

ORDINANCE NO. 2002-11-02

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, ESTABLISHING TRAFFIC REGULATIONS FOR THE VILLAGE; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A PURPOSE; DEFINITIONS; ESTABLISHING A SPEED LIMIT IN THE VILLAGE; TRAFFIC CONTROL DEVICES; PROHIBITIONS ON INTERFERENCE WITH TRAFFIC CONTROL DEVICES AND THE DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS; PROHIBITION AGAINST ON-STREET PARKING; EXCEPTIONS; AN EFFECTIVE DATE; ENFORCEMENT CLAUSE INCLUDING INJUNCTIVE RELIEF AND A FINE NOT TO EXCEED \$500; SEVERABILITY; AND PROPER NOTICE AND A MEETING.

WHEREAS the Village Council of the Village of Point Venture (“Village Council”) seeks to promote the health, safety and general welfare of the community by maintaining convenient and safe streets and by preventing death, injuries and property damage within the Village limits; and

WHEREAS the Village Council finds that vehicles traveling at high rates of speed within the Village and uncontrolled vehicular traffic within the Village pose a significant and immediate threat to the health, safety, and welfare of Village citizens and their property; and

WHEREAS the Village Council finds that recent population growth and development within and around the Village has increased vehicular traffic traveling in and through the Village and increased the likelihood that speeding and uncontrolled vehicular traffic within the Village will result in bodily injury, death, and property damage; and

WHEREAS the Village Council finds that parking on narrow streets within the Village increases congestion on the Village streets and increases the likelihood that Village citizens will suffer bodily injury, death, and property damage; and

WHEREAS pursuant to Texas Local Government Code Chapter 51 the Village Council has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

WHEREAS pursuant to Texas Transportation Code Chapters 542-546, 553 the Village Council has the express authority to regulate traffic by traffic-control devices, regulate the operation and movement of vehicles, regulate stopping, standing or parking of vehicles and to

enforce such regulations;

NOW THEREFORE, be it ordained by the Village Council of the Village of Point Venture, County of Travis, State of Texas:

I. FINDINGS OF FACT

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

II. PURPOSE

This Ordinance is adopted so that the Village Council may promote the public health, safety, morals and general welfare within the Village through the regulation of vehicular traffic. By establishing speed limits within the Village, providing for traffic control devices, and regulating parking in certain areas within the Village, the Village Council seeks to prevent bodily injury, death, and property damage within the Village limits.

III. DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of Point Venture shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Ordinance.

- (1) "Emergency Vehicle" means police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.
- (2) "Person" means an individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity.
- (3) "Street" means all public streets of the Village, and any portions of such streets.
- (4) "Traffic-control device" means a sign, signal, marking, or device that is installed, placed, erected or used by the Village and is used to regulate, warn, guide, direct or control traffic within the Village.

- (5) "Vehicle" means a device that can be used to transport or draw persons or property on a street including but not limited to a moped, power driven bicycle, motorcycle, motor scooter, automobile, truck, golf cart, tractor, and all-terrain vehicle. The term does not include:
- a device exclusively used on stationary rails or tracks; or
 - manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act.
- (6) "Village" means the incorporated municipality of the Village of Point Venture, located in Travis County, Texas.
- (7) "Village limits" means the municipal boundaries (i.e., city limits) of the Village of Point Venture.

IV. SPEED

A. Reasonable, Prudent Rule

It shall be unlawful for any person to operate or drive a vehicle on a street within the Village at a speed greater than is reasonable and prudent under the circumstances then existing. The limits specified in this Section, and referred to by the term prima facie maximum speed limit, shall be lawful, but any speed in excess of the limits specified in this Ordinance shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

B. General Limit

It is hereby determined, pursuant to section 545.352(b)(1) of the Texas Transportation Code, that the prima facie maximum speed limit on all streets within the Village is thirty (30) miles per hour, except as otherwise provided by ordinance, state law or regulation and indicated by signs erected designating another speed. This speed limit is hereby determined and declared to be reasonable and safe.

C. Effective

The prima facie maximum speed limits herein designated are not effective until speed limit signs are erected. Once erected, the prima facie maximum speed limited established in this Ordinance for all streets within the Village shall be effective at all times.

D. Placement of Signs

The Mayor, or the Mayor's designee, shall erect or install and maintain any and all speed limit signs giving notice of the prima facie maximum speed limit as established in this Ordinance. Such signs shall be installed immediately, or as soon as they can be procured.

The mayor shall, by written authorization, approve the installation of all speed limit signs. Such authorization shall be filed with the Village Secretary, stating the location of each such sign.

V. TRAFFIC CONTROL DEVICES

A. Conformity

All traffic control devices within the Village shall conform to the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, as amended, and specifications adopted under the Texas Transportation Code.

B. Compliance

The operator of a vehicle shall comply with an applicable traffic-control device placed as provided by this Ordinance 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 Ordinance.

C. Enforcement

A provision of this Ordinance requiring a 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 Ordinance that does not require a traffic-control device is effective regardless of whether a device is in place.

D. Interference with a Traffic-Control Device

It shall be unlawful for any person, without Village authority, to alter injure, knock down, or remove or attempt to alter, injure, knock down, or remove:

- (1) a traffic-control device;

- (2) an inscription, shield, or insignia on a traffic-control device; or
- (3) any other part of a traffic-control device.

E. Display of Unauthorized Signs, Signals or Markings

- (1) It shall be unlawful for any person to place, maintain, or display on or in view of a street an unauthorized sign, signal, marking, or device that:
 - (a) imitates or resembles a traffic-control device;
 - (b) attempts to direct the movement of traffic; or
 - (c) hides from view or hinders the effectiveness of a traffic-control device.
- (2) It shall be unlawful for any person to place or maintain on a street, and a public authority may not permit on a street, a traffic-control device bearing commercial advertising.
- (3) It shall be unlawful for any person to place or maintain a flashing light or flashing electric sign within 1,000 feet of an intersection except under a permit issued by the Texas Transportation Commission, or its successor agency.
- (4) This Ordinance does not prohibit a person from placing on private property adjacent to a street a sign that gives useful directional information and that cannot be mistaken for an official Village sign. Such signs must be in accordance with applicable Village regulations or ordinances.
- (5) A sign, signal, marking, or device prohibited under this Ordinance is a public nuisance and the Mayor, or the Mayor's designee, is hereby empowered to remove the same or cause it to be removed without notice.

F. Installation

The Mayor, or the Mayor's designee, shall determine the installation or erection of all traffic-control devices. Such devices shall be installed immediately, or as soon as they can be procured. The Village shall not place or maintain a traffic-control device on a highway under the jurisdiction of the Texas Department of Transportation without that department's permission.

The Mayor shall, by written authorization, approve the installation of all traffic-control devices. Such authorization shall be filed with the Village Secretary, stating the type of device and its location.

G. Prima Facie Evidence of Authorized Installation

Any traffic-control device actually in place shall constitute prima facie evidence that the same was installed by the Village pursuant to the authority of this Ordinance.

VI. ON-STREET PARKING PROHIBITED

Parking is prohibited on all streets in the Village. This restriction is due to the narrow width of the streets which do not permit safe passage of traffic flow under existing conditions and due to the need for emergency vehicles to have unimpeded access to properties in the Village.

VII. EXCEPTIONS

A. Exceptions for Emergency Vehicles

The driver of an emergency vehicle when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, may exercise the privileges set forth in this Section, subject to the conditions stated below:

- (1) Park or stand, irrespective of the provisions of this or any Village ordinance;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the prima facie speed limit as long as life and property are not endangered; and
- (4) Disregard regulations governing direction of movement or turning in specified directions.

B. Applicability

The exceptions herein granted shall apply only when an emergency vehicle sounds audible signal by bell or siren. An emergency vehicle shall be equipped with at least two lighted lamps displaying a red light visible under normal atmospheric conditions from a distance of 500 feet forward. Emergency vehicles operated as a police vehicle need not be equipped with or display a red light visible in front of the vehicle.

Nothing in this Ordinance shall relieve the driver of an emergency vehicle from the duty

to drive with due regard for the safety of all persons or protect the driver from the consequences of his reckless disregard for the safety of others.

VIII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

IX. ENFORCEMENT

A. Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00, provided however that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the State of Texas. Each day that a provision of this Ordinance is violated shall constitute a separate offense.

C. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$250.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) other available relief.

X. SEVERABILITY

It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

XI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED this 4th day of November 2002, by the Village Council of the Village of Point Venture, Texas, by a vote of:

AYE(S): 4 **NO(S):** 1 **ABSTENTION(S):** 0

VILLAGE OF POINT VENTURE

BY: _____
TERRY HICKMAN, Mayor

ATTEST:

Charlotte Banasik, Village Secretary

APPROVED AS TO FORM:

Alan J. Bojorquez, Village Attorney

Attachments Upon Passage:

- meeting agenda
- meeting minutes
- affidavit of posting