

## ORDINANCE 005-99

AN ORDINANCE OF THE CITY OF DE LEON, TEXAS, AUTHORIZING AND DIRECTING THE INSTALLATION, PLACEMENT AND ERECTION OF TRAFFIC CONTROL SIGNS AND DEVICES AT MANCHACA STREET AND REYNOSA STREET; RATIFYING AND CONFIRMING THE ORIGINAL PLACEMENT AND ENFORCEMENT OF SUCH TRAFFIC CONTROL SIGNS AND DEVICES; MAKING FINDINGS OF FACT; PROVIDING PENALTY; SEVERABILITY AND OPEN MEETINGS AND PUBLICATION CLAUSES.

Whereas, the placement, installation, erection and enforcement of traffic control signs and devices on the city streets and at intersections to control, regulate and direct the travel and operation of motor vehicles and conveyances is essential and necessary to the public safety;

Whereas, the of City of De Leon, Texas (the "City") has caused a survey and inventory of all traffic devices and signs heretofore placed, installed and erected on Manchaca Street at Bell Street and Reynosa Street at Bell;

Whereas, the location of Manchaca Street at Bell is an intersection near a public park that attracts numerous children and pedestrians whose safety would be better protected with the erection of a four way stop at such location;

Whereas, Manchaca Street at Bell and Reynosa Street at Bell are streets under the City's jurisdiction pursuant to the *Texas Transportation Code Chapter 544* the City may erect traffic-control devices;

Whereas, a listing and inventory of all such traffic control signs and devices that are reasonable, necessary, prudent and required to protect the traveling public and to preserve and protect the public safety of the citizens of the City has been made by the Police Department and presented to the City Council of the City for its review and consideration; and

Whereas, after review, inquiry and the opportunity for citizen participation, the City Council has found the traffic control devices and signs hereinafter set forth and listed in this ordinance are reasonable and necessary for the public safety and are supported by sound and accepted public safety and traffic engineering criteria;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Ratification and Confirmation.** The installation, placement, erection and enforcement of the traffic control signs and devices as set forth hereto in the following Section 3 of this ordinance is hereby confirmed and ratified by the City Council.

**Section 3. Traffic Control Signs and Devices.** The City Council hereby orders and directs that the traffic control signs and devices hereinafter set forth in this Section 3 be placed, installed and erected at the locations designated, and that each such sign and device be hereafter maintained and enforced by the City.

<u>Sign or Device Controlled</u>	<u>Location</u>	<u>Street and Traffic</u>
Stop sign	Manchaca Street at Bell	Controls Manchaca Street
Stop sign	Manchaca Street at Bell	Controls Bell Street
Stop sign	Reynosa Street at Bell	Controls Bell Street

The term "controls" as listed in column three above refers to the street which the traffic control sign for that line shall regulate and control traffic. Each Stop sign listed above in column one shall require traffic traveling on the street listed after the word "Controls" in the third column to stop and yield right-of-way to any traffic or motor vehicle on any other street listed in column two for that line.

**Section 4. Violation and Penalties.** Any person, who tampers with, alters, removes, destroys, or covers or hinders the visibility, of any traffic device control device of this city in a manner which is inconsistent with its use as a traffic control device violates this ordinance. Any person who violates this ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$200.00. Each day of violation and each incident of violation of this ordinance shall constitute a separate offense.

**Section 5. Severability.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Open Meetings.** It is hereby officially found and determined that the meeting at which this 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, *Chapt. 511, Tex. Gov't. Code.*

**Section 7. Publication.** This Ordinance shall take effect and be in full force and effect ten (10) days after the publication of the caption hereof in

the manner required by law.

**Section 8. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code.*

Passed and Adopted on first reading this the 26 day of January, 1999.

Passed and Adopted on second reading this the 9 day of February, 1999.

The City of De Leon, Texas

Norma Jo Locke  
Norma Jo Locke, Mayor

Attest:

Regenia Sadberry  
Regenia Sadberry, City Secretary