

CHAPTER 10
TRAFFIC REGULATIONS

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§ 1-00. *UNIFORM ACT AND STATE MOTOR VEHICLE LAWS ADOPTED*

For the purpose of regulating traffic on the streets, alleys, and thoroughfares of the City of Payne Springs, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as Article 670ld, Vernon's Annotated Civil Statutes, and all other state motor vehicle laws, which act and laws, together with the provisions contained in this Chapter, shall be controlling in the regulation of traffic in the city. A violation of said act or any state motor vehicle law for which the municipal court has jurisdiction shall constitute and be punishable as a violation of this Code of Ordinances. (Ordinance adopting Code)

§ 2-00. *TRAFFIC CONTROL DEVICES*

§ 2-01. Traffic Control Devices Shall Conform to Manual

All traffic control devices including signs, signals, and pavement or curb markings installed or used for the purpose of directing and controlling traffic within the City of Payne Springs shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways which is published by the State Department of Highways and Public Transportation. All signs, signals, and markings erected or used by the City of Payne Springs shall be uniform and be located so far as practicable according to the directions shown in the said manual. All existing traffic control devices and those erected in the future by the city being consistent with the manual, state law, and this chapter, shall be official traffic control devices.

§ 2-02. Unauthorized Traffic Control Devices

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

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

(c) Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the mayor or chief of police is hereby empowered to remove the same or cause it to be moved without notice.

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

§ 2-03. Unlawful to Tamper With Traffic Control Devices

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

§ 2-04. Ratification of Existing Traffic Control Devices

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

§ 2-05. Installation of Traffic Control Devices

After the adoption of this Code of Ordinances, the city council of the City of Payne Springs shall by ordinance, direct the location of all future traffic control signs, signals, and markings. The water and sewer superintendent shall have the duty of erecting or installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, as are necessary to enforce such ordinances or cause the same to be erected, installed, or placed in accordance with this chapter and consistent with the manual on uniform traffic control devices. Said traffic control devices shall be installed immediately upon authorization by the city council, or as soon as such specific device, sign, or signal can be procured.

§ 2-06. Prima Facie Evidence of Authorized Installation

It being unlawful for any person other than the water and sewer superintendent, acting pursuant to an ordinance of the city, to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, proof, in any prosecution for a violation of this chapter or any traffic ordinance of the city, that any traffic control device, sign, signal, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the mayor or his designee pursuant to the authority of this chapter and of the ordinance directing the installation of such device, signal, or marking.

§ 2-07. Duty to Obey Traffic Control Device

The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, signal, or marking applicable thereto placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle as provided for in the state motor vehicle laws. (Ordinance adopting Code)

§ 3-00. *TRAFFIC OBSTRUCTIONS AND VISION CLEARANCE*

The following are hereby declared to be a nuisance and/or a traffic hazard and a violation of this Code of Ordinances.

§ 3-01. Obstructions in Right-of-Way

Signs, plants, or obstructions of any kind, maintained, constructed, placed, planted, or grown in the right-of-way of any public street, except single tree trunks pruned and trimmed to a height of 8 feet above the walk grade and spaced at least 10 feet apart; and other plantings trimmed and pruned, so as not to encroach over and into public areas or streets, and so as not to exceed 3 feet in height above the walk grade; except utility poles, street name signs, traffic control signs, and other devices placed in such areas under lawful authority of the city.

§ 3-02. Plants, Objects, or Vehicles Higher Than Three Feet (3') Prohibited Near Street Corner

It shall be unlawful, except as herein provided, for any person to place or maintain, or cause to be placed or maintained any plant, object, or vehicle having a height greater than 3 feet above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the city, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the right-of-way lines, at points 25 feet from the street corner intersection of the right-of-way.

§ 3-03. Trees Near Street Corner to be Trimmed

It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any tree on or in that portion of any corner lot of the city, which portion is included in a triangle on the street corner of that lot formed by a diagonal line intersecting the right-of-way lines 25 feet from the street corner intersection of the right-of-way lines unless all limbs, branches, and foliage on the tree are kept trimmed and pruned to a minimum clearance of 8 feet above the street level at the nearest curb line or to such clearance as will provide an unobstructed view of traffic signs and oncoming traffic. (Ordinance adopting Code)

§ 4-00. *TRAFFIC REGULATIONS APPLICABLE TO EMERGENCY VEHICLES*

§ 4-01. Emergency Vehicles Exempt From Traffic Regulations

(a) The driver of an authorized emergency vehicle, as the term "authorized emergency vehicle" is defined by state law, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this section or any 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) Drive at a speed faster than the speed limits, so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement of turning in specified directions.

§ 4-02. Warning Devices to be Used

The exemptions herein granted to an authorized emergency vehicle in motion shall apply only when the driver of any said vehicle in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

§ 4-03. Driver not Relieved From Duty to Drive With Due Care and Precaution

The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ordinance adopting Code)

§ 5-00. *FOLLOWING EMERGENCY EQUIPMENT
OR VEHICLES PROHIBITED*

The driver of any vehicle other than one on official business shall not follow any emergency vehicles or fire apparatus traveling on an emergency call closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm or where a police vehicle has stopped to respond to an emergency call. (Ordinance adopting Code)

§ 6-00. *DRIVING OVER FIRE HOSE*

No vehicle shall be driven over any unprotected hose of the fire department when laid on any street, private driveway, or alley without the consent of the fire department official in command. (Ordinance adopting Code)

§ 7-00. *PROCESSIONS*

§ 7-01. Driving Through Funeral or Other Processions Prohibited

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are

conspicuously designated as required in § 7-02 below. This section shall not apply to authorized emergency vehicles.

§ 7-02. Drivers in a Procession

Each driver in a funeral or other procession shall drive as near the right hand side or edge of the roadway as practical and shall follow the vehicle ahead as closely as is practicable and safe.

§ 7-03. Funeral Procession to be Identified

Each driver in a funeral procession shall turn on the headlamps of the vehicle and it shall be the duty of the undertaker having charge of the funeral procession to notify each driver of a motor vehicle of this method of identification. (Ordinance adopting Code)

§ 8-00. *PUTTING GLASS, NAILS, ETC., ON THE STREET PROHIBITED*

No person shall throw or deposit upon any street any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such street. (Ordinance adopting Code)

§ 9-00. *CLINGING TO MOVING VEHICLES*

Any person riding upon any bicycle, motorcycle, coaster, sled, rollerskates, or in any toy vehicle shall not attach the same or himself to any motor vehicle upon any roadway. (Ordinance adopting Code)

§ 10-00. *DRIVING ON SIDEWALKS PROHIBITED*

The driver of a vehicle shall not operate or park any vehicle on any sidewalk except at a permanent or temporary driveway. (Ordinance adopting Code)

§ 11-00. *VEHICLES TO BE EQUIPPED WITH RUBBER TIRES WHEN USED ON CITY STREETS*

It shall be unlawful for any person, firm, or corporation, owning, controlling, renting, leasing or operating any motor vehicle, truck, truck-tractor, trailer, semi-trailer, or any combination thereof, that may be equipped with wheels with cleats, lugs, or other metals and which are not equipped with wheels, or other devices, with rubber inflated tires, or the equivalent thereof, if such wheels or devices roll, slide, or drag on the streets. (Ordinance adopting Code)

§ 12-00. *SPEED LIMITS*

§ 12-01. No Person Shall Drive at Greater Than is Reasonable and Prudent

No person shall drive a vehicle on any street in the city limits at a speed greater than is reasonable and prudent under the conditions and having regard for 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 a highway or street in compliance with legal requirements, and it shall be the duty of all persons to use due care. No person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the City of Payne Springs on any street at a greater speed than 30 miles per hour, or unless signs are erected designating another speed limit, or in any alley at a greater speed than 15 miles per hour.

§ 12-02. Speed Limits Greater or Less than Thirty (30) Miles Per Hour Determined by Engineering and Traffic Investigation

Whenever the city shall determine upon the basis of an engineering and/or traffic investigation that the 30 miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of any street or highway, the city shall, upon authorization by the city council by appropriate ordinance, establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway or street.

§ 12-03. No Person to Drive at Such Slow Speed as to Impede Normal Movement of Traffic

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

§ 13-00. *GENERAL WEIGHT LIMITS ON CITY STREETS*

No person shall operate or cause to be operated on any street within the city, except those designated as truck routes or state or federal highways, any motor vehicle, truck tractor, trailer, semi-trailer, pole trailer, or any heavy machinery or equipment or combination thereof, having a gross weight of 35,000 pounds or more unless excepted as follows:

- (a) When it is necessary to make deliveries of merchandise or property to any business or residence within the city; provided the shortest practicable route to or from such points are taken;
- (b) Public utility service or maintenance trucks or vehicles operating under a legally franchised company within the city, i.e., garbage trucks, wrecker trucks, etc.

(c) School buses, church buses, and public emergency vehicles.

(b) Private travel trailers, camper trailers, other recreational vehicles, designed for use primarily on streets and highways. (Ordinance adopting Code)