

Chapter 26 - CIVIL EMERGENCIES⁴¹

Footnotes:

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Cross reference— Administration, ch. 2; courts, ch. 30; fire prevention and protection, ch. 42; law enforcement, ch. 54.

State Law reference— Emergency management, V.T.C.A., Government Code § 418.001 et seq.; local and interjurisdictional emergency management, V.T.C.A., Government Code § 418.101 et seq.; false alarm or report, V.T.C.A., Penal Code § 42.06.

ARTICLE I. - IN GENERAL

Secs. 26-1—26-30. - Reserved.

ARTICLE II. - EMERGENCY MANAGEMENT

Sec. 26-31. - Emergency management director.

- (a) *Office created.* There exists the office of emergency management director of the city, which shall be held by the mayor in accordance with state law.
- (b) *Responsibility for comprehensive program.* The director shall be responsible for conducting a program of comprehensive emergency management within the city and for carrying out the duties and responsibilities set forth in subsection (d) of this section. He may delegate authority for execution of these duties to the coordinator, but ultimate responsibility for such execution shall remain with the director.
- (c) *Powers and duties.* The powers and duties of the director shall include an on-going survey of actual or potential major hazards that threaten life and property within the city; and an on-going program of identifying and requiring or recommending the implementation of measures which would tend to prevent the occurrence or reduce the impact of such hazards if a disaster did occur. As part of his responsibility in hazard mitigation, the director shall supervise the development of an emergency management plan for the city and shall recommend that plan for adoption by the city council along with any and all mutual aid plans and agreements deemed essential for the implementation of such emergency management plan. The powers of the director shall include the authority to declare a state of emergency, but such action may be subject to confirmation by the city council at its next meeting. The duties of the director shall also include the causing of a survey of the availability of existing personnel, equipment, supplies and services that could be used during an emergency as well as a continuing study of the need for amendments and improvements in the emergency management plan.
- (d) *Duties and responsibilities.* The duties and responsibilities of the emergency management director shall include the following:
 - (1) The direction and control of the actual emergency operations of the city's emergency management organization as well as the training of emergency management personnel.
 - (2) The determination of all questions of authority and responsibility that may arise within the emergency management organization of the city.
 - (3) The maintenance of necessary liaison with other municipal, county, district, state, regional, federal or other emergency management organizations.
 - (4) The marshaling, after declaration of an emergency, of all necessary personnel, equipment or supplies from any department of the city to aid in the carrying out of the provisions of the emergency management plan.

- (5) The issuance of all necessary proclamations as to the existence of an emergency and the immediate operational effectiveness of the city emergency management plan.
- (6) The issuance of reasonable rules, regulations or directives necessary for the protection of life and property in the city. Such rules and regulations shall be filed in the office of the city secretary and shall receive widespread publicity unless publicity would be of aid and comfort to the enemy.
- (7) The supervision of the drafting and execution of mutual aid agreements in cooperation with the representatives of the state and of other local political subdivisions of the state, and the drafting and execution, if deemed desirable, of an agreement with the county for the countywide coordination of emergency management efforts.
- (8) The supervision of, and final authorization for the procurement of all necessary supplies and equipment, including acceptance of private contributions that may be offered for the purpose of improving emergency management within the city.
- (9) The authorizing of agreements, after approval by the city attorney, for use of private property for public shelter and other purposes.

(Code 1981, § 9.5-1)

Sec. 26-32. - Emergency management coordinator.

An emergency management coordinator may be appointed by and serve at the pleasure of the emergency management director.

(Code 1981, § 9.5-2)

Sec. 26-33. - Authority to participate in countywide program.

The mayor is authorized to join with the county judge in the formation of an emergency management council for the county and shall have the authority to cooperate in the preparation of a joint emergency management coordinator, as well as all powers necessary to participate in a countywide program of emergency management insofar as such program may affect the city.

(Code 1981, § 9.5-3)

Sec. 26-34. - Emergency management organization.

The operational emergency management organization of the city shall consist of the officers and employees of the city so designated by the director of emergency management in the emergency operations plan, as well as all organized volunteer emergency management associations or groups. The functions and duties of this organization shall be distributed among such officers and employees in accordance with the terms of the emergency management plan. Such plan shall set forth the form of the organization; establish and designate divisions and functions; assign tasks, duties and powers; and designate officers and employees to carry out the provisions of this article. Insofar as possible, the form of organization, titles and terminology shall conform to the recommendations of the state division of emergency management and of the federal government.

(Code 1981, § 9.5-4)

Sec. 26-35. - Orders, rules and regulations to supersede existing ordinances.

- (a) At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede and override all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.
- (b) This article shall not be construed so as to conflict with any state or federal statute or with any military or naval order, rule or regulation.

(Code 1981, § 9.5-5)

Sec. 26-36. - Immunity of agents or representatives of city government.

This article is an exercise by the city of its governmental authority to promote and protect the public peace, health and safety; and every officer, agent or employee of the city, while responding to emergency situations, is authorized to act in such a manner as to most effectively deal with the emergency. This provision shall prevail over every other ordinance of the city and, to the extent to which the city has the authority to so authorize, over any other law establishing a standard of care in conflict with this section. The employee shall not be liable for any failure to use ordinary care in such emergency.

(Code 1981, § 9.5-6)

Sec. 26-37. - Nonliability of property owners granting license of privilege.

Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to the city a license of privilege, or otherwise permits the city to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice enemy attack shall, together with his successors in interest, if any, not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person.

(Code 1981, § 9.5-7)

Sec. 26-38. - Expenditures of public funds.

No person shall have the right to expend any public funds of the city in carrying out any emergency management activity authorized by this article without prior approval by the city council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior and specific approval of the city council.

(Code 1981, § 9.5-8)

Sec. 26-39. - Prohibited activities.

- (a) *Operation of siren by unauthorized person.* Any unauthorized person who shall operate a siren or other device so as to simulate the termination of a warning shall be deemed guilty of a violation of this article and shall be subject to the penalties imposed by this article.
- (b) *Obstruction of emergency management organization personnel.* It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any rule or regulation issued pursuant to this chapter, or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this chapter. It shall likewise be unlawful for any person to wear, carry or display any emblem, insignia or any other means of identification as a member of the emergency management organization of the city unless authority to do so has been granted to such person by the proper officials.

(Code 1981, § 9.5-9)

State Law reference— False alarm or report, V.T.C.A., Penal Code § 42.06.

Sec. 26-40. - Oath.

Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the state and the ordinances of the city.

(Code 1981, § 9.5-10)

Chapter 30 - COURTS^[1]

Footnotes:

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Cross reference— Administration, ch. 2; civil emergencies, ch. 26; law enforcement, ch. 54; offenses and miscellaneous provisions, ch. 62; traffic and vehicles, ch. 94.

State Law reference— Municipal court, V.T.C.A., Government Code ch. 29; court procedures, Vernon's Ann. C.C.P. art. 45.01 et seq.

ARTICLE I. - IN GENERAL

Secs. 30-1—30-30. - Reserved.

ARTICLE II. - MUNICIPAL COURT^[2]

Footnotes:

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State Law reference— Creation of municipal court, V.T.C.A., Government Code § 29.002.

Sec. 30-31. - Jurisdiction.

The municipal court shall have jurisdiction within the city with the power to hear and determine all cases of violation of this Code, the ordinances of the city, and all other cases of which municipal courts are given jurisdiction by state law.

(Code 1981, § 8-2)

State Law reference— Jurisdiction of municipal court, V.T.C.A., Government Code § 29.003.

Sec. 30-32. - Seal.

The municipal court shall have a seal having engraved thereon a star of five points in the center and the words "Municipal Court in Sonora, Texas," around the margin thereof, the impress of which shall be

attached to all papers except subpoenas, issued out of the court and shall be used to authenticate the official acts of the clerk and of the judge of the municipal court.

(Code 1981, § 8-3)

Sec. 30-33. - Judge.

The municipal court shall be presided over by a judge to be known as the judge of the municipal court; such judge of the municipal court shall be appointed as provided in section 2-141.

(Code 1981, § 8-4; Ord. No. 527, § 1, 12-18-01)

Sec. 30-34. - Clerk.

The city secretary shall be ex officio clerk of the municipal court; and he is hereby authorized to appoint a deputy, who shall have the same power as the secretary.

(Code 1981, § 8-5)

Sec. 30-35. - Building security fund.

- (a) *Created.* There is created a municipal court building security fund. This fund shall be administered under the direction of the city council.
- (b) *Fee assessed.* All defendants convicted in a trial for a misdemeanor offense in municipal court shall be required to pay a security fee as provided in the current fee schedule as a cost of court. A person is considered convicted for purposes of this section if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication, or the person enters a plea and enters a court authorized dismissal program. The security fee shall be collected by the clerk of the municipal court and paid to the city treasurer for deposit in the municipal court building security fund.
- (c) *Purposes.* The municipal court building security fund shall be used only to finance the following items when used for the purpose of providing security services for any buildings housing the municipal court of the city:
 - (1) The purchase or repair of X-ray machines and conveying systems;
 - (2) Hand-held metal detectors;
 - (3) Walk-through metal detectors;
 - (4) Identification cards and systems;
 - (5) Electronic locking and surveillance equipment;
 - (6) Bailiffs, deputy sheriffs or contract security personnel during times when they are providing appropriate security services;
 - (7) Signage;
 - (8) Confiscated weapon inventory and tracking systems;
 - (9) Locks, chains or other security hardware; and
 - (10) Any other item or service permitted by law.
- (d) *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. 475, § 1(8-6), 3-19-96)

State Law reference— Municipal court building security fund, Vernon's Ann. C.C.P. art. 102.017.

Sec. 30-36. - Municipal court technology fund.

- (a) *Created.* There is created a municipal court technology fund. This fund shall be administered under the direction of the city council.
- (b) *Fee assessed.* All defendants convicted of a misdemeanor offense in municipal court shall be required to pay a \$4.00 technology fee as a cost of court. A person is considered convicted for purposes of this ordinance if a sentence is imposed on the person, the person receives community supervision, including deferred adjudication or the court defers final disposition of the person's case. The technology fee shall be collected by the municipal court clerk and paid to the city treasurer for deposit in the municipal court technology fund.
- (c) *Fund purposes.* The municipal court technology fund may be used only to finance the following items when used for the purpose of providing technological enhancements for the municipal court:
 - (1) Computer systems;
 - (2) Computer networks;
 - (3) Computer hardware;
 - (4) Computer software;
 - (5) Imaging systems;
 - (6) Electric kiosks;
 - (7) Electronic ticket writers; and
 - (8) Docket management systems.
- (d) *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. 526, § 1, 10-16-01)

Chapter 38 - ENVIRONMENT¹¹

Footnotes:

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Cross reference— Animals, ch. 14; buildings and building regulations, ch. 22; unsafe buildings, § 22-251 et seq.; floods, ch. 46; natural resources, ch. 58; parks and recreation, ch. 66; planning, ch. 78; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; motor vehicles noise, § 94-600; utilities, ch. 98; vegetation, ch. 102; zoning, att. A; airport hazard zoning, att. B; historic landmark and district zoning, att. C; subdivisions, att. D.

State Law reference— Abatement of nuisances, V.T.C.A., Health and Safety Code § 341.012; soil and water conservation, V.T.C.A., Agriculture Code § 201.001 et seq.; common and public nuisances, V.T.C.A., Civil Practice and Remedies Code § 125.001 et seq.; air quality, V.T.C.A., Health and Safety Code ch. 382 et seq.; oil and gas hazardous waste, V.T.C.A., Natural Resources Code § 91.601 et seq.; water quality control, V.T.C.A., Water Code § 26.001 et seq.; waste disposal and control of stormwater, V.T.C.A., Water Code § 51.331 et seq.

ARTICLE I. - IN GENERAL

Secs. 38-1—38-30. - Reserved.

ARTICLE II. - OFFENSIVE CONDITIONS²¹

Footnotes:

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State Law reference— Local regulation of sanitation, V.T.C.A., Health and Safety Code ch. 342.

Sec. 38-31. - 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:

Nuisance means the doing of any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to exist, which act, omission, condition or thing:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Code 1981, § 13-16)

Cross reference— Definitions generally, § 1-2.

Sec. 38-32. - Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is declared to be and constitute a nuisance; however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation.
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.
- (3) Any condition that provides harborage for rats, mice, snakes and other vermin.
- (4) Any building or other structure that is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.
- (5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes that give rise to the emission or generation of such odors and stenches.
- (7) The carcasses of animals or fowl not disposed of within a reasonable time after death.

- (8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery wastes, industrial wastes or other substances.
- (9) Any building, structure or other place or location where any activity in violation of local, state or federal law is conducted, performed or maintained.
- (10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (11) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.

(Code 1981, § 13-17)

Sec. 38-33. - Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Code 1981, § 13-18)

Sec. 38-34. - Restrictions on vegetation.

- (a) It shall be unlawful for any person who shall own or occupy any lot, tract or parcel of land in the city to allow grass, weeds, brush or other vegetation to grow to heights over 12 inches within the areas of any lot, tract or parcel of land specified in this section.
- (b) The areas to be maintained clean under this section shall extend back from each property line that abuts any open and maintained street right-of-way 25 feet, and all areas within 50 feet from any building or structure, whether situated on the same lot or adjacent lot.
- (c) It shall be the duty of the property owner or person occupying the property to keep the area from the property line to the street curblin, or if no curblin, then to the bar ditch on the nearest maintained part of the traveled portion of the street or roadway, clean in accordance with this section; however, the property owner or property user shall not be required to remove any shade trees from any areas covered by this section unless the same constitutes a traffic hazard, and removal thereof is specifically required by the city.
- (d) As to large and undeveloped tracts or where several lots shall have common ownership and the purposes of this section will not be served by requiring compliance with the provision for maintaining clear the area of 25 feet from the street right-of-way, the city manager upon written request may, if he finds that the purposes of this section will not be served by compliance, waive or exempt compliance with this section for such period of time until there is a change of conditions requiring compliance, at which time written notice shall be given by the city to such owner that the waiver or exemption has been revoked.
- (e) All vegetation not regularly cultivated and that exceeds 12 inches in height shall be presumed to be objectionable and unsightly; except that regularly cultivated crops regardless of height shall not be allowed to grow within the right-of-way of any public street, alley or other public easement.

(Code 1981, § 13-19)

Sec. 38-35. - Inspection and enforcement.

The inspector of the city or such other officer or employee of the city as the city manager may from time to time designate shall inspect or cause to be inspected all tracts, lots and parcels of land within the city limits to determine compliance with this article.

(Code 1981, § 13-20; Ord. No. 454, § 1(13-20), 8-15-95)

Sec. 38-36. - Notice to abate.

- (a) Upon discovery of a nuisance prohibited by the terms of this article, it shall be the duty of the inspector or such other officer or employee of the city as the city manager may from time to time designate to give the owner of the real property notice of violations to be corrected within ten days from receipt of such notice. The owner of the real property shall be that owner listed on the most current tax rolls of the county appraisal district.
- (b) Such notice may be in writing, served upon such owner in person by an officer or employee of the city, or may be addressed by letter to such owner at his post office address. If personal service may not be had, or the owners address is not known, the notice may be given by publishing a brief summary of such notice on two separate days within ten consecutive days in the official newspaper of the city, addressed Sanitary Improvements: To Whom It May Concern; and such publication shall be deemed sufficient notice.

(Code 1981, § 13-21; Ord. No. 454, § 1(13-21), 8-15-95)

Sec. 38-37. - Contents of notice.

The notice to abate a nuisance issued under the provisions of section 38-36 shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

(Code 1981, § 13-22)

Sec. 38-38. - Abatement by city.

Should any owner, tenant or user of any lot, tract or parcel of land fail to comply with the notice of violation given by the city, the city may then proceed with enforcement of this article through its municipal court, or may enter upon the property and take the necessary steps to abate such violations and prepare a statement of costs incurred in the abatement thereof.

(Code 1981, § 13-23)

Sec. 38-39. - Emergency abatement by city.

When in the opinion of any duly designed officer there is actual and immediate danger to the public or occupants of premises caused by a nuisance on such premises, and in the case of nuisance on public property, the officer is hereby authorized and empowered, without any notice or hearing, to order and require such nuisance abated. The officer shall immediately post, in the case of private premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

(Code 1981, § 13-24)

Sec. 38-40. - Collection of costs incurred.

- (a) Expenses incident to action by the city under this article, plus an additional service charge of 50 percent of the actual expense to cover administrative costs, shall be assessed against the owner of all interest in such lot, tract or parcel of land, or against the owner of the nuisance in the case of nuisances on public property. An itemized bill of such costs shall be mailed by the city manager to each one of such owners if their addresses are known. If the bill remains unpaid for a period of 30 days after the date of the mailing of such bill, the mayor, municipal health officer, or municipal official designated by the mayor must file a statement of expenses with the county clerk.
- (b) Upon the filing of a statement with the county clerk, a lien attaches to the property upon which such expenses are incurred. The lien statement must state the name of the owner, if known, and the legal description of the property.
- (c) The lien obtained by the city is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city.
- (d) The lien is inferior only to tax liens and liens for street improvements.
- (e) For any such debt and interest, the city may bring suit for foreclosure in the name of the city to recover the expenditures and interest due. In such suits, the statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.

(Code 1981, § 13-25; Ord. No. 454, § 1(13-25), 8-15-95)

Secs. 38-41—38-70. - Reserved.

ARTICLE III. - ABANDONED PROPERTY³

Footnotes:

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Cross reference— Unclaimed property, § 54-71 et seq.

Sec. 38-71. - Declaring certain property a nuisance and authorizing impoundment.

Any property or obstruction placed, left standing, parked, erected or lying in violation of any ordinance of the city or left unattended for more than 48 continuous hours in or on any public street, alley, sidewalk, park or other public place of the city is declared to be a nuisance; and any such property when so found shall be removed summarily by any employee of the city and taken to the city pound and shall be kept there until redeemed or sold as provided in this article.

(Code 1981, § 13-37)

Sec. 38-72. - Exception for motor vehicles.

The provisions of this article shall not apply to motor vehicles abandoned within the city. Abandoned motor vehicles shall be governed by article IV of this chapter.

(Code 1981, § 13-38)

Sec. 38-73. - Lien on impounded property.

The city shall have a lien on impounded personal property for all costs incurred in impounding, storing and advertising such property; and such lien shall be prior and superior to all other liens of every kind, save and except liens for ad valorem taxes; and the city may retain possession of the property until all costs are paid and may sell the property as provided in this article.

(Code 1981, § 13-39)

Sec. 38-74. - Redemption.

The owner or any person legally entitled to possession of impounded personal property may redeem the property as follows:

- (1) *Before sale.* By paying to the city manager the impounding fee and any other actual expenses incurred by the city in impounding and keeping the impounded property, as determined by the city manager.
- (2) *After sale.* By paying to the buyer at the auction sale double the amount paid by him for such personal property and any reasonable expenses incurred by him for keeping the property; providing that the property must be redeemed from the auction buyer within 30 days after the date of the auction sale, excluding the date of sale, otherwise, title to the property shall become absolute in the auction buyer.

(Code 1981, § 13-40)

Sec. 38-75. - Unredeemed property to be sold.

When any personal property is not redeemed within 60 days after being impounded, the property shall be disposed of in any manner deemed appropriate by the city manager after first obtaining approval of the city council.

(Code 1981, § 13-41; Ord. No. 615, § 2, 10-20-09)

Sec. 38-76. - Notice procedure before sale or disposal.

Before selling or disposing of impounded personal property, the city manager shall post two notices thereof, one at the county courthouse door, and one at the entrance to city hall, and shall cause a copy thereof to be published in a newspaper published in the city once a week for two consecutive weeks, the date of the first publication to be at least 14 days prior to the date of sale or disposal. The notice shall describe the impounded property, state that the same is unredeemed, state the manner that said property will be disposed of or sold. If the property is to be sold, the time, date and place of sale shall be stated. No property shall be disposed of or sold until at least 14 days after the posting of such notices.

(Code 1981, § 13-42; Ord. No. 615, § 2, 10-20-09)

Sec. 38-77. - Sale.

Upon a sale of any impounded property that is not redeemed by the date and time designated in the notice, the city manager shall execute a bill of sale of the property to the purchaser thereof; provided, he shall not execute or deliver any but a conditional bill of sale unless the title of the buyer has become absolute

by an expiration of 30 days in time, exclusive of the day of sale, without being redeemed by the owner of the impounded property.

(Code 1981, § 13-43; Ord. No. 615, § 2, 10-20-09)

Sec. 38-78. - Disposal of proceeds of sale.

After deducting the impounding fee and all other actual expenses incurred by the city in impounding, storing and disposing of the property, as determined by the city manager, not to exceed a reasonable amount for each impounded article, he shall pay the balance of the proceeds of such sale, if any, the owner of the property. If the owner fails to call for such proceeds within 30 days, they shall be paid into the city treasury.

(Code 1981, § 13-44; Ord. No. 615, § 2, 10-20-09)

Sec. 38-79. - Reserved.

Editor's note— Ord. No. 615, § 3, adopted Oct. 20, 2009, deleted § 38-79, which pertained to unsold property deemed junk and derived from Code 1981, § 13-45.

Sec. 38-80. - Records to be kept.

The city manager shall keep a record book, which shall contain:

- (1) A description of all property impounded;
- (2) The date and time of such impounding;
- (3) The date notices of sale were posted and advertised and mailed to owners and lienholders;
- (4) The return of receipts of registered notices;
- (5) The date of the sale at auction;
- (6) The amount realized for each article at such sale;
- (7) The name and address of the owner and lienholders, if known;
- (8) The name and address of the auction buyer; and
- (9) Any such other information as he may deem necessary.

(Code 1981, § 13-46)

Sec. 38-81. - Fees.

Fees as provided in the current fee schedule shall be charged under this article and shall be paid into the city treasury.

(Code 1981, § 13-47)

Secs. 38-82—38-115. - Reserved.

ARTICLE IV. - ABANDONED OR JUNKED VEHICLES⁴

Footnotes:

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Cross reference— Unclaimed property, § 54-71 et seq.; traffic and vehicles, ch. 94.

State Law reference— Abandoned motor vehicles, V.T.C.A., Transportation Code ch. 683; junked vehicles, V.T.C.A., Transportation Code § 683.071 et seq.

DIVISION 1. - GENERALLY

Sec. 38-116. - Application to vehicles obstructing traffic.

Nothing in this article shall affect provisions of this Code, state law or city ordinances that permit immediate removal of a vehicle left on public property that constitutes an obstruction to traffic.

(Ord. No. 454, § 1(13-61), 8-15-95)

Sec. 38-117. - Authority to enforce article.

Any person authorized by the city to administer the provisions of the procedures of the type authorized by this article may enter upon private property for the purposes specified in the procedures to examine vehicles or parts thereof, obtain information as to the identity of vehicles, and remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to the procedures. The municipal court shall have authority to issue all orders necessary to enforce such procedures.

(Code 1981, § 13-62)

Secs. 38-118—38-140. - Reserved.

DIVISION 2. - JUNKED VEHICLES^[5]

Footnotes:

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Editor's note—Ord. No. 617, § 1, adopted Oct. 20, 2009, deleted the former Div. 2, §§ 38-141—38-148, and enacted a new Div. 2 as set out herein. The former Div. 2 pertained to junked vehicles and derived from Code 1981, §§ 13-71—13-78; Ord. No. 454, § 1(13-72, 13-73, 13-78), adopted Aug. 15, 1995.

Sec. 38-141. - Definitions.

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

Demolisher means a person in the business of converting motor vehicles into processed scrap or scrap metal, wrecking or dismantling motor vehicles.

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

- (1) Does not have lawfully attached to it:
 - a. An unexpired license plate; and

- b. A valid motor vehicle inspection certificate; and
- (2) Is:
 - a. Wrecked, dismantled or partially dismantled, or discarded; or
 - b. Inoperable and has remained inoperable for more than:
 - 1. Seventy-two consecutive hours, if the vehicle is on public property; or
 - 2. Thirty consecutive days, if the vehicle is on private property.

Motor vehicle means a vehicle that is subject to registration under V.T.C.A, Transportation Code.

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

(Ord. No. 617, § 1, 10-20-09)

Cross reference— Definitions generally, § 1-2.

Sec. 38-142. - Junked vehicle declared to be public nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-143. - Offense.

- (a) A person commits an offense if the person maintains a public nuisance described by section 38-142 of this division.
- (b) An offense under this section is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance on conviction.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-144. - Authority to abate nuisance; procedures.

- (a) Whenever such public nuisance exists in the city on public property in violation of this division, the chief of police or his designee shall give not less than ten days' notice of the nature of the nuisance. The notice must be personally delivered, sent by certified mail with a five-day return requested or delivered by the United States Postal Service with signature confirmation service to:

- (1) The last known registered owner of the nuisance;
 - (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:
 - a. The property on which the nuisance is located; or
 - b. If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state that:
- (1) The nuisance must be abated and removed not later than the tenth day after the date on which the noticed was personally delivered or mailed; and
 - (2) Any request for a hearing must be made before that ten-day period expires.
- (c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th date of the return.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-145. - Hearing.

- (a) The governing body of the city or official designated by the governing body shall conduct hearings under the procedures adopted under this subchapter.
- (b) If a hearing is requested by a person for whom notice is required under subsection 38-143(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
 - (1) Description;
 - (2) Vehicle identification number; and
 - (3) License plate number.
- (e) After a vehicle has been removed, it shall not be reconstructed or made operable.
- (f) Notice by the city is to be given to the state department of transportation within five days of removal identifying the vehicle or part of the vehicle.
- (g) The municipal court may issue necessary orders to enforce the procedures.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-146. - Alternative procedure for administrative hearing.

If within ten days after receipt of notice from the chief of police or his designee, to abate a nuisance, as provided in this division, the owner or occupant of the premises shall give his written permission to the chief of police for removal of the junked motor vehicle from the premises, the giving of such permission shall be considered compliance with the provisions of section 38-144.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-147. - Exceptions.

- (a) Procedures adopted under section 38-144 may not apply to a vehicle or vehicle part:
 - (1) That is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
 - (2) That is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - a. Maintained in an orderly manner;
 - b. Not a health hazard; and
 - c. Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.
- (b) In this section:
 - (1) *Antique vehicle* means a passenger car or truck that is at least 25 years old.
 - (2) *Motor vehicle collector* means a person who:
 - a. Owns one or more antique or special interest vehicles; and
 - b. Acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.
 - (3) *Special interest vehicle* means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-148. - Disposal of junked vehicles.

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrapyard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.
- (b) A municipality or county may operate a disposal site if its governing body determines that commercial disposition is not available or is inadequate.
- (c) A municipality may: finally dispose of a junked vehicle or vehicle part; or transfer it to another disposal site if the disposal is scrap or salvage only.

(Ord. No. 617, § 1, 10-20-09)

Sec. 38-149. - Penalty.

Upon conviction for violation of any provisions of this division relating to the maintaining of a public nuisance as described in this division or in permitting or allowing such public nuisance to exist, such violator shall be punished as provided in section 1-11 of this Code; and each day that such nuisance shall continue after the time for abatement as set out in this division shall constitute a separate offense. On conviction, the court shall order removal and abatement of the nuisance.

(Ord. No. 617, § 1, 10-20-09)

Chapter 46 - FLOODS^[1]

Footnotes:

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Cross reference— Buildings and building regulations, ch. 22; environment, ch. 38; natural resources, ch. 58; planning, ch. 78; solid waste, ch. 82; streets, sidewalks and other public places, ch. 86; utilities, ch. 98; zoning, att. A; airport hazard zoning, att. B; historic landmark and district zoning, att. C; subdivisions, att. D; design standards for floodways, att. D, § 5-11; subdivision improvements for drainage, att. D, § 6-5.

State Law reference— Municipal water control, V.T.C.A., Local Government Code § 401.001 et seq.; municipal drainage utility systems, V.T.C.A., Local Government Code § 402.041 et seq.; city-county water control, V.T.C.A., Local Government Code §§ 411.002, 411.003; Flood Control and Insurance Act, V.T.C.A., Water Code § 16.311 et seq.; contracts with conservation districts for flood control and drainage, V.T.C.A., Agriculture Code § 201.152; disaster prevention, V.T.C.A., Government Code § 418.121 et seq.

ARTICLE I. - IN GENERAL

Secs. 46-1—46-30. - Reserved.

ARTICLE II. - FLOOD DAMAGE PREVENTION^[2]

Footnotes:

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Editor's note—Ord. No. 593, § 1, adopted Jan. 15, 2008, repealed the former Art. II, Div. 1, §§ 46-31—46-32, Div. 2, §§ 46-66—46-69, Div. 3, §§ 46-91—46-95 and enacted a new Art. II as set out herein. The former Art. II pertained to flood damage prevention and derived from (Code 1981, §§ 11-1—11-12, 11-23—11-26, §§ 11-38—11-42; Ord. No. 469, § 1(11-25), 10-17-95.

DIVISION 1. - GENERALLY

Sec. 46-31. - Statutory authorization.

The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-32. - Findings of fact.

- (a) The flood hazard areas of Sonora are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-33. - Statement of purpose.

It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-34. - Methods of reducing flood losses.

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-35. - Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article its most reasonable application.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future conditions flood hazard means the land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year—Also called the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development means any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). See Flood elevation study.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. See Regulatory floodway.

Functionally dependent use means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the secretary of the interior; or
 - b. Directly by the secretary of the interior in states without approved programs.

Levee means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Manufactured home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Is 400 square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special flood hazard area. See Area of special flood hazard.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages

or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see section 60.6 of the National Flood Insurance Program regulations.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 593, § 1, 1-15-08)

Cross reference— Definitions generally, § 1-2.

Sec. 46-36. - Lands to which this article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the City of Sonora.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-37. - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Sonora" dated _____, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or BFM) dated _____; and any revisions thereto are hereby adopted by reference and declared to be a part of this article.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-38. - Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this article.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-39. - Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this article and other applicable regulations.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-40. - Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-41. - Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-42. - Warning and disclaimer or liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

(Ord. No. 593, § 1, 1-15-08)

Secs. 46-43—46-65. - Reserved.

DIVISION 2. - ADMINISTRATION^[3]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 46-66. - Designation of the floodplain administrator.

The city manager is hereby appointed the floodplain administrator to administer and implement the provisions of this article and other appropriate sections of 44 CFR (Emergency Management and Assistance—National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-67. - Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this article.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this article.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with section 46-37, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of division 3 of this article.
- (9) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR, chapter 1, section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by section 65.12.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-68. - Permit procedures.

- (a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
 - (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 - (3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 46-92(2);
 - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 - (5) Maintain a record of all such information in accordance with section 46-67(1);
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this article and the following relevant factors:
 - (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that materials may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 - (8) The necessity to the facility of a waterfront location, where applicable;
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-69. - Variance procedures.

- (a) The zoning board of adjustments, as established by the community, shall hear and render judgment on requests for variances from the requirements of this article.
- (b) The board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.
- (c) Any person or persons aggrieved by the decision of the board may appeal such decision in the courts of competent jurisdiction.

- (d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 46-68(b) of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (g) Upon consideration of the factors noted above and the intent of this article, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article.
- (h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (j) Prerequisites for granting variances:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (2) Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - (1) The criteria outlined in subsections (a)—(i) are met; and
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 593, § 1, 1-15-08)

Secs. 46-70—46-90. - Reserved.

DIVISION 3. - PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 46-91. - General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
- (7) Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-92. - Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in sections 46-37, 46-67(8) or 46-93(c), the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 46-68(b)(1), is satisfied.
- (2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (4) *Manufactured homes.*
- a. Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites:
 - 1. Outside of a manufactured home park or subdivision;
 - 2. In a new manufactured home park or subdivision;
 - 3. In an expansion to an existing manufactured home park or subdivision; or
 - 4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4) of this section be elevated so that either:
 - 1. The lowest floor of the manufactured home is at or above the base flood elevation; or
 - 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use; or
 - c. Meet the permit requirements of [subsection 46-68(a)], and the elevation and anchoring requirements for "manufactured homes" in subsection (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-93. - Standards for subdivision proposals.

- (a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 46-32, 46-33 and 46-34.

- (b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 46-38, 46-68 and this division.
- (c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to sections 46-37 and [46-67].
- (d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-94. - Standards for areas of shallow flooding (AO/AH zones).

Located within the areas of special flood hazard established in section 46-37, are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures;
 - a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation in an AH zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section [46-68] are satisfied.
- (4) Require within zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-95. - Floodways.

Floodways. Located within areas of special flood hazard established in section 46-37, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated

through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- (2) If [subsection (1)] above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division 3.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulation, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by section 65.12.

(Ord. No. 593, § 1, 1-15-08)

Sec. 46-96. - Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 593, § 1, 1-15-08)

Chapter 54 - LAW ENFORCEMENT¹¹

Footnotes:

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Cross reference— Administration, ch. 2; civil emergencies, ch. 26; courts, ch. 30; offenses and miscellaneous provisions, ch. 62; traffic and vehicles, ch. 94.

State Law reference— Municipal law enforcement, V.T.C.A., Local Government Code ch. 341; arrest without warrant, Vernon's Ann. C.C.P. art. 14.01 et seq.; arrest under warrant, Vernon's Ann. C.C.P. art. 15.01 et seq.

ARTICLE I. - IN GENERAL

Sec. 54-1. - Police department fee schedule.

The schedule of fees charged by the chief of police, which includes livestock permits, city dog and cat license fees, pet adoption fees, animal impound fees, solicitors permit, warrant service, and other fees and services shall be as determined by the city council from time to time and on file in the office of the city secretary.

(Ord. No. 460, § 1, 9-19-95)

Sec. 54-2. - Interlocal assistance of law enforcement officers.

- (a) The city, insofar as the police department is concerned, adopts in full the application of V.T.C.A., Local Government Code ch. 362, providing for interlocal assistance of law enforcement officers under the conditions, terms and provisions as provided in, for and by such statute.
- (b) Either the mayor, city manager or chief of police is expressly given authority to call for or permit assistance to be given in accordance with V.T.C.A., Local Government Code ch. 362.

(Code 1981, § 17-1)

Secs. 54-3—54-35. - Reserved.

ARTICLE II. - POLICE RESERVE FORCE²

Footnotes:

--- (2) ---

State Law reference— Police reserve force, V.T.C.A., Local Government Code § 341.012.

Sec. 54-36. - Establishment.

The city establishes a police reserve force in compliance with V.T.C.A., Local Government Code §§ 141.007 and 142.003. Such laws shall constitute minimum standards when no other minimum standard is mentioned in this article.

(Code 1981, § 17-25)

Sec. 54-37. - Compliance with state standards.

All officers of the police reserve force shall comply with all laws for standards and education as set out in V.T.C.A., Government Code § 415.031, under the state commission on law enforcement officer standards and education.

(Code 1981, § 17-26)

Sec. 54-38. - Bond and oath.

Officers of the police reserve force prior to their entry upon duty shall file an oath and a bond in the amount of \$2,000.00, payable to the city, and filed with the city secretary.

(Code 1981, § 17-28)

Sec. 54-39. - Duties listed.

A list of the duties of the police reserve force shall be promulgated by the chief of police, city manager and city attorney, listing the specific duties of the police reserve force.

(Code 1981, § 17-29)

Sec. 54-40. - Bylaws.

The police department reserve division bylaws, attached hereto as exhibit A, shall be complied with to the extent they are in accord with the laws of the state and other limitations as set out in this article.

(Code 1981, § 17-30)

Editor's note— Exhibit A, the Sonora Police Department Reserve Division Bylaws, adopted by reference in the above section, is not included herein, but can be found on file for inspection in the office of the city secretary.

Secs. 54-41—54-70. - Reserved.

ARTICLE III. - UNCLAIMED PROPERTY^[3]

Footnotes:

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Editor's note—Ord. No. 562, §§ 2 and 3, adopted September 20, 2005, has been treated by the editor as repealing former art. III, §§ 54-71—54-82, and adding a new art. III. Former art. III pertained to similar subject matter, and derived from the Code of 1981 §§ 17-41—17-53.

Cross reference— Abandoned property, § 38-71 et seq.; abandoned or junked vehicles, § 38-116 et seq.

Sec. 54-71. - Authority to sell.

- (a) *Generally*. All abandoned, stolen or recovered property of every kind, except motor vehicles, that shall remain unclaimed with the police department for a period of two months without being claimed or reclaimed by the owners, whether known or not, may be sold and disposed of as provided in this article.
- (b) *Automobiles*. All abandoned, stolen or recovered motor vehicles that shall remain unclaimed with the police department for a period of 30 days without being claimed or reclaimed by the owners, whether known or not, may be sold and disposed of as provided in this article.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-72. - Delivery to purchasing agent.

The chief of police shall give to the city manager a list of all property subject to sale under this article and shall thereafter deliver such property, including motor vehicles, to the city manager when requested to do so by the city manager.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-73. - Disposal of surplus, obsolete, or unclaimed personal property.

- (a) Any personal property owned by the city that is worn out, scrap or obsolete, that has been declared surplus by the city manager, or that has been condemned as useless by the director of a department and is not needed for public use shall be disposed of in any manner deemed appropriate by the city manager after first obtaining approval of the city council.

- (b) All personal property that is abandoned, stolen or recovered, of every kind, shall be disposed of in any manner deemed appropriate by the city manager after first obtaining approval of the city council.
- (c) The city manager shall attempt to obtain fair market value for all property disposed of in accordance with this article.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-74. - Reports by city manager; delivery of proceeds to city auditor.

The city manager shall keep accurate statements of each article or motor vehicle sold, including name and address of purchaser, amount paid and manner of conducting such sale. A complete report in writing of any sales shall be made to the city auditor.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-75. - Proceeds to be credited to general fund.

The city manager shall place all funds received by virtue of this article to the credit of the general fund.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-76. - Lien on motor vehicles.

The city shall have a lien on all abandoned, stolen or recovered vehicles for towing and storage charges. Such lien shall be prior and superior to any and all other liens and claims except liens for ad valorem taxes. Such lien shall be satisfied first from the proceeds of the sale of any motor vehicles under the terms of this article, except if a lien is asserted for ad valorem taxes, in which case the lien for ad valorem shall first be satisfied.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-77. - Variance of certain provisions of article by councilman resolution.

In unusual circumstances, in the sale of surplus real or personal property, the terms and provisions of this article may be varied by resolution of the city council.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Sec. 54-78. - Destruction of illegal weapons; exceptions.

All weapons prohibited by the penal code of the state that, for a period of two years, have remained unclaimed, abandoned or unidentified by its rightful owner and are not being held as evidence in any pending cases filed of record shall be destroyed in the presence of three police officers of the rank of sergeant or higher, or one police officer of the rank of sergeant or higher and two representatives of the city council, or two police officers of the rank of sergeant or higher and a representative of the city council, who shall make a report under oath to the city council, listing the make, model, type and serial number of the property destroyed, together with the time, date, place and manner of destruction. This section shall not apply to weapons the chief of police has determined to be serviceable, which shall be kept in reserve by the police department for use in the event of civil disorder or disaster, or weapons classified as antique or collector's items by a qualified expert in the firearms field, and shall be sold and disposed of as provided in

this article. The city manager shall determine and select a qualified expert in the firearms field to classify such weapons.

(Ord. No. 562, § 2, 9-20-05; Ord. No. 616, § 2, 10-20-09)

Chapter 70 - PEDDLERS AND SOLICITORS⁽¹⁾

Footnotes:

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Cross reference— Streets, sidewalks and other public places, ch. 86.

State Law reference— Regulation of hawkers, peddlers and pawnbrokers, V.T.C.A., Local Government Code § 215.031; home solicitation transactions, Vernon's Ann. Civ. St. art. 5069-13.01 et seq.; criminal trespass, V.T.C.A., Penal Code § 30.05; persons regarded as retailers under sales tax law, V.T.C.A., Tax Code § 151.024.

ARTICLE I. - IN GENERAL

Secs. 70-1—70-30. - Reserved.

ARTICLE II. - DOING BUSINESS IN CITY

DIVISION 1. - GENERALLY

Sec. 70-31. - 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:

Peddler means any person who engages in a temporary business within the city limits by carrying goods or merchandise and who sells or offers for sale for immediate delivery such goods or merchandise from house to house, business to business or upon public property. A merchant shall be considered temporarily in business unless it is the intention of such merchant to remain continuously in business at each location where the merchant is engaged in business in the city as a merchant for a period of 60 days or more.

Solicitor means any person who solicits or attempts to solicit, from house to house, business to business or upon public property, orders for services, commercial goods, wares, merchandise, subscriptions or publications to be delivered at a future date or time. The term "canvasser" is included under this definition of "solicitor."

(Ord. No. 480, § 1(15-2), 6-18-96)

Cross reference— Definitions generally, § 1-2.

Sec. 70-32. - Hours for door-to-door solicitation.

Door-to-door solicitations under this article shall be conducted only during the hours of dawn to 9:00 p.m.

(Ord. No. 480, § 1(15-15), 6-18-96)

Sec. 70-33. - No solicitor signs.

Any peddler or solicitor who conducts or attempts to conduct business at a place where a sign clearly indicates that solicitors or peddlers are unwelcome is in violation of this article.

(Ord. No. 480, § 1(15-16), 6-18-96)

Sec. 70-34. - Unlawful use of streets.

No peddler or solicitor shall have or maintain in a stationary location any truck, trailer, booth or any other kind of structure on any public street or alley in the city for the purpose of selling, exhibiting or soliciting orders for any goods, wares or merchandise, or cold drinks, hot drinks or food, nor for the purpose of exhibiting any kind of exhibit.

(Ord. No. 480, § 1(15-17), 6-18-96)

Sec. 70-35. - Unlawful to sell on sidewalks.

It shall be unlawful for any person to sell or offer for sale any goods or articles on the sidewalks of the city unless such goods are offered for sale or sold by a person owning, occupying or controlling the premises adjoining or adjacent to the sidewalk, unless express written consent is given by the owner, and then such goods shall be exposed and sold in the usual course of trade in accordance with all laws of the city.

(Ord. No. 480, § 1(15-18), 6-18-96)

Sec. 70-36. - Unlawful parking on streets.

It shall be unlawful for any person to stop, stand or park any motor vehicle, truck, trailer or vehicle of any kind on any public street or alley in the city for the purpose of selling, exhibiting or soliciting orders for any goods, wares, merchandise, cold drinks, hot drinks or food, for a period of longer than ten minutes.

(Ord. No. 480, § 1(15-19), 6-18-96)

Sec. 70-37. - Unlawful parking near schools.

It shall be unlawful for any person to stand, stop or park any motor vehicle, truck, trailer or vehicle of any kind at any place on any public street or alley located within 600 feet of any public school in the city for the purpose of selling, exhibiting or soliciting orders for any goods, wares, merchandise, cold drinks, hot drinks or food.

(Ord. No. 480, § 1(15-20), 6-18-96)

Sec. 70-38. - Violation; penalty.

Any person violating the provisions of this article is guilty of a class C misdemeanor and upon conviction shall be fined not more than allowed by law.

(Ord. No. 480, § 1(15-21), 6-18-96)

Secs. 70-39—70-60. - Reserved.

DIVISION 2. - PERMIT

Sec. 70-61. - Required.

It is unlawful for any peddler or solicitor to engage in business within the city without first obtaining a permit from the city secretary as provided in this division.

(Ord. No. 480, § 1(15-3), 6-18-96)

Sec. 70-62. - Exceptions.

The following are excluded from the permitting provisions of this division:

- (1) Newspaper carriers;
- (2) Farmers who sell agricultural products that were raised or grown by them;
- (3) Locally based nonprofit organizations; however, they are required to notify the city secretary as to the approximate dates of the campaign, the areas in which they will be selling, and a description of items to be sold.

(Ord. No. 480, § 1(15-4), 6-18-96)

Sec. 70-63. - Written application required.

- (a) Any peddler or solicitor desiring to engage in a temporary business within the city must first file a written application for a permit with the city secretary, which application shall give the following information:
 - (1) The applicant's name, telephone number, permanent address and local address if any, birthdate, business address and either:
 - a. Social security number and driver's license number and state; or
 - b. Social security number and an official, government-issued picture identification card.
 - (2) If the applicant is peddling or making solicitations for any commercial, charitable or political organization, the name, telephone number and address of such organization.
 - (3) Full and complete list of goods to be sold and/or services to be delivered.
 - (4) For each individual involved in the peddling or solicitation campaign, name, telephone number, address, birthdate, physical description and either:
 - a. Social security number and driver's license number and state; or
 - b. Social security number and an official, government-issued picture identification card.
 - (5) Description (year, make, type) and license plate number and state of all vehicles to be used in soliciting and peddling.
 - (6) If employed, the name, address and telephone number of employer, together with credentials establishing the exact relationship.
 - (7) The length of time for which the right to do business is desired.
 - (8) Whether the applicant has ever been convicted of a felony or a misdemeanor involving moral turpitude.
- (b) The applicant must provide original identifying documents to the city secretary upon request.

(Ord. No. 480, § 1(15-5), 6-18-96)

Sec. 70-64. - Attachments.

There shall be attached to each application for a permit under this division the following:

- (1) Two recent photographic likenesses of the applicant's face, which photographs shall not exceed one inch square in size.
- (2) A certificate or letter from the president, a vice-president, general manager, sales manager, assistant sales manager or district or area manager of the company, if any, for which the applicant works, sells or solicits, stating that the applicant is an employee and/or agent of such company.
- (3) A reference to a recognized financial rating publication, which reference shall show the page on which the company's or firm's financial standing can be found, or a letter or a certificate from an association or organization that has as its purpose the protection of citizens of the United States against illegal or unsavory business practices, stating that the firm or company is a member of good standing of such association or organization.
- (4) If the applicant is an individual who is not working, selling or soliciting for any firm or company, a letter of recommendation from two citizens of the applicant's permanent residence.

(Ord. No. 480, § 1(15-6), 6-18-96)

Sec. 70-65. - Fees.

- (a) *Required.* All peddlers and solicitors not exempted by subsection (b) of this section shall pay a permit fee to the city secretary as provided in the current fee schedule per day or for an annual permit.
- (b) *Exemptions.* The following are exempt from the permit fee:
 - (1) Any individual soliciting or peddling for a philanthropic, charitable, political or religious organization.
 - (2) Any individual engaged in interstate commerce.

(Ord. No. 480, § 1(15-7, 15-8), 6-18-96)

Sec. 70-66. - Denial.

- (a) A copy of the application for permit required by this division will be referred to the chief of police, who will undertake an investigation of the applicant's record and background such as shall be reasonably necessary to protect the public. An application for permit under this division may be denied where:
 - (1) Required application information is incomplete or incorrect.
 - (2) The applicant is currently wanted on warrant for arrest.
- (b) If the city secretary denies a permit, the applicant may appeal this decision in writing to the city council, which may affirm, modify or reverse the decision of the city secretary.

(Ord. No. 480, § 1(15-9), 6-18-96)

Sec. 70-67. - Issuance, duration.

- (a) If the city secretary finds that the application is completed in conformance with section 70-63, a permit shall be issued within one working day. The permit shall be the original application under section 70-

63, with an official stamp indicating approval by the city secretary. Each annual permit will be valid for 12 months from date of issue, and each daily permit shall be valid for one day only.

- (b) The permittee is required to notify the city secretary before any peddling or soliciting under the issued permit is conducted in any new calendar month after the issuance of the permit. At this time, the permittee will update any information required under section 70-63 that has changed.
- (c) The city secretary will retain one copy of the approved permit for official records. The permit may not be represented as an endorsement or approval by the city of the purposes of a solicitation or a product offered by the permittee.
- (d) One copy of the approved permit will be sent to the chief of police.
- (e) Only those peddlers or solicitors whose names are listed on the approved application may conduct business under the issued permit. If any new peddlers or solicitors join the campaign after the original permit is issued, they must supply the city secretary with the information required in section 70-63.

(Ord. No. 480, § 1(15-10), 6-18-96)

Sec. 70-68. - Display.

Each peddler or solicitor will carry his permit at all times while engaging in business in the city. Upon request or demand, the peddler or solicitor will exhibit the permit to indicate compliance with all of the relevant requirements of this article.

(Ord. No. 480, § 1(15-11), 6-18-96)

Sec. 70-69. - Nontransferability.

Permits issued under the provisions of this article are not transferable in any situation and will be clearly marked "Not Transferable."

(Ord. No. 480, § 1(15-12), 6-18-96)

Sec. 70-70. - Suspension.

- (a) The chief of police or his designee may, upon documented complaint or violation of law, suspend and confiscate a permit issued under this division.
- (b) Peddlers and solicitors whose licenses are suspended have three business days during which to request an administrative review of the suspension. If request for administrative review is not made within three working days, the permit is revoked.
- (c) Upon the permittee's request, the city secretary shall provide the permittee with written notice containing particulars of any and all complaints against him and the time, date and place for an administrative review of the suspension.

(Ord. No. 480, § 1(15-13, 15-14(a)), 6-18-96)

Sec. 70-71. - Revocation.

- (a) The city secretary will conduct an administrative review to determine whether the permit shall be restored or revoked.
- (b) After notice and hearing, the city secretary may revoke any permit issued under this division for the following reasons:

- (1) Fraudulent statements or omissions on permit application or in conduct of permitted business.
 - (2) Violation of law.
 - (3) Endangerment of public welfare, health or safety.
- (c) If the city secretary revokes a permit, the applicant may appeal this decision in writing to the city council, which may affirm, modify or reverse the decision of the city secretary.
- (d) Revocation of any permit shall bar the permittee from eligibility for any permit under this division for a period of one year.

(Ord. No. 480, § 1(15-14(b)—(e)), 6-18-96)

Sec. 70-72. - Grounds for denial, suspension or revocation.

The provisions of this division pertaining to the denial, suspension or revocation of a permit shall be subject to Vernon's Ann. Civ. St. arts. 6252-13c and 6252-13d.

Chapter 94 - TRAFFIC AND VEHICLES[u](#)

Footnotes:

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Cross reference— Any ordinance prescribing specific parking restrictions, no parking zones, specific speed zones, parking meter zones, and specific stop or yield intersections and other traffic regulations for specific streets saved from repeal, § 1-6(11); vehicles at airport, § 18-102; courts, ch. 30; abandoned or junked vehicles, § 38-116 et seq.; transporting of explosives, § 42-119; transportation of hazardous materials in city limits, § 42-120; tank trucks, tank trailers and tank semitrailers for explosives, § 42-121; law enforcement, ch. 54; offenses and miscellaneous provisions, ch. 62; streets, sidewalks and other public places, ch. 86; vehicles for hire, ch. 106; supplemental development standards for vision clearance, att. A, § 8-8.

State Law reference— Vehicles and traffic, V.T.C.A., Transportation Code ch. 501 et seq.; rules of the road, V.T.C.A., Transportation Code ch. 541 et seq.; powers of local authorities, V.T.C.A., Transportation Code § 542.201 et seq.; parking, towing and storage of vehicles, V.T.C.A., Transportation Code ch. 681 et seq.; regulation of certain drivers and porters, V.T.C.A., Local Government Code § 215.029; regulation of parking, V.T.C.A., Local Government Code § 431.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 94-1. - Interpretation of chapter.

In the interpretation of this chapter, the most current provisions of the Texas Transportation Code and the state vehicle laws shall govern. Any conflict between state law and this chapter shall be resolved in favor of the state law.

(Code 1981, § 20-1)

Sec. 94-2. - Driver's license.

It shall be unlawful for any person to drive or otherwise propel any motor vehicle within the city unless such person shall have in his possession a current, valid driver's license issued by the state of his residency.

(Code 1981, § 20-3)

State Law reference— Driver's licenses, V.T.C.A., Transportation Code ch. 521.

Sec. 94-3. - Opening vehicle doors.

- (a) No vehicle shall be driven within the city unless all side doors are securely closed.
- (b) No person shall open the door of a parked or stopped vehicle on the side adjacent to moving traffic until it is reasonably safe to do so without interfering with the movement of other traffic.
- (c) No person shall leave a vehicle door open and unattended on the side adjacent to moving traffic for longer than is necessary to load or unload a passenger.

(Code 1981, § 20-11)

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

Sec. 94-4. - Removing or damaging traffic barriers.

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

(Code 1981, § 20-12)

Secs. 94-5—94-35. - Reserved.

ARTICLE II. - ENFORCEMENT AND OBEDIENCE

Sec. 94-36. - Enforcement of regulations generally.

It shall be the duty of the city police department to enforce the provisions of this chapter, all other street and traffic laws of the city, and all the state traffic laws applicable to traffic in the city.

(Code 1981, § 20-26)

Sec. 94-37. - Obedience to police officers and to school crossing guards required.

A person may not willfully fail or refuse to comply with a lawful order or direction of:

- (1) A police officer; or
- (2) A school crossing guard who is performing crossing guard duties in a school crosswalk to stop and yield to a pedestrian.

(Code 1981, § 20-27)

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

Secs. 94-38—94-70. - Reserved.

ARTICLE III. - ADMINISTRATION^[2]

Footnotes:

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Cross reference— Administration, ch. 2.

Sec. 94-71. - Authority of police officers to direct traffic.

Officers of the police department, or such officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of 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 the traffic laws.

(Code 1981, § 20-46)

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

Sec. 94-72. - Authority of officers of fire department to direct traffic.

Members of the city fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity when requested by a police officer.

(Code 1981, § 20-47)

Sec. 94-73. - Temporary traffic control officers.

Under unusual conditions the chief of police may appoint temporary traffic control officers until such unusual conditions cease to exist. These temporary officers shall have the same authority as regular officers of the police department unless they are specifically limited by the chief of police.

(Code 1981, § 20-48)

Secs. 94-74—94-105. - Reserved.

ARTICLE IV. - ACCIDENTS

Sec. 94-106. - Procedures.

Procedures pertaining to accidents and accident reports shall be governed by V.T.C.A., Transportation Code ch. 550, and other state laws.

Secs. 94-107—94-140. - Reserved.

ARTICLE V. - VEHICLE EQUIPMENT

Sec. 94-141. - Governed by state law.

The requirements for vehicle equipment shall be as provided in V.T.C.A., Transportation Code ch. 547, and other state laws.

Sec. 94-142. - Engine brakes prohibited.

- (a) The use of any engine brake within the city limits of the city is prohibited.
- (b) This section shall be strictly enforced by the city police department.
- (c) Any person violating this section may be cited, and upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$200.00 for each offense.

(Ord. No. 579, § 1, 4-17-07)

Secs. 94-143—94-175. - Reserved.

ARTICLE VI. - AUTHORIZED EMERGENCY VEHICLES

Sec. 94-176. - Governed by state law.

The rules pertaining to authorized emergency vehicles shall be as provided in V.T.C.A., Transportation Code § 545.156 and chapter 546, and other state laws.

Secs. 94-177—94-210. - Reserved.

ARTICLE VII. - OPERATION OF VEHICLES GENERALLY

Sec. 94-211. - 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.

(Code 1981, § 20-143)

Sec. 94-212. - Obstructing traffic generally.

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

(Code 1981, § 20-144)

Sec. 94-213. - Operation of dangerous vehicles.

It shall be unlawful for any person to operate any vehicle within the city that is mechanically defective or dangerous in any way that would endanger the life or property of others.

(Code 1981, § 20-145)

Sec. 94-214. - Driving vehicles off designated roadways prohibited.

It shall be unlawful for any person to drive or operate a motor vehicle upon any city property or surface that is not a designated roadway or ordinarily used for vehicular traffic.

(Code 1981, § 20-147)

Secs. 94-215—94-245. - Reserved.

ARTICLE VIII. - RIGHT-OF-WAY

Sec. 94-246. - Governed by state law.

The rules pertaining to right-of-way shall be as provided in V.T.C.A., Transportation Code § 545.151 et seq., and other state laws.

Secs. 94-247—94-280. - Reserved.

ARTICLE IX. - SPEED^[3]

Footnotes:

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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.

Sec. 94-281. - 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 provisions 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 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) A driver shall, consistent with subsection (b) of this section, drive at an appropriate reduced speed if:
 - (1) The driver is approaching and crossing an intersection or railroad grade crossing;
 - (2) The driver is approaching and going around a curve;
 - (3) The driver is approaching a hill crest;
 - (4) The driver is traveling on a narrow or winding roadway; and
 - (5) A special hazard exists with regard to traffic, including pedestrians, or weather or highway conditions.

(Code 1981, § 20-186)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.351.

Sec. 94-282. - Maximum limits on specific streets.

The city council may alter the maximum speed limits established by section 94-281 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 such limit.

(Code 1981, § 20-187)

Sec. 94-283. - 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.

(Code 1981, § 20-188)

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

Sec. 94-284. - Regulation of speed by traffic signals.

The chief of police, by and with the approval of the city council, is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

(Code 1981, § 20-189)

Secs. 94-285—94-315. - Reserved.

ARTICLE X. - TURNING AND STOPPING⁴

Footnotes:

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State Law reference— Authority of city to regulate or prohibit turning at intersections, V.T.C.A., Transportation Code § 542.202(a)(7).

Sec. 94-316. - Limitations on turning.

No person shall turn a vehicle at any place or in any direction where there appears an authorized sign or device prohibiting such turn.

(Code 1981, § 20-206)

Sec. 94-317. - General limitation.

No person shall turn a vehicle at an intersection unless the vehicle is in a proper position upon the roadway as required in sections 94-318 and 94-319 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 such movement can be made with safety.

(Code 1981, § 20-207)

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

Sec. 94-318. - Right turn generally.

The driver of a vehicle intending to turn right at an intersection shall both approach and turn as close as practicable to the right-hand curb or edge of the roadway.

(Code 1981, § 20-208)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.101.

Sec. 94-319. - Left turn generally.

To make a left turn at an intersection, a driver shall:

- (1) Approach the intersection in the extreme left-hand lane lawfully available to a vehicle moving in the direction of the vehicle; and
- (2) After entering the intersection, turn left, leaving the intersection so as to arrive in a lane lawfully available to traffic moving in the direction of the vehicle on the roadway being entered.

(Code 1981, § 20-209)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.101.

Sec. 94-320. - Signaling turns; use of turn signals.

- (a) A driver shall use the signal authorized by section 94-322 to indicate an intention to turn, change lanes or start from a parked position.
- (b) A driver intending to turn a vehicle right or left shall signal continuously for not less than the last 100 feet of movement of the vehicle before the turn.

(Code 1981, §§ 20-210, 20-213)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.104.

Sec. 94-321. - Signaling stops.

A driver may not stop or suddenly decrease the speed of the vehicle without first giving a stop signal as provided by this chapter to the driver of a vehicle immediately to the rear when there is an opportunity to give the signal.

(Code 1981, § 20-211)

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

Sec. 94-322. - Signals by hand and arm or by signal lamp.

- (a) Except as provided by subsection (b) of this section, a driver required to give a stop or turn signal shall do so by:
 - (1) Using the hand and arm; or
 - (2) Lighting signal lamps approved by the department.

- (b) A motor vehicle in use on a highway shall be equipped with signal lamps, and the required signal shall be given by lighting the lamps, if:
- (1) The distance from the center of the top of the steering post to the left outside limit of the body, cab or load of the motor vehicle is more than two feet; or
 - (2) The distance from the center of the top of the steering post to the rear limit of the body or load, including the body or load of a combination of vehicles, is more than 14 feet.

(Code 1981, § 20-212)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.106.

Sec. 94-323. - "Courtesy" signals or signals on one side prohibited.

A driver may not light the signals on only one side of the vehicle on a parked or disabled vehicle or use the signals as a courtesy or "do pass" signal to the driver of another vehicle approaching from the rear.

(Code 1981, § 20-213)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.104.

Sec. 94-324. - Method of giving hand and arm signals.

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.

(Code 1981, § 20-214)

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

Sec. 94-325. - U-turns restricted.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district or at any intersection controlled by traffic lights and shall not upon any other street or intersection so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Code 1981, § 20-215)

State Law reference— Turning on curve or crest of grade, V.T.C.A., Transportation Code § 545.102.

Secs. 94-326—94-355. - Reserved.

ARTICLE XI. - TRAFFIC CONTROL SIGNS, SIGNALS AND DEVICES⁶¹

Footnotes:

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State Law reference— Authority of city to regulate traffic by traffic control devices, V.T.C.A., Transportation Code §§ 542.202(a)(1), 544.002.

DIVISION 1. - GENERALLY

Sec. 94-356. - General powers, duties of chief of police.

The chief of police, subject to the approval of the city council, shall place and maintain traffic control signs, signals and devices when and as required under this chapter to make effective the provisions of this chapter, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this chapter per state law, or to guide or warn traffic. It shall be the duty of the chief of police to supervise the installation and proper timing and maintenance of traffic control devices.

(Code 1981, § 20-231)

Sec. 94-357. - Uniformity of devices.

All signs and signals required under the provisions of this article for a particular purpose shall, so far as practical, be uniform as to type and location throughout the city.

(Code 1981, § 20-232)

Sec. 94-358. - Conformity with manual and specifications of state highway department.

- (a) All traffic control signs, signals and devices shall conform to the manual of uniform traffic control devices and specifications approved by the state transportation commission and resolutions adopted by the city council.
- (b) All traffic control devices erected within the city and not inconsistent with the provisions of the state law or this chapter shall be official traffic control devices.

(Code 1981, § 20-233)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.002.

Sec. 94-359. - Compliance with traffic control device.

The driver of a vehicle or streetcar shall comply with an applicable official traffic control device placed as provided by this chapter unless the person is:

- (1) Otherwise directed by a traffic or police officer; or
- (2) Operating an authorized emergency vehicle and is subject to exceptions under this chapter.

(Code 1981, § 20-234)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.004(a).

Sec. 94-360. - When devices required for enforcement.

A provision of this chapter requiring an official traffic control device may not be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to an ordinarily observant person. A provision of this chapter that does not require an official traffic control device is effective regardless of whether a device is in place.

(Code 1981, § 20-235)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.004(b).

Sec. 94-361. - Interference with official traffic control devices.

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

(Code 1981, § 20-236)

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

Sec. 94-362. - 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; or
 - (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 an 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 city may remove that sign, signal, light or marking without notice.

(Code 1981, § 20-237)

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

Sec. 94-363. - Ratification of existing devices.

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

(Code 1981, § 20-238)

Sec. 94-364. - Traffic control signal legend.

- (a) Whenever traffic is controlled by traffic control signals exhibiting different colored lights or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend; and such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:
- (1) *Green indication.*
- a. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
 - b. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - c. Unless otherwise directed by a pedestrian control signal, as provided in section 94-366, 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.
- (2) *Steady yellow indication.*
- a. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, when vehicular traffic shall not enter the intersection.
 - b. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal, as provided in section 94-366, 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.
- (3) *Steady red indication.*
- a. Vehicular traffic facing a steady red signal alone 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, then before entering the intersection, and shall remain standing until an indication to proceed is shown.
 - b. Unless otherwise directed by a pedestrian control signal, as provided in section 94-366, pedestrians facing a steady red signal alone shall not enter the roadway.
- (b) If an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(Code 1981, § 20-239)

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

Sec. 94-365. - 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, then 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.

(Code 1981, § 20-240)

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

Sec. 94-366. - 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 shall proceed to a sidewalk or safety island while the "Don't Walk" or "Wait" signal is showing.

(Code 1981, § 20-241)

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

Sec. 94-367. - When signals not operating.

- (a) Whenever a traffic signal is out of order, the driver of a vehicle approaching the area of control by such signal shall approach such area at a slow speed and stop if necessary and shall not proceed until reasonably certain that it is safe to do so.
- (b) It shall be the duty of all persons knowing of any traffic signal or control device that is out of order, altered, defaced, removed or otherwise inoperative to report such condition to the police department.

(Code 1981, § 20-242)

Sec. 94-368. - No left turns in school zone.

- (a) There shall be no left turns at the following intersections in the school zone at the Elementary and Middle Schools during school hours of 7:30 a.m. through 4:30 p.m.:
 - (1) E. First Street and 800 block of Concho Avenue;
 - (2) E. First Street and 900 block of Concho Avenue;
 - (3) E. First Street and 800 block of Water Street;
 - (4) E. First Street and 800 block of Prospect Avenue;
 - (5) E. College Street and 900 block of Concho Avenue;

- (6) E. College Street and 900 block of Prospect Avenue;
- (b) School buses shall be exempt from this restriction.
- (c) The chief of police shall place and maintain traffic control signs as required to regulate traffic in accordance with this section.
- (d) Any violation of this section is a Class C misdemeanor punishable by a fine as provided in § 1-11 of this Code.

(Ord. No. 551, § 2, 10-19-04)

Secs. 94-369—94-390. - Reserved.

DIVISION 2. - STOP, YIELD INTERSECTIONS

Sec. 94-391. - Stop at through streets.

The driver of any vehicle on any street or other way intersecting with a through street shall bring such vehicle to a full and complete stop before entering such through street and shall yield the right-of-way to any vehicle approaching on such through street.

(Code 1981, § 20-251)

Sec. 94-392. - Signals required at through streets.

Whenever any ordinance of the city designates and describes a through street, it shall be the duty of the chief of police to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; however, at the intersection of two such through streets or at the intersection of a through street and a heavy-traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the chief of police upon the basis of an engineering and traffic study.

(Code 1981, § 20-252)

Sec. 94-393. - Other intersections where stop or yield required.

The chief of police is authorized to determine and designate intersections where particular hazard exists upon other than through streets and determine whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection as prescribed in section 94-394(a), in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(Code 1981, § 20-253)

Sec. 94-394. - Stop and yield signs.

- (a) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

- (b) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(Code 1981, § 20-254)

Sec. 94-395. - Vehicle entering stop intersection.

Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection 94-394(b), and after having stopped shall yield the right-of-way to any vehicle that has entered the intersection from another highway or which is approaching so closely on such highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(Code 1981, § 20-255)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.153.

Sec. 94-396. - Vehicle entering yield intersection.

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; however, if such driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

(Code 1981, § 20-256)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.153.

Sec. 94-397. - Emerging from alley, driveway or building.

The driver of a vehicle within a business or residence district emerging from any alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway; shall yield the right-of-way to any pedestrian as may be necessary to avoid collision; and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1981, § 20-257)

State Law reference— Similar provisions, V.T.C.A., Transportation Code §§ 545.155, 552.006.

Sec. 94-398. - Stop when traffic obstructed.

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.

(Code 1981, §§ 20-258, 20-326)

Secs. 94-399—94-420. - Reserved.

DIVISION 3. - ONE-WAY STREETS, ALLEYS

Sec. 94-421. - Designation.

Whenever any ordinance or resolution of the city designates any one-way street or alley, the chief of police shall place and maintain signs giving notice thereof; and no such regulations shall be effective unless such 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.

(Code 1981, § 20-271)

State Law reference— Authority of city to designate one-way highways, V.T.C.A., Transportation Code § 542.202(a)(10).

Sec. 94-422. - Operation of vehicles.

Upon those streets and parts of streets and in those alleys 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.

(Code 1981, § 20-272)

Secs. 94-423—94-445. - Reserved.

DIVISION 4. - TRUCK ROUTES

Sec. 94-446. - Definitions.

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

Deviating truck means a truck that leaves and departs from a truck route while traveling inside the city.

Truck means all truck tractors, van trailers, semitrailers, house trailers and/or any vehicle designed or operated for the transportation of property, whose body weight or whose rated or licensed combined body and load weight exceeds 17,000 pounds (8½ tons).

Truck route means a way over certain streets, as designated in this division, over and along which trucks coming into and going out of the city must operate.

(Code 1981, § 20-286)

Cross reference— Definitions generally, § 1-2.

Sec. 94-447. - Application of regulations.

All trucks within the city shall be operated only over and along the truck routes established in this division and on the other designated streets over which travel is permitted.

(Code 1981, § 20-287)

Sec. 94-448. - Exceptions.

The provisions of this division shall not prohibit:

- (1) *Operation on street of destination.* The operation of trucks upon any street where necessary to the conduct of business at a destination point, provided streets upon which such traffic is permitted are used until reaching the intersection nearest the destination point.
- (2) *Emergency vehicles.* The operation of emergency vehicles upon any street in the city.
- (3) *Public utilities.* The operation of trucks owned or operated by the city, public utilities or any contractor or materialman, while engaged in the repair, maintenance or construction of streets, street improvements or street utilities within the city.
- (4) *Detoured trucks.* The operation of trucks upon any officially established detour in any case where such truck could lawfully be operated upon the street for which such detour is established.

(Code 1981, § 20-288)

Sec. 94-449. - Trucks originating outside city.

- (a) *One inside destination point.* All trucks entering the city for a destination point in the city shall proceed only over one of the streets designated for truck traffic and shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the destination point. Upon leaving the destination point, a deviating truck shall return to the truck route by the shortest permissible route.
- (b) *Multiple inside destination points.* All trucks entering the city for multiple destination points shall proceed only over one of the streets designated for truck traffic and shall deviate only at the intersection with the street upon which such traffic is permitted nearest to the first destination point. Upon leaving the first destination point, a deviating truck shall proceed to other destination points by the shortest direction and only upon streets upon which such traffic is permitted. Upon leaving the last destination point, a deviating truck shall return to the truck route by the shortest permissible route.

(Code 1981, §§ 20-289, 20-290)

Sec. 94-450. - Trucks originating inside city.

- (a) *Outside destination point.* All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest direction over which such traffic is permitted to a truck route as established in this division.
- (b) *Inside destination points.* All trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed only over streets upon which such traffic is permitted.

(Code 1981, §§ 20-291, 20-292)

Sec. 94-451. - Maps.

The city secretary shall keep and maintain accurate maps setting out truck routes and streets upon which truck traffic is permitted. The maps shall be kept on file in the office of the city secretary and shall be available to the public.

(Code 1981, § 20-293)

Sec. 94-452. - Signs.

The chief of police shall cause all truck routes and those streets upon which truck traffic is prohibited to be clearly signposted to give notice of the provisions of this division.

(Code 1981, § 20-294)

Sec. 94-453. - Failure to post.

No person shall be charged with violating the provisions of this division by reason of operating a truck upon a street wherein truck travel is prohibited unless appropriate signs are posted on such street.

(Code 1981, § 20-295)

Sec. 94-454. - Weigh-in.

The chief of police and city police officers shall have the authority to require the person driving or in control of any commercial vehicle not proceeding over a truck route or street over which truck traffic is permitted to proceed to any public or private scale available for the purpose of weighing and determining whether this division has been complied with, and such person's failure or refusal to proceed as required shall be deemed a misdemeanor.

(Code 1981, § 20-296)

Sec. 94-455. - General restrictions on operation of commercial vehicles.

- (a) *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.
- (b) *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 permitted in this section, such vehicle shall enter such street, boulevard, avenue or alley at the intersection nearest the point of pickup 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. Maximum speed of the vehicle shall be limited to 20 miles per hour.
- (c) *Truck routes established.* Every U.S. and state highway and farm-and-market road within the limits of the city are designated as truck routes under the terms of this section, and are marked on the city's truck route map, which is on file for inspection in the office of the city secretary.
- (d) *Marking of truck routes.* All truck routes established in this section shall be marked by erection of suitable signs.

(Code 1981, § 20-297)

Secs. 94-456—94-490. - Reserved.

ARTICLE XII. - PARKING, STOPPING AND STANDING⁶

Footnotes:

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Cross reference— Time limit for parking delivery vehicles for explosives, § 42-122; supplemental development standards for off-street parking and loading areas, att. A, § 8-13.

State Law reference— Authority of city to regulate stopping, standing and parking of vehicles, V.T.C.A., Transportation Code § 542.202(a)(2).

DIVISION 1. - GENERALLY

Sec. 94-491. - Unattended motor vehicle.

A driver may not leave the vehicle unattended without:

- (1) Stopping the engine;
- (2) Locking the ignition;
- (3) Removing the key from the ignition;
- (4) Setting the parking brake effectively; and
- (5) If standing on a grade, turning the front wheels to the curb or side of the highway.

(Code 1981, § 20-327)

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

Sec. 94-492. - No stopping, standing or parking near hazardous or congested places.

- (a) The chief of police is authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized in this division, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1981, § 20-328)

Sec. 94-493. - Presumption that owner of vehicle illegally parked same.

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.

(Code 1981, § 20-329)

Sec. 94-494. - Impoundment of standing or parked vehicles—Generally.

- (a) Any vehicle that shall be or remain standing or parked upon any public street, avenue, way, alley or other public place may be removed by or upon order of the chief of police and placed in storage in a privately operated garage or other place designated or maintained by the city under the following circumstances:
- (1) When any vehicle is found upon a street, avenue, alley, way or public place and a report has been previously made that such vehicle has been stolen or complaint has been filed and a warrant issued thereon charging that such vehicle has been stolen or converted in violation of law.
 - (2) When any police officer of the city has reasonable grounds to believe that any vehicle has been abandoned.
 - (3) When a police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is or may be required by law to take the one arrested immediately before a magistrate, or if the arrested one is immediately taken before a magistrate, and when the arrested one is the sole occupant or the owner of the vehicle and is immediately placed in custody.
 - (4) When a vehicle is so disabled that its normal operation is impossible or impractical and the persons in charge of the vehicle are incapacitated by reason of physical injury or other causes to such an extent as to be unable to provide for its removal or custody, or cannot be found or are not in the immediate vicinity of such vehicle.
 - (5) When such vehicle is left unattended upon any bridge, viaduct or causeway, or in a tunnel or tube and constitutes an obstruction to traffic.
 - (6) When any such vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to any other point on the highway.
 - (7) When any vehicle constitutes a hazard or interferes with the normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance the safety of the vehicle is imperiled.
 - (8) When any vehicle is left standing or parked unattended for more than 48 hours in violation of any applicable section of this Code, state law or city ordinances, rules or regulations; however, if such vehicle is parked or standing immediately in front of or immediately adjacent to property owned by the owner of such vehicle, or property rented by such owner, before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of 48 hours and shall be given an additional 24 hours to remove or cause to be removed such vehicle. Such written notice may be given by depositing the same in the United States mail, addressed to the owner at the address given on the registration receipt of the vehicle, or his last known address.
- (b) In order to obtain possession of a vehicle stored under the provisions of this section, the claimant must produce satisfactory evidence of ownership or right to possession within 30 days from the date of such storage and, in addition thereto, must pay all charges for storage and removal of such vehicle in addition to any fine.
- (c) If a vehicle removed under this section is not claimed within 30 days from the date of storage, the same may be sold by the city or the garage where the same is stored for storage charges as provided by law.

(Code 1981, § 20-330)

Sec. 94-495. - Same—Responsibility.

The provisions of section 94-494 shall not be construed to relieve from or lessen the responsibility of any person who shall leave his vehicle parked on the streets of the city in such a manner that the same may be impounded.

(Code 1981, § 20-331)

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

Sec. 94-496. - Special parking.

- (a) The chief of police may issue special permits for a definite period of time to allow parking of an unusual nature that may be contrary to or in violation of any of the provisions of this article.
- (b) It shall be unlawful for any person to use the permit for purposes, places or times other than those clearly indicated in the written permit.
- (c) It shall be unlawful for any person other than those named in the permit to use the permit for any purpose whatsoever.

(Code 1981, § 20-332)

Sec. 94-497. - Stopping, standing or parking prohibited in certain places.

- (a) A driver may not stop, stand or park a vehicle:
 - (1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) In 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 designates 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 a bridge or other elevated structure on a highway or in a highway tunnel;
 - (8) On a railroad track; or
 - (9) Where an official sign prohibits stopping.
- (b) A driver 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) A driver 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.

(Code 1981, § 20-333(a))

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

Sec. 94-498. - Moving the vehicle of another; unlawful parking.

A person may not move a vehicle that is not lawfully under the person's control:

- (1) Into an area where a vehicle is prohibited under section 94-497; or
- (2) Away from a curb a distance that is unlawful under section 94-500.

(Code 1981, § 20-333(b))

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.304.

Sec. 94-499. - Parking for certain purposes.

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

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Advertising, except by permit issued by the chief of police and under the conditions stipulated in the permit.

(Code 1981, § 20-334)

Sec. 94-500. - Parallel parking.

Vehicles may be parked on all public streets or alleys in the city provided the following conditions are met:

- (1) The vehicle shall be headed in the direction of travel of the nearest adjacent traffic lane.
- (2) The wheels nearest the curb shall be approximately parallel to and within 18 inches of the curb or edge of the roadway.
- (3) The manner of so parking such vehicle shall be in compliance with all applicable provisions of this chapter and state law.

(Code 1981, § 20-335)

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

Sec. 94-501. - Angle parking.

Vehicles may be parked at any angle, not to exceed 45 degrees, to the curb or edge of the roadway at those places and angles where signs or markings clearly indicate that it is permissible and that no part or contents of such vehicle shall protrude into or cause a hazard with other vehicles or pedestrians in the nearest adjacent traffic lane, sidewalk or crosswalk. In no case shall this exceed 17 feet from the curb in a perpendicular direction where 30-degree parking is permitted or 19 feet from the curb in a perpendicular direction where 45-degree parking is permitted.

(Code 1981, § 20-336)

State Law reference— Authority of city to permit angle parking, V.T.C.A., Transportation Code § 545.303.

Sec. 94-502. - Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1981, § 20-337)

Sec. 94-503. - Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Code 1981, § 20-338)

Sec. 94-504. - Residential parking restrictions.

It shall be unlawful for any person in charge of or operating a vehicle to allow, permit or park such vehicle habitually on that portion of the street abutting residential property when the person in charge of such vehicle does not own or occupy the residence or a portion of the lot in front of which or alongside of which such subject vehicle is habitually parked.

(Code 1981, § 20-339)

Sec. 94-505. - Certain types of vehicles prohibited from parking.

All trucks and cars with trailers (other than pickups and commercial cars of like length of passenger cars) are prohibited from parking within one block of the public square on any public street leading away from the square.

(Code 1981, § 20-340)

Sec. 94-506. - Parking of trailers.

No person shall park on any city street or alley, for a period longer than 72 continuous hours, any trailer, semitrailer, boat trailer, trailerhouse or other nonmotorized device or equipment designed or intended to be towed upon public streets by means of attachment to a motor vehicle or other self-propelled vehicle or equipment; nor any motorized, self-propelled motor home or any other motor vehicle containing or intended to contain permanently installed sleeping facilities and/or human sanitary treatment or disposal facilities.

(Code 1981, § 20-341)

Secs. 94-507—94-530. - Reserved.

DIVISION 2. - RESTRICTED, PROHIBITED ON CERTAIN STREETS

Sec. 94-531. - Application.

The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times specified in this division or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(Code 1981, § 20-361)

Sec. 94-532. - Regulations not exclusive.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1981, § 20-362)

Sec. 94-533. - Parking prohibited on certain streets.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by ordinance or resolution.

(Code 1981, § 20-363)

Sec. 94-534. - Parking restricted on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance or resolution on any day, except Sundays and public holidays, within the district or upon any of the streets described by ordinance or resolution.

(Code 1981, § 20-364)

Sec. 94-535. - Parking signs required.

Whenever any parking time limit is imposed or parking is prohibited on designated streets by this division or any ordinance or resolution of the city, it shall be the duty of the police chief to erect appropriate

signs giving notice thereof; and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.

(Code 1981, § 20-365)

Secs. 94-536—94-555. - Reserved.

DIVISION 3. - LOADING AND UNLOADING

Sec. 94-556. - Chief of police to designate curb loading zones.

The chief of police, subject to the approval of the city council, is authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(Code 1981, § 20-376)

Sec. 94-557. - Standing in passenger curb loading zone.

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 such curb loading zone are effective, and then only for a period not to exceed three minutes.

(Code 1981, § 20-377)

Sec. 94-558. - Standing in freight curb loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

(Code 1981, § 20-378)

Sec. 94-559. - Chief of police to designate public carrier stops and stands.

The chief of police is authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public; and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(Code 1981, § 20-379)

Secs. 94-560—94-574. - Reserved.

DIVISION 4. - PARKING IN PARKING AREAS LOCATED WITHIN SHOPPING CENTERS, OFFICE CENTERS, INDUSTRIAL CENTERS OR BUSINESS ESTABLISHMENTS

Sec. 94-575. - Authority to designate time limits.

A person commits an offense if he or she parks or leaves a vehicle unattended for a period of time longer than designated at a time when parking is prohibited in a parking area located within a shopping center, office center, industrial center, or business establishment within the city. The owner or operator of these private centers shall have authority to designate, by appropriate signs and markings, which have been approved by the police chief, the parking time limit which shall not be less than one hour, the areas in which parking is prohibited, and the times when parking of vehicles is prohibited.

(Ord. No. 521, § 1, 5-15-01)

Sec. 94-576. - Approval of the time limit parking ban, no parking areas and parking plan.

Sections 94-575—94-577 are not effective until the owner or operator of a shopping center, office center, industrial, or business establishment submits plans for proposed time limits parking ban or no parking areas, if any, and the parking plan to the city council for approval. Amendments to the business center parking plan shall be submitted and approved in the same manner.

(Ord. No. 521, § 1, 5-15-01)

Sec. 94-577. - Erection of signs; content of signs; marking of parking spaces and no parking areas.

The owner or operator of a shopping center, office center, industrial center, or business establishment is authorized to erect suitable signs of uniform size and design upon approval of the police chief, which shall be placed in parking areas advising the public of limited conditions of parking regulations. A sign shall be erected with the words painted thereon in legible red or green lettering setting out that parking in this area is limited to customers for the time indicated by signs, or as otherwise prohibited.

(Ord. No. 521, § 1, 5-15-01)

Sec. 94-578. - Violations, generally.

The owner or operator of a parking area in a shopping center, office center, industrial center or business establishment shall have a responsibility to report such parking violation to police department personnel. Police department personnel shall have and possess full and complete authority to enforce the provisions of this section and to issue parking citations to any vehicle which is parked in contradiction to the signs posted.

(Ord. No. 521, § 1, 5-15-01)

Secs. 94-579—94-590. - Reserved.

ARTICLE XIII. - MISCELLANEOUS DRIVING RULES

Sec. 94-591. - Removal of injurious material.

- (a) Any person who drops or permits to be dropped upon any highway or street any destructive or injurious material shall remove same or cause it to be removed.
- (b) Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Code 1981, § 20-396(b), (c))

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

Sec. 94-592. - Riding on portion of vehicle not intended for passengers.

It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 1981, § 20-397)

Sec. 94-593. - Vehicles laden with materials in bulk; materials not to spill.

No person shall intentionally or knowingly operate, or cause to be operated, on any paved public street or paved public alley any vehicle so loaded with sand, gravel, rock, earth or other particles in bulk, including metal, so that any such material is likely to fall or be thrown upon such street or alley.

(Code 1981, § 20-397.1)

Sec. 94-594. - Overloading, crowding of vehicles.

- (a) It shall be unlawful for the driver of any vehicle to drive the vehicle when it is so loaded, or when there is in the front seat of such vehicle such number of persons as to obstruct the view of the driver to the front or sides or to interfere with the operator's control over the driving mechanism of the vehicle.
- (b) It shall be unlawful for any passenger of a vehicle to ride in such a position as to interfere with the driver's view ahead or to the sides or to interfere with the driver's control over the driving mechanism of the vehicle.

(Code 1981, § 20-398)

Sec. 94-595. - Boarding or alighting from vehicles.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1981, § 20-399)

Sec. 94-596. - Driving upon sidewalk or hike and bike trail.

- (a) No person shall drive any motor vehicle upon a sidewalk, sidewalk area, or hike and bike trail except upon a permanent or duly authorized temporary driveway.
- (b) This section does not prohibit the operation of a motor vehicle on a hike and bike trail in connection with maintenance of the trail.

(Code 1981, § 20-400)

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

Sec. 94-597. - Crossing fire hose.

A driver may not, without the consent of the fire department official in command, drive over an unprotected hose of a fire department if the hose is on a street or private driveway and is intended for use at a fire or alarm of fire.

(Code 1981, § 20-401)

Cross reference— Fire prevention and protection, ch. 42.

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

Sec. 94-598. - 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.

(Code 1981, § 20-402)

Cross reference— Fire prevention and protection, ch. 42.

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

Sec. 94-599. - Persons driving under the influence of liquor or drugs.

- (a) *Definitions.* 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:
 - Controlled substance* has the meaning assigned by V.T.C.A., Health and Safety Code § 481.002.
 - Drug* has the meaning assigned by V.T.C.A., Health and Safety Code § 481.002.
 - Public place* has the meaning assigned by V.T.C.A., Penal Code § 1.07(a)(40).
- (b) *Prohibited.*
 - (1) A person may not intentionally or knowingly operate a motor vehicle in a public place intended for the use of motor vehicles if the person is under the influence of a controlled substance or drug to a degree that renders the person incapable of safely operating a motor vehicle.
 - (2) It shall be unlawful for any person to drive or operate any vehicle upon any street or alley within the city while such person is in any degree under the influence of intoxicating liquor or narcotic drugs.
- (c) *Offense.* A person who operates a motor vehicle in violation of subsection (b) of this section commits an offense. The fact that any person charged with a violation of this section is or has been entitled to use the controlled substance or drug under the laws of this state is not a defense against any charge of violating this section.

(Code 1981, § 20-403)

State Law reference— Similar provisions, V.T.C.A., Penal Code § 49.04.

Sec. 94-600. - Noise.

It shall be unlawful to operate a vehicle that makes an unusually loud noise.

(Code 1981, § 20-404)

Cross reference— Environment, ch. 38.

Sec. 94-601. - 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.

(Code 1981, § 20-405)

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

Sec. 94-602. - Racing on streets.

- (a) *Definitions.* 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 two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicles within a certain distance or time limit.

Racing means the use of one or more vehicles in an attempt to outgain, outdistance or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle, or to test the physical stamina or endurance of drivers over long-distance driving routes.

- (b) *Prohibited.* No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record; and no person shall in any manner participate in such race, competition, contest, test or exhibition.

(Code 1981, § 20-406)

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

Sec. 94-603. - Reckless driving.

It shall be unlawful for any person to drive any vehicle in the limits of the city in willful or wanton disregard of the rights or safety of others or without due caution or circumspection, or at a speed or in a manner so as to endanger a person or property; and to do so shall constitute the offense of reckless driving.

(Code 1981, § 20-406.1)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.401.

Sec. 94-604. - School buses.

- (a) *Required equipment.* Every school bus, public or private, operated within the city shall be equipped with flashing signal devices that can be either manually or electrically controlled, which shall be visible to the front and the rear of such bus.
- (b) *Operation of equipment.* Whenever the operator of a school bus shall stop for the purpose of loading or unloading passengers, he shall cause the flashing signal devices required by subsection (a) of this section to be operated to indicate that such bus has stopped for such purpose.
- (c) *Procedure of drivers meeting or overtaking; penalty for violation.*
 - (1) A driver on a highway, when approaching from either direction a school bus stopped on the highway to receive or discharge a schoolchild:
 - a. Shall stop before reaching the school bus when the bus is operating a visual signal as required by V.T.C.A., Transportation Code § 547.701; and
 - b. May not proceed until:
 - 1. The school bus resumes motion;
 - 2. The driver is signaled by the bus driver to proceed; or
 - 3. The visual signal is no longer actuated.
 - (2) A violation of this subsection is punishable by a fine of not less than \$200.00 nor more than \$500.00.

(Code 1981, §§ 20-407—20-409)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.066; school bus equipment standards, V.T.C.A., Transportation Code § 547.102; additional equipment requirements for school buses, V.T.C.A., Transportation Code § 547.701.

Secs. 94-605—94-635. - Reserved.

ARTICLE XIV. - PARADES AND PROCESSIONS^[7]

Footnotes:

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State Law reference— Authority of city to regulate or prohibit processions or assemblages on highways, V.T.C.A., Transportation Code § 542.202(a)(3).

Sec. 94-636. - Permit required.

It shall be unlawful for any number of persons, delegation or association of persons or for any company, circus or group to parade or assemble on the streets or public grounds within the city without first having obtained a written permit from the city council.

(Code 1981, § 20-421)

Sec. 94-637. - When prohibited.

The city council shall not issue a permit under the provisions of this article for any person to start any parade or assembly between the hours of 7:00 a.m. and 9:00 a.m.; between the hours of 11:00 a.m. and 1:00 p.m.; and between the hours of 3:30 p.m. and 6:00 p.m., except Sundays, and on days that the city council shall declare legal holidays.

(Code 1981, § 20-422)

Sec. 94-638. - Route.

Whenever any permit is granted by the city council under the provisions of this article, it shall designate the streets, avenues, alleys and thoroughfares over which the parade is privileged to travel and the time the parade shall be held and completed, and if for an assembly, the place of assembly and time it shall be held and completed.

(Code 1981, § 20-423)

Sec. 94-639. - Insurance.

Upon approval by the city council of an application for a parade or assembly permit, the council may, in its discretion, require that prior to the issuance of a permit, the applicant therefor shall deliver to the office of the city secretary a comprehensive general liability insurance policy, which may exclude the parade participants, or such applicant may furnish any other evidence of indemnity for the city's protection incident to the holding of any such parade, the form and amount of the liability insurance or indemnity to be approved by the city secretary.

(Code 1981, § 20-424)

Sec. 94-640. - Fee.

The fee to be paid for any permit to be issued under the provisions of this article shall be as provided in the current fee schedule, such fee to be paid before the city secretary issues such permit.

(Code 1981, § 20-425)

Sec. 94-641. - Prohibited during emergency.

If the mayor shall have declared a state of emergency to exist within this city, no parade or assembly permit shall be issued during the existence of such emergency.

(Code 1981, § 20-426)

Sec. 94-642. - Exception to article.

The provisions of this article shall not apply to movements of the military forces of the United States of America, or of the state, nor to the funeral procession being held as a part of the burial services of a human body.

(Code 1981, § 20-427)

Sec. 94-643. - Change of route.

The chief of police is authorized to make such change in the route of any proposed parade as he may deem proper and necessary in averting a breach of the peace, public disorder or traffic congestion within the city.

(Code 1981, § 20-428)

Sec. 94-644. - Driving through procession restricted.

It shall be unlawful for the driver of any vehicle, except an authorized emergency vehicle, to drive between vehicles comprising a funeral or other authorized parade procession while they are in motion provided said vehicles are conspicuously so designated. This provision shall not apply to intersections where traffic is controlled by traffic control signals or police officers.

(Code 1981, § 20-429)

Sec. 94-645. - Unlawful to interrupt.

It shall be unlawful for any vehicle or person to interrupt, enter or otherwise disrupt the free movement of a parade or procession unless specifically directed to do so by an official law enforcement officer.

(Code 1981, § 20-430)

Secs. 94-646—94-675. - Reserved.

ARTICLE XV. - PEDESTRIANS

Sec. 94-676. - Subject to traffic control.

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

(Code 1981, § 20-446)

Sec. 94-677. - Designation of crosswalks.

The traffic engineer is authorized to establish and to designate and shall thereafter maintain, or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(Code 1981, § 20-447)

Sec. 94-678. - Right-of-way at crosswalk.

- (a) The driver of a vehicle shall yield the right-of-way to a pedestrian crossing a roadway in a crosswalk if:
 - (1) No traffic control signal is in place or in operation; and

- (2) The pedestrian is:
 - a. On the half of the roadway in which the vehicle is traveling; or
 - b. Approaching so closely from the opposite half of the roadway as to be in danger.
- (b) Notwithstanding subsection (a) of this section, a pedestrian may not suddenly leave a curb or other place of safety and proceed into a crosswalk in the path of a vehicle so close that it is impossible for the driver to yield.
- (c) The driver of a vehicle approaching from the rear of a vehicle that is stopped at a crosswalk to permit a pedestrian to cross a roadway may not pass the stopped vehicle.

(Code 1981, § 20-448)

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

Sec. 94-679. - Crossing at point other than crosswalk.

A pedestrian shall yield the right-of-way to a vehicle on the highway if crossing a roadway at a place:

- (1) Other than in a marked crosswalk or in an unmarked crosswalk at an intersection; or
- (2) Where a pedestrian tunnel or overhead pedestrian crossing has been provided.

(Code 1981, § 20-449)

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

Sec. 94-680. - Keep to right.

A pedestrian shall proceed on the right half of a crosswalk if possible.

(Code 1981, § 20-450)

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

Sec. 94-681. - Pedestrians on roadways.

- (a) A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided.
- (b) If a sidewalk is not provided, a pedestrian walking along and on a highway shall if possible walk on:
 - (1) The left side of the roadway; or
 - (2) The shoulder of the highway facing oncoming traffic.

(Code 1981, § 20-451)

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

Sec. 94-682. - Use of sidewalks and safety zones.

- (a) Where sidewalks or safety zones are provided, pedestrians shall stand on the sidewalk or in the safety zone while waiting for a bus, taxi or other vehicle.

- (b) Pedestrians shall enter or leave a vehicle only at a safety zone or crosswalk.
- (c) Pedestrians shall, while waiting on a sidewalk, stand either near the curb or away from the curb so as not to interfere with other pedestrians.

(Code 1981, § 20-452)

Sec. 94-683. - Solicitation by pedestrians.

- (a) A person may not stand in a roadway to solicit a ride, contribution, employment or business from an occupant of a vehicle; except that a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the city council.
- (b) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (c) In this section, "charitable contribution" means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service.

(Code 1981, § 20-453)

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

Sec. 94-684. - Drivers to exercise due care.

Notwithstanding any other provision of this chapter, the driver of a vehicle shall:

- (1) Exercise due care to avoid colliding with a pedestrian on a roadway;
- (2) Give warning by sounding the horn when necessary; and
- (3) Exercise proper precaution on observing a child or an obviously confused or incapacitated person on a roadway.

(Code 1981, § 20-454)

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

Sec. 94-685. - Blind pedestrians.

- (a) It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the city any cane or walking stick that is white in color or white tipped with red.
- (b) Any driver of a vehicle, operator of a motor-driven vehicle or pedestrian who approaches or comes in contact with a person wholly or partially blind and carrying a cane or walking stick white in color or white tipped with red shall immediately come to a full stop and take such other precautions before proceeding as may be necessary to avoid an accident or injury to the person carrying such cane or walking stick.

(Code 1981, § 20-455)

Sec. 94-686. - Motor assisted scooter.

- (a) A "motor assisted scooter" means a self-propelled device with:

- (1) At least two wheels in contact with the ground during operation;
 - (2) A braking system capable of stopping the device under typical operating conditions;
 - (3) A gas or electric motor not exceeding 40 cubic centimeters;
 - (4) A deck designed to allow a person to stand or sit while operating the device; and
 - (5) The ability to be propelled by human power alone.
- (b) Requirements for operation.
- (1) A motor assisted scooter may be operated only on a street, highway or alley for which the posted speed limit is 30 miles per hour or less. The vehicle may cross a road or street at an intersection where the road or street has a posted speed limit of more than 30 miles per hour only if the operator walks the vehicle across the street while observing all applicable pedestrian laws.
 - (2) A person shall not operate a motor assisted scooter on a street or highway during the hours the street or highway is a designated school zone.
 - (3) A motor assisted scooter may only be operated on a street, highway or alley from sunrise until sunset, as defined by state law.
 - (4) A person operating or riding on a motor assisted scooter on a street, highway or alley must wear protective headgear at all times.
 - (5) A person operating a motor assisted scooter on a street, highway or alley must do so following all state provisions applicable to the operation of a bicycle.
 - (6) A person operating a motor assisted scooter on a street, highway or alley must do so in the manner in which it is designed to be operated, i.e., one rider only on one-person motor assisted scooter, sitting or standing only in the designated areas of the motor assisted scooters.
- (c) Adult supervision.
- (1) A motor assisted scooter may not be operated on a street, highway or alley by a person younger than 10 years of age.
 - (2) A person shall not recklessly allow a child in their care, who is under the age of 10 years old, to operate a motor assisted scooter on a street, highway or alley.
- (d) Any violation of this section is a class C misdemeanor punishable by a fine as provided in section 1-11 of this Code.

(Ord. No. 542, § 2, 3-16-04)

Secs. 94-687—94-695. - Reserved.

ARTICLE XVI. - TEXTING WHILE DRIVING

Sec. 94-696. - General.

- (a) *Definitions.* The following words, terms and phrases, when used in the section, shall have the meanings assigned in this section, except where the context clearly indicates a different meaning:

Electronic message means a communication in which data (composed in whole or in part of text, numbers, images, or symbols) is sent, entered or received by a method other than by voice using a wireless communication device.

Roadway means that portion of a public street or highway improved, designed, or used for vehicular travel.

Wireless communication device means an electronic communication device capable of creating, sending or receiving an electronic message. The term includes but is not limited to a mobile phone, a personal digital assistant, a computer, a mobile computer, a tablet computer, a media player and vehicle's onboard computer.

- (b) *Offense.* It shall be unlawful for a person to use wireless communication device to view, send, or create an electronic message while operating a motor vehicle upon a roadway within the city.
- (c) *Defense.* It is an affirmative defense to prosecution of an offense under this section that the person was using a wireless communication device:
 - (1) In a vehicle that was parked or stopped out of the traffic lanes of a roadway;
 - (2) That was attached to or installed in the vehicle as a global positioning or navigation system;
 - (3) Solely in a voice-activated or other hands-free mode;
 - (4) Under a license issued by the Federal Communications Commission; or
 - (5) For making a telephone call.
- (d) *Penalty.* An offense under this section is a misdemeanor punishable by a fine of not less than \$1.00 no more than \$200.00.

(Ord. No. 2013-O-12A, § 2, 12-20-13)