

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-08-25B

TRAFFIC CONTROL ORDINANCE

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, PROVIDING FOR FINDINGS OF FACT; TRAFFIC CONTROL DEVICES; ADOPTING THE TRAFFIC MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES; DUTY TO OBEY INSTRUCTIONS OF TRAFFIC CONTROL DEVICES; UNAUTHORIZED TRAFFIC CONTROL DEVICES; UNLAWFUL DEFACEMENT OR REMOVAL OF TRAFFIC CONTROL DEVICES; INSTALLATION; PRIMA FACIE EVIDENCE OF AUTHORIZED INSTALLATIONS; RATIFICATION OF EXISTING TRAFFIC CONTROL DEVICES; SPEED LIMITS; PROVIDING FOR A PENALTY FOR DRIVING AT SUCH SLOW SPEED AS TO IMPEDE NORMAL MOVEMENT OF TRAFFIC; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, the City of Horseshoe Bay (City) desires to clarify traffic control within the City;
and

WHEREAS, the City recognizes that uniformity and clarity of traffic control regulation will benefit the health and safety of all those who drive upon the streets of the City;
and

WHEREAS, the City is empowered by state law to adopt the following regulations;

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

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. TRAFFIC CONTROL DEVICES

(a) Traffic Manual on Uniform Traffic Control Devices adopted

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 Texas Manual on Uniform Traffic Control Devices for Streets and Highways, (hereafter called the manual). All signs, signals, and markings erected or used by the city shall be uniform and be located so far as practicable according to the directions shown in the manual throughout the city. All existing traffic control devices and those erected in the future by the city being consistent with the manual, state law, and this article shall be official traffic control devices.

(b) Duty to obey instructions of traffic control devices

The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, signal, or marking applicable thereto placed in accordance with this article, the manual and any ordinance directing that such traffic control device, sign or signal shall be installed or erected unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle permitted under state law.

(c) Unauthorized traffic control devices

(1) Unauthorized signs, signals, and markings prohibited. No person shall place, maintain, or display upon or in view of any highway, street, or alley any unauthorized signs, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.

(2) Commercial advertising prohibited. No person shall place or maintain nor shall any public authority permit upon any highway, street, or alley any traffic sign or signal bearing thereon any commercial advertising.

(3) Directional information signs. This section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets, or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Prohibited signs declared a public nuisance. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the City Manager or designee is hereby empowered to remove the same or cause it to be moved without notice.

(d) Unlawful to deface or remove traffic control devices

No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, sign, or signal, or any railroad sign or signal or any inscription, shield, or sign thereon, or any part thereof.

(e) Installation

The city council hereby authorizes the City Manager or designee to install upon, over, along or beside any highway, street or alley, all necessary signs, signals and markings based on studies in conformance with the Texas Manual on Uniform Traffic Control Devices. Such new traffic control devices and all traffic control devices placed or erected prior to the adoption of this article are hereby affirmed, ratified and declared to be official traffic control devices provided such traffic control devices are not inconsistent with the provisions of this article or state law.

(f) Prima facie evidence of authorized installations

It being unlawful 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, evidence 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 pursuant to the authority of this article and of the ordinance directing the installation of such device, signal, or marking.

(g) Ratification of existing traffic control devices

All traffic control and/or speed limit signs, signals, devices and markings placed or erected prior to the adoption of this ordinance and in use for the purpose of regulating, warning or guiding vehicles or pedestrian traffic are hereby affirmed, ratified and declared to be official traffic control devices, provided such traffic control devices are not inconsistent with the provisions of this article or state law.

III. SPEED LIMITS

(a) No person to drive vehicle on any street at a speed greater than is reasonable and prudent

No person shall drive a vehicle on any street or highway within the corporate limits of the city at a speed greater than is reasonable and prudent under the circumstances then existing. Except when a special hazard exists that requires lower speeds in order to operate or drive such vehicle in a reasonable and prudent manner on or entering a highway or street, a speed of thirty (30) miles per hour along the streets and highways within the corporate limits of the city shall be lawful, but any speed in excess of thirty (30) miles per hour shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful, except on streets or highways which have a speed limit set by the city or the Texas Department of Highways and Public Transportation which differs from the general speed limit of thirty (30) miles per hour. On any such street or highway, it is lawful to drive a vehicle at the speed which the said highway department or city has posted.

(b) Speeds greater or less than thirty (30) mph to be determined in accordance with State Law

Whenever the city shall determine that the thirty (30) miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of the street or highway, the city shall upon authorization by the city council by appropriate ordinance establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway or street. Any alteration of a speed limit must be done in accordance with the requirements of state law.

(c) No person to drive at such slow speed as to impede normal movement of traffic

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a police officer. Police officers are hereby authorized to enforce this provision by directions to drivers and, in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

IV. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

V. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

VI. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

