

ORDINANCE NO. 2022-08-08 (7B)

AN ORDINANCE OF THE CITY OF ROCKDALE, TEXAS AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, OF THE CODE OF ORDINANCES BY AMENDING ARTICLE 12.02 TRAFFIC-CONTROL DEVICES, DIVISION 1 GENERALLY; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Rockdale desires to promote safety, protect its citizens and regulate traffic on City streets; and

WHEREAS, due to the potential for accidents resulting in injury to person and various types of property damage;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockdale, Texas that:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Article 12.02 Traffic-Control Devices, Division 1 Generally. Article 12.02 Traffic-Control Devices, Division 1 Generally, is hereby amended in its entirety to read as follows:

Division 1. Generally

Sec. 12.02.001 Authority to install

The director of public works shall place or cause to be placed and maintain official traffic-control signs, signals, and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances, and may place or cause to be placed and maintain such additional traffic-control devices as he may deem necessary to regulate, warn, or guide traffic under the traffic ordinances of this city or the state traffic laws.

Sec. 12.02.002 Manual and specifications

All traffic-control signs, signals, and devices shall conform to the Texas Manual on Uniform Traffic-Control Devices (TMUTCD) for streets and highways and specifications approved by the council. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic-control devices heretofore erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

State law reference - Adoption of sign manual and specifications, V.T.C.A., Transportation Code, sec. 544.001.

Sec. 12.02.003 Obedience

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

State law reference -Compliance with traffic-control device, V.T.C.A., Transportation Code, sec. 544.004.

Sec. 12.02.004 Enforcement if device not in place

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

State law reference – No enforcement against alleged violator if traffic-control device not in proper position or sufficiently legible, V.T.C.A., Transportation Code, sec. 544.004(b).

Sec. 12.02.005 Presumption of legality

- a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this article, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- b) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this article, unless the contrary shall be established by competent evidence.

Sec. 12.02.006 Sign inventory

An inventory of all traffic-control signs installed shall be maintained by the city public works street maintenance department and provided to the city manager. The inventory shall show the location of each sign, date of installation, and other pertinent information applicable to each sign. Future installations, removals, or maintenance of the traffic-control devices shall be entered in the inventory as they occur.

Sec. 12.02.007 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 hereby affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this article or state law. Additionally, all traffic-control signs, signals, devices and markings placed or erected after adoption of this code within the existing city limits or in recently annexed areas will be declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this article or state law.

Sec. 12.02.008 Penalty

Any person that violates this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in accordance with the general penalty in Appendix A -Fee Schedule of this code.

Section 3. Repeal of Conflicting Ordinances. All ordinance or parts of ordinances, and sections of the City Code of Ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Effective Date. This ordinance shall be effective from and after the date of its passage and publication according to State law and the City Charter.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which the ordinance is 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, Chap! 551, Loe. Gov't. Code.

PASSED AND APPROVED on first reading on this the 11th day of July, 2022.

PASSED AND APPROVED on second reading on this the 8th day of August, 2022.

THE CITY OF ROCKDALE, TEXAS



Brett M. Boren, Mayor

ATTEST:



Shanna Johnson
City Secretary