

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, TO BE KNOWN AS THE TRAFFIC CONTROL ORDINANCE OF THE CITY OF MANOR; DEFINING CERTAIN TERMS; AUTHORIZING THE CHIEF OF POLICE TO ORDER THE ERECTION OF TRAFFIC CONTROL DEVICES; ESTABLISHING A REGISTRY OF TRAFFIC CONTROL DEVICES; SETTING OUT VIOLATIONS OF THIS ORDINANCE; ESTABLISHING A PENALTY; DEFINING EXCEPTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION OF NOTICE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

PART 1: General.

Section 1.1 Title. This ordinance shall be known, and may be cited, as the Traffic Control Ordinance of the City of Manor, Texas.

Section 1.2 Definitions.

(a) For the purpose of this ordinance, the following terms and words are defined as indicated below:

(1) "Authorized emergency vehicle" means vehicles of the fire department (fire patrol), police vehicles, public and private ambulances for which permits have been issued by the State Board of Health, emergency vehicles of municipal departments or public service corporations as are designated or authorized by the governing body of an incorporated city, private vehicles operated by volunteer firemen or certified Emergency Medical Services volunteers while answering a fire alarm or responding to a medical emergency, and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs, or medicines, or organs.

(2) "Manual" means the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, as it now exists or as may hereafter be duly amended.

(3) "Official traffic control devices" means all existing traffic control devices, and those erected in the future by the City, which are consistent with the manual, state law, and this ordinance.

(4) "Registry" means an official written record prepared by the Chief of Police identifying each official traffic control device by its type, location, and date of installation.

(5) "Traffic control device" means signs, signals, and markings (pavement and/or curb), installed or used for the purpose of directing and controlling traffic within the City of Manor.

(b) Terms not defined herein shall be construed in accordance with customary usage.

PART 2. Official Traffic Control Devices.

Section 2.1 Installation.

(a) All traffic control devices erected or used by the City shall be uniform and be located, so far as practicable, according to the directions shown in the manual.

(b) The Chief of Police shall have the duty to recommend the installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, or cause the same to be erected, installed, or placed in accordance with this ordinance and consistent with the manual.

(c) Said traffic control devices shall be installed immediately or as soon as such specific device, sign, or signal can be procured.

Section 2.2 Registry. Whenever the Chief of Police has erected and installed any official traffic control device at any location in the City of Manor, or has caused the same to be done under his direction, he shall thereafter enter in a Registry the type of traffic control device and when and where the same was erected and installed. The Registry shall be considered as an official record of the City of Manor.

Section 2.3 Speed Limits. Above notwithstanding, the City Council shall have the authority, by ordinance, to alter maximum prima facie speed limits from those otherwise established by State Law in the manner provided by State Law.

PART 3: Penalty.

Section 3.1 Violation.

(a) It shall be deemed a violation of this ordinance for:

(1) The driver of any vehicle, motor vehicle, or animal to fail to obey the instructions of any official traffic control device, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle as set out in Part 4, hereof.

(2) Any person to place, maintain, or display upon, or in view of, any highway, street, or alley any unauthorized traffic control 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.

(3) Any person to place or maintain, or for any public authority to permit, upon any highway, street, or alley any traffic control device bearing thereon any commercial advertising. 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.

(4) Any person, without lawful authority, to attempt to, or in fact, alter, deface, injure, knock down, or remove any official traffic control device, or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any part thereof.

(5) Any person, other than the Chief of Police, or his duly authorized representative, to install, or cause to be installed, any device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals,

(6) The driver of any vehicle to fail to obey the instructions of any traffic control device applicable thereto, unless otherwise directed by a traffic or police officer.

(7) The driver of an authorized emergency vehicle to drive without due regard for the safety of all persons.

(8) Any person to do any act which otherwise is proscribed by this ordinance.

(b) Any unauthorized traffic control device is hereby declared to be a public nuisance, and the Chief of Police, or his duly authorized representative, is hereby empowered to remove the same or cause it to be moved without notice.

Section 3.2 Prosecution. Proof, in any prosecution for a violation of this ordinance or any traffic ordinance of the City of Manor, that any traffic control device was actually in place on any street, shall constitute prima

facie evidence that the same was installed by the Chief of Police, or his duly authorized representative, pursuant to the authority of this ordinance.

Section 3.3 Fine. Any person found to be violating the provisions set out in Section 3.1, above, shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed TWO HUNDRED (\$200.00) DOLLARS. Each day of such violation shall constitute a separate offense. Such penalty shall be cumulative and not exclusive of any other rights or remedies the City may have.

PART 4: Exceptions.

Section 4.1 Emergency Vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call, 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 subsection (b) below, subject to the conditions set out in subsection (c), below.

(b) The driver of an authorized emergency vehicle, when acting under conditions set out in Section 4.1 (a), above, may:

(1) Park or stand, irrespective of the provisions of this 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) Exceed the prima facie speed limits so long as he does not endanger life or property; and

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle by this Section shall apply only when the driver of any said vehicle in motion:

(1) Sounds an audible signal by bell, siren, or exhaust whistle as may be reasonably necessary; and

(2) Is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (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.

Section 4.2 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.

PART 5: Closing Provisions.

Section 5.1 Severability. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 5.2 Publication. The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Manor for ten (10) consecutive days.

PASSED by the City Council of the City of Manor at a meeting on the 19 day of November, 1985, at which a quorum was present and for which due notice was given pursuant to TEX.REV.CIV.STAT.ANN. art. 6252-17 (1970, Supp. 1985).

ATTEST:

Charlotte Tumlinson  
CHARLOTTE TUMLINSON, City Secretary

APPROVED this 19 day  
of November, 1985.

Doug Parker  
DOUG PARKER, Mayor