

ARTICLE 12.01 GENERAL PROVISIONS^{*}

Sec. 12.01.001 State traffic laws adopted

The Uniform Act Regulating Traffic on Highways, and any and all other statutes enacted by the legislature of the state governing the operation and parking of vehicles and the movement of pedestrians, are hereby adopted as part of this chapter as if the same were included word for word herein, and shall be enforced in this city. (1996 Code, sec. 10.101)

Sec. 12.01.002 Penalty

Any violation of any portion of the Uniform Act Regulating Traffic on Highways or of this chapter shall be punished by a fine as provided for in [section 1.01.009](#) of this code, as specifically provided by section 143 of the Uniform Act. (1996 Code, sec. 10.102)

Sec. 12.01.003 Enforcement generally; powers and duties of chief of police

- (a) Authority to make traffic regulations. The chief of police is hereby empowered to make regulations necessary for the effective implementation of the provisions of this chapter and other traffic ordinances and to make and enforce temporary or experimental regulations as emergencies or special conditions may require. No temporary or experimental regulation shall remain in effect for more than ninety (90) days, nor shall they be effective until approved by the city manager.
- (b) General duties of chief of police. The chief of police of the city shall conduct analysis of traffic accidents and devise remedial measures, conduct investigations of traffic conditions and cooperate with other city officials in the development of ways and means to improve the traffic conditions, and carry out the additional powers and duties imposed by this chapter and other ordinances of the city, and as the city manager may direct.
- (c) Duty to enforce traffic laws. It shall be the duty of the chief of police and the officers of the police department to enforce all traffic laws in the city.
- (d) Authority to direct traffic. The chief of police and the officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, or in the event of fire or other emergency or to expedite traffic or safeguard pedestrians to direct traffic contrary to the traffic laws of this city and of this state.
- (e) Annual traffic report. The chief of police shall annually prepare a traffic report which shall be filed with the city manager. Such report shall contain but not be limited to the following information:
 - (1) The number of traffic accidents, and the number of persons killed or injured in traffic accidents;
 - (2) The number of traffic accidents investigated;
 - (3) Information concerning safety activities conducted by the police department; and
 - (4) Plans and recommendations for future traffic safety activity.
- (f) Civilian parking enforcement official. The chief of police may appoint a civilian parking enforcement

official, who shall be authorized to monitor the parking of motor vehicles in the city, to issue citations for parking violations to the municipal court of the city, and to direct and supervise the towing and impoundment of motor vehicles where authorized by law. The parking enforcement official shall be a civilian employee of the city under the supervision and control of the chief of police or his designee.

(1996 Code, art. 10.300)

Sec. 12.01.004 Temporary traffic regulations in construction or maintenance work zone

(a) For purposes of this section:

Construction or maintenance work zone. A portion of a street where construction or maintenance is being undertaken, other than mobile operations as defined by the Texas Manual on Uniform Traffic Control Devices, and that is marked by one or more signs indicating that it is a construction or maintenance work zone.

Public works director. The person occupying that position as appointed by the city manager.

(b) Authority is hereby delegated to the public works director to establish temporary traffic regulations necessary for a construction or maintenance work zone. The public works director shall promulgate a list of approved and required traffic-control devices and warning signs as may be necessary to eliminate or reduce traffic hazards in such zone during the period of construction or maintenance activities. All such signs shall conform to the Texas Manual on Uniform Traffic Control Devices for Streets and Highways as required by [section 12.02.001](#).

(c) The traffic-control devices, regulations and warnings promulgated by the director shall be effective until the construction or maintenance activities have been completed or until the director determines they are no longer necessary for the conditions existing.

(d) It shall be the duty of the police department to enforce all such official traffic-control devices as may be promulgated by the director and erected in accordance with the Uniform Manual.

(e) No such regulations promulgated by the director shall be effective until signs giving notice thereof are posted on or at the entrance to the street or part of the construction or maintenance zone as may be most appropriate. Once such signs have been promulgated and erected as required by law, it shall be an offense for any person to perform an act prohibited or to fail to perform an act required by such traffic-control devices.

(f) The director is specifically authorized hereby to erect signs which require traffic to detour in a certain direction, require traffic to observe a one-way street or do not enter sign, or regulate speed or traffic in such zone, or any other official traffic-control device as defined by section 541.304 of the Texas Transportation Code and authorized by the Uniform Manual.

(g) If a violation of a sign erected by the director under the authority of this section is committed in a construction or maintenance work zone when workers are present, the minimum fine applicable to the offense may be twice the minimum fine that would be applicable to the offense if it were committed outside the zone, and the maximum fine applicable to the offense may be twice the maximum fine that

would be applicable if the offense were committed outside the zone.

(1996 Code, art. 10.301)

Sec. 12.01.005 Traffic records

(a) The police department shall maintain a suitable record of all traffic accidents, arrests, convictions and complaints, which shall be filed alphabetically under the name of the driver concerned. Such records shall be accumulated and maintained for a minimum period of five (5) years.

(b) The police department and judge of the municipal court shall keep a record of all alleged violations of this chapter and the traffic and motor vehicle statutes of this state, together with a record of the final disposition of such alleged offenses. Such record shall be maintained so as to show all types of alleged violations and the total of each. Such records shall be kept for a minimum period of five (5) years. All forms of records for alleged traffic violations and notices of alleged violations shall be serially numbered. A written record of municipal court complaints and the disposition of such shall be available for public inspection.

(1996 Code, art. 10.400)

Sec. 12.01.006 Authority of officers of fire department to direct traffic at scene of fire

Officers of the fire department, when at the scene of an actual or suspected fire, are hereby authorized, in the immediate vicinity, to direct the movement and parking of vehicles and the movement of pedestrians. (1996 Code, art. 10.500)

Sec. 12.01.007 Compliance with orders of traffic officers

(a) A person commits an offense if he intentionally fails or refuses to comply with a lawful order or direction of a police officer given to direct or control traffic or pedestrian movement as authorized by this chapter.

(b) A person commits an offense if he intentionally fails or refuses to comply with a lawful order of an officer of the fire department when lawfully directing the movement or parking of vehicles or the movement of pedestrians.

(1996 Code, art. 10.600)

State law reference—Obedience to lawful order or direction of police officer or school crossing guard, V.T.C.A., Transportation Code, sec. 542.501.

Sec. 12.01.008 Riding on portion of vehicle not intended for passengers

A person commits an offense if he rides in or on any portion of a vehicle not designed or intended for the use of passengers, except that a person may ride in a truck body space intended for merchandise.

(1996 Code, art. 10.1700)

State law reference—Persons under 18 riding in open bed of truck or trailer, V.T.C.A., Transportation Code, sec. 545.414.

Sec. 12.01.009 Driving on fresh pavement

A person commits an offense if he operates any vehicle upon any portion of a street that has been freshly paved unless all barriers or warning lights have been lawfully removed therefrom indicating that

the street is ready for travel. (1996 Code, art. 10.1800)

Sec. 12.01.010 Sports, games or exercises on streets

Any person who shall engage in any sport, game, or exercise on or in any public street or highway within the city calculated to injure pedestrians or retard and interfere with the passage of vehicles shall be deemed guilty of a misdemeanor upon conviction thereof. (1996 Code, art. 10.2600)

Sec. 12.01.011 Motor-assisted scooters prohibited on street or sidewalk

(a) Prohibition. It shall be unlawful and an offense for any person to drive or operate a motor-assisted scooter on a public street, highway or sidewalk in the city.

(b) Definitions. For purposes of this section:

Motor-assisted scooter. A self-propelled device with:

- (1) At least two wheels in contact with the ground during operation;
- (2) A braking system capable of stopping the device under typical operating conditions;
- (3) A gas or electric motor not exceeding 40 cubic centimeters;
- (4) A deck designed to allow a person to stand or sit while operating the device; and
- (5) The ability to be propelled by human power alone.

Street. Shall include an alley.

(1996 Code, art. 10.2800)

State law reference—Neighborhood electric vehicles and motor-assisted scooters, V.T.C.A., Transportation Code, sec. 551.301 et seq.

Sec. 12.01.012 Obstructions to sight line at intersections

(a) It shall be unlawful for any person, firm, or corporation to erect, plant, or maintain any fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs in such a position or placed so as to obstruct or interfere with the minimum sight line standards between the elevations of two and one-half feet (2 1/2') and eight feet (8') above the top of the street curblines as follows:

- (1) Vision at all intersections where streets intersect at or near right angles within a triangular area formed by extending the curblines to form an intersection and connecting the two points located on said curblines thirty-five feet (35') from their intersections.
- (2) Vision at all intersections of an alley and a street shall be kept free of all obstructions for a distance of fifteen (15) feet from the intersecting points of the street and alley in both directions, left and right, as you enter the street from the alley.
- (b) If there are no curbs existing, the future curblines that will be set by the engineering department shall be used for the standard.

(c) It shall be the duty of the chief of police and fire, or his representative, to give notice to any person, firm, or corporation in violation of this section. The notice shall be in writing and may be served on the

person, firm, or corporation, or their agents, by handing it to him in person, by United States certified mail, return receipt requested, addressed to such person, firm, or corporation, or their agents, at his post office address, or if the same cannot be located and the certified letter is returned by the United States Postal Service, then by publication twice within ten (10) consecutive days in a newspaper.

(d) Upon the failure of said person, firm, or corporation, or agent of same, to comply with said notice as set out in subsection (c) above, within ten (10) days, the chief of police and fire, or his representative, may file a complaint in the municipal court, and each and every day shall be a separate offense.

(e) Upon the written request and authorization of such person, firm, or corporation, or their agent, and acceptance by the city, it shall become the duty of the city to trim or remove, if necessary, such fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs. Any and all costs incurred as a result of action required shall be the responsibility of said person, firm, or corporation, or their agent, and shall be collected as otherwise provided by this section.

(f) All costs for trimming or removing such fence, wall, screen, billboard, sign, structure, or foliage of hedges, trees, bushes, or shrubs or any part thereof, including costs for mailing of notice and/or publication, filing of the statement with the county clerk, and interest, shall be levied, assessed, and collected against such property abutting or upon which such vision obstruction is located. If any owner of such property shall fail to pay the costs so assessed within thirty (30) days after being notified of such costs, the city shall file with the county clerk a statement of said costs signed by the chief of police and fire. The city shall have a privileged lien on the property and/or the personal obligation of the owner of such property, second only to tax liens, to receive the costs so made and ten percent (10%) interest on the amount from date payment is due. For any such costs and interest, suit may be instituted in the name of the city, and the statement of costs, as provided previously, shall be prima facie proof of the costs expended in such work.

(1996 Code, art. 10.2500)