

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 06-06-06C

EXTENDING CERTAIN TRAFFIC RULES AND REGULATIONS TO ROADS OWNED BY THE PENINSULA PROPERTY OWNERS' ASSOCIATION

AN ORDINANCE BY THE CITY OF HORSESHOE BAY, TEXAS EXTENDING CERTAIN TRAFFIC RULES AND REGULATIONS TO CERTAIN PRIVATE ROADS OWNED AND MAINTAINED BY THE PENINSULA PROPERTY OWNERS' ASSOCIATION AND CONTAINED WITHIN THE PENINSULA SUBDIVISION, CITY OF HORSESHOE BAY, TEXAS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR FINES NOT TO EXCEED \$200; PROVIDING FOR ADMINISTRATION; PROVIDING FOR CONFLICTS WITH OTHER LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OPEN MEETINGS.

WHEREAS, Texas Transportation Code § 542.008 provides, among other things, that traffic rules may be extended by a municipality with a population of 300 or more to privately owned or maintained roads within certain private subdivisions upon the request of certain individuals or entities; and

WHEREAS, the City of Horseshoe Bay is a duly incorporated municipality with a population of 300 or more; and

WHEREAS, the governing body of the Peninsula Property Owners' Association, a Texas non-profit property owners' association, which owns or maintains those roads within Peninsula Subdivision, an addition in Llano and Burnet Counties, Texas located wholly within the territorial limits of the City of Horseshoe Bay, has requested the City of Horseshoe Bay, Texas pursuant to Texas Transportation Code § 542.008 to enforce certain traffic rules on said private roads; and

WHEREAS, such request specifies the traffic rules that are sought to be extended; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances, acts, laws, or regulations that are necessary for the government of the City, its interest, welfare, or good order of the City as a body politic; and

WHEREAS, the purpose of this Ordinance is to protect the public and provide for the government, interest, welfare or good order of the City; and

WHEREAS, the City finds this Ordinance is in the interest of the City generally;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS

- (a)** The City of Horseshoe Bay, Texas is a duly incorporated municipality in the State of Texas.
- (b)** The City has a population of 300 or more.
- (c)** Peninsula Subdivision, an addition in Llano and Burnet Counties, Texas is a subdivision within the City of Horseshoe Bay in which the roads are privately owned and maintained by Peninsula Property Owners' Association, a Texas non-profit corporation.
- (d)** The governing body of Peninsula Property Owners' Association has requested in writing that the City of Horseshoe Bay enforce the following traffic regulations in the Peninsula Subdivision:
 - (1)** Speed limits as posted;
 - (2)** Adherence to all traffic control signs and ordinances of the City of Horseshoe Bay pertaining to the movement, operation, stopping, standing or parking of vehicles; and,
 - (3)** Motor vehicles in Horseshoe Bay must be licensed and driven by a licensed driver with the following exception: Golf carts are permitted on Horseshoe Bay roads, as provided herein.
- (e)** The governing body of the City of Horseshoe Bay finds this Ordinance is in the interest of the City.

II. ADOPTION

The City of Horseshoe Bay hereby adopts the following titles, subtitles, chapters, and sections of the Texas Transportation Code to be enforced upon the private roads of the Peninsula Subdivision, an addition located in Llano and Burnet Counties, Texas:

- (a)** Title 7, Subtitle A, Chapters 501, 502, 503, and 520;
- (b)** Title 7, Subtitle B, Chapters 521, 522, 523, 524, and 525;
- (c)** Title 7, Subtitle C, Chapters 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, and 600;
- (d)** Title 7, Subtitle D, Chapter 601;
- (e)** Title 7, Subtitle G, Chapters 661, and 663;
- (f)** Title 7, Subtitle H, Chapters 683, 684, and 685
- (g)** Title 7, Subtitle I, Chapter 706

III. SPEED LIMITS

(a) The maximum speed an operator may drive on private roads within the Peninsula Subdivision is as posted on traffic control devices as they exist on the date of the adoption of this Ordinance by the City of Horseshoe Bay.

(b) All traffic control signs, signals, and other traffic control devices purporting to govern the movement, operation, stopping, standing, parking, or location of vehicles shall be presumed to be valid, official, authorized, and properly situated, and in any proceeding brought to enforce the provisions of this Ordinance, the burden shall be on the person contesting such presumption to rebut it with the presentation of competent and admissible evidence.

IV. ENFORCEMENT

(a) Any police officer of the City or any officer of any law enforcement agency authorized to enforce an ordinance of the City of Horseshoe Bay may enforce this Ordinance. For purposes of this Ordinance “police officer” or “any officer of any law enforcement agency authorized to enforce an ordinance of the City of Horseshoe Bay” means an officer authorized to direct traffic or arrest persons who violate traffic regulations. “Law enforcement agency” means any law enforcement agency authorized to enforce any laws within the territorial limits of the City of Horseshoe Bay, Texas.

(b) A golf cart, as defined in Title 7, Subtitle A, Chapter 502, Subchapter A, Section 502.001(7) of the Texas Transportation Code, as may hereafter be amended, is allowed to be driven on the roads of the Peninsula Subdivision, only if the operation of the golf cart occurs in the daytime, as that term is defined by Section 541.401 of the Texas Transportation Code, as may hereafter be amended, and the operation does not exceed a distance of two miles from the point of origin to the destination if driven to and from a golf course, and the golf cart is driven by a person who holds a valid Texas driver’s license as that term is defined in Section 521.001(6) of the Texas Transportation Code, as may hereafter be amended.

V. ADMINISTRATION

Any violation of this Ordinance shall be prosecuted pursuant to the Texas Code of Criminal Procedure in the Municipal Court of the City of Horseshoe Bay, Texas, or any other court of competent jurisdiction.

VI. PENALTIES AND FINES

(a) A person commits an offense pursuant to this Ordinance if that person commits, causes, permits, allows, or maintains a violation of this Ordinance, other ordinances of the City of Horseshoe Bay, or the provisions of the Texas Transportation Code adopted herein.

(b) A person convicted of an offense that is a misdemeanor under this Ordinance or the portions of the Texas Transportation Code adopted herein for which another penalty is not provided by the applicable portions of the Texas Transportation Code adopted herein shall be punished by a fine of not less than \$1 or more than \$200.

