

Chapter 11

MOTOR VEHICLES AND TRAFFIC*

Article I. In General

- Sec. 11-1. Definitions.
- Sec. 11-2. Purpose.
- Sec. 11-3. Authority of police officers to direct traffic.
- Sec. 11-4. Obedience to police officers and school crossing guards.
- Sec. 11-5. Application of chapter to persons propelling pushcarts, riding animals.
- Sec. 11-6. Application of chapter to drivers of government vehicles.
- Sec. 11-7. Application of chapter to authorized emergency vehicles.
- Sec. 11-8. Application of chapter to workers and equipment.
- Sec. 11-9. Riding on portion of vehicle not intended for passengers.
- Sec. 11-10. Riding motorcycles.
- Sec. 11-11. Boarding or alighting from moving vehicles.
- Sec. 11-12. Use of roller skates, coasters.
- Sec. 11-13. Removing materials from highway.
- Sec. 11-14. Lighting equipment on projecting load.
- Sec. 11-15. Removing or damaging traffic barriers.
- Sec. 11-16. Garages to report damaged vehicles.
- Sec. 11-17. Mufflers; prevention of noise.
- Secs. 11-18—11-35. Reserved.

Article II. Operation of Vehicles Generally

- Sec. 11-36. Driving on right side of roadway; exceptions.
- Sec. 11-37. Passing vehicles proceeding in opposite direction.
- Sec. 11-38. Overtaking vehicle on left—Generally.
- Sec. 11-39. Same—Limitations.
- Sec. 11-40. Operation of vehicle on improved shoulder.
- Sec. 11-41. Overtaking on right.
- Sec. 11-42. Further limitations on driving to left of center.
- Sec. 11-43. No passing zones.
- Sec. 11-44. Required position and method of turning at intersections.
- Sec. 11-45. Stopping and turning signals—Generally.
- Sec. 11-46. Same—Method of giving.
- Sec. 11-47. Right-of-way at intersections.

***Cross references**—General penalty for Code violations, § 1-5; street regulations for subdivisions, § 16-135; street regulations for trailer parks, § 18-46 et seq.; vehicles for hire, ch. 19.

State law reference—Rules of the Road, V.T.C.A., Transportation Code ch. 541 et seq.

SHEPHERD CODE

- Sec. 11-48. Stop signs—Erected at all intersections of major thoroughfares with inferior streets.
- Sec. 11-49. Same—Specific intersections.
- Sec. 11-50. U-turns.
- Sec. 11-51. Vehicle approached by authorized emergency vehicle.
- Sec. 11-52. Meeting or overtaking stopped school bus.
- Sec. 11-53. Obstructing traffic generally.
- Sec. 11-54. Obstructing intersection or crosswalk.
- Sec. 11-55. Funerals, processions.
- Sec. 11-56. Following too closely.
- Sec. 11-57. Following fire apparatus or ambulance.
- Sec. 11-58. Driving upon sidewalk.
- Sec. 11-59. Safety zones.
- Sec. 11-60. Driving on fresh pavement.
- Sec. 11-61. Driving over fire hoses.
- Sec. 11-62. Driving on divided streets or highways.
- Sec. 11-63. Roadways laned for traffic.
- Sec. 11-64. Exhibition of acceleration.
- Sec. 11-65. Control of vehicle.
- Sec. 11-66. Opening and closing vehicle doors.
- Sec. 11-67. Cutting across certain property prohibited.
- Sec. 11-68. Restricted access.
- Sec. 11-69. Obstruction to driver's view or driving mechanism.
- Sec. 11-70. Through truck traffic restriction.
- Secs. 11-71—11-85. Reserved.

Article III. Traffic Control Devices

- Sec. 11-86. Conformity with state law.
- Sec. 11-87. Obedience to devices.
- Sec. 11-88. Necessity of devices.
- Sec. 11-89. Ratification of existing devices.
- Sec. 11-90. Altering, injuring devices.
- Sec. 11-91. Traffic control signals in general.
- Sec. 11-92. Flashing signals.
- Sec. 11-93. Pedestrian signals.
- Sec. 11-94. Display of unauthorized signs, signals or markings.
- Sec. 11-95. Vehicles entering stop or yield intersections.
- Sec. 11-96. Designation of crosswalks, zones and marking traffic lanes.
- Sec. 11-97. One-way streets and alleys.
- Sec. 11-98. Turning markers.
- Secs. 11-99—11-115. Reserved.

Article IV. Speed Regulations

- Sec. 11-116. Maximum limits generally.
- Sec. 11-117. Maximum limits on specific streets.

MOTOR VEHICLES AND TRAFFIC

- Sec. 11-118. School zones.
- Sec. 11-119. Racing on highway.
- Sec. 11-120. Minimum limits.
- Sec. 11-121. Exemptions.
- Secs. 11-122—11-150. Reserved.

Article V. Pedestrians

- Sec. 11-151. Application of article.
- Sec. 11-152. Duty of drivers.
- Sec. 11-153. Walking on roadways.
- Sec. 11-154. Blind and incapacitated pedestrians.
- Sec. 11-155. Right-of-way in crosswalks.
- Sec. 11-156. Crossing at point other than crosswalk.
- Sec. 11-157. Use of right half of crosswalk.
- Secs. 11-158—11-175. Reserved.

Article VI. Bicycles and Play Vehicles

Division 1. Generally

- Sec. 11-176. Parental responsibility relative to article.
- Sec. 11-177. Destroying, removing number on frame.
- Sec. 11-178. Lamps and reflectors.
- Sec. 11-179. Warning device.
- Sec. 11-180. Brakes.
- Secs. 11-181—11-190. Reserved.

Division 2. Operation Regulations

- Sec. 11-191. Traffic laws applicable; competitive racing.
- Sec. 11-192. Obedience to traffic control devices.
- Sec. 11-193. Riding; passengers.
- Sec. 11-194. Riding on roadways and bicycle paths.
- Sec. 11-195. Speed restriction.
- Sec. 11-196. Clinging to vehicles.
- Sec. 11-197. Carrying articles.
- Sec. 11-198. Parking.
- Sec. 11-199. Riding on sidewalks.
- Secs. 11-200—11-215. Reserved.

Article VII. Stopping, Standing and Parking

- Sec. 11-216. Presumption that owner of vehicle illegally parked vehicle.
- Sec. 11-217. Removal of illegally stopped vehicles—Generally.
- Sec. 11-218. Same—Liability of city.
- Sec. 11-219. Stopping, standing or parking prohibited in certain places.

SHEPHERD CODE

- Sec. 11-220. Parking prohibited on specific streets.
- Sec. 11-221. Parking for certain purposes.
- Sec. 11-222. Unattended vehicles.
- Sec. 11-223. Parking for disabled persons.
- Sec. 11-224. Starting parked vehicle.
- Sec. 11-225. Roadway left available for traffic.
- Sec. 11-226. Emerging from an alley, driveway or building.
- Sec. 11-227. Parallel and angle parking.
- Sec. 11-228. Designation and marking of parking stalls; areas where parking is prohibited or limited.
- Sec. 11-229. Parking in prohibited areas; overtime parking.
- Sec. 11-230. Parking or standing in alleys.
- Sec. 11-231. Loading and unloading generally.
- Sec. 11-232. Loading, unloading zones—Designation.
- Sec. 11-233. Same—Use of passenger zones.
- Sec. 11-234. Same—Use of freight zones.
- Sec. 11-235. Permit to back to curb for loading or unloading.
- Secs. 11-236—11-250. Reserved.

Article VIII. Abandoned Motor Vehicles

- Sec. 11-251. Definitions.
- Sec. 11-252. Authority to take possession.
- Sec. 11-253. Taking abandoned motor vehicle into custody; notice.
- Sec. 11-254. Auction or use of abandoned items; waiver of rights.
- Sec. 11-255. Garagekeeper's duties and liens.
- Sec. 11-256. Disposal to demolishers.
- Sec. 11-257. Duties of demolishers.
- Sec. 11-258. Location or presence of junked vehicles deemed nuisance; exceptions.
- Sec. 11-259. Abatement or removal order; contents; service.
- Sec. 11-260. Removal with permission of owner or occupant.
- Sec. 11-261. Disposal of junked vehicles.
- Sec. 11-262. Authority to enforce.
- Sec. 11-263. Reserved.
- Sec. 11-264. Applicability of article.
- Sec. 11-265. Penalty.

ARTICLE I. IN GENERAL**Sec. 11-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a street that:

- (1) Is not used primarily for through traffic;
- (2) Provides access to rear entrances of buildings or lots along a street.

Authorized emergency vehicle means:

- (1) A fire department or police vehicle;
- (2) A public and private ambulance operated by a person who has been issued a license by the state board of health;
- (3) A municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
- (4) A private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;
- (5) An industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the Texas Industrial Fire Training Board of the State Firemen's and Fire Marshals' Association of Texas; or
- (6) A vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines or organs.

Bus means:

- (1) A motor vehicle used to transport persons and designed to accommodate more than ten passengers, including the operator; or

- (2) A motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

Bus stop means a section of the roadway along the edge thereof, authorized by order of the city council, marked by signs reading "bus stop" as a place for the sole use and convenience of the general public to board and depart from any bus.

Business district means the territory adjacent to and including a highway if buildings used for business or industrial purposes, including a building used as a hotel, bank, office building, public building, or railroad station:

- (1) Are located within a 600-foot segment along the highway; and
- (2) Within that segment the buildings occupy 300 feet of frontage:
 - a. On one side of the highway; or
 - b. Collectively on both sides of the highway.

Crosswalk means:

- (1) The portion of a roadway, including an intersection, designated as a pedestrian crossing by surface markings, including lines; or
- (2) The portion of a roadway at an intersection that is within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

Department means the state department of public safety acting directly or through its authorized officers and agents.

Driver means that person who drives or is in actual physical control of the movement of a vehicle.

Driveway, private means any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property, or the entrance or exit of any private garage into or from any alley.

Driveway, public means any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any public property.

Exhibition of acceleration means the practice of starting any motor vehicle from a standing position by applying a sudden burst of power, recognized by spinning rear wheels and noise of tires on the surface of the roadway.

Intersection means the common area at the junction of two highways, other than the junction of an alley and a highway. The dimensions of an intersection include only the common area: (i) within the connection of the lateral curblines, or in the absence of curblines, the lateral boundary lines of the roadways of intersecting highways that join at approximate right angles; or (ii) at the place where vehicles could collide if traveling on roadways of intersecting highways that join at any angle other than an approximate right angle. Each junction of each roadway of a highway that includes two roadways at least 30 feet apart with the roadway of an intersecting highway, including each roadway of an intersecting highway that includes two roadways at least 30 feet apart, is a separate intersection.

Laned roadway means a roadway that is divided into two or more clearly marked lanes for vehicular traffic.

Limited access or controlled access highway means a highway or roadway to which:

- (1) Persons, including owners or occupants of abutting real property, have no right of access; and
- (2) Access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

Loading zone means that portion of any roadway set apart, marked and numbered for the sole use of the public as a place for loading or unloading passengers, merchandise or other cargo.

Motor vehicle means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires.

Motorcycle means a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground.

No parking zone means a space on the roadway adjacent to the curb, whether marked by official signs or not, in which no vehicle may be parked.

Official traffic control device means a sign, signal, marking, or device that is:

- (1) Consistent with V.T.C.A., Transportation Code ch. 541 et seq.;
- (2) Placed or erected by a public body or officer having jurisdiction; and
- (3) Used to regulate, warn, or guide traffic.

Park or *parking* means to stand an occupied or unoccupied vehicle, other than temporarily loading or unloading merchandise or passengers.

Parking stall or *parking space* means that portion or section of a roadway adjacent to the curbing or edge, set apart, marked and bounded by lines painted or marked upon the surface of the roadway and extending into the roadway for the use of parking vehicles or that portion of any alley marked by official signs showing the space to be a parking zone.

Pedestrian means a person on foot.

Police officer means an officer authorized to direct traffic or arrest persons who violate traffic regulations.

Residence district means the territory, other than a business district, adjacent to and including a highway, if at least 300 feet of the highway frontage is primarily improved with:

- (1) Residences; or
- (2) Buildings used for business purposes and residences.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or

pedestrian that is approaching from a direction, at a speed, and within a proximity that could cause a collision unless one grants precedence to the other.

Roadway means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk means that portion of a street that is:

- (1) Between a curb or lateral line of a roadway and the adjacent property line; and
- (2) Intended for the use of pedestrians.

Stop or stopping means:

- (1) When required, to completely cease movement; and
- (2) When prohibited, to halt, including momentary halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or traffic control sign or signal.

Street or highway means the width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel.

Traffic means pedestrians, ridden or herded animals, and conveyances, including vehicles and streetcars, singly or together while using a highway for the purposes of travel.

Traffic control signal means a manual, electric, or mechanical device that alternately directs traffic to stop and to proceed.

Truck means a motor vehicle designed, used, or maintained primarily to transport property.

U-turn means the turning or causing the turning of a vehicle, so that when the turn is completed the vehicle will be headed in

the opposite direction from that in which it was headed before the turning was begun, whether or not the vehicle is pulled into a driveway or any space beyond the curbline of the street.

Vehicle means a device that can be used to transport or draw persons or property on a highway. The term does not include:

- (1) A device exclusively used on stationary rails or tracks; or
- (2) Manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act (Vernon's Ann. Civ. St. art. 5221f).

Cross reference—Definitions and rules of construction generally, § 1-3.

State law reference—Similar provisions, V.T.C.A., Transportation Code ch. 541.

Sec. 11-2. Purpose.

The purpose of the regulations prescribed by this chapter is to ensure to the people the maximum use and benefit of the public streets of the city and yet retain the maximum degree of safety to prevent injury to person and property.

Sec. 11-3. Authority of police officers to direct traffic.

Officers of the police department or such officers as are assigned by the city marshal are hereby authorized to direct all traffic by voice, hand or signal in conformance with this chapter and other traffic laws. During a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this chapter and other traffic laws.

Cross reference—Police generally, ch. 15.

State law reference—Authority of city to regulate traffic by police officers, V.T.C.A., Transportation Code § 542.202(a)(1).

Sec. 11-4. Obedience to police officers and school crossing guards.

(a) No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer invested by law with authority to direct, control or regulate traffic.

(b) No person shall willfully fail or refuse to comply with any lawful order or direction to stop and yield to pedestrians given by any school crossing guard while in the performance of his duties in a designated school crossing zone.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 542.501.

Sec. 11-5. Application of chapter to persons propelling pushcarts, riding animals.

Every person propelling any pushcart or riding any animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the sections of this chapter applicable to the driver of any vehicle, except those sections which, by their very nature, can have no application.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 542.003.

Sec. 11-6. Application of chapter to drivers of government vehicles.

The sections of this chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 542.002.

Sec. 11-7. Application of chapter to authorized emergency vehicles.

(a) The sections of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, except that a driver, when responding to an emergency call or when in the immediate pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire call, may exercise the privileges set forth in this section, subject to the conditions stated in this section. The driver may:

- (1) Park or stand, notwithstanding the provisions of this chapter.

- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- (3) Disregard regulations governing direction of movement or turning in specified directions.
- (4) Exceed the prima facie speed limits established by this chapter so long as life and property are not endangered.

(b) Except as provided by this section, the operator of an authorized emergency vehicle engaging in conduct permitted by subsection (a) of this section shall use, at the discretion of the operator in accordance with policies of the department or the local government that employs the operator, audible or visual signals that meet the pertinent requirements of V.T.C.A., Transportation Code §§ 547.305 and 547.702.

(c) A volunteer firefighter who operates a private vehicle as an authorized emergency vehicle may engage in conduct permitted by subsection (a) of this section only when the firefighter is using visual signals meeting the pertinent requirements of V.T.C.A., Transportation Code §§ 547.305 and 547.702.

(d) An authorized emergency vehicle that is operated as a police vehicle is not required to be equipped with or display a red light visible from the front of the vehicle.

(e) A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals required by subsection (b) of this section if the officer is:

- (1) Responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
 - a. Knowledge of the presence of the officer will cause the suspect to:
 1. Destroy or lose evidence of a suspected felony;
 2. End a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest; or
 3. Evade apprehension or identification of the suspect or the suspect's vehicle; or

- b. Because of traffic conditions on a multilaned roadway, vehicles moving in response to the audible or visual signals may:
 - 1. Increase the potential for a collision; or
 - 2. Unreasonably extend the duration of the pursuit; or
- (2) Complying with a written regulation relating to the use of audible or visible signals adopted by the local government that employs the officer or by the department.

(f) The driver of an authorized emergency vehicle that is used for law enforcement purposes may not operate without using the emergency warning devices as provided in this section unless he has first notified a designated office of his intention to operate without such devices. The designated office to which such notification is made shall keep an accurate record of the exact time notification is received.

State law reference—Exemption of authorized emergency vehicles from certain traffic regulations, V.T.C.A., Transportation Code § 546.001 et seq.

Sec. 11-8. Application of chapter to workers and equipment.

This chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway or street, but this chapter shall apply to such persons and vehicles when traveling to or from such work.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 542.004.

Sec. 11-9. Riding on portion of vehicle not intended for passengers.

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This section shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

Sec. 11-10. Riding motorcycles.

A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto or carry any

other person, nor shall any other person ride upon the motorcycle other than upon a firmly attached seat to the rear or the side of the operator.

Sec. 11-11. Boarding or alighting from moving vehicles.

No person shall board or alight from any vehicle while the vehicle is in motion.

Sec. 11-12. Use of roller skates, coasters.

No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle or similar device shall go upon any roadway except while crossing a street or a crosswalk, and when so crossing, the person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

Sec. 11-13. Removing materials from highway.

(a) Any person who drops or permits to be dropped or thrown upon any street or alley any destructive or injurious material shall immediately remove the material or cause it to be removed.

(b) Any person removing a wrecked or damaged vehicle from any street or alley shall remove any glass or other injurious substance dropped upon the street or alley from the vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 600.001.

Sec. 11-14. Lighting equipment on projecting load.

(a) A vehicle transporting a load that extends to the rear at least four feet beyond the bed or body of the vehicle shall display on the extreme end of the load at the times specified in V.T.C.A., Transportation Code § 547.302(a):

- (1) Two red lamps visible at a distance of at least 500 feet from the rear;
- (2) Two red reflectors that indicate the maximum width and that are visible at nighttime at all distances from 100 to 600 feet from the rear when directly in front of lawful lower beams of headlamps; and

- (3) Two red lamps, one on each side, that indicate the maximum overhang and that are visible at a distance of at least 500 feet from the side.

(b) At all other times, a vehicle transporting a load that extends beyond the vehicle's sides or more than four feet beyond the vehicle's rear shall display red flags that:

- (1) Are at least 12 inches square;
- (2) Mark the extremities of the load; and
- (3) Are placed where a lamp is required by this section.

State law reference—Similar state law, V.T.C.A., Transportation Code § 547.382.

Sec. 11-15. Removing or damaging traffic barriers.

It shall be unlawful for any person, other than a city employee, to remove or damage any barriers erected under the direction of the city either closing a street or for the purpose of warning traffic of an obstruction in the street.

Sec. 11-16. Garages to report damaged vehicles.

The person in charge of any garage or repair shop to which is brought any motor vehicle that shows evidence of having been involved in an accident, of which report must be made as provided in V.T.C.A., Transportation Code § 550.061 or 550.062, or that is struck by a bullet shall report to the police department within 24 hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle.

State law reference—Similar provisions authorized, V.T.C.A., Transportation Code § 550.067(c).

Sec. 11-17. Mufflers; prevention of noise.

(a) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass or similar device upon a motor vehicle in the city.

(b) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

(c) Every new motor vehicle and new motor vehicle engine beginning with the model year 1968 shall at all times be so equipped that crankcase emissions are not discharged into the ambient atmosphere from the vehicle or engine.

(d) The owner or operator of any new motor vehicle or new motor vehicle engine beginning with the model year 1968 equipped with an exhaust emission system shall maintain the exhaust emission system in good operable condition and shall use it at all times that the motor vehicle or motor vehicle engine is operated. The owner or operator of the motor vehicle or motor vehicle engine shall not remove or intentionally make inoperable within the state the exhaust emission system or any part thereof, except where the purpose of removal of the exhaust emission system or part thereof is to install another exhaust emission system or part thereof which is intended to be equally effective in reducing atmospheric emissions from the vehicle or engine.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 547.604, 547.605.

Secs. 11-18—11-35. Reserved.

ARTICLE II. OPERATION OF VEHICLES GENERALLY

Sec. 11-36. Driving on right side of roadway; exceptions.

(a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway, provided any person so doing shall yield the right-of-way to all vehicles

traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

- (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or
- (4) Upon a roadway restricted to one-way traffic.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the righthand lane then available for traffic, or as close as practicable to the righthand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) of this section. However, this subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or out of an alley, private road, or driveway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.051.

Sec. 11-37. Passing vehicles proceeding in opposite direction.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right. Upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.052.

Sec. 11-38. Overtaking vehicle on left—Generally.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the following limitations, exceptions and special rules and those stated in section 11-39:

- (1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.053.

Sec. 11-39. Same—Limitations.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and, if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.054.

Sec. 11-40. Operation of vehicle on improved shoulder.

(a) A driver may operate a vehicle on an improved shoulder to the right of the main-traveled portion of the roadway as long as necessary and when the operation may be done in safety only under the following circumstances:

- (1) To stop, stand, or park;
- (2) To accelerate prior to entering the main-traveled lane of traffic;
- (3) To decelerate prior to making a right turn;
- (4) To overtake and pass another vehicle that is slowing or stopped on the main-traveled portion of the highway disabled or preparing to make a left turn;
- (5) To allow other vehicles to pass that are traveling at a greater speed;
- (6) When permitted or required by an official traffic control device; or
- (7) At any time to avoid a collision.

(b) A driver may operate a vehicle on the improved shoulder to the left of the main-traveled portion of a divided or controlled access highway when the operation may be done in safety only under the following conditions:

- (1) To slow or stop when the vehicle is disabled and traffic or other circumstances prohibit the safe movement of the vehicle to the shoulder to the right of the main-traveled portion of the roadway;
- (2) When permitted or required by an official traffic control device; or
- (3) To avoid a collision.

(c) The provisions of this section limiting the operation of vehicles upon improved shoulders shall not apply to the following:

- (1) Authorized emergency vehicles responding to calls;
- (2) Police patrols; or

(3) Bicycles.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.058.

Sec. 11-41. Overtaking on right.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or is about to make a left turn.
- (2) Upon a street or highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two or more lines of moving vehicles in each direction.
- (3) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(b) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the main-traveled portion of the roadway except as provided in section 11-40.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.057.

Sec. 11-42. Further limitations on driving to left of center.

(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

- (1) Where sight restriction is such that the section of highway being traversed lies within a no passing zone as determined and marked in accordance with V.T.C.A., Transportation Code § 545.055.
- (2) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.
- (3) When approaching within 100 feet of any bridge, viaduct, or tunnel.

(b) The limitations in subsection (a) of this section shall not apply upon a one-way roadway, nor to any driver of a vehicle turning left into or from an alley, private road, or driveway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.056.

Sec. 11-43. No passing zones.

The city council is authorized to determine by resolution those portions of any highway or street in the city where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of the zones. When the signs or markings are in place and clearly visible to any ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.055.

Sec. 11-44. Required position and method of turning at intersections.

(a) The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (1) *Right turns.* Both the approach for a right turn and a right turn shall be made as close as practicable to the righthand curb or edge of the roadway.
- (2) *Left turns.* The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme lefthand lane lawfully available to traffic moving in the direction of travel of such vehicle, and, after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(b) The state transportation commission and the city, in their respective jurisdictions, may cause official traffic control devices to be placed within or adjacent to intersections and thereby

require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection. When such devices are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

State law references—Similar provisions, V.T.C.A., Transportation Code § 545.101; authority of city to regulate turning at intersections, V.T.C.A., Transportation Code § 542.202(a)(7).

Sec. 11-45. Stopping and turning signals—Generally.

(a) No person shall turn a vehicle at an intersection, unless the vehicle is in proper position upon the roadway as required in section 11-44, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with safety. Except under conditions set out in section 11-8, no person shall so turn any vehicle without giving an appropriate signal in the manner provided in this section and in section 11-46.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this section and in section 11-46 to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(d) The signals provided for in subsections (e) and (f) of this section shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.

(e) Any stop or turn signal when required in this section shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (f) of this section.

(f) Any motor vehicle in use on a highway shall be equipped with and the required signal shall be given by signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 545.103—545.105.

Sec. 11-46. Same—Method of giving.

(a) A driver who is permitted to give a hand and arm signal shall give the signal from the left side of the vehicle as follows:

- (1) To make a left turn signal, extend hand and arm horizontally;
- (2) To make a right turn signal, extend hand and arm upward, except that a bicycle operator may signal from the right side of the vehicle with the hand and arm extended horizontally; and
- (3) To stop or decrease speed extend hand and arm downward.

(b) The signals required in this section shall be given either by means of the hand and arm, or by a signal lamp or signal device approved by the department.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.107.

Sec. 11-47. Right-of-way at intersections.

(a) The driver of a vehicle approaching the intersection of a different street or roadway shall stop, yield and grant the privilege of immediate use of such intersection in obedience to any stop sign, yield right-of-way sign or traffic control device erected by public authority, and after so stopping may only proceed thereafter when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway.

(b) The driver of a vehicle on a single lane street or roadway or a street or roadway consisting of only two traffic lanes, upon approaching the intersection, not otherwise controlled by traffic signs or signals, of a divided street or roadway or of a street or roadway divided into three or more marked traffic lanes, shall stop, yield and grant the privilege of immediate use of such intersection to vehicles on such other street that are within the intersection or approaching such intersection in such proximity thereto as to constitute a hazard and after so stopping may only proceed when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway.

(c) The driver of a vehicle on an unpaved street or roadway approaching the intersection of a paved roadway shall stop, yield and grant the privilege of immediate use of such intersection to any vehicle on such paved roadway which is within the intersection or approaching such intersection in such proximity thereto as to constitute a hazard, and after so stopping may only proceed when such driver may safely enter the intersection without interference or collision with traffic using such paved street or roadway.

(d) Except as provided in subsection (e) of this section, the driver of a vehicle approaching the intersection of a different street or roadway, not otherwise regulated in this section or controlled by traffic control signs or signals, shall stop, yield and grant the privilege of immediate use of such intersection to any other vehicle that has entered the intersection from such driver's right or is approaching such intersection from such driver's right in such proximity thereto as to constitute a hazard, and after so stopping may only proceed when such driver may safely enter such intersection without interference or collision with traffic using such different street or roadway.

(e) The driver of a vehicle approaching the intersection of a street or roadway from a street or roadway that terminates at the intersection, not otherwise regulated in this section or controlled by traffic control signs or signals, shall stop, yield and grant the privilege of immediate use of the intersection to another vehicle that has entered the intersection from the other street or roadway

or is approaching the intersection on the other street or roadway in such proximity as to constitute a hazard, and after stopping may only proceed when the driver may safely enter the intersection without interference or collision with the traffic using the other street or roadway.

(f) A driver obligated to stop and yield the right-of-way in accord with subsections (a) through (e) of this section who is involved in a collision or interference with other traffic at such intersection is presumed not to have yielded the right-of-way as required by this section.

(g) The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 545.151, 545.152.

Sec. 11-48. Stop signs—Erected at all intersections of major thoroughfares with inferior streets.

Stop signs shall be erected at all points throughout the city where a major thoroughfare (U.S. Highway 59, State Highway 150, and Loop 424) and an inferior road, street, or alley join, cross, merge, tee in, abut or in any manner form a connection as would be hazardous to life, health, or property were it not protected by stop signs.

(Ord. No. 82, §§ 1, 2, 7-19-1979)

Sec. 11-49. Same—Specific intersections.

(a) *Four-way.* The intersections of the following streets are hereby designated four-way stop intersections, and stop signs shall be erected at each corner thereof: Hill and Third Streets.

(b) *Two-way.* The following intersections are two-way stop intersections, and stop signs shall be erected on each side of a stop street at its intersection with an indicated right-of-way street:

*Right-of-Way
Street*

Stop Street

Hill Street
Main Street (Highway No. 150)
Mary Street
Mary Street

First Street
Hill Street
Byrd Street
Liberty Street

(Ord. No. 78, § 1, 10-10-1977)

Sec. 11-50. U-turns.

(a) No vehicle shall make a U-turn in a street except at a street intersection. Every such turn shall be made by keeping the vehicle to the right of the centerline of the intersecting street.

(b) It shall be unlawful to make a U-turn at any intersection at which a traffic light has been placed.

Sec. 11-51. Vehicle approached by authorized emergency vehicle.

(a) On the immediate approach of an authorized emergency vehicle using audible and visual signals that meet the requirements of V.T.C.A., Transportation Code §§ 547.305 and 547.702, or of a police vehicle lawfully using an audible signal, an operator, unless otherwise directed by a police officer, shall:

- (1) Yield the right-of-way;
- (2) Immediately drive to a position parallel to and as close as possible to the righthand edge or curb of the roadway clear of any intersection; and
- (3) Stop and remain standing until the authorized emergency vehicle has passed.

(b) This section does not exempt the operator of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.156.

Sec. 11-52. Meeting or overtaking stopped school bus.

(a) The driver of a vehicle upon a highway inside or outside of a business or residence district upon meeting or overtaking from either direction any school bus that has stopped on the highway for the purpose of receiving or discharging school children shall stop the vehicle before reaching the school bus when there is in operation on such school bus a visual signal as specified by law, and such driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus that is on a different roadway or when upon a controlled access highway and the school bus is stopped in a loading zone that is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.066.

Sec. 11-53. Obstructing traffic generally.

It shall be unlawful for any person to stop, drive or propel a vehicle in such manner as to block or obstruct the traffic on any street or alley of the city.

Sec. 11-54. Obstructing intersection or crosswalk.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Sec. 11-55. Funerals, processions.

Each driver in a funeral or other authorized procession shall drive as near to the righthand side of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

Sec. 11-56. Following too closely.

(a) The driver of a motor vehicle shall, when following another vehicle, maintain an assured clear distance between the two vehicles, exercising due regard for the speed of such vehicles, traffic upon and conditions of the street or highway, so that such motor vehicle can be safely brought to a stop without colliding with the preceding vehicle, or veering into other vehicles, objects or persons on or near the street or highway.

(b) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residential district and that is following another motor truck or motor vehicle drawing another vehicle shall whenever conditions permit leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(c) The drivers of motor vehicles driven upon any roadway outside of a business or residential district in a caravan or motorcade, whether or not towing other vehicles, shall drive so as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicles to enter and occupy such space without danger. This subsection shall not apply to funeral processions.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.062.

Sec. 11-57. Following fire apparatus or ambulance.

(a) The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where the fire apparatus has stopped to answer a fire alarm.

(b) No driver of a vehicle, except a driver on official business, may follow closer than 500 feet behind an ambulance when the flashing red lights of the ambulance are operating. No driver of a vehicle may drive or park his vehicle at a place where an

ambulance has been summoned for an emergency call in a manner calculated to interfere with the arrival or departure of the ambulance.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.407.

Sec. 11-58. Driving upon sidewalk.

No person shall drive any motor vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.422.

Sec. 11-59. Safety zones.

No driver of any vehicle shall, at any time, drive through or within a safety zone.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.403.

Sec. 11-60. Driving on fresh pavement.

It shall be unlawful for any person to drive any vehicle upon any portion of any street in the city that has been freshly paved, unless all barriers or signal lights have been lawfully removed therefrom indicating that the street is ready for travel.

Sec. 11-61. Driving over fire hoses.

No driver of any vehicle shall drive over an unprotected hose of the fire department when the hose has been laid down on any street or private driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.408.

Sec. 11-62. Driving on divided streets or highways.

Whenever any street or highway in the city has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the righthand roadway unless directed or

permitted to use another roadway by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening therein or at a crossover or intersection as established by public authority.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.063.

Sec. 11-63. Roadways laned for traffic.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

- (1) The driver of a vehicle shall drive as nearly as practicable entirely within a single lane, and the vehicle shall not be moved from such lane until the driver has first ascertained that the movement can be made with safety.
- (2) Upon a roadway that is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.

(b) Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the direction of every such sign.

(c) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.060.

Sec. 11-64. Exhibition of acceleration.

Any driver of any motor vehicle who shall cause the vehicle to dig out or who shall cause any vehicle to make unnecessary noise because of operating the vehicle in such manner as to cause the wheels thereof to spin or slide on the roadway of any street when starting the vehicle or while making any turning movement shall be deemed guilty of a misdemeanor.

Sec. 11-65. Control of vehicle.

It shall be the duty of every person who shall operate any vehicle within the city to keep the vehicle under control at all times and to avoid whenever possible colliding with any other vehicle or person.

Sec. 11-66. Opening and closing vehicle doors.

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a motor vehicle available to traffic for a period of time longer than necessary to load or unload passengers.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.418.

Sec. 11-67. Cutting across certain property prohibited.

No person driving a vehicle shall cross a sidewalk or drive through a driveway, parking lot, or business or residential entrance without bringing the vehicle to a complete stop. No person driving a vehicle shall cross, drive in or on such sidewalks, driveways, parking lots or entrances at an intersection for the purpose of making either a right or left turn from one street or highway to another street or highway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.423.

Sec. 11-68. Restricted access.

No person shall drive a vehicle onto or from any limited access or controlled access roadway except at such entrances and exits as are established by public authority.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.064.

Sec. 11-69. Obstruction to driver's view or driving mechanism.

(a) No person shall drive a vehicle when it is so loaded or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with control over the driving mechanism of the vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.417.

Sec. 11-70. Through truck traffic restriction.

(a) *Definitions.*

Alley shall mean any street having no regular or official name other than "alley" of 20 feet or less in width.

Commercial vehicle shall mean every vehicle which is self-propelled and designated, maintained, or used primarily for the transportation of property and has a gross vehicular weight of 7,500 pounds or more, and every trailer with a gross vehicular weight of 7,500 pounds or more.

Driver or operator shall mean every person who drives or is in actual physical control of a vehicle or assumes control of a vehicle.

Local commercial vehicle shall mean any commercial vehicle whose origin and/or destination is within or without the city and any locally operated commercial vehicle.

Motor vehicle shall mean every vehicle which is self-propelled.

Street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through commercial vehicle shall mean any commercial vehicle whose origin and destination is other than the city.

Truck route shall mean a street, road, or highway designated by the city council upon which it shall be lawful for all through commercial vehicles and local commercial vehicles to travel.

(b) *Through commercial vehicles.* It shall be unlawful for any person to operate a through commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except that such commercial vehicle may travel or be operated upon any street, boulevard, or avenue designated as a U.S. or state highway, or as a truck route.

(c) *Local commercial vehicles.* It shall be unlawful for any person to operate any local commercial vehicle upon any street, boulevard, avenue, or alley within the limits of the city, except on a designated U.S. or state highway or a designated truck route. A local commercial vehicle may leave any designated U.S. or state highway or a designated truck route and travel on any street, boulevard, avenue, or alley within the city for the purpose of delivering or picking up goods, wares, materials, and/or merchandise, or returning to its established place of business or home. When a local commercial vehicle enters a street, boulevard, avenue, or alley as herein permitted, such vehicle shall enter such street, boulevard, avenue, or alley at the intersection nearest the point of pick up or delivery or its established place of business or home and return to the truck route by the nearest route. Where more than one pickup or delivery is required, additional pickup or delivery may be made, and the vehicle shall not be required to return to the truck route after each individual pickup or delivery but shall return to the truck route upon the completion of all pickups or deliveries.

(d) *Truck routes designated.* Every U.S. and state highway within the limits of the city is hereby designated as a truck route under the terms of this article, and the following streets, roads, and highways are hereby designated truck routes by name as follows:

- (1) Loop 424;
- (2) State Highway 150;
- (3) U.S. Highway 59;
- (4) FM222;
- (5) FM223; and
- (6) FM3460.

(Ord. No. 18, § 3, 6-25-1968; Ord. No. 212, §§ 1—4, 1-13-2003)

Secs. 11-71—11-85. Reserved.

ARTICLE III. TRAFFIC CONTROL DEVICES

Sec. 11-86. Conformity with state law.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state department of transportation. All signs and signals required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices.

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

Sec. 11-87. Obedience to devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this chapter and other traffic ordinances of this city, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 544.004.

Sec. 11-88. Necessity of devices.

No section of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that official traffic control devices are required, such section shall be effective even though no signs are erected or in place.

Sec. 11-89. Ratification of existing devices.

The traffic control signs, signals, devices and markers which are in place throughout the city are hereby affirmed, ratified and declared to be official traffic control devices.

State law reference—Authority of city to regulate traffic by traffic control devices, V.T.C.A., Transportation Code § 542.202(a)(1).

Sec. 11-90. Altering, injuring devices.

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

State law reference—Similar provisions, V.T.C.A., Transportation Code § 544.005.

Sec. 11-91. Traffic control signals in general.

(a) A traffic control signal displaying different colored lights or colored lighted arrows successively or in combination may display only green, yellow, or red and applies to operators of vehicles as provided by this section.

(b) An operator of a vehicle facing a circular green signal may proceed straight or turn right or left unless a sign prohibits the turn. The operator shall yield the right-of-way to other vehicles and to pedestrians lawfully in the intersection or an adjacent crosswalk when the signal is exhibited.

(c) An operator of a vehicle facing a green arrow signal, displayed alone or with another signal, may cautiously enter the intersection to move in the direction permitted by the arrow or other indication shown simultaneously. The operator shall yield the right-of-way to a pedestrian lawfully in an adjacent crosswalk and other traffic lawfully using the intersection.

(d) An operator of a vehicle facing only a steady red signal shall stop at a clearly marked stop line. In the absence of a stop line, the operator shall stop before entering the crosswalk on the near side of the intersection. A vehicle that is not turning shall remain standing until an indication to proceed is shown. After stopping, standing until the intersection may be entered safely, and yielding right-of-way to pedestrians lawfully in an adjacent crosswalk and other traffic lawfully using the intersection, the operator may:

- (1) Turn right; or
- (2) Turn left, if the intersecting streets are both one-way streets and a left turn is permissible.

(e) An operator of a vehicle facing a steady yellow signal is warned by that signal that:

- (1) Movement authorized by a green signal is being terminated; or
- (2) A red signal is to be given.

(f) The state transportation commission, a municipal authority, or the commissioners court of a county may prohibit within the entity's jurisdiction a turn by an operator of a vehicle facing a steady red signal by posting notice at the intersection that turn is prohibited.

(g) This section applies to an official traffic control signal placed and maintained at a place other than an intersection, except for a provision that by its nature cannot apply. A required

stop shall be made at a sign or marking on the pavement indicating where the stop shall be made. In the absence of such a sign or marking, the stop shall be made at the signal.

(h) The obligations imposed by this section apply to an operator of a streetcar in the same manner they apply to the operator of a vehicle.

(i) Unless otherwise directed by a pedestrian control signal, as provided in section 11-93, pedestrians, facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(j) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in section 11-93, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(k) Unless otherwise directed by a pedestrian control signal as provided in section 11-93, pedestrians facing a steady red signal alone shall not enter the roadway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 544.007.

Sec. 11-92. Flashing signals.

(a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

- (1) *Flashing red (stop signal)*. When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (2) *Flashing yellow (caution signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through an intersection or past such signal only with caution.

(b) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in V.T.C.A., Transportation Code § 545.251.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 544.008.

Sec. 11-93. Pedestrian signals.

Whenever special pedestrian control signals exhibiting the words "walk," "don't walk" or "wait" are in place, such signals shall indicate as follows:

- (1) *Walk*. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) *Don't walk or wait*. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal may proceed to the sidewalk or safety zone while the "don't walk" or "wait" signal is showing.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 552.002.

Sec. 11-94. Display of unauthorized signs, signals or markings.

(a) A person may not place, maintain, or display on or in view of a highway an unauthorized sign, signal, marking or device that:

- (1) Imitates or resembles an official traffic control device or railroad sign or signal;
- (2) Attempts to direct the movement of traffic;
- (3) Hides from view or hinders the effectiveness of an official traffic control device or railroad sign or signal.

(b) A person may not place or maintain on a highway, and a public authority may not permit on a highway, a traffic sign or signal bearing commercial advertising.

(c) A person may not place or maintain a flashing light or flashing electric sign within 1,000 feet of any intersection except under a permit issued by the state transportation commission.

(d) This section does not prohibit a person from placing on private property adjacent to a highway a sign that gives useful directional information and that cannot be mistaken for an official sign.

(e) A sign, signal, light, or marking prohibited under this section is a public nuisance. The authority having jurisdiction over the highway may remove that sign, signal, light, or marking without notice.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 544.006.

Sec. 11-95. Vehicles entering stop or yield intersections.

(a) Preferential right-of-way at an intersection may be indicated by a stop sign or yield sign as authorized in V.T.C.A., Transportation Code § 544.003.

(b) Unless directed to proceed by a police officer or official traffic control device, an operator approaching an intersection on a roadway controlled by a stop sign, after stopping as required by V.T.C.A., Transportation Code § 544.010, shall yield the right-of-way to a vehicle that has entered the intersection from another highway or that is approaching so closely as to be an immediate hazard to the operator's movement in or across the intersection.

(c) An operator approaching an intersection on roadway controlled by a yield sign shall:

- (1) Slow to a speed reasonable under the existing conditions; and
- (2) Yield the right-of-way to a vehicle in the intersection or approaching on another highway so closely as to be an immediate hazard to the operator's movement in or across the intersection.

(d) If an operator is required by subsection (c) of this section to yield and is involved in a collision with a vehicle in an intersection after the operator drove past a yield sign without stopping, the collision is prima facie evidence that the operator failed to yield the right-of-way.

State law references—Authority of city to designate stop intersections, V.T.C.A., Transportation Code § 542.202(a)(8); duty of drivers with respect to stop signs, V.T.C.A., Transportation Code §§ 544.010, 545.153.

Sec. 11-96. Designation of crosswalks, zones and marking traffic lanes.

The city council or its designee is hereby authorized to:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at any intersection where, in its opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.
- (2) Establish safety zones, quiet, play and other zones of such kind and character and at such places as it may deem necessary for the protection of the public.
- (3) Mark lanes for traffic on street pavements at such places as it may deem advisable, consistent with this chapter and other city traffic ordinances.

Sec. 11-97. One-way streets and alleys.

(a) Whenever any ordinance of the city council designates any one-way street or alley, the proper official shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless the signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(b) Upon those streets and parts of streets and in those alleys that are designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction where signs indicating

the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

State law reference—Authority of the city to designate one-way highways and require vehicles thereon to move in one specific direction, V.T.C.A., Transportation Code § 542.202(a)(10).

Sec. 11-98. Turning markers.

(a) The designated official is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by any provision of this Code, state law or city ordinance, rule or regulation.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of those indications.

Secs. 11-99—11-115. Reserved.

ARTICLE IV. SPEED REGULATIONS*

Sec. 11-116. Maximum limits generally.

(a) No person shall operate or drive any vehicle on any street within the city at a greater speed than 30 miles per hour, unless signs are erected designating another speed in accordance with this article.

(b) Notwithstanding any other section of this article, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding

***State law reference**—Speed of vehicles in urban districts and authority of municipalities to alter prima facie speed limits established by state law, V.T.C.A., Transportation Code §§ 545.352, 545.356.

with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care.

(c) The driver of every vehicle shall, consistent with the requirements of subsection (b) of this section, drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic or because of weather or street or highway conditions.

Sec. 11-117. Maximum limits on specific streets.

(a) The city council may alter the maximum speed limit established by section 11-116 on any street or portion thereof within the city in accord with the provisions of V.T.C.A., Transportation Code § 545.356. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of the limit.

(b) The maximum speed limits on the following streets or roads, or designated portions thereof, shall be as follows:

(1) *FM Highway 222.*

- a. From its intersection with State Highway 150 (highway engineer station 0+10.3, control 3038-1) to a point 2,690 feet north (highway engineer station 27+00, control 3038-1) for a distance of approximately 0.509 mile, 45 miles per hour in either direction.
- b. From a point 2,690 feet north of its intersection with State Highway 150 (highway engineer station 0+10.3, control 3038-1) for a distance of 2,279 feet to the northwest city limits (highway engineer station 49+79.5, control 3038-1) a distance of approximately 0.431 mile, 55 miles per hour in either direction.

(2) *Loop 424.*

- a. From the city limits to a point 1,106 feet north of FM 223 a distance of 0.661 mile, 55 miles per hour in either direction.

- b. From a point 1,106 feet north of its intersection with FM 223 to a point approximately 50 feet north of its intersection with FM 223 a distance of 0.200 mile, 50 miles per hour in either direction.
- c. From a point approximately 50 feet north of its intersection with FM 223 to a point approximately 60 feet north of its intersection with Dogwood Street a distance of 0.489 mile, 40 miles per hour in either direction.
- d. From a point approximately 60 feet north of Dogwood Street to Post Oak Street a distance of 0.200 mile, 50 miles per hour in either direction.
- e. From its intersection with Post Oak Street to its intersection with U.S. Highway 59 a distance of 1.241 miles, 55 miles per hour in either direction.

(3) *State Highway 150.*

- a. From its intersection with U.S. Highway 59 (highway engineering station 30+01.10) to a point 175 feet west of Hill Street (highway engineering station 4+76.1) a distance of 0.838 mile, 35 miles per hour in either direction.
- b. From a point 175 feet west of Hill Street (highway engineering station 4+20.1) to a point 620 feet west of Mitchell Street (highway engineering station 30+30) a distance of 0.304 mile, 45 miles per hour in either direction.
- c. From a point 620 feet west of Mitchell Street (highway engineering station 30+30) to a point 130 feet east of Buna Street (highway engineering station 51+42) a distance of 0.400 mile, 50 miles per hour in either direction.
- d. From a point 130 feet east of Buna Street (highway engineering station 51+42) to the west city limits (highway engineering station 73+50) a distance of 0.418 mile, 55 miles per hour in either direction.

(4) *U.S. Highway 59.*

- a. From the north city limits to a point approximately 755 feet north of Farm-to-Market Road 223 a distance of 0.761 mile, 55 miles per hour in either direction.
- b. From a point approximately 755 feet north of Farm-to-Market Road 223 to its intersection with Red Bud Street (approximately 1,736+ south of State Highway 150) a distance of 0.863 mile, 50 miles per hour in either direction.
- c. From the intersection with Red Bud Street (approximately 1,736+ south of State Highway 150) to the south city limits a distance of 2.192 mile, 55 miles per hour in either direction.
- d. From the north city limits, at mile point 4.240, to the south city limits, at mile point 17.500, a distance of 3.431 miles, the maximum speed limit shall be 60 miles per hour in either direction.

(Ord. No. 50, 9-13-1971; Ord. No. 87, 5-12-1980; Ord. No. 126, 5-11-1987; Ord. No. 149, 5-13-1991; Ord. No. 231, 5-14-2007)

Sec. 11-118. School zones.

(a) No person shall operate or drive any vehicle at a speed greater than 25 miles per hour through or to overtake or pass any other vehicle in any school zone (other than the school zone on Loop 424 in the vicinity of the Shepherd High School campus from approximately 711 feet north of the southernmost entrance to the campus to a point approximately 462 feet south of the southernmost entrance of the campus) as may be marked or designated within the city during the hours indicated upon signs erected in the zones or whenever children are present in the zones.

(b) No person shall operate or drive any vehicle at a speed greater than 35 miles per hour through or to overtake or pass any other vehicle in the school zone on Loop 424 in the vicinity of the Shepherd High School campus (from approximately 711 feet north of the southernmost entrance to the campus to a point approximately 462 feet south of the southernmost entrance of the

campus) as may be marked or designated within the city during the hours indicated upon signs erected in the zones or whenever children are present in the zones.

(Ord. of 7-14-1998, § 11-118)



AN ORDINANCE AMENDING THE TRAFFIC ORDINANCE OF THE CITY OF SHEPHERD, TEXAS BEING ORDINANCE NO. 11-118 PERTAINING TO THE SPEED LIMIT IN SCHOOL ZONES

WHEREAS, it is the desire of the City Council of the City of Shepherd, Texas to enact an Ordinance pertaining to the speed limit on Loop 424 in the vicinity of the Shepherd High School Campus;

WHEREAS, the Texas Department of Transportation has determined that the school zone speed limit on Loop 424 in the vicinity of the Shepherd High School Campus should be thirty-five (35) miles per hour in any school zone as may be marked or designated within the city during the hours indicated upon signs erected in the zones or whenever children are present in the zones; and

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHEPHERD, TEXAS THAT ORDINANCE NO. 11-118 BE AMENDED TO READ AS FOLLOWS:

Sec. 11-118 School zones

- (a) No person shall operate or drive any vehicle at a speed greater than twenty-five (25) miles per hour through or to overtake or pass any other vehicle in any school zone (other than the school zone on Loop 424 in the vicinity of the Shepherd High School Campus from approximately 711 feet north of the southern most entrance to the campus to a point approximately 462 feet south of the southern most entrance of the campus) as may be marked or designated within the city during the hours indicated upon signs erected in the zones or whenever children are present in the zones.
- (b) No person shall operate or drive any vehicle at a speed greater than thirty-five (35) miles per hour through or to overtake or pass any other vehicle in the school zone on Loop 424 in the vicinity of the Shepherd High School Campus (from approximately 711 feet north of the southern most entrance to the campus to a point approximately 462 feet south of the southern most entrance of the campus) as may be marked or designated within the city during the hours indicated upon signs erected in the zones or whenever children are present in the zones.

ALL ORDINANCES OR PARTS OF ORDINANCES in conflict with this Ordinance or any part hereof are replaced and repealed.

PASSED ON THE FIRST READING BY THE City Council of the City of Shepherd at its regular meeting on this 19th day of July, 1998.

William J. Bridges
Mayor, City of Shepherd

Sec. 11-119. Racing on highway.

(a) A person may not participate in any manner in:

- (1) A race;
- (2) A vehicle speed competition or contest;
- (3) A drag race or acceleration contest;
- (4) A test of physical endurance of the operator of a vehicle; or
- (5) An exhibition of speed or acceleration or to make a vehicle speed record.

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Drag race means the operation of:

- (1) Two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other; or
- (2) One or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing the relative speeds or power of acceleration of the vehicle in a specified distance or time limit.

Race means the use of one or more vehicles in an attempt to:

- (1) Outgain or outdistance another vehicle or prevent another vehicle from passing;
- (2) Arrive at a given destination ahead of another vehicle; or
- (3) Test the physical stamina or endurance of an operator over a long-distance driving route.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.420.

Sec. 11-120. Minimum limits.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.363.

Sec. 11-121. Exemptions.

The sections of this article regulating the speeds of vehicles shall not apply to authorized emergency vehicles responding to calls, nor to police patrols, nor to physicians or ambulances responding to emergency calls.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.365.

Secs. 11-122—11-150. Reserved.**ARTICLE V. PEDESTRIANS****Sec. 11-151. Application of article.**

Pedestrians shall be subject to traffic control signals as provided in this chapter, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

Sec. 11-152. Duty of drivers.

Notwithstanding other sections of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 552.008.

Sec. 11-153. Walking on roadways.

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a street or highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction.

(c) No person shall stand in a roadway for the purpose of soliciting a ride, contributions, employment or business from the occupant of any vehicle.

(d) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 552.006, 552.007.

Sec. 11-154. Blind and incapacitated pedestrians.

(a) No person may carry a white cane on a public street or highway unless the person is totally or partially blind or otherwise incapacitated.

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by a support dog or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) The failure of a totally or partially blind or otherwise incapacitated person to carry a white cane or be guided or aided by a support dog does not deprive the person of the rights and privileges conferred by law on pedestrians crossing streets or highways and does not constitute evidence of contributory negligence.

State law reference—Similar provisions, V.T.C.A., Human Resources Code § 121.007.

Sec. 11-155. Right-of-way in crosswalks.

(a) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk, when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or

run into the path of a vehicle that is so close that it is impossible for the driver to yield. This subsection shall not apply under the conditions stated in section 11-156.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 552.003.

Sec. 11-156. Crossing at point other than crosswalk.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at any intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 552.005.

Sec. 11-157. Use of right half of crosswalk.

Pedestrians shall move, whenever possible, upon the right half of crosswalks.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 552.004.

Secs. 11-158—11-175. Reserved.

ARTICLE VI. BICYCLES AND PLAY VEHICLES**DIVISION 1. GENERALLY****Sec. 11-176. Parental responsibility relative to article.**

The parent of any child or the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the sections of this article.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.101.

Sec. 11-177. Destroying, removing number on frame.

It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter in any manner the number of any bicycle frame for which a license and license tag have been issued under this article.

Sec. 11-178. Lamps and reflectors.

Every bicycle when in use at nighttime shall be equipped with a lamp on the front of the bicycle which shall emit a white light visible from a distance of at least 500 feet to the front, and with a red reflector on the rear of a type approved by the state department of public safety, which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.104(b), (c).

Sec. 11-179. Warning device.

No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a warning signal audible for a distance of at least 100 feet, provided that a bicycle shall not be equipped with nor shall any person use on a bicycle any siren or whistle.

Sec. 11-180. Brakes.

Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.104(a).

Secs. 11-181—11-190. Reserved.**DIVISION 2. OPERATION REGULATIONS****Sec. 11-191. Traffic laws applicable; competitive racing.**

(a) Every person riding a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those sections of this chapter which by their nature can have no application.

(b) However, organized, competitive bicycle races may be held on public roads, provided that the sponsoring organization shall have obtained the approval of the city council. The sponsoring organization and the city council may establish by agreement special regulations regarding the movement of bicycles during such races or in training for races, including but not limited to permission to ride abreast and other regulations to facilitate the safe conduct of such races or training for races. The term "bicycle" as used in this subsection means a nonmotorized vehicle propelled by human power.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 551.101, 551.105.

Sec. 11-192. Obedience to traffic control devices.

(a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles.

(b) Whenever authorized signs are erected indicating that no right turn or left turn or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except when

the person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

Sec. 11-193. Riding; passengers.

A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at a single time than the number for which it is designed and equipped.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.102(a), (b).

Sec. 11-194. Riding on roadways and bicycle paths.

(a) Except as provided by subsection (c) of this section, a person operating a bicycle upon a roadway at less than the speed of the other traffic on the roadway at that time shall ride as near as practicable to the right curb or edge of the roadway, except when:

- (1) The person is overtaking and passing another vehicle proceeding in the same direction;
- (2) The person is preparing for a left turn at an intersection or onto a private road or driveway; or
- (3) Conditions on the roadway, including fixed or moving objects, parked or moving vehicles, pedestrians, animals, surface hazards, or substandard width lanes, make it unsafe to ride next to the right curb or edge of the roadway.

(b) For the purpose of subsection (a) of this section, a substandard width lane is a lane that is too narrow for a bicycle and a motor vehicle to travel in the lane safely side by side.

(c) A person operating a bicycle on a one-way roadway with two or more marked traffic lanes may ride as near as practicable to the left curb or edge of the roadway.

(d) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two abreast shall

not impede the normal and reasonable flow of traffic on the roadway. If persons are riding two abreast on a laned roadway, they must ride in a single lane.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.103.

Sec. 11-195. Speed restriction.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Sec. 11-196. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the bicycle, coaster, roller skates, sled or toy vehicle or himself to any vehicle upon a roadway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.102(d).

Sec. 11-197. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 551.102(c).

Sec. 11-198. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building in such a manner as to afford the least obstruction to pedestrian traffic.

Sec. 11-199. Riding on sidewalks.

No person shall ride a bicycle upon a sidewalk within a business district. No person 12 or more years of age shall ride a bicycle upon any sidewalk in any district.

Secs. 11-200—11-215. Reserved.

ARTICLE VII. STOPPING, STANDING AND PARKING***Sec. 11-216. Presumption that owner of vehicle illegally parked vehicle.**

In any prosecution charging a violation of any ordinance or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where and for the time during which such violation occurred.

Sec. 11-217. Removal of illegally stopped vehicles—Generally.

(a) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the sections of this article, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the paved or main-traveled part of the highway.

(b) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(c) A peace officer listed under Vernon's Ann. C.C.P. art. 2.12 or a license and weight inspector of the department may remove or require the operator or a person in charge of a vehicle to move a vehicle from a highway if the vehicle:

- (1) Is unattended upon any bridge, viaduct, or causeway or in a tube or tunnel and the vehicle is obstructing traffic;
- (2) Is unlawfully parked and blocking the entrance to a private driveway;

*State law reference—Authority of city to regulate the stopping, standing or parking of a vehicle, V.T.C.A., Transportation Code § 542.202(a)(2).

- (3) Has been reported as stolen;
- (4) Is identified as having been stolen in a warrant issued on the filing of a complaint;
- (5) Is unattended and the officer has reasonable grounds to believe that the vehicle has been abandoned for longer than 48 hours;
- (6) Is disabled so that normal operation is impossible or impractical and the owner or person in charge of the vehicle is:
 - a. Incapacitated and unable to provide for the vehicle's removal or custody; or
 - b. Not in the immediate vicinity of the vehicle;
- (7) Is disabled so that normal operation is impossible or impractical and the owner or person in charge of the vehicle does not designate a particular towing or storage company;
- (8) Is operated by a person an officer arrests for an alleged offense and the officer is required by law to take the person into custody; or
- (9) Is, in the opinion of the officer, a hazard, interferes with a normal function of a governmental agency, or because of a catastrophe, emergency, or unusual circumstance is imperiled.

State law reference—Removal of illegally stopped vehicle, V.T.C.A., Transportation Code § 545.305.

Sec. 11-218. Same—Liability of city.

Section 11-217 shall not be construed to relieve from or lessen the responsibility of any person who shall leave his vehicle parked on the city streets in such a manner that the vehicle may be impounded, nor shall the city be held as assuming any such liability because of impounding or causing the vehicle to be impounded.

Sec. 11-219. Stopping, standing or parking prohibited in certain places.

- (a) An operator may not stop, stand, or park a vehicle:
- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) Within an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the city council indicates a different length by signs or markings;
 - (6) Alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
 - (7) On any bridge or other elevated structure on a highway or in a highway tunnel;
 - (8) On a railroad track;
 - (9) Where an official sign prohibits stopping.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- (1) In front of a public or private driveway;
- (2) Within 15 feet of a fire hydrant;
- (3) Within 20 feet of a crosswalk at an intersection;
- (4) Within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
- (5) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or
- (6) Where an official sign prohibits standing.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

- (1) Within 50 feet of the nearest rail of a railroad crossing; or
- (2) Where an official sign prohibits parking.

(d) A person may stop, stand, or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A private vehicle operated by an elevator constructor responding to an elevator emergency shall be exempt from subsections (a)(1), (a)(5), (a)(6), (a)(9), (b), and (c) of this section.

(f) Subsections (a), (b), and (c) of this section do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic control device.

(g) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.302.

Sec. 11-220. Parking prohibited on specific streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the following streets or parts of streets:

- (1) Loop 424, both sides, from 500 feet north of the north driveway of the Shepherd South Apartment Complex to 500 feet south of the south driveway of the Shepherd South Apartment Complex and from its intersection with Mary Street to 250 feet south of the U.S. Post Office.
- (2) U.S. Highway 59, both sides, from its intersection with Pine Street to its intersection with Church Street, and from 500 feet north of its intersection with FM 223 (highway engineering station 826 + 29.9) to 500 feet south of its intersection with FM 223 (highway engineering station 826 + 29.9) and on the east side of the northbound

lanes from 500 feet south of the Dairy Queen driveway to 300 feet north of the county road just north of the Dairy Queen.

- (3) U.S. Highway 59. No parking within ten feet of the pavement will be permitted on the east side of U.S. Highway 59 from a point approximately 500 feet south of Shoemaker Road to a point approximately 300 feet north of Shoemaker Road.

(Ord. No. 79, 11-13-1978; Ord. No. 90, 4-14-1981; Ord. No. 94, 9-14-1981; Ord. No. 105, 8-8-1983; Ord. No. 127, 5-11-1987; Ord. No. 150, 5-13-1991)

Sec. 11-221. Parking for certain purposes.

No person shall park a vehicle upon any street in the city for the principal purpose of:

- (1) Displaying the vehicle for sale.
- (2) Washing, greasing or repairing the vehicle, except repairs necessitated by an emergency.
- (3) Advertising, except by permit issued by the city secretary and under the conditions stipulated therein.

Sec. 11-222. Unattended vehicles.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brakes thereon and, when standing upon any grade, turning the front wheels to the curb or side of the roadway.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.404.

Sec. 11-223. Parking for disabled persons.

(a) In all city-owned or city-controlled property used for parking, there shall be designated one or more parking spaces or a parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons.

(b) The city shall designate a parking space or area by conforming to the standards and specifications adopted by the state commissioner of licensing and regulation under Vernon's Ann. Civ. St. art. 9102, § 5(c), relating to the identification and dimensions of parking spaces for persons with disabilities.

(c) All private property owners or persons who control property used for parking shall be required to conform to the standards and specifications referred to in subsection (b) of this section when designating a parking space or area for persons with disabilities.

(d) A person commits an offense if:

(1) The person parks a vehicle on which are displayed license plates issued under V.T.C.A., Transportation Code § 502.253 or a disabled parking placard in a parking space or area designated specifically for persons with disabilities by:

a. A political subdivision; or

b. A person who owns or controls private property used for parking as to which a political subdivision has provided for the application of this section under subsection (f) of this section;

(2) The person does not have a disability; and

(3) The person is not transporting a person with a disability.

(e) A person commits an offense if the person parks a vehicle on which license plates issued under V.T.C.A., Transportation Code § 502.253 are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by:

(1) A political subdivision; or

(2) A person who owns or controls private property used for parking as to which the city has provided for the application of this section under subsection (f) of this section.

(f) This section applies to a parking space or area for persons with disabilities on private property that is designated in compliance with the identification requirements referred to in subsection (b) of this section.

(g) The provisions of V.T.C.A., Transportation Code ch. 681 shall apply to privileged parking under this section.

Sec. 11-224. Starting parked vehicle.

No person shall start a vehicle that is stopped, standing or parked unless and until the movement can be made with safety.

Sec. 11-225. Roadway left available for traffic.

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of either lane of a roadway for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

Sec. 11-226. Emerging from an alley, driveway or building.

(a) A driver emerging from an alley, driveway, or building in a business or residence district shall:

- (1) Stop the vehicle before moving on a sidewalk or the sidewalk area extending across an alley or driveway;
- (2) Yield the right-of-way to a pedestrian to avoid collision; and
- (3) On entering the roadway, yield the right-of-way to an approaching vehicle.

(b) Every driver of a vehicle emerging from an alley shall turn to the right.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.256.

Sec. 11-227. Parallel and angle parking.

(a) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the righthand wheels of the vehicle within 18 inches of the curb or edge of the roadway, except as otherwise provided in this section. On one-way streets, vehi-

cles may be parked on the left side of the street, with the lefthand wheels within 18 inches of the curb or edge of the roadway, unless signs prohibit parking.

(b) The city council or its designee shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated upon any federal aid or state highway within this city unless the state transportation commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

(c) Upon those streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to and with the hood or front end of the vehicle next to the curb or edge of the roadway indicated by such signs or markings.

(d) Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 545.303.

Sec. 11-228. Designation and marking of parking stalls; areas where parking is prohibited or limited.

(a) The city council shall cause parking stalls to be maintained and marked off in and on such streets and parts thereof as may be designated by it from time to time, and it shall cause spaces in which parking is prohibited to be maintained and marked off in and on such streets and parts thereof as may be designated by it from time to time. The city council shall also cause time limit parking areas to be maintained and marked off in and on such parts of streets as may be designated by it from time to time. All such spaces or areas shall be clearly indicated by appropriate signs or by markings on the pavement or curb.

(b) In areas designated as time limit parking areas, parking may be limited to any period prescribed by the council, the areas to be designated with clearly distinguished markings or signs at both ends of the time limit area and at reasonable intervals between the beginning and ending of such time limit area, indicating the time allowed for parking in such area.

(c) Any prohibition of or time limit on parking established under this section shall apply on such days and between such hours as prescribed by the council.

Sec. 11-229. Parking in prohibited areas; overtime parking.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or owned or operated by him or in his possession or under his control to be or remain in any space or area in which parking is prohibited as provided in section 11-228 or in a time limit parking area for a longer period of time than that designated by the markings on the street or by signs clearly visible.

Sec. 11-230. Parking or standing in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to block the free passage of other vehicles in the alley.

Sec. 11-231. Loading and unloading generally.

All freight trucks shall be loaded and unloaded from the alley entrance, if practicable. Where conditions are such as to make the loading or unloading thereof from an alley impracticable, such trucks shall be parked on the street in accord with all applicable sections of this article.

Sec. 11-232. Loading, unloading zones—Designation.

The city council is hereby authorized to determine and designate the location of passenger and freight curb loading zones and

shall place and maintain appropriate signs indicating them and stating the hours during which the provisions therefor are applicable.

Sec. 11-233. Same—Use of passenger zones.

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to the curb loading zones are effective, and then only for a period of time not to exceed three minutes, except when the spaces are adjacent to and serving a hotel or bus station, when the period of time may not exceed 15 minutes.

Sec. 11-234. Same—Use of freight zones.

(a) No person shall stop, stand or park a vehicle for any length of time in any place marked as a freight curb loading zone during the hours so set aside, except that commercial vehicles may so stop, stand or park for the expeditious unloading and delivery or loading and pickup of material. In no case shall the stop for unloading, loading, pickup or delivery of material exceed 30 minutes.

(b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping, standing or parking does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone.

Sec. 11-235. Permit to back to curb for loading or unloading.

The city council is authorized to issue special permits of such fee as may be determined by it from time to time to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. The permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as stated in the permit

and authorized in this section, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

Secs. 11-236—11-250. Reserved.

ARTICLE VIII. ABANDONED MOTOR VEHICLES

Sec. 11-251. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned motor vehicle means a motor vehicle that:

- (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or
- (5) Has been left unattended for more than 12 hours on the right-of-way of a turnpike project constructed and maintained by the state turnpike authority or a controlled access highway.

Antique auto means a passenger car or truck that is at least 35 years old.

Collector means the owner of one or more antique or special interest vehicles who collects, purchases, acquires, trades, or disposes of special interest or antique vehicles or parts of them for personal use in order to restore, preserve, and maintain an antique or special interest vehicle for historic interest.

Demolisher means any person whose business it is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle motor vehicles.

Department means the state department of transportation.

Garagekeeper means an owner or operator of a parking place or establishment; a motor vehicle storage facility; or an establishment for the servicing, repair, or maintenance of a motor vehicle.

Junked vehicle means a vehicle that is self-propelled and inoperable and:

- (1) Does not have lawfully affixed to it:
 - a. An unexpired license plate; or
 - b. A valid motor vehicle safety inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Has remained inoperable for more than 45 consecutive days.

Motor vehicle means a motor vehicle that is subject to registration under V.T.C.A., Transportation Code ch. 501, except that for purposes of the applicable sections of this article the term "motor vehicle" includes a watercraft or outboard motor subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31.

Person means any individual, firm, partnership, association, corporation, company, or organization of any kind.

Police department means the city police department or official designated by the city council.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from the original manufacturer's specifications and, because of its historic interest, is being preserved by hobbyists.

Storage facility means a garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles.

(Ord. No. 148, § 1, 1-14-1990)

Cross reference—Definitions and rules of construction generally, § 1-3.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.001 et seq.

Sec. 11-252. Authority to take possession.

(a) The police department may take into custody an abandoned motor vehicle found on public or private property.

(b) The police department may employ its own personnel, equipment, and facilities or hire persons, equipment, and facilities to remove, preserve, and store an abandoned motor vehicle it takes into custody.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.011.

Sec. 11-253. Taking abandoned motor vehicle into custody; notice.

(a) Under this article, the police department shall send notice of abandonment to:

- (1) The last known registered owner of each motor vehicle, watercraft, or outboard motor taken into custody by the agency or for which a report is received under V.T.C.A., Transportation Code § 683.031; and
- (2) Each lienholder recorded under V.T.C.A., Transportation Code ch. 501 for the motor vehicle or under V.T.C.A., Parks and Wildlife Code ch. 31, for the watercraft or outboard motor.

(b) The notice under subsection (a) of this section must:

- (1) Be sent by certified mail not later than the tenth day after the date the agency:
 - a. Takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or
 - b. Receives the report under V.T.C.A., Transportation Code § 683.031;
- (2) Specify the year, make, model, and identification number of the item;
- (3) Give the location of the facility where the item is being held;

- (4) Inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:
 - a. Towing, preservation, and storage charges; or
 - b. Garagekeeper's charges and fees under V.T.C.A., Transportation Code § 683.032; and
- (5) State that failure of the owner or lienholder to claim the item during the period specified by subsection (a)(4) of this section is:
 - a. A waiver by that person of all right, title, and interest in the item; and
 - b. Consent to the sale of the item at a public auction.
- (c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, watercraft, or outboard motor was abandoned is sufficient notice under this section if:
 - (1) The identity of the last registered owner cannot be determined;
 - (2) The registration has no address for the owner; or
 - (3) The determination with reasonable certainty of the identity and address of all lienholders is impossible.
- (d) Notice by publication:
 - (1) Must be published in the same period that is required by subsection (b) of this section for notice by certified mail and contain all of the information required by that subsection; and
 - (2) May contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.
- (e) The consequences and effect of failure to reclaim an abandoned motor vehicle are as set forth in a valid notice given under this section.
- (f) The police department or an agent of the police department, upon taking custody of an abandoned motor vehicle, is entitled to reasonable storage fees for the following periods:
 - (1) Not more than ten days beginning on the day the department takes custody and continuing through the day the department mails notice as provided by this section; and

- (2) Beginning on the day after the day the department mails notice and continuing through the day any accrued charges are paid and the vehicle is removed.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.012.

Sec. 11-254. Auction or use of abandoned items; waiver of rights.

(a) If an abandoned motor vehicle, watercraft, or outboard motor is not claimed under section 11-253:

- (1) The owner or lienholder:
 - a. Waives all rights and interests in the item; and
 - b. Consents to the sale of the item by public auction; and
- (2) The police department may sell the item at a public auction or use the item as provided by V.T.C.A., Transportation Code § 683.016.

(b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.

(c) The purchaser of the motor vehicle, watercraft, or outboard motor:

- (1) Takes title free and clear of all liens and claims of ownership;
- (2) Shall receive a sales receipt from the police department; and
- (3) Is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

(d) From the proceeds of the sale of an abandoned motor vehicle, the police department shall reimburse itself for the expenses of the auction; the costs of towing, preserving, and storing the vehicle that resulted from placing the abandoned motor vehicle in custody; and all notice and publication costs incurred under section 11-253. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in a special

fund that shall remain available for the payment of auction, towing, preserving, storage, and all notice and publication costs that result from placing another abandoned vehicle in custody, if the proceeds from a sale of another abandoned motor vehicle are insufficient to meet these expenses and costs.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 683.014, 683.015.

Sec. 11-255. Garagekeeper's duties and liens.

(a) *Garagekeeper's duty; abandoned motor vehicles.*

- (1) A motor vehicle is abandoned if the vehicle is left in a storage facility operated for commercial purposes after the tenth day after the date on which:
 - a. The garagekeeper gives notice by registered or certified mail, return receipt requested, to the last known registered owner of the vehicle and to each lienholder of record of the vehicle under V.T.C.A., Transportation Code ch. 501, to remove the vehicle;
 - b. A contract for the vehicle to remain on the premises of the facility expires; or
 - c. The vehicle was left in the facility, if the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.
- (2) If notice sent under subsection (a)(1)a of this section is returned by the post office, substituted notice is sufficient if published in one newspaper of general circulation in the area in which the vehicle was left.
- (3) The garagekeeper shall report the abandonment of the motor vehicle to the police department and shall pay a fee of \$5.00 to be used by the police department for the cost of the notice required by this article or other cost incurred in disposing of the vehicle. A fee paid to the state department of public safety shall be used to administer this article.
- (4) The garagekeeper shall retain custody of an abandoned motor vehicle until the police department takes the vehicle into custody under subsection (d) of this section.

(b) *Garagekeeper's fees and charges.*

- (1) A garagekeeper who acquires custody of a motor vehicle for a purpose other than repair is entitled to towing, preservation, and notification charges and reasonable storage fees, in addition to storage fees earned pursuant to contract, for each day:
 - a. Not to exceed five days, until the notice described by subsection (a)(1) of this section is mailed; and
 - b. After notice is mailed, until the vehicle is removed and all accrued charges are paid.
- (2) A garagekeeper who fails to report an abandoned vehicle to the police department within seven days after the date it is abandoned may not claim reimbursement for storage of the vehicle.
- (3) This article does not impair any lien that a garagekeeper has on a vehicle except for the termination or limitation of claim for storage for the failure to report the vehicle to the police department.

(c) *Notification by police department.* The police department, upon receipt of a report from a garagekeeper of the possession of a vehicle considered abandoned under this section shall follow the notification procedures provided by section 11-253, except that custody of the vehicle shall remain with the garagekeeper until after compliance with the notification requirements.

(d) *Disposal of vehicle abandoned in storage facility.*

- (1) The police department shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under section 11-253.
- (2) The police department may use the vehicle as authorized by V.T.C.A., Transportation Code § 683.016, or sell the vehicle at auction as provided by section 11-254. If a vehicle is sold, the proceeds of the sale shall first be applied to the garagekeeper's charges for service, storage, and repair of the vehicle.

- (3) As compensation for expenses incurred in taking the vehicle into custody and selling it, the police department shall retain:
 - a. Two percent of the gross proceeds of the sale of the vehicle; or
 - b. All the proceeds if the gross proceeds of the sale are less than \$10.00.
- (4) Surplus proceeds shall be distributed as provided by V.T.C.A., Transportation Code § 683.015.
- (5) If the police department does not take the vehicle into custody before the 31st day after the date notice is sent under section 11-253:
 - a. The police department may not take the vehicle into custody; and
 - b. The storage facility may dispose of the vehicle under V.T.C.A., Property Code ch. 70, except that notice under section 11-253 satisfies the notice requirements of that chapter.

(e) *Lien of garagekeeper not impaired.* Except for the termination or limitation of claim for storage for failure to report an abandoned motor vehicle, nothing in this section may be construed to impair any lien of a garagekeeper under the laws of this state.

(f) *Unauthorized storage fee.* A person charging fees under subsection (b) of this section commits an offense if the person charges a storage fee for a period of time not authorized by that subsection.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.031 et seq.

Sec. 11-256. Disposal to demolishers.

(a) *Application for authorization to dispose of certain motor vehicles.* A person may apply to the department for authority to:

- (1) Sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:
 - a. The person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty; or

- b. The vehicle is an abandoned motor vehicle and is:
 1. In the possession of the person; or
 2. Located on property owned by the person; or
- (2) Dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:
 - a. The abandoned motor vehicle:
 1. Is in the possession of the person;
 2. Is more than eight years old;
 3. Has no motor or is otherwise totally inoperable; and
 4. Was authorized to be towed by a law enforcement agency; and
 - b. The police department approves the application.
- (b) *Contents of application; application fee.*
 - (1) An application under subsection (a) of this section must:
 - a. Contain the name and address of the applicant;
 - b. State the year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying feature of the vehicle; and
 - c. Include:
 1. A concise statement of the facts surrounding the abandonment;
 2. A statement that the certificate of title is lost or destroyed; or
 3. A statement of the reasons for the defect in the owner's certificate of title for the vehicle.
 - (2) An application under subsection (a)(2) of this section must also include an affidavit containing a statement of the facts that make that subsection applicable.
 - (3) The applicant shall make an affidavit stating that:
 - a. The facts stated in the application are true; and
 - b. No material fact has been withheld.
 - (4) The application must be accompanied by a fee of \$2.00, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the state highway fund.

(c) *Department to provide notice.* Except as provided in subsection (d)(2) of this section, the department shall give notice as provided by subsection (a) of this section if it determines that an application under subsection (a) of this section is:

- (1) Executed in proper form; and
- (2) Shows that:
 - a. The abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or
 - b. The vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle.

(d) *Certificate of authority to dispose of vehicle.*

- (1) The department shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if notice under subsection (c) of this section was given and the vehicle was not claimed as provided by the notice.
- (2) Without giving the notice required by subsection (c) of this section, the department may issue to an applicant under subsection (a)(2) of this section a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle:
 - a. Is more than eight years old; and
 - b. Has no motor or is otherwise totally inoperable.
- (3) A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle.

(e) *Rules and forms.* The department may adopt rules and prescribe forms to implement this section.

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.051 et seq.

Sec. 11-257. Duties of demolishers.

(a) *Generally.* Under this article, the general duties of a demolisher shall be as follows:

- (1) A motor vehicle demolisher who acquires a motor vehicle for dismantling or demolishing shall obtain from the person delivering the vehicle:
 - a. The motor vehicle's certificate of title;
 - b. A sales receipt for the motor vehicle;
 - c. A transfer document for the vehicle as provided by V.T.C.A., Transportation Code § 683.011 et seq. or 683.071 et seq.; or
 - d. A certificate of authority for the disposal of the motor vehicle.
- (2) A demolisher is not required to obtain a certificate of title for the vehicle in the demolisher's name.
- (3) On the department's demand, the demolisher shall surrender for cancellation the certificate of title or certificate of authority.
- (4) The department shall adopt rules and forms necessary to regulate the surrender of auction sales receipts and certificates of title.
- (5) A motor vehicle demolisher commits an offense if the demolisher fails to keep a record as provided by this subsection.
- (6) An offense under subsection (b)(5) of this section is a misdemeanor punishable by:
 - a. A fine of not less than \$100.00 or more than \$1,000.00;
 - b. Confinement in the county jail for a term of not less than ten days or more than six months; or
 - c. Both the fine and confinement.

(b) *Demolisher's records; offense.*

- (1) A motor vehicle demolisher shall keep a record of a motor vehicle that is acquired in the course of business.

- (2) The record must contain:
 - a. The name and address of the person from whom the vehicle was acquired; and
 - b. The date of acquisition of the vehicle.
- (3) The demolisher shall keep the record until the first anniversary of the date of acquisition of the vehicle.
- (4) The record shall be open to inspection by the department or any law enforcement agency at any time during normal business hours.

State law reference—Similar provisions, V.T.C.A., Transportation Code §§ 683.056, 683.057.

Sec. 11-258. Location or presence of junked vehicles deemed nuisance; exceptions.

The location or presence of any junked vehicle on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed a public nuisance, and it shall be unlawful for any person to cause or maintain such public nuisance by wrecking, dismantling, rendering inoperable, abandoning or discarding his vehicle on the property of another or to suffer, permit or allow the vehicle to be placed, located, maintained or exist upon his own real property. This section shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or (iii) an unlicensed operable or inoperable antique or special interest vehicle and the outdoor storage area is maintained in such a manner that it does not constitute a health hazard and is screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, or other appropriate means.

(Ord. No. 148, § 2, 1-14-1990)

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.072.

Sec. 11-259. Abatement or removal order; contents; service.

(a) Whenever a public nuisance exists in the city in violation of this article, the mayor or his enforcement officer, who shall administer this article, shall not give less than ten days' notice of

the violation. A request for a hearing must be made before expiration of the ten-day period by the aggrieved person. The notice shall be mailed by certified mail with a five-day return receipt requested to each lienholder of record of the nuisance and the owner or the occupant of the private premises whereupon such public nuisance exists. If the notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(b) Whenever such public nuisance exists in violation of this section, the mayor or the enforcement officer shall notify the violator of the public nuisance on the public property or on a public right-of-way whereupon such public nuisance exists. If the notice is returned undelivered by the United States post office, official action to abate the nuisance shall be continued to a date not less than ten days from the date of such return.

(c) After a vehicle has been removed it shall not be reconstructed or made operable.

(d) A public hearing prior to the removal of the vehicle or part thereof as a public nuisance is to be held before the council, when such a hearing is requested by the owner or occupant of the public or private premises adjacent to the public right-of-way on which the vehicle is located, within ten days after service of notice to abate the nuisance. Any resolution or order requiring the removal of a vehicle must include the vehicle's description and the correct identification number and license plate number of the vehicle, if available at the site.

(e) Notice by the city is to be given to the state department of transportation within five days after the date of removal identifying the vehicle or part thereof. The department shall forthwith cancel the certificate of title to such vehicle pursuant to V.T.C.A., Transportation Code ch. 501.

(f) The mayor or the enforcement officer shall administer the removal of vehicles or parts thereof from the property.
(Ord. No. 148, § 3, 1-14-1990)

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.074 et seq.

Sec. 11-260. Removal with permission of owner or occupant.

If, within ten days after receipt of notice from the mayor or the enforcement officer or his duly authorized agent for removal of the junked motor vehicle from the premises as provided in this article, the giving of such permission shall be considered in compliance with section 11-259.

(Ord. No. 148, § 4, 1-14-1990)

Editor's note—Ord. No. 148, adopted January 14, 1990, did not specifically amend this Code; hence, codification of § 4 of said ordinance as § 11-260 was included at the editor's discretion.

Sec. 11-261. Disposal of junked vehicles.

(a) As provided in this article, if the public nuisance is not abated by the owner or occupant after notice is given in accordance with this article, official action shall be taken by the city to abate such nuisance. Junked vehicles or parts thereof may be disposed of by removal to a scrapyard, demolisher, or any suitable site operated by the city for process as scrap or salvage, which removal or process shall be considered with subsection (b) of this section. A junked vehicle disposed of to a demolisher in accordance with this article must be transferred to such demolisher by a form acceptable to the state department of transportation (Form No. MVD 71-5). The transfer receipt must be listed on the demolisher's inventory list and surrendered to the state department of transportation in lieu of the certificate of title under the provisions of V.T.C.A., Transportation Code ch. 501.

(b) After a vehicle has been removed pursuant to this section, it shall not be reconstructed or made operable by any person.

(c) Notice shall be given to the state department of transportation within five days after the date of removal identifying the vehicle or part thereof.

(Ord. No. 148, § 5, 1-14-1990)

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.078.

Sec. 11-262. Authority to enforce.

The mayor and the enforcement officer or his agent may enter upon private property for the purpose specified in this article to

examine vehicles and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this article. The municipal court shall have authority to issue all orders necessary to enforce this article.

(Ord. No. 148, § 6, 1-14-1990)

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.074(c).

Sec. 11-263. Reserved.

Sec. 11-264. Applicability of article.

Nothing in this article shall affect ordinances that permit immediate removal of a vehicle left on public property that constitutes an obstruction to traffic.

(Ord. No. 148, § 7, 1-14-1990)

State law reference—Similar provisions, V.T.C.A., Transportation Code § 683.003.

Sec. 11-265. Penalty.

Upon conviction for violation of any section of this article relating to the maintaining of a public nuisance as described in this article or in permitting or allowing such public nuisance to exist, such violator shall be punished by a fine not exceeding \$200.00, and each day that such nuisance shall continue after the time for abatement shall constitute a separate offense.

(Ord. No. 148, § 8, 1-14-1990)

Editor's note—Ord. No. 148, adopted January 14, 1990, did not specifically amend this Code; hence, codification of § 8 of said ordinance as § 11-265 was included at the editor's discretion.

