

ORDINANCE NO. 78-104

General Law City - Ordinance/Resolution authorizing existing traffic control devices the installation of new traffic control devices, signals and signs, and directing the Chief of Police to erect such devices, signals and signs as may be provided for in any subsequent Ordinance/Resolution; and providing for the prima facie evidence rule with respect to such devices, signals and signs as may be actually installed.

BE IT ORDAINED/RESOLVED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS.

Section 1. All traffic control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the City of De Leon shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Volumes I and II (hereafter called the Manual). Article 670ld, Vernon's Civil Statutes states; all signs, signals and markings erected or used by the City of De Leon shall be uniform and be located so far as practicable according to the directions shown in the Manual throughout the city. All existing traffic control devices and those erected in the future by the city being consistant with the Manual, State law and this Ordinance/Resolution shall be official traffic control devices.

Section 2. 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 Ordinance/Resolution, the Manual and any Ordinance/Resolution directing that such traffic control device, sign or signal shall be installed or erected unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle permitted by this Ordinance/Resolution.

Section 3. (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 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;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emer-

gency vehicle 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 atmosphere conditions from a distance of five hundred 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.

(d) 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.

Section 4. (a) No person shall place, maintain, or display upon or in view of any highway, street or alley any unauthorized signs, 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 or direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official 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 advertising.

(c) 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.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same or cause it to be removed without notice.

Section 5. 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 thereon, or any part thereof.

Section 6. (a) The City Council of the City of De Leon shall by Ordinance/Resolution direct that the Chief of Police shall have the duty of erecting or 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/Resolution and consistent with the Manual. Said traffic control devices shall be installed immediately, or as soon as such specific device, sign or signal can be procured.

(b) Whenever the Chief of Police has erected and installed any official traffic control device, signal or sign at any location in the City of De Leon, or has caused the same to be done under his direction, in obedience to this Ordinance/Resolution, the Manual, or another Ordinance/Resolution directing the erection of such device,

signal or sign shall thereafter file a report with the City Secretary in writing and signed officially by the Chief of Police, stating the type of traffic control device, sign or signal, and when and where the same was erected or installed. The City Secretary shall file and maintain such report of the Chief of Police among the official papers of the office of the City Secretary.

Section 7. It being unlawful for any person other than the Chief of Police, acting pursuant to an Ordinance/Resolution 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 Ordinance/Resolution or any traffic Ordinance/Resolution of the City of De Leon, 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 Chief of Police pursuant to the authority of this Ordinance/Resolution and of the Ordinance directing the installation of such device, signal or marking.

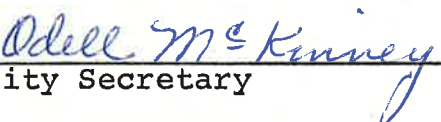
Section 8. Any person convicted of violating any of the provisions of this Ordinance/Resolution shall be punished by a fine of not less than One Dollar (\$1) nor more than Two Hundred Dollars (\$200).

Passed, adopted and approved, this the 12th day of September, 1978.



Mayor

ATTEST:



City Secretary