

# CHAPTER 12

## TRAFFIC AND VEHICLES

### ARTICLE 12.01 GENERAL PROVISIONS\*

#### Sec. 12.01.001 State traffic regulations adopted

All penal regulations of the state in regard to the use of roadways and highways of the state are adopted by the city and made a part of the rules and regulations governing the city, with the exception that any of such state regulations which do not apply to city streets and alleyways and the use thereof are not adopted hereby, and further that any of such rules and regulations and penal provisions of the state which are in conflict with any of the ordinances of the city, which ordinances are proper and legal, shall not be adopted hereby, but such ordinances presently in effect remain in effect as such ordinances and regulations of the city. (Ordinance 251 adopted 12/6/1960; Ordinance adopting Code)

#### Sec. 12.01.002 Definitions

The following terms, whenever used in this chapter, except as otherwise specifically indicated, shall be deemed to have and shall be held to include each of the meanings respectively set forth in this section, and any such terms used in the singular shall be held to include the plural, and words used in the masculine gender shall comprehend and include, as well, the feminine and neuter.

Alley. Any roadway not meant primarily as a substitute for a street, but only as a local accommodation to a limited neighborhood.

Crosswalk. That part of the roadway marked or understood upon which pedestrians should cross.

Curb. The lateral boundaries of that portion of a street designated and intended for the use of vehicles, whether marked for curbing construction of stone, cement, concrete or other materials, or not so marked.

Driver. Applies to the rider, driver or leader of a horse, or a person who pushes, draws, propels or is in charge of a vehicle.

Horse. Any draft animal or beast of burden.

Parked. Applies to a waiting vehicle.

Sidewalk. That part of the highway or park for the use of pedestrians.

Street. That part of the public highways intended for vehicles, including boulevards, avenues, highways, roadways and lanes used by or laid out for the use of vehicles.

Street intersection. Any street which joins another at an angle, whether or not it crosses the street.

Vehicle. Applies to all vehicles propelled by any power and which do not run upon a rail.

(Ordinance 131, sec. 1, adopted --/--)

#### Sec. 12.01.003 Penalty

Any person, association of persons, or corporation who shall violate any of the provisions of this chapter, other than those sections providing a specific penalty, shall, upon conviction thereof, be fined not more than one hundred dollars. (Ordinance 131, sec. 52, adopted --/--)

#### Sec. 12.01.004 School and hospital zones

Wherever signs are displayed by order of the police department on a street in front of any public school or other school, or displayed at any other place as may be ordered by the chief of police, and such signs shall have written thereon "SLOW DOWN" with the further terms "SCHOOL" or other terms designating the kind and place, it shall be the duty of the operator of every vehicle to slacken its speed at such places and to operate at such places at a speed not exceeding eight (8) miles per hour; provided, however, that the operators of all vehicles shall be under the constant duty to exercise the greatest caution and care in so operating at the very moderate speed at such places as not to endanger or injure any children going into or coming out of any school or other persons going into or coming out of any such places in front of which such signs are erected. It shall be the further duty of the operator of any vehicle, when using the street in front of where hospital or school zone signs are established, to so operate

said vehicles as not to unreasonably disturb the patients by the ringing of bells or sounding horns, or otherwise creating unreasonable noises which may disturb or are likely to disturb any patients. Hospital or school zone signs shall be placed and erected under the orders of the chief of police and shall have written thereon "HOSPITAL ZONE," and the word "QUIET" in plain and legible letters. (Ordinance 131, sec. 3, adopted --/--)

**Sec. 12.01.005 Parade permit**

(a) Before any person or association of persons shall use or obstruct any street for the purpose of a parade or for the purpose of gathering thereon, any such person or persons shall first obtain from the chief of police a permit for the use of same, which said permit shall state the period of time allowed for such use and the purpose for which said street shall be used.

(b) Any person who shall violate this section shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not to exceed two hundred dollars.

(Ordinance 131, sec. 48, adopted --/--)

**Sec. 12.01.006 Authority to temporarily suspend traffic**

(a) Whenever, in the judgment of the chief of police the city, it is deemed necessary for the preservation of order or to prevent the obstruction of any street during the time any gathering of people may be using the same for any lawful purpose, he may cause traffic to be temporarily suspended on any street or portion thereof during such time, and it shall be the duty of all persons owning or operating any vehicle or using any such street so as to obstruct such purpose or lawful gathering to clear out such street and to remove any vehicle or animal therefrom which may be obstructing said gathering.

(b) Any person who shall violate this section shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty provided in [section 1.01.009](#) of this code.

(Ordinance adopted 5/9/1952, sec. 2)

**ARTICLE 12.02 TRAFFIC-CONTROL DEVICES\***

**Sec. 12.02.001 Manual**

All traffic-control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the city shall conform with the manual and specifications adopted by the state transportation commission as provided in V.T.C.A., Transportation Code, section 544.001. All signs, signals and markings erected or used by the city must conform to the manual and specifications adopted under V.T.C.A., Transportation Code, section 544.001. All existing traffic-control devices and those erected in the future by the city being consistent with the manual and specifications, state law and this section shall be official traffic-control devices. (Ordinance adopting Code)

**Sec. 12.02.002 Installation**

Traffic signs shall be installed in the streets of the city at such street intersections or places as may be designated by the city council in any regular meeting of that body. (Ordinance 121 adopted 9/9/1927; Ordinance adopting Code)

**Sec. 12.02.003 Duties of chief of police**

It shall be the duty of the chief of police to see that suitable signs shall be made describing parking, hospital zones, school zones, speed zones, and other zones as may be required, and there shall be appropriated the necessary funds to provide for such signs. It shall also be the duty of the chief of police under this section to install such signs wherever and whenever required. (Ordinance 131, sec. 44, adopted --/--)

**ARTICLE 12.03 OPERATION OF VEHICLES†**

**Division 1. Generally**

**Sec. 12.03.001 Authority of chief of police**

The chief of police is hereby authorized, empowered and ordered to direct, control, restrict and regulate and, when necessary, temporarily to divert or exclude, in the interest of public safety and convenience, the movements of

pedestrian, animal, and vehicular traffic of every kind in streets, alleys and highways, and to adopt and enforce regulations in regard thereto, not inconsistent with specific provisions of this chapter. (Ordinance 131, sec. 15(a), adopted --/--)

**Secs. 12.03.002–12.03.050 Reserved**

**Division 2. Speed Limits\***

**Sec. 12.03.051 Speed generally**

(a) Every person operating a vehicle on the streets and alleys in the city shall drive the same in a careful and prudent manner, at a rate of speed no greater than is reasonable and safe, having regard to the width, grade, curves, corners, traffic, and use of the streets, and all other attendant circumstances, so as not to endanger the life or limb or property of any person. In no event shall any person operate or drive any motor or other vehicle on the streets and alleys in the city at a rate of speed in excess of thirty miles per hour, and any person violating the provisions of this section shall be fined not less than five nor more than two hundred dollars.

(b) This section shall not apply to fire patrols or motor vehicles operated by the fire department responding to calls, nor to police patrols, ambulances, or physicians responding to emergency calls.

(Ordinance 131, sec. 2, adopted --/--; Ordinance adopting Code)

(c) Ordinances establishing special speed limits for specific streets are not included in this code, but such ordinances are on file in the city secretary's office. Ordinances establishing special speed limits are specifically saved from repeal upon adoption of the Code of Ordinances. (Ordinance adopting Code)

**State law references**—Authority to establish or alter prima facie speed limits, V.T.C.A., Transportation Code, sec. 542.202(12); authority of municipality to alter speed limits, V.T.C.A., Transportation Code, sec. 545.356.

**Sec. 12.03.052 Arrest for speeding; offense of speeding defined**

(a) In case any person is arrested for speeding, unless such person shall demand that he be taken forthwith before a court of competent jurisdiction for immediate hearing, the arresting officer shall take the license number, the name and make of the car, and the name and address of the operator or driver thereof, and notify such operator or driver in writing to appear before the municipal court of the city at a time and place to be specified in such written notice at least 5 days subsequent to the date thereof, and upon a promise in writing of such person to appear at such time and place such officer shall forthwith release such person from custody. It is hereby provided that the offense of speeding shall be defined and is committed when any person shall drive a motor vehicle above the speed of thirty (30) miles per hour within the corporate limits of the city.

(b) Any person who shall violate this section shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty provided in [section 1.01.009](#) of this code.

(Ordinance adopted 5/9/1952)

**State law reference**—Prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352.

**Secs. 12.03.053–12.03.080 Reserved**

**Division 3. Use of Hand-Held Mobile Telephone or Mobile Communication Device in School Zone**

**Sec. 12.03.081 Definitions**

In this division:

*Engaging in a call.* Talking into, dialing, or listening on a hand-held mobile telephone, but does not include holding a mobile telephone to activate or deactivate the telephone.

*Hand-held mobile telephone.* A mobile telephone with which a user engages in a call using at least one hand (or prosthetic device or aid in the case of a physically disabled person).

*Hands-free mobile telephone.* A mobile telephone that has an internal feature or function or that is equipped with

an attachment or addition, whether or not permanently part of the mobile telephone, by which a user engages in a call without the use of either hand (or prosthetic device or aid in the case of a physically disabled person), whether or not the use of either hand (or prosthetic device) is necessary to activate or deactivate the mobile telephone.

*Mobile communication device.* A text-messaging device or other electronic two-way communication device that is designed to receive and transmit voice communication, text communication, or both. The term includes a mobile telephone and a personal digital assistant (PDA).

*Mobile telephone.* A device used by subscribers and other users of wireless telephone service to access such service.

*School zone.* A reduced speed school traffic zone as designated by city ordinances.

*Text message.* A two-way communication (whether real-time or asynchronous) in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered, or received by a method other than by voice and transmitted through either a short message service (SMS) or a computer network. The term does not include a communication transmitted through a global positioning or navigation system.

*Wireless telephone service.* Two-way, real-time voice telecommunications service that is interconnected to a public switched telephone network and is commonly referred to as cellular service or personal communication service.

(Ordinance 12-09, sec. 1(a), adopted 10/26/2009)

#### **Sec. 12.03.082 Penalty; enforcement**

- (a) A person convicted of an offense under this division shall be punished by a fine of up to \$500.00.
- (b) An offense under this division is not a moving violation and may not be made a part of a person's driving record or insurance record.
- (c) In addition to enforcement by a peace officer of the city, this division may be enforced by a peace officer of another entity, including those employed by school districts, duly authorized to issue traffic citations within the city corporate limits.

(Ordinance 12-09, sec. 1(e)–(g), adopted 10/26/2009)

#### **Sec. 12.03.083 Offenses**

A person commits an offense if the person uses a hand-held mobile telephone to engage in a call, or uses a mobile communication device to send, read, or write a text message, while operating a moving motor vehicle in a reduced speed school zone:

- (1) On an official school day;
- (2) During the hours when a reduced speed school zone is in effect;
- (3) When signs are conspicuously posted to indicate the beginning and end of the reduced speed school zone; and
- (4) When signs indicating hand-held cell phone use is prohibited are conspicuously posted at each entrance to the reduced speed school zone.

(Ordinance 12-09, sec. 1(b), adopted 10/26/2009)

#### **Sec. 12.03.084 Presumption of violation**

An operator of a motor vehicle who holds a mobile telephone to or in the immediate proximity of his or her ear while the vehicle is in motion is presumed to be engaging in a call under this division. Immediate proximity is any distance that permits the user of a mobile telephone to hear telecommunications transmitted over the telephone and does not require physical contact with the user's ear. (Ordinance 12-09, sec. 1(c), adopted 10/26/2009)

#### **Sec. 12.03.085 Defenses**

It shall be an affirmative defense to prosecution under this division that the person was:

- (1) Operating an authorized emergency vehicle and using the mobile telephone or mobile communication device in the course and scope of the person's official duties;
- (2) Using the mobile telephone or mobile communication device to:
  - (A) Report illegal activity to a law enforcement agency;
  - (B) Communicate with an emergency response operator, a fire department, a law enforcement

agency, a hospital, a physician's office, or a health clinic regarding a medical or other emergency situation; or

(C) Prevent injury to a person or property; or

(3) Using a hands-free mobile telephone in a hands-free manner.

(Ordinance 12-09, sec. 1(d), adopted 10/26/2009)

## **ARTICLE 12.04 PARKING, STOPPING AND STANDING\***

### **Sec. 12.04.001 Double parking**

It shall be unlawful for the owner or driver of any vehicle to double park any vehicle or to permit the same to be double parked upon any of the streets of the city, excepting only apparatus of the fire department, police patrol wagons, police vehicles or ambulances responding to emergency calls. (Ordinance 131, sec. 34(a), adopted --/--)

### **Sec. 12.04.002 Obstructing street, sidewalk or alley**

It shall be unlawful for any person to leave any vehicle parked in such a manner as to block or obstruct any public alley, street or sidewalk within the city. (Ordinance 131, sec. 34(b), adopted --/--)

### **Sec. 12.04.003 Parking outside designated parking zone**

No vehicle shall be parked beyond the white line painted by the police department to limit the parking zone, or outside thereof. (Ordinance 131, sec. 34(c), adopted --/--)

### **Sec. 12.04.004 Parking near fire plug**

No vehicle shall be parked within five feet of a fire plug. (Ordinance 131, sec. 34(c), adopted --/--)

### **Sec. 12.04.005 Parking in front of fire station**

(a) It shall be unlawful for any person to park a car or other vehicle of any kind in front of the city fire station.

(b) Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provided in [section 1.01.009](#) of this code for each and every offense.

(Ordinance 84 adopted 2/6/1925)

### **Sec. 12.04.006 Backing to curb**

(a) No vehicle shall remain backed up to the curb except it be actually loading or unloading, and in no case longer than the actual loading or unloading requires.

(b) If the vehicle be horse drawn, the horse or horses shall be turned at angles to the vehicles and in the direction in which traffic on that side of the street is moving.

(Ordinance 131, sec. 35, adopted --/--)

### **Sec. 12.04.007 Stopping in loading zone or prohibited parking zone**

No vehicle shall be left standing at the curb in places designated by the chief of police where motor buses stop to take on or discharge passengers, nor in zones designated by the police for loading or unloading merchandise, nor within any other zone where parking is prohibited. (Ordinance 131, sec. 36, adopted --/--)

### **Sec. 12.04.008 Stopping beside or behind parked vehicle**

Two vehicles shall not be permitted to stand side by side parallel with the curb upon streets where parallel parking is allowed, or to stand in any position as to constitute double parking upon streets which provide that vehicles shall be parked at an angle of 45 degrees with the curblines with the right front wheel against the curb, except that vehicles may stop to load or unload passengers as quickly as possible and for no other purpose. (Ordinance 131, sec. 37, adopted --/--)

### **Sec. 12.04.009 Manner of parking; angle parking zones**

(a) All vehicles parked on all streets except Main Street and Grand Avenue in the business district, and where there is a curb running next to the used portion of the streets, shall be parked on a line with

the curblines, the front and rear wheels next to the curb and not more than 12 inches from said curb. Parking on Main Street and Grand Avenue in the business district shall be at a 45-degree angle to the curb.

(b) Any person who shall violate this section shall be guilty of a misdemeanor, and upon conviction shall be fined in accordance with the general penalty provided in [section 1.01.009](#) of this code.

(Ordinance adopted 5/9/1952)

**State law reference**—Authority to permit angle parking, V.T.C.A., Transportation Code, sec. 545.303(c).

#### **Sec. 12.04.010 Parking of large vehicles, trailers and recreational vehicles**

(a) Purpose. The purpose of this section is to protect the public health, safety and welfare of the citizens of the city by:

(1) Prohibiting abusive storage of vehicles on residential public street rights-of-way, public streets and alleyways;

(2) Prohibiting the placing of unmounted campers and canopies on public street rights-of-way, public streets and alleyways; and

(3) Prohibiting the placing of mounted or unmounted trailers on public street rights-of-way, public streets and alleyways.

(b) Offenses; exceptions.

(1) It shall be a violation of this section for any person to park or leave standing on any public street rights-of-way, public streets or alleyways, or any portion thereof, any mobile home, recreational vehicle, bus, truck, tractor, semi-tractor, or any other vehicle having a manufacturer's gross vehicle rating of 10,000 pounds or more.

(2) The prohibition hereby imposed shall not apply to the parking or standing of such vehicle for the purpose of making pickups or deliveries from or to any location [or] for the purpose of delivering materials or goods to be used at said delivery location.

(3) It shall be a violation of this section for any person to park or leave standing on any public street rights-of-way, public streets and alleyways, or any portion thereof, any mounted or unmounted trailer.

(4) It shall be a violation of this section for any person owning, possessing, or controlling a camper or canopy to place or allow it to be placed within a public street right-of-way, public street and alleyway, or any portion thereof, for any period of time.

(5) It shall be a violation of this section to park or place any of the vehicles or trailers prohibited in subsections (1), (3) and (4) above on any private parking lot without consent of the owner, provided that a notice of "No Parking" is duly posted on said private parking lot.

(c) Violations declared nuisance; penalty; injunction. Any violation of this section is declared to be a nuisance. Any person, firm or corporation violating any provision of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other relief provided by this subsection, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(Ordinance 10-97 adopted 11/24/1997)

### **ARTICLE 12.05 GOLF CARTS \***

#### **Sec. 12.05.001 Definitions**

Driver. The person driving and having physical control over the motorized cart.

Golf cart. Has the meaning assigned by Transportation Code section 502.001. Further, golf cart means a motor vehicle with not less than three wheels designed by the manufacturer primarily for transporting persons on a golf course, without regard to the mode of propulsion or any modifications made to the body, chassis, or any portion of the golf cart by any person. Golf carts specifically exclude go-carts, neighborhood electric vehicles, off-road

vehicles, utility vehicles, and all-terrain vehicles, as defined by the Texas Transportation Code.

*Street.* A public roadway of the city, by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.), that:

- (1) Has a posted speed limit of 35 miles per hour or less;
- (2) Provides for no more than two lanes of vehicular traffic; or
- (3) Is not designated as part of either the state or federal highway system.

(Ordinance 05-10, sec. 1, adopted 2/22/2010)

#### **Sec. 12.05.002 Penalties**

Any person who violates the terms of this article shall be penalized as follows. In addition to traffic violations the driver of the motorized cart may be subject to pursuant to state law, the registered owner of the motorized cart shall be subject to the following civil penalties:

- (1) For the first offense, a fine of not less than \$75.00, and, if not timely paid (within 30 days), revocation of the permit.
- (2) For the second offense, a fine of not less than \$100.00, and, if not timely paid (within 30 days), revocation of the permit.
- (3) For a third offense, a fine of not less than \$150.00, and the registration for the motorized cart shall be revoked. This cart cannot thereafter be re-registered by the same owner or any family member for a period of one year.
- (4) After a 12-month revocation period, the motorized cart owner can re-register for a re-registration fee of \$100.00.

(Ordinance 05-10, sec. 8, adopted 2/22/2010)

#### **Sec. 12.05.003 Liability**

Nothing in this article shall be construed as an assumption of liability by the city for any injuries to persons, pets, or property which may result from the operation of a motorized cart by a registered permit holder or authorized driver, or by failure of the city to revoke said permit. Registered owners and permit holders are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers. (Ordinance 05-10, sec. 7, adopted 2/22/2010)

#### **Sec. 12.05.004 Permit required**

Before any motorized cart may be operated over authorized streets of the city it must be registered and provided a permit with the city secretary located at city hall. Registration for a permit will consist of an annual fee of \$50.00 which covers the registration, permit decal, and administrative costs involved. The registration process includes the following specifics:

- (1) The permit decal shall be attached and displayed upon the rear of the motorized cart so as to be clearly visible.
- (2) The registration application affidavit shall be made on a form supplied by the city and shall contain the following information:
  - (A) Name and address of the owner.
  - (B) Location in which the vehicle is stored.
  - (C) Model, make, name and motorized cart identification number.
  - (D) Type of motorized cart.
  - (E) Current driver's license number of the owner.
  - (F) A statement that all users will carry a current driver's license and that all equipment required hereinbelow in [section 12.05.007](#) will be kept current during the registration period.
  - (G) A statement that the registration holder and any user shall indemnify and hold harmless the city for any and all issuance or nonissuance of said registration and enforcement or failure to enforce these regulations and waives any and all rights to sue or allow subrogation by the insurance company.

(H) Such other information which the city may require.

(3) The registration application shall be accompanied by a fee of \$50.00.

(4) The registration application shall be accompanied by evidence of personal liability insurance coverage consistent with the minimum requirements of state law for operational motor vehicles, and a copy of the owner's driver's license.

(5) The registration shall be effective until March 31 of each year or such time as revoked or the motorized cart is transferred to a new owner.

(6) The registration fee shall not be prorated or discounted.

(Ordinance 05-10, sec. 2, adopted 2/22/2010)

#### **Sec. 12.05.005 Revocation of permit**

The registration permit may be revoked if:

(1) The owner or driver of a motorized cart fails to abide by the rules and regulations of this article.

(2) The owner or driver of a motorized cart fails to abide by the traffic laws and the use of the motorized cart on any authorized street or parking area.

(Ordinance 05-10, sec. 3, adopted 2/22/2010)

#### **Sec. 12.05.006 Transfer of ownership**

Upon transfer of ownership of the motorized cart to a person who intends to operate it over authorized streets and parking areas, the new owner must register the motorized cart and pay the fee as outlined hereinabove in [section 12.05.004](#). (Ordinance 05-10, sec. 4, adopted 2/22/2010)

#### **Sec. 12.05.007 Equipment**

A golf cart must be equipped as mandated by the Texas Transportation Code, H.B. No. 2553, section 551.404, subsection (a), and/or required by the city [including] the following:

(1) Operational headlamps;

(2) Operational taillamps;

(3) Reflectors;

(4) Operational parking brake;

(5) Rearview mirror(s);

(6) Horn;

(7) Orange flag at least 5 feet in height; and

(8) Seat belts.

(Ordinance 05-10, sec. 5, adopted 2/22/2010)

#### **Sec. 12.05.008 Operation**

The following exclusions and limitations apply to the operation of any golf cart in the city:

(1) Golf carts may only be operated by persons carrying a current and valid Texas driver's license and are at least 18 years of age.

(2) All drivers of motorized golf carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.

(3) A golf cart may cross a street or highway with a speed limit of more than 35 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 35 mph.

(4) Golf carts must move to the right and yield the right-of-way to faster-moving vehicles.

(5) All golf carts must be equipped with a slow-moving vehicle emblem.

(6) The driver and every occupant of a golf cart must remain seated in a seat designed to hold passengers while the golf cart is in motion.

(7) No person may ride in the lap of the driver or any other occupant.

- (8) All occupants of a golf cart must be secured by a properly functioning seat belt.
  - (9) Golf carts shall have lights on at all times when the cart is occupied and/or in motion.
- (Ordinance 05-10, sec. 6, adopted 2/22/2010)