk; or

(2) A person may appear before a hearing officer on the appearance date for his or her scheduled administrative hearing or at an instanter hearing before the appearance date.

(c) Payment of civil fines, costs, and fees assessed under this article operates as an admission of liability for the parking violation and is the final disposition of the parking violation charge.

Sec. 37-115. Presumptions.

In an administrative adjudication hearing for a citation:

(a) It is presumed that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(b) The Texas Department of Motor Vehicles' computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 37-116. Hearings for disposition of a citation.

(a) A hearing to adjudicate a parking violation charge under this article will be conducted by a hearing officer.

(b) The Texas Rules of Evidence do not apply to a hearing under this article.

(c) No formal or sworn complaint or any other charging instrument is required.

(d) The hearing officer will hear and consider:

(1) Evidence presented by the person charged;

(2) Presumptions and prima facie evidence established by this article or other applicable law; and

(3) Evidence presented by the issuing officer, if he or she attends the hearing.

(e) The hearing officer will make a decision based on a preponderance of the evidence after considering the presumptions.

(f) All hearings will be recorded by an electronic recording device.

(g) The acceptance of documents or real evidence shall be noted on the record. The recorded testimony, documents, and other evidence shall constitute the record for appeal. The Municipal Court will maintain all exhibits admitted during the proceeding and the official record of the proceeding.

(h) The person who issued the citation is not required to attend an instanter hearing, unless ordered to do so by the hearing officer.

(i) It is not required that the prosecuting attorney attend the hearing. If the person is represented by legal counsel at the hearing, the hearing officer must notify the prosecuting attorney who will have the right to appear on behalf of the city at the hearing.

(j) At the conclusion of the hearing, a hearing officer will issue an order either:

(1) Finding the person is liable for the parking violation and assessing the applicable civil fines, costs, and fees; or

(2) Finding the person is not liable for the parking violation.

(k) A person charged with a civil offense who fails to answer a citation on or before the appearance

date is considered to admit liability for the offense charged, and an order will be issued on that basis.

(l) Any orders issued under this article will be filed with the municipal court clerk. Orders will be kept in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

Sec. 37-117. Appeals.

(a) A person found liable by the hearing officer for a parking or stopping ordinance may appeal the determination to municipal court.

(b) The appeal must be instituted by filing, not later than the 30th day after the date on which the hearing officer's order is filed, a petition with the clerk of the municipal court and paying a non-refundable filing fee.

(c) A person who accepts liability or fails to contest liability by the appearance date is not entitled to an appeal hearing.

(d) Service of notice of appeal under this section does not stay the enforcement and collection of any order of a hearing officer, unless the person found liable, before appealing, posts a cash appeal bond with the municipal court clerk in an amount equal to all civil fines, costs, and fees assessed by hearing officer.

(e) When an appeal petition is filed, the municipal court clerk will schedule an appeal hearing and notify each party of the date, time, and location of the appeal hearing.

(f) An appeal hearing is conducted by the municipal court judge.

(g) The judge will review the record and hear oral arguments of the parties at the appeal hearing.

(h) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.

(i) The judge may not reverse the hearing officer's decision unless it is determined to be:

(1) In violation of law;

(2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or

(3) Arbitrary and capricious or characterized by an abuse of discretion.

(j) If the findings of the hearing officer are affirmed, the municipal court judge may reduce fine

amounts and fees based on an inability to pay or allow liable persons to make payment plans based on ability to pay. In addition, the municipal judge may impose additional penalties and other costs or fees according to this article.

(k) The municipal court judge's ruling is final and may not be appealed.

Sec. 37-118. Fine Amounts.

(a) Fine amounts may range from one dollar ($1.00) to five hundred dollars ($500.00) in addition to applicable costs and fees. City Council will set fine amounts or ranges for offenses under this article by resolution.

(b) Upon a finding of liability, a hearing officer may assess the person a fine ranging from one dollar ($1.00) to five hundred dollars ($500.00) as set by City Council in addition to applicable costs and fees.

(c) A late fee will be assessed if:

(1) The person does not answer the citation on or before the appearance date; or

(2) The person fails to pay in full within a specified time period.

(d) A ten dollar ($10.00) late fee may be assessed every thirty days up to a maximum of sixty dollars ($60.00) until all applicable fines, costs, and fees are paid in full.

(e) A hearing officer may reduce fine amounts and fees based on an inability to pay or allow liable persons to make payment plans based on ability to pay.

Sec. 37-119. Enforcement of order.

When a person is found liable for violations under this article and has not paid the fines, costs, and fees assessed when due, the fines, costs, and fees assessed for the violations may be enforced by:

(a) Impounding the vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year;

(b) Placing a device on the vehicle that prohibits movement of the motor vehicle if the owner or operator of the vehicle has committed three or more such violations in a calendar year or has three or more outstanding or unresolved citations issued under this article;

(c) Imposing an additional fine if the original fine is not paid within a specified time;

(d) Denying issuance of or revoking a parking or operating permit, as applicable; or

(e) Filing an action to collect the fines, costs, or fees in a court of competent jurisdiction.

Sec. 37-120. Impoundment or immobilization of motor vehicles.

(a) A hearing officer will determine if a vehicle is subject to impoundment or immobilization under this article.

(b) If a hearing officer determines that a vehicle is subject to impoundment or immobilization, the hearing officer will send a written notice of the opportunity for a hearing before a written order to impound or immobilize the vehicle is issued. The written notice will be mailed to the last address of the registered owner on record with the Texas Department of Motor Vehicles or to the address of the registered owner or operator last known to the hearing officer.

(c) The written notice will contain the following information:

(1) The vehicle license plate number;

(2) The name of the last registered owner of the vehicle;

(3) The date issued, fine amounts, costs, and fees for all outstanding or unresolved citations issued under this article;

(4) A statement that a request for a hearing to determine whether or not the motor vehicle will be immobilized or impounded must be made to the municipal court clerk in writing, without requirement of bond, within twenty (20) days after the date the notice was mailed;

(5) A statement that failure to request a hearing before the expiration of the twenty-day period, or failure to appear at a requested hearing will constitute a waiver of the opportunity to oppose the proposed impoundment or immobilization; and

(6) A statement indicating that the registered owner of the vehicle, in addition to being responsible for all outstanding citations issued under this article, will be responsible for all fees and costs incurred in immobilizing and impounding the vehicle, including storage fees.

Sec. 37-121. Hearing before hearing officer regarding impoundment or immobilization of vehicle; issuance of order.

(a) A person may request a hearing before a hearing officer to contest impoundment or immobilization of a vehicle.

(b) A request for a hearing under this section must be submitted in writing to the municipal court clerk not later than the twentieth (20^{th}) business day after the date the notice of impoundment or immobilization was mailed.

(c) A failure to timely request or appear at a hearing under this section waives any objection to the proposed impoundment or immobilization of the vehicle.

(d) The only issue at a hearing under this section is whether the vehicle may be impounded or immobilized under Sec. 37-119.

(e) The hearing officer will issue an order of impoundment or immobilization if:

(1) A person does not timely request a hearing under this section;

(2) A person does not appear at a scheduled impoundment or immobilization hearing; or

(3) A hearing officer determines at the hearing that the vehicle is subject to impoundment or immobilization.

(f) An impoundment order and an immobilization order must include the information described in Sec. 37-120 regarding notice requirements.

(g) If a hearing is requested and held, the hearing officer will provide the signed order of immobilization or impoundment at the hearing.

(h) If a hearing is not requested, a signed order of immobilization or impoundment will be provided upon request and at no cost to a party to the case.

Sec. 37-122. Interference with impoundment or immobilization prohibited.

(a) A person may not knowingly, intentionally, or recklessly obstruct, prevent, hinder, or interfere with a person executing an order of impoundment or immobilization.

(b) A person may not tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed.

(c) An offense under this Section is a Class C misdemeanor and is punishable by a fine up to five hundred dollars ($500.00).

Sec. 37-123. Execution of impoundment order.

(a) An impoundment order is executed when the vehicle identified in the order is seized, removed to, and stored at an authorized vehicle depository.

(b) An impoundment order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) If it is necessary for a person executing an order of impoundment to enter a motor vehicle to effectuate its impoundment, entry into the vehicle will be made by or in the presence of a certified peace officer. An inventory of the vehicle will be conducted by or in the presence of certified peace officer who will sign the inventory.

(d) The person executing an order of impoundment will promptly notify the municipal court clerk or designee of the date and time of the impoundment.

(e) Nothing under this article will be construed to restrict or limit the authority of police officers to tow and impound vehicles under other applicable law.

Sec. 37-124. Execution of immobilization order.

(a) An immobilization order is executed when a device designed to restrict the normal movement of the vehicle has been installed or attached.

(b) An immobilization order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer;

(3) An authorized city employee; or

(4) An authorized city agent.

(c) At the time of immobilization, the person executing the order of immobilization must attach to the vehicle a conspicuous written notice, on a form provided by the city, that includes the following information:

(1) Notice that the vehicle has been immobilized under a court order and that attempted movement may cause damage to the vehicle;

(2) Notice that it is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed;

(3) Instructions to obtain a release of the vehicle;

(4) Notice that the vehicle may be towed and impounded if the owner or a person authorized to act on behalf of the owner does not obtain a release of the vehicle from the municipal court, or the Temple Police Department when the municipal court is closed, by 4:00 p.m. on the day the vehicle has been immobilized; and

(5) Notice that if the vehicle is towed and impounded, the owner shall be responsible for payment of applicable fees for towing, impoundment, and storage in addition to the civil fines, costs, and fees under this article.

Sec. 37-125. Reclamation of an impounded or immobilized vehicle.

(a) The owner or other person with legal right of possession of a vehicle that has been impounded or immobilized under an order may reclaim the vehicle by:

(1) Presenting evidence satisfactory to the municipal court clerk during its hours of operation, or the Temple Police Department when the municipal court is closed, that establishes ownership or right of possession; and

(2) Paying in full all accumulated civil fines, costs, and fees, including costs and fees of immobilization or impoundment and storage.

(b) If the owner or other person with legal right of possession cannot provide payment in full, the person may appear before a hearing officer during the municipal court's hours of operation to arrange to pay:

(1) All accumulated civil fines, costs, and fees at a later specified date; or

(2) A specified portion of all accumulated civil fines, costs, and fees at designated intervals.

(c) If the owner or other person with legal right of possession has paid, or arranged to pay, the accumulated civil fines, costs and fees, the owner or other person may reclaim the impounded vehicle or have the immobilization device removed. Upon making such payment or payment arrangements, the owner or other person with legal right of possession of the vehicle will receive a signed release order for the vehicle.

(d) A hearing officer may reissue an impoundment or immobilization order under Sec. 37-121 without additional notice if the owner or other person with legal right of possession of the vehicle fails to comply with a condition imposed under this section.

Sec. 37-126. Release of impounded vehicle.

(a) A person in actual possession of the impounded vehicle will release the vehicle to a person named in the release order if the person named in the order presents the signed release order and proof of identity.

(b) A person releasing the vehicle will indicate the date and time that a vehicle was released on the release order, or on a paper attached to it.

(c) A release order must be signed by the person reclaiming the vehicle and the person releasing the vehicle.

(d) After the release order is signed, the person releasing the vehicle must return the order to the municipal court.

(e) A person in possession of an impounded vehicle may not request or require the person reclaiming the vehicle to sign a release from liability for damages or loss until the person authorized to reclaim the vehicle has been provided a meaningful opportunity to inspect the vehicle and its contents.

(f) A release from liability must:

(1) Indicate whether the person reclaiming the vehicle has made an inspection of the vehicle;

(2) Include an enumeration of the damages, if any, allegedly the result of impounding the vehicle; and

(3) Include a list of the items, if any, allegedly missing from vehicle.

(g) A copy or duplicate of the original release must be provided to the person that reclaims an impounded vehicle.

Secs. 37-127--37-149. Reserved.

ARTICLE V. RESERVED.

ARTICLE V. HAZARDOUS CARGO ROUTES

Section 37-150. Definitions.

For the purposes of this article, the following words and terms have the meanings ascribed to them:

(a) *Hazardous Materials* means any quantity, group, form or class of material designated as hazardous material in any official publication of the Secretary of Transportation of the United States under the authority of 49 C.F.R. 171, et seq., as amended, including any such publication issued after the effective date of this ordinance.

(b) *Requiring Placards* means that the material to be transported is hazardous and is in sufficient quantity to require placarding in accordance with the Department of Transportation Hazardous Materials Regulations (49 C.F.R. 171, et seq., as amended), or in accordance with state law.

(c) *Transport* shall mean to move any vehicle requiring placards upon any public thoroughfare or highway.

Section 37-151. Hazardous cargo route.

No person may knowingly transport materials or knowingly cause hazardous materials to be transported upon any public street and highway within the corporate limits of the City of Temple, Texas, except upon those portions of Interstate Highway 35 and H.K. Dodgen Loop, as more fully shown on a map, attached hereto and made a part hereof for all purposes as Exhibit "A," and on file in the Office of the Director of Public Works of the City of Temple. Provided, however, this section does not apply to those persons who leave the hazardous cargo route by the most direct route to make a delivery or pickup of hazardous cargo within the corporate limits of the City of Temple.

Section 37-152. Vehicle operation.

The operator of a vehicle used to transport hazardous materials requiring placards must:

(a) Apply and display appropriate placards meeting U.S. Department of Transportation specifications; and

(b) Keep immediately accessible, complete, and adequate shipping papers for the hazardous materials being shipped, which papers must specify:

(1) Origin of the shipment;

(2) Destination or delivery point of the shipment;

(3) Proper shipping name;

(4) Hazard class;

(5) Proper identification number;

(6) Total quantity of material being shipped; and

(c) Before operation, inspect the vehicle and determine that:

(1) The brakes are in good working condition;

(2) The steering mechanism is in good working condition;

(3) The electrical wiring is well insulated and firmly secured;

(4) The required lights are operative;

(5) The vehicle is in a safe condition to transport hazardous materials;

(6) The fire extinguisher is fully charged and operational; and

(7) All emergency features on bulk transport carriers are installed and operative as outlined in U.S. Department of Transportation specifications and requirements.

Section 37-153. Presumptions; defenses.

It is presumed for purposes of prosecution under this ordinance that a transporting vehicle contains hazardous materials if it bears a placard. It is a defense to prosecution under this ordinance that the transporting vehicle was empty.

Section 37-154. Enforcement.

The Police Department of the City of Temple is expressly authorized to enforce the provisions of this ordinance.

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