

CHAPTER 12

TRAFFIC AND VEHICLES

ARTICLE 12.01 GENERAL PROVISIONS^{i*}

Sec. 12.01.001 Authority

(a) This chapter is adopted under the authority of the constitution and the laws of the state, including particularly the state Rules of the Road, codified as V.T.C.A., Transportation Code, title 7, subtitle C, chapter 541 et seq., and the state motor vehicle laws.

(b) This chapter is adopted pursuant to the provisions of the city charter particularly article IX section 1(14)(b), (c), (d) and (25) and especially article XXI in its entirety.

(Ordinance 916, sec. 1, adopted 4/21/76)

Sec. 12.01.002 Purpose

The purpose of this chapter is to provide a uniformity and consistency with the appropriate national and state legislation so that the transportation system in the city and the territory within its jurisdiction will develop in a safe and orderly manner thereby promoting the general welfare and safety of the entire community. Such purpose is to be promoted by provisions designed to:

- (1) Impose only reasonable and necessary restrictions on highway traffic.
- (2) Promulgate only those rules and regulations so that traffic shall move smoothly, expeditiously and safely.
- (3) Assure that no legitimate user of the highway, whether in vehicle or on foot, shall be killed, injured or frustrated in such use by the improper behavior of others.

(Ordinance 916, sec. 2, adopted 4/21/76)

Sec. 12.01.003 Scope

(a) This chapter does not infringe upon the integrity of any existing city ordinances except those already established for purposes of controlling traffic.

(b) All provisions, phrases, and sentences of this chapter shall always be interpreted by the city and its authorized agents or representatives and shall be so construed as to reinforce the purpose of public safety.

(Ordinance 916, sec. 3, adopted 4/21/76)

Sec. 12.01.004 Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings ascribed to them in this section:

Alley. A way which extends only secondary means of access to abutting property, which is used for vehicular service access to the back side of properties, not intended for the purpose of through vehicular traffic.

City. The city, and refers to land within the corporate city limits, and land within the extraterritorial jurisdiction of the city.

Motor vehicle. Every vehicle, as herein defined, that is self-propelled.

Official traffic-control devices. All signs, signals, markings and devices not inconsistent with the Texas Manual on Uniform Traffic Control Devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Owner. Any person who holds the legal title of a vehicle or who has the legal title of a vehicle, or who has the legal right of possession thereof, or the legal right of control of said vehicle.

Park or parking. The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Pavement markings. Any paint, ceramic buttons, tape, or other devices that are affixed to the pavement by proper authority for the purposes of directing or controlling traffic.

Pedestrian. Any person afoot.

Public highway. Includes any road, street, way, thoroughfare or bridge in this city not privately owned or controlled for the use of vehicles over which the city has legislative jurisdiction under its police power.

Stand or standing. The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

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

Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Vehicle. Every device in or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

(Ordinance 916, sec. 4, adopted 4/21/76; Ordinance adopting Code)

Sec. 12.01.005 Penalty for violation

Any person violating any provision of this chapter for the violation of which no other penalty is prescribed shall be deemed guilty of a misdemeanor and, on conviction, shall be fined in accordance with the general penalty in section 1.01.009 of this code. (Ordinance 916, sec. 21, adopted 4/21/76)

Sec. 12.01.006 Authority to forbid use of highway

(a) The city commission, mayor, chief of police, director of public services, and traffic safety coordinator may have the authority by posting notices on the highways or roads under their respective control when from wet weather or recent construction or repairs such cannot be safely used without probable serious damage to same, or when the bridges or culverts on same are unsafe, to forbid the use of such highway or section thereof by any vehicle or loads of such weight or tires of such character as will unduly damage such highway. The notices provided for herein shall state the maximum load permitted and the time such use is prohibited and shall be posted upon the highway in such place as will enable the drivers to make detours to avoid the restricted highways or portions thereof; provided no road shall be closed until detours have been provided.

(b) If the owner or operator of such vehicle feels himself aggrieved by such action, he may complain in writing to the judge of the city, setting forth the nature of his grievance. Upon the filing of such complaint the judge shall forthwith set down for hearing the issue thus raised for a day certain, not more than three (3) days later, and shall give notice in writing to such official of the day and purpose of each hearing, and at such hearing the judge shall hear testimony offered by the parties, respectively, and upon conclusion thereof shall render judgment sustaining, revoking or modifying such order heretofore made by the mayor, director of public services, chief of police or the traffic safety coordinator, and the judgment of the judge shall be final as to the issues raised. If upon such hearing the judgment sustains the order of the mayor, director of public services, chief of police or traffic safety coordinator and it appears that any violation of same has been committed by the complainant since posting such notices, he shall be subject to the same penalty hereinafter provided for such offense as if the same had been committed subsequent to the rendition of such judgment made upon such hearing.

(c) Any party guilty of violating the provisions and directions of any such order or notice of the mayor, director of public services, chief of police, and traffic safety coordinator, before or after it has been so approved by such judgment of the judge, shall be fined in accordance with the general penalty in section 1.01.009 of this code.

(Ordinance 916, sec. 14(k), adopted 4/21/76)

Sec. 12.01.007 Temporary closure of street for specific purpose

- (a) Whosoever desires to close a public highway or a portion thereof for a specific purpose such as, but not limited to, street dances, charity bazaars, sidewalk sales, or for other purposes whether commercial or social shall secure an application for temporary closure of a street for a specific purpose from the office of the traffic safety coordinator.
- (b) The application shall be completed and returned to the traffic safety coordinator not less than ten (10) working days prior to the date of the desired closing. The traffic safety coordinator shall recommend in writing to the applicant within forty-eight (48) hours any changes in or additions to the barricades or traffic warning devices that shall be required for the protection of the safety of the public.
- (c) The mayor and city commission shall review each application and inform in writing the applicant and the chief of police, director of public services, and the traffic safety coordinator of their decision.

(Ordinance 916, sec. 14(k)(1), adopted 4/21/76)

Sec. 12.01.008 Barricades

- (a) Any person or corporation who performs any work whatsoever on or adjacent to the public highways or public right-of-way that constitutes a hazard to the free use of the public highways shall erect and maintain such barricades and warning signs as are required by the Texas Manual on Uniform Traffic Control Devices.
- (b) All barricades and warning signs erected around or in advance of construction sites shall conform to the specifications contained in the Texas Manual on Uniform Traffic Control Devices.
- (c) If any person or corporation shall perform any work whatsoever that shall necessitate the closing or partial closing of a street, and when such work either on or adjacent to public highways or rights-of-way constitutes a threat to the public safety, and when such work shall last for a period of more than twenty-four (24) hours, a barricade permit shall first be secured from the traffic safety coordinator.
- (d) At the time of application the traffic safety coordinator shall collect and deposit in the city treasury a fee as provided for in the fee schedule in appendix A to this code.
- (e) The applicant shall submit a diagram of the construction site showing the placement of barricades and warning signs. A brief description of the project and the estimated starting and completion dates shall also be included on the diagram.
- (f) Within forty-eight (48) hours the traffic safety coordinator shall return the diagram to the applicant approved or with the changes noted on the diagram necessary for approval.

(Ordinance 916, sec. 9, adopted 4/21/76)

Sec. 12.01.009 Traffic prohibited on specific streets

Ordinances which prohibit traffic on specific streets are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

Sec. 12.01.010 Spillage of wastes, toxic substances and cleanup

Any person or corporation, public or private, who in the course of normal operations spills, dumps, or deposits, whether accidentally or on purpose, any waste or toxic substance shall be responsible for the removal of the same from the public highway and right-of-way and for the restoration of the public highway and right-of-way into its original condition prior to the spillage. Any person who is involved in an accident causing the release of a toxic substance onto the public highway or right-of-way that poses a threat to the safety of the general public shall immediately notify the police department and the fire department. The person or corporation whether public or private whose toxic substance becomes released upon the public right-of-way shall decontaminate all portions of the public highway or right-of-way so that the public shall not suffer injury from said toxic substance. (Ordinance 916, sec. 14(j)(1), adopted 4/21/76)

ARTICLE 12.02 ADMINISTRATION AND ENFORCEMENT

Division 1. Generally

Sec. 12.02.001 Authority of traffic safety coordinator

The traffic safety coordinator shall study vehicular parking and traffic flow within the city and recommend to the city commission that official control devices, signals or signs be installed upon, over, along or beside any highway, street, or alley, at any location within the city for the purpose of regulating vehicular parking and traffic flow. (Ordinance 962, sec. 1, adopted 10/3/79)

Sec. 12.02.002 Authority of chief of police

The chief of police, by and with the approval of the city manager and upon recommendation of the traffic safety coordinator, 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 shall remain in effect for more than ninety (90) days. (Ordinance 916, sec. 7, adopted 4/21/76)

Sec. 12.02.003 Designation of vehicular parking and traffic flow areas

(a) The city commission, acting independently or upon the recommendation of the traffic safety coordinator, shall designate the type of vehicular parking and traffic flow to be permitted in various areas of the city.

(b) Upon the designation by the city commission that the vehicular parking or traffic flow within an area is to be controlled, the commission shall direct the traffic and safety coordinator to install upon, over, along, or beside any highway, street or alley signs, signals and markings in accordance with this chapter and consistent with the state manual on uniform traffic-control devices for streets and highways. The traffic-control device shall be installed as soon as such specific device, sign or signal can be procured.

(c) The traffic safety coordinator, after the installation of any traffic-control device, signal or sign at any location in the city, in obedience to this chapter, shall file a report with the city secretary in writing and signed officially by the traffic safety coordinator, stating the type of traffic-control device, sign or signal, the date on which he was directed to install the same by the city commission and when and where the same was installed. The city secretary shall file and maintain such reports of the traffic safety coordinator among the official papers of the office of the city secretary.

(Ordinance 962, sec. 2, adopted 10/3/79)

Secs. 12.02.004–12.02.030 Reserved

Division 2. Traffic and Safety Board

Sec. 12.02.031 Appointment and terms of members

There is hereby created a board to be known as the traffic and safety board of the city. Such board shall consist of five members to be appointed by the mayor with the approval of the city commission. The original five (5) members shall be appointed and assume office on the first day of July 2005. Three such appointees shall serve for a two-year and two (2) for a three-year term. As the term of each such appointee expires, it shall be filled by appointment of a member for a full three-year term so that ultimately the terms of two (2) or three (3) members of the board shall expire and be filled annually as the case may be. Any traffic and safety board member who resigns, dies, or is removed from office prior to the expiration of such person's originally appointed term shall be replaced by an interim appointee to be appointed by the mayor with the approval of the city commission and to serve the unexpired portion of the term of such member he is appointed to replace. Each such traffic and safety board member shall serve without pay or other remuneration for his or her services. (Ordinance 2356, sec. I, adopted 6/21/05)

Sec. 12.02.032 Qualifications of members

Only adult residents of the city shall be appointed to such board. (Ordinance 2356, sec. II, adopted 6/21/05)

Sec. 12.02.033 Meeting place and supplies

The board shall have access to the commission meeting room and/or the conference room in the city hall for its use in holding board meetings and committee meetings. It shall be furnished such supplies to be furnished by requisition through the office of the city manager. (Ordinance 2356, sec. V, adopted 6/21/05)

Sec. 12.02.034 Removal of members

In the event a majority of the members of said board make a written request to the mayor to remove any member for cause or failure to perform his or her duties as member of such board, if the mayor and city commission, after such request, deem that the appointment of such member should be terminated, the mayor may immediately terminate the appointment of any such member without cause or liability on the part of the city and appoint a replacement to serve out the remainder of such member's term in the same manner as though such member had resigned. (Ordinance 2356, sec. VI, adopted 6/21/05)

Sec. 12.02.035 Purpose and duties

(a) The board shall be an advisory body. Its purposes shall be as follows:

- (1) To maintain a continuous study of the public safety conditions in the city from which to make recommendations to the city commission from time to time designed to improve such traffic conditions by the reduction and elimination of traffic accidents, injuries and deaths.
- (2) To institute and maintain a continuous campaign of safety education to the general public.

(b) Nothing herein shall be construed as vesting said board with any authority or rights to interfere with or otherwise regulate or control any of the administrative functions in any of the departments of the city government.

(Ordinance 2356, sec. III, adopted 6/21/05)

Sec. 12.02.036 Expenditure of funds

The traffic and safety board shall not be authorized to expend municipal funds, create any debts, or incur any liability on behalf of the city unless and except by being first authorized to do so by the city commission. (Ordinance 2356, sec. IV, adopted 6/21/05)

ARTICLE 12.03 TRAFFIC-CONTROL SIGNS, SIGNALS AND DEVICES^{ii*}

Sec. 12.03.001 Conformance to manual and standards

All traffic-control devices, including signs, signals and markings (pavement and/or curb)

installed or used for the purpose of directing and controlling vehicular parking and traffic flow within the city shall conform with the manual and specifications for a uniform system of traffic-control devices adopted by the state transportation commission as provided in 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 chapter shall be official traffic-control devices. (Ordinance 962, sec. 3, adopted 10/3/79; Ordinance adopting Code)

State law reference—Adoption of sign manual and specifications, V.T.C.A., Transportation Code, sec. 544.001.

Sec. 12.03.002 Validity of devices assumed

It being unlawful for any person other than the traffic safety coordinator, acting pursuant to this chapter, to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof, in any prosecution for a violation of this chapter or any traffic ordinance of the city, that any traffic-control device, sign, signal or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the traffic safety coordinator pursuant to the authority of this chapter and of the ordinance directing the installation of such device, signal or marking. (Ordinance 962, sec. 8, adopted 10/3/79)

ARTICLE 12.04 OPERATION OF VEHICLESⁱⁱⁱ†

Sec. 12.04.001 U-turns

The making of any U-turn on any street within the city limits is prohibited. (Ordinance 868 adopted 2/7/73)

Sec. 12.04.002 Turns prohibited at specific places

Ordinances which prohibit turns at specific places are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

ARTICLE 12.05 PARKING, STOPPING AND STANDING^{iv}*

Division 1. Generally

Sec. 12.05.001 Prohibited in specified places

No person shall stand or park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing, filling with gas or oil or repairing such vehicle, except repairs

necessitated by an emergency.

(Ordinance No. 2057 adopted 4/6/93)

Sec. 12.05.002 Parking in alley for loading or unloading

It shall be unlawful to park any vehicle in any alley in the city longer than a time reasonably necessary to load or unload same, such vehicle to have a driver in attendance during such loading and unloading who will move said vehicle to permit the passage of the garbage vehicles of the city and other persons desiring to use such alleys. (Ordinance 375 adopted 3/25/31)

Sec. 12.05.003 Parking restrictions on specific streets or parts of streets

Ordinances which adopt parking restrictions on specific streets or parts of streets are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

Sec. 12.05.004 Truck or trailer parking for storage purposes

(a) Definitions.

Trailer. Any vehicle specifically designed to be towed or pulled by connection to a motor vehicle. Trailers shall include any trailers with an overall width greater than six (6) feet and/or with more than one (1) axle.

Truck. Any vehicle registered as a truck. Trucks shall include only those trucks or other commercial vehicles with an overall width greater than six (6) feet and/or more than one (1) rear axle.

(b) Parking for loading and unloading only. Parking of a truck and/or trailer on a street or the right-of-way within the corporate limits of the city shall be prohibited, save and except for the following: While being used in the loading and unloading (at the location where the truck and/or trailer is parked) of materials and items within the corporate limits of the city, trucks and/or trailers may be parked on any street or right-of-way provided that the time of such parking shall be limited to the period of time actually engaged in said loading and unloading.

(c) Intent. It is here expressly declared to be the legislative intent in the enactment and enforcement of this subsection to prohibit and prevent any parking or driving through of trucks and/or trailers upon the streets or rights-of-way of the city for the purpose of temporary and/or indefinite parking for storage purposes of said trucks and/or trailers.

(Ordinance 2101, secs. I–III, adopted 2/14/95)

Sec. 12.05.005 Bus parking

Ordinances which provide for parking of buses on specific streets or parts of streets are not

included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

Secs. 12.05.006–12.05.030 Reserved

Division 2. Funeral Exceptions

Sec. 12.05.031 Conditions which allow for special parking exceptions

[Conditions which allow for special parking exceptions for funerals are as follows:]

- (1) When a funeral or special service relating to a funeral will require parking of large amounts of vehicles, where adequate parking space is not available;
- (2) Adequate parking space could be made available, if the city allowed for exception to any parking ordinance or exception to any signs or markings restricting parking in that area;
- (3) The area needed is not located on any roadway designated as a state highway; and
- (4) The director or designee of the funeral home, church or other like facility requests and is issued a permit for a specific period of time and specific location, on a roadway not designated as a state highway.

(Ordinance 2178, sec. I, adopted 10/21/97)

Sec. 12.05.032 Safety precautions and requirements

Parking with permits is allowed in the designated place so long as the following precautions are taken:

- (1) No double parking is allowed.
- (2) The permit is in the possession of the director of the funeral or service or designee and remains available to report to the parking area when requested by an officer of the police department.
- (3) Orange traffic safety cones, provided by the director of the funeral or related service, are located at the front outside corner of the first vehicle parked within the permit area and at the outside rear of the last vehicle parked in the permit area.
- (4) Arrangements are made to ensure that normal traffic flow is not impeded or proper traffic control is in place to ensure proper traffic flow.
- (5) Arrangements have been made to comply with other special safety requirements noted by the police department as a condition of approval.

(Ordinance 2178, sec. II, adopted 10/21/97)

Sec. 12.05.033 Permitting process

- (a) Permits are available from the police department at 145 S. Reagan St., between 8:00 a.m. and 5:00 p.m., Monday through Friday, except on city holidays.
- (b) Permits must be requested four business hours prior to the time of the funeral or related service, and will be issued at least two hours prior to the funeral or related service.
- (c) The fee for a permit for an exception is \$3.00, payable at the time the permit is requested.
- (d) Permits will be issued for specific times, noted on the permit, not to exceed four (4) hours.
- (e) If the permit is not issued, for safety reasons or due to the location being a state highway, the permit fee will be refunded, and a recommendation for alternative parking will be provided.
- (f) Any other special safety requirements will be noted in the space provided on the permit.
- (g) Permits will expire on the date and time noted on the permit, and shall subject vehicles not in compliance with any applicable parking laws or ordinances [related] to enforcement.
- (h) Failure to properly comply with the requirements listed in this section shall subject the vehicle owners and/or operators to enforcement of applicable laws and ordinances.

(Ordinance 2178, sec. III, adopted 10/21/97)

ARTICLE 12.06 PARADES

Division 1. Generally

Sec. 12.06.001 Short title

This article shall be known and may be cited as the “Parade Ordinance of the City of San Benito.” (Ordinance 838, sec. 1, adopted 3/3/71)

Sec. 12.06.002 Definitions

In the construction hereof, the following definitions shall apply, unless the context clearly indicates otherwise:

Parade. Any parade, march, demonstration, public assemblage, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park, alley or plaza or other public thoroughfare in the city.

Parade permit. A permit as required by this article.

(Ordinance 838, sec. 2, adopted 3/3/71)

Sec. 12.06.003 Duties of permittee

A permittee shall comply with all permit directions and conditions and with all applicable laws and ordinances. (Ordinance 838, sec. 9, adopted 3/3/71)

Sec. 12.06.004 Public conduct during parades

(a) Interference. No person shall hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) Driving through parade. No driver of a vehicle shall drive between the vehicles of persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) Parking on parade route. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(Ordinance 838, sec. 10, adopted 3/3/71)

Secs. 12.06.005–12.06.030 Reserved

Division 2. Permit

Sec. 12.06.031 Required

(a) No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the chief of police.

(b) This article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities, and will not interfere with the normal movement of traffic;
- (3) A governmental agency acting within the scope of its functions.

(Ordinance 838, sec. 3, adopted 3/3/71)

Sec. 12.06.032 Application

(a) Filing period. An application for a parade permit shall be filed with the chief of police not less than ten (10) days before the proposed parade date. (Ordinance 838-A, sec. 1, adopted 3/9/71)

(b) Contents. The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such parade.
- (2) If the parade is to be held for or by an organization, the name, address, and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.
- (3) If the parade is to be held by or for any person other than the applicant, the applicant shall file a written statement from that other person showing authority to make the application.
- (4) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- (5) The date when the parade is to be conducted.
- (6) The proposed route, the initial starting point and the disbanding area.
- (7) The approximate number of persons who and animals and vehicles which will constitute such parade and the type of animals and description of the vehicles.
- (8) The time when such parade will start and terminate.
- (9) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used.
- (10) The location by streets of any assembly areas for such parade.
- (11) The time at which units of the parade will arrive at the assembly area.
- (12) The interval of space to be maintained between units of such parade, and the estimated time past a given point.
- (13) Any other instructions which the chief of police shall find necessary under the standards for issuance, hereinafter set forth in section 12.06.033.
- (14) The purpose of the parade.

(c) Late applications. The chief of police, where good cause is shown, may consider any application filed after the deadline prescribed in subsection (a) above.

(Ordinance 838, sec. 4, adopted 3/3/71)

Sec. 12.06.033 Standards for issuance

The chief of police is instructed to uniformly treat each application in a just, fair, and nondiscriminating manner bearing in mind that the time, place, duration and manner of use of the public streets, parks, and other public ways and places for parades shall be subordinated to the public safety, comfort and convenience, the maintenance of order and avoidance of congestion. The chief of police shall issue a permit when, from consideration of the application, he or she finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic near its route.
- (2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas near there as to prevent normal police protection to the city.
- (3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than to be occupied by the proposed line of march and areas near there.
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas near such assembly areas.
- (5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire.
- (6) The conduct of the parade is not likely to cause injury to persons or property, to result in or to provoke disorderly conduct or create a disturbance.
- (7) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route.

(Ordinance 838, sec. 6, adopted 3/3/71)

Sec. 12.06.034 Contents

Each parade permit shall state the following information:

- (1) Starting time;

- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Such other information as the chief of police shall find necessary to the enforcement of this article.

(Ordinance 838, sec. 8, adopted 3/3/71)

Sec. 12.06.035 Notice of denial

The chief of police shall act upon the application for a parade permit within five (5) days after the filing thereof. If the chief does not approve the application, he or she shall mail to the applicant, within five (5) days after the date upon which the application was filed, a notice of his or her action, stating the reasons for his denial of the permit. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city commission. The city commission shall hear same as soon as practicable. (Ordinance 838-A, sec. 2, adopted 3/9/71)

Sec. 12.06.036 Alternative permit

The chief of police in denying an application for a parade permit shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within two (2) days after notice of the action of the chief of police, file a written notice of acceptance with the chief of police. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article. (Ordinance 838-A, sec. 3, adopted 3/9/71)

Sec. 12.06.037 Revocation

The chief of police shall have the authority to revoke a parade permit by giving notice to the person in charge thereof if he or she believes or has reason to believe that the conduct of such parade is likely to cause injury to persons or property or to result in or to provoke disorderly conduct or to create a disturbance or a breach of the peace. (Ordinance 838, sec. 12, adopted 3/3/71)

ARTICLE 12.07 ONE-WAY STREETS AND ALLEYS

Sec. 12.07.001 One-way alleys

Ordinances which designate certain alleys or parts of alleys as one way are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

Sec. 12.07.002 One-way streets

Ordinances which establish one-way traffic on specific streets or parts of streets are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

ARTICLE 12.08 SPEED LIMITS^{v*}

Sec. 12.08.001 Reasonable and prudent speed; general limits

(a) Every person operating or driving a motor or other vehicle upon the streets, avenues, roads or alleys of the city shall operate or drive same in a careful and prudent manner and at a rate of speed not greater than is reasonable and proper having due regard for the traffic and use of the highway; and no person shall operate, drive or pass any motor or other vehicle, person or thing on any public street, avenue, road or alley of the city at such rate of speed as to endanger the life or limb of any person, or the safety of any property; provided that it shall be unlawful for any person to operate or drive any motor or other vehicle upon any street, avenue, road of the city at a greater rate of speed than 30 mph (15 mph in an alley); provided, further, that the regulation with regard to speed as set forth in this section shall not be held to apply to fire patrols or motor vehicles operated by the fire department of this city, responding to calls, nor to police patrols, or ambulances responding to emergency calls.

(b) Subsection (a) does not apply to any other street for which an ordinance has been established for a different speed zone.

(Ordinance 2249, secs. 1, 2, adopted 2/5/02)

State law references—Maximum speed requirement, V.T.C.A., Transportation Code, sec. 545.351; prima facie speed limits, V.T.C.A., Transportation Code, sec. 545.352.

Sec. 12.08.002 Penalty for violation

Any driver of any motor vehicle violating any section of this article shall, upon conviction, be fined as provided in section 1.01.009 of this code for each and every day that this article is violated, and each and every day that any section of this article is violated shall constitute a separate and distinct offense. In addition to the penalty, the city shall have the right to bring suit in such court having jurisdiction and obtain such remedies as may be available by law. (Ordinance adopting Code)

Sec. 12.08.003 Specific limits on specific streets

Ordinances which establish speed limits on specific streets or parts of streets are not included in this code but are specifically saved from repeal upon adoption of the Code of Ordinances. Such ordinances are on file in the city secretary's office. (Ordinance adopting Code)

ARTICLE 12.09 PLANTS, HEDGES, SHRUBS AND TREES AT INTERSECTIONS

Sec. 12.09.001 Definition

For purposes of this article, the phrase "street gutter flow line" shall mean the street gutter line of the curb adjacent to and bordering upon each such restricted area; in the event there be no such curb, the height restrictions set forth in this article shall be based upon the actual level of the paved or used portion of the public street adjacent to and bordering upon each such restricted area. (Ordinance 950, sec. 1, adopted 12/5/78)

Sec. 12.09.002 Penalty for violation

In addition to any other remedies provided by law, any person, firm or individual who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty in section 1.01.009 of this code, and each and every day's violation shall constitute a separate and distinct offense. In case the owner or occupant of any lot, lots or premises under the provisions of this article shall be a corporation and shall violate any provision of this article, the president, vice-president, secretary, treasurer of such corporation, or any manager, agent or employee of such corporation shall be also severally liable for the penalties herein provided. (Ordinance 950, sec. 5, adopted 12/5/78)

Sec. 12.09.003 Restricted areas

The areas in the city restricted by the provisions of this article are as follows:

- (1) All of that portion lying within a triangular shaped area on each street corner within the city described by metes and bounds as follows:

Beginning at the precise corner of intersection point of the curbs of each of the two (2) streets forming each corner and extending twenty feet (20') along each such curblines from said curb intersection point, the straight line from the ends of such twenty-foot (20') extensions, whether said land be privately owned or unpaved or untraveled street right-of-way property.

- (2) Where no curbs are in existence at such street intersections, said twenty-foot (20') lines shall coincide with the central flow line of the ditches paralleling such uncurbed streets as shall be determined by the city engineer.

(Ordinance 950, sec. 2, adopted 12/5/78)

Sec. 12.09.004 Maximum height of shrubs, etc.

No person shall plant, grow or maintain in any restricted area any plant, hedge, shrub, or other growth, except trees, at a height greater than three feet (3') from the street gutter flow line. (Ordinance 950, sec. 3, adopted 12/5/78)

Sec. 12.09.005 Minimum clearance of trees

Any trees planted, grown and maintained in any restricted area shall not have branches or foliage extending from the trunk thereof at a height lower than fifteen feet (15') from the street gutter flow line. (Ordinance 950, sec. 4, adopted 12/5/78)

Sec. 12.09.006 Right-of-way

Where there are plants, hedges, shrubs, tree branches or tree foliage, or other growth existing in the street right-of-way within the restricted area as defined in section 12.09.003, the city shall have the right to permit the care of said plants, hedges, shrubs, tree branches or tree foliage, or other growth by the owner of the property adjacent to the right-of-way. If the owner of the property adjacent to the right-of-way does not comply with the provisions of section 12.09.004 and section 12.09.005 of this article, the city may at its option and expense maintain or remove any and all such plants, hedges, shrubs, trees and other growth in the right-of-way. (Ordinance 950, sec. 6, adopted 12/5/78)

ARTICLE 12.10 TRUCK TRAFFIC

Division 1. Generally

Secs. 12.10.001–12.10.030 Reserved

Division 2. Truck and Hazardous Material Routes

Sec. 12.10.031 Definitions

The following terms are defined:

Hazardous material. A substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property. Hazardous materials may include products which are described as explosive, radioactive, etiologic agents, flammable or combustible liquids or solids, poisons, oxidizing or corrosive and compressed gases.

Truck. Any motor vehicle used or maintained primarily for the transportation of property with a manufacturer-rated carrying capacity exceeding two thousand (2,000) pounds and is not intended to include those trucks commonly known as pickup trucks, delivery trucks and carry-all trucks, unless they are carrying hazardous material.

(Ordinance 2330, sec. I, adopted 9/21/04)

Sec. 12.10.032 Designated

The following routes have been designated within the corporate limits of the city for truck traffic entering the city with hazardous material:

- (1) FM 509.
- (2) U.S. Expressway 77/83.
- (3) U.S. Expressway Business 77.

(Ordinance 2330, sec. II, adopted 9/21/04)

Sec. 12.10.033 Through traffic prohibited

Through traffic of any truck, semitrailer, road tractor or hazardous material carrier on any street within the corporate limits of the city, other than those streets or highways specifically designated in section 12.10.032 hereof, is expressly prohibited and declared to be unlawful.

(Ordinance 2330, sec. III, adopted 9/21/04)

Sec. 12.10.034 Exemptions

The terms, provisions and regulations set forth in this division do not and are not intended to apply to trucks, semitrailers, road tractors or hazardous material carriers entering the city and traveling on streets other than those designated herein for the purposes of pickup and delivery to specific locations or to obtain service, repairs, lodging, fuel or other legitimate purposes requiring a stop within the city. All vehicles departing from an established truck and hazardous material route under one of the stated exceptions herein shall return to said route by the most direct means practical. (Ordinance 2330, sec. IV, adopted 9/21/04)

Sec. 12.10.035 Posting of signs

The appropriate entity or agent is hereby directed to post appropriate signs upon the streets indicated herein and may, at their discretion, place signs upon other local streets notifying the public that no truck or hazardous material traffic is allowed. The signs shall conform to current standards set forth in the state manual on uniform traffic-control devices. (Ordinance 2330, sec. V, adopted 9/21/04)

Sec. 12.10.036 Penalty for violation

Any person violating any section of this division shall, upon a conviction, be fined as provided in the general penalty in section 1.01.009 of this code for each and every day that this division is violated; and each and every day that any section of this division is violated shall constitute a separate and distinct offense. In addition to said penalty provided for, the city shall have the right to bring suit in such court or courts having jurisdiction and obtain such remedies as may be

available by law. (Ordinance 2330, sec. VI, adopted 9/21/04)

Secs. 12.10.037–12.10.060 Reserved

Division 3. No Through Truck Zones

Sec. 12.10.061 Turner/Yost Road

- (a) The term “truck” is defined as any motor vehicle used or maintained primarily for the transportation of property with a manufacturer-rated carrying capacity exceeding two thousand (2,000) pounds and is not intended to include those trucks commonly known as pickup trucks, delivery trucks and carry-all trucks.
- (b) Turner/Yost Road from Ratliff Street east to FM 732 is designated as a no-thru-truck zone.
- (c) Thru-truck traffic of any truck, semitrailer or road tractor on Turner/Yost Road within the corporate limits of the city is expressly prohibited and declared to be unlawful.
- (d) The appropriate entity or agent is hereby directed to post appropriate signs upon the streets indicated herein and may, at their discretion, place signs upon other local streets notifying the public that no thru truck traffic is allowed. The signs shall conform to current standards set forth in the state manual on uniform traffic-control devices.

(Ordinance 2340, secs. I–IV, adopted 1/18/05)

ⁱ* State law references—Rules of the road, V.T.C.A., Transportation Code, title 7, subtitle C, ch. 541 et seq.; powers of local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.202; limitation on local authorities regarding traffic and vehicles, V.T.C.A., Transportation Code, sec. 542.203.

ⁱⁱ* State law references—Authority to place and maintain traffic-control devices, V.T.C.A., Transportation Code, sec. 542.202(1); traffic signs, signals and markings, V.T.C.A., Transportation Code, ch. 544.

ⁱⁱⁱ† State law reference—Operation and movement of vehicles, V.T.C.A., Transportation Code, ch. 546.

^{iv}* State law references—Authority to regulate parking generally, V.T.C.A., Transportation Code, sec. 542.202(2); stopping, standing and parking, V.T.C.A., Transportation Code, sec. 545.301 et seq.

^v* State law references—Authority to establish or alter prima facie speed limits, V.T.C.A., Transportation Code, sec. 542.202(12); speed restrictions, V.T.C.A., Transportation Code, sec. 545.351 et seq.; authority of municipality to alter speed limits, V.T.C.A., Transportation Code, sec. 545.356.