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ARTICLE I. IN GENERAL

62.1 Recreational Vehicles

 (a) a recreational vehicle shall not be parked or left standing on any street, highway, or other public way located within the city limits of East Tawakoni or those areas zoned one- family (SF-1), one family -2 (SF-2), one – family -3 (SF-3) and single family attached (SFA) during the day or night; however, such vehicle may be parked on the property of a person residing on the property but not being used for as a living quarters. There will be an exempt if the property owner is building a new dwelling on the property or the dwelling is being remodeled due to loss. A permit shall be issued for a total of 6 months for a recreational vehicle where there is new construction of a dwelling or remodeling of dwelling. The permit shall be issued by the City of East Tawakoni at city hall from Monday thru Friday 8 am till 4: 30 pm except holidays. A recreational vehicle can also be used by the property owner on his property without a dwelling for a period of no more than 7 days after receiving a non-construction permit for a weekend or 7 days stay. The maximum will be 7 days per year . The owner of the property shall remove the recreational vehicle from the property at the end of the stay even if the property owner does not own the recreational vehicle. A fine of $25.00 to $200.00 shall or can be issued for violating this ordinance.

(b) ay person violating any portion or provision of subsection (a) above shall be deemed guilty of a misdemeanor and upon conviction therefor, shall be punished by the assessment of a fine as provided for in section 62-1 of this code, and each day and every day that any such portion of provision of this section is so violated shall constitute a separate and distinct offense

Secs. 62-2 – 62-30. Reserved.

ARTICLE II. SPECIFIC STREET REGULATIONS

DIVISION 1. GENERALLY

Sec.62-31 FISHING FROM BRIDGE KNOWN AS BULL CREEK.

(a) No person may fish from the deck, embankment, or road surface of Bull Creek Bridge or causeway on a road maintained by the Texas Department of Transportation.

(b) No person may deposit or leave dead fish or bait on the deck, embankment, or road surface of Bull Creek Bridge or causeway on a road maintained by the Texas Department of Transportation.

(c) The Texas Department of Transportation shall post appropriate signs on all bridges and causeways affected by this section.

(d) A person can be fined for violation of this city ordinance as a Class C Misdemeanor by citation not to exceed $200.00

Adopted 3-20\*-2018

Secs. 62-32 – 62-50. Reserved.

DIVISION 2. SPEED LIMITS

Sec. 62-51. Speed limits on State Highway 276.

No person shall drive a vehicle upon a public road, street and highway in the City of East Tawakoni, Texas at a speed greater than is reasonable and prudent under the conditions and circumstances then existing. Except when a special hazard exists that requires lower speeds for compliance with the above requirement, the limits hereinafter set out shall be lawful but any speed in excess of the limits as hereinafter set out for the streets and highways and portions thereof to which they apply shall be prima facie evidence that the speed is not reasonable or prudent:

1. On State Highway 276, easterly from the west city limit of East Tawakoni for a distance of approximately 0.450 miles, a speed limit of fifty (50) miles per hour at all times; thence easterly for a distance of approximately 2.061 miles, a speed limit of fifty-five (55) miles per hour at all times to the east city limit of East Tawakoni as evidenced by the attached plan is hereby approved and made a part thereof.
2. All ordinances and parts of ordinances in force in the City of East Tawakoni, Texas which conflict with the terms and provisions of this ordinance are hereby repealed insofar as they conflict with this ordinance, but all other portions of said ordinance shall remain in full force and effect
3. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Two Hundred and no/100 Dollars
4. The facto that present traffic regulations are inadequate to control traffic in areas covered by this ordinance an emergency which is here and now declared, and all rules and regulations providing for the reading of ordinance is passed as an emergency measure and shall be in full force and effect from and after it passage and publication and after the installation of speed limits signs

Code 1987 §14.1

Amended 6-20-2006

Sec. 62-52. Speed limits on F.M. Highway 513.

(a) The following prescribed section of F.:\I. Highway 513 is regulated as to the speed of motor vehicles traveling in the direction indicated. and it shall be unlawful for the driver of any motor vehicle to drive the vehicle in the direction stated at a speed in excess of the following: On F.M. Highway 513, southerly from the north city limits to the intersection of F.M. Highway 276, a distance of approximately 0.273 mile. a speed limit of 45 miles per hour at all times as evidenced by the plan, which is on file in the city secretary's office, which is approved.

(b) This speed for vehicular traffic traveling upon the designated section of F.M. Highway 513 in the direction specified in this section is found to be a reasonable and safe prima facie speed limit.

(c) The state department of transportation is authorized to erect signs indicating the speed limit designated in this section.

Code 1987 §14.2

Sec. 62-53. Speed limits on other city streets.

Section 1. The maximum speed limit for any motor vehicle traveling on any of the Residential Streets shall be 25 miles per hour. Except for the streets in Sandy Shores Subdivision have a speed limit of 20 miles per hour as requested by residences of the Subdivision.

Section 2. The Public Works Department of the City shall erect signs, in compliance with applicable regulations for traffic signage, on each of the Residential Streets. Such signs shall be erected in a manner as to give notice to drivers of motor vehicles of the speed limit established by this Ordinance.

Section 3. A person who violates the speed limit established by this Ordinance on a Residential Street shall be guilty of a Class C misdemeanor. A violation of the speed limit established by this Ordinance is punishable by a fine of up to $200.00.

Section 4. A caption that summarizes the purpose of this Ordinance and the penalty for violating this ordinance shall be published as provided by Tex. Law. Gov't Code§ 52.011.

Section 5. This Ordinance shall be effective immediately upon adoption. However,

no speed limit established by this Ordinance shall be enforced on any Residential Street until:

(1) a sign has been erected on such Residential Street in compliance with Section 2 of this Ordinance; and

(2) publication has occurred in compliance with Section 4 of this Ordinance.

Section 6. The factual recitations, findings and determination included in the recitals of this Ordinance are specifically made and determined by the City Council in the adoption of this Ordinance.

Code 1987 §14.2

Amended 6-19-20012

62-54 Reserved

Section 62-55. Definitions.

The following words, terms and phrases when used in this article shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning.

**Operator** shall mean the person operating and having physical control over the golf cart. An operator must carry a valid Texas Drivers' License.

**Golf Cart** as referenced hereafter shall have the meaning assigned by the V.T.C.A., Transportation Code§ 502.001(7), as it exists or may be amended, and includes a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. The term, as used herein, shall include a specific restriction that a permitted golf cart shall have an attainable a top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATV's, four wheelers.

**Owner** shall have the meaning assigned by the Texas Transportation Code, § 502.001, and shall mean the person who has legal title to the golf cart, has the legal right of possession of the golf cart, or has the legal right of control of it.

**Public Highway** shall have the meaning assigned by the Transportation Code § 68 502.001(18), as it exists or may be amended, and includes a road, street, way, thoroughfare, or bridge:

a. that is in the state;

b. that is for the use of vehicles;

c. that is not privately owned or controlled; and

d. over which the state has legislative jurisdiction under its police power.

Adopted 6-19-2012

Section 62-56. Required Equipment Regulations.

Every golf cart operated within the City of East Tawakoni shall be equipped with the following equipment which shall be operational at all times: headlights, tail lamps, reflectors, parking brakes, rearview mirror(s) and a slow-moving vehicle emblem clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet as provided for in§§ 551.404 and 547.703, respectively of the Transportation Code.

Every golf cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and shall comply with all state, federal and city regulations.

Golf carts which have been altered to allow them to travel at speeds greater than 25 mph are prohibited.

Adopted 6-19-2012

Section 62-57 Operation Regulations.

1. All operators of golf carts shall be licensed to operate a motor vehicle as provided by the Texas Transportation Code and shall carry a valid Texas drivers' license while operating the golf cart, a person the age of twelve years and up may operate the golf cart with a licensed driver over the age of eighteen with a Texas driver’s license sitting next to them while operating the golf cart who may at any given time take control of the golf cart.
2. All operators of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using any public highway in the City.
3. Golf carts shall not be operated on public sidewalks at any time.
4. Golf carts may only be operated upon a public street or highway with a posted speed limit of not more than 25 mph unless otherwise restricted. Golf carts may not operate at a speed greater than 15 mph at any time in the city. A golf cart may cross a street or highway with a posted speed limit of more than 25 mph if said crossing occurs at an intersection and said crossing is perpendicular to the street or highway with a posted speed limit of more than 25 mph.
5. The operator of a golf cart on a public highway may cross a multi lane or a county or state route only at an intersection.
6. All golf carts are entitled to a full use of a lane on the public highway and no motor vehicle shall be operated in such a manner as to deprive any golf cart of the full use of a lane.
7. No operator shall operate a golf cart between lanes of traffic or between adjacent lines of rows of vehicles.
8. Golf carts shall move to the right and yield the right of way to faster moving vehicles.
9. The operator and every occupant of a golf cart shall be limited to the seating
10. capacity as designed by the manufacturer and all occupants shall remain seated in a seat designed to hold passengers while the golf cart is in motion.
11. No person may ride in the lap of the driver.
12. Children under the age of three years may not ride on a golf cart at any time.
13. Adopted 6-19-2012

Section 62-58 Exceptions.

Golf carts owned and/or operated for official government purposes by the City of East Tawakoni or any other governmental entity are exempt from regulation by this code.

Golf carts used while evacuating persons during a declared emergency are exempt from regulation by this code during the declared emergency and for 72 hours after the emergency unless otherwise ordered by the City.

Adopted 6-19-2012

Secs. 62-59 -70. Reserved.

DIVISION 3. STOP SIGNS

Sec. 62-71. Locations.

Stop signs shall be placed at designated intersections within the city limits as determined by the chief of police for the safety of the citizens of the city. Such provisions shall consider safety of all manner of pedestrian, the safe and continuous flow of motor traffic and such other concerns of traffic flow as deemed appropriate. All provisions concerning placement of and enforcement of stop signs shall be numbered and placed in appropriate order in this division and becomes a part of this division.

Code 1987 §14.10

Sec. 62-72. Penalties.

Any driver of a vehicle, motor vehicle or animal who shall fail to bring such vehicle, motor vehicle or animal to a full stop at a stop sign as required by this division shall upon conviction of a violation of this division or any provision of this division be punished by a fine of not more than $200.00.

Code 1987 §14.11

Secs. 62 73 62 90. Reserved.

DIVISION 4. STOPPING, STANDING, PARKING

Sec. 62-91. Restricted.

(a) Definitions. The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

**Highway and street** mean the width between the boundary lines of a publicly maintained way, any part of which is open to the public for vehicular travel.

**Improved shoulder** means a paved shoulder.

**Roadway** means the portion of a highway, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular travel. If a highway includes at least two separate roadways, the term applies to each roadway separately.

**Shoulder** means the portion of a highway that is not intended for normal vehicular travel.

(b) Prohibition. All vehicles, except in emergency situations, are prohibited from parking on any portion of State Highway 276 for a distance of 1,000 feet east or west of the causeway at Bull Creek Bridge. This is to include the roadway, shoulder, and improved shoulder.

(c) Removal of vehicle; citations. When any vehicle is determined to be parked in violation of this section, any police officer of the city or any other peace officer is authorized to remove the vehicle or cause it to be removed and issue appropriate citations.

(d) Violation; penalty. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by the assessment of a fine not to exceed

$200.00. Any such person shall be deemed to have committed a separate offense for each day or portion of a day during which any violation under this section is committed, continued, or permitted by any such person.

Adopted 4-20-1999

Secs. 62-92 – 62-120. Reserved.

ARTICLE III. JUNKED, WRECKED, ABANDONED VEHICLES

Sec. 62-121. Adoption of state law.

Section 1. AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES.

(a) A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police when:

(1) the vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass;

(2) the vehicle is illegally parked so as to block the entrance to any private driveway;

(3) the vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner;

(4) the officer has reasonable grounds to believe that the vehicle has been abandoned;

(5) a vehicle upon a street is so disabled that its normal operation is impossible or

impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(6) an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate;

(7) the vehicle is standing, parked, or stopped in any portion of a street, and the officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled;

(8) the vehicle is standing, parked, or stopped in violation of the parking ban regulations;

(9) the vehicle is standing, parked, or stopped in violation of any provision of this chapter;

(10) the vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is authorized;

(11) the vehicle is in an accident and the vehicle's owner, or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended; or

(12) The vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended.

(b) A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage. The chief of police shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations:

(1) The storage fee is $25 for each day or portion of a day that a vehicle not longer than 25 feet is stored and $35 for each day or portion of a day that a vehicle longer than 25 feet is stored, except that a storage fee may not be charged for more than one day if the vehicle remains at the city pound location for less than 12 hours.

{2} Storage fees on a stolen vehicle will be charged as outlined.

(3) Storage fees on a vehicle owned by an arrested person will be charged as outlined on the date of impoundment

(4) Storage fees will not be collected when a vehicle is not involved in an accident but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.

(5) Storage fees on any vehicle involved in a motor vehicle accident will be charged commencing on the date of impoundment.

(6) An impoundment fee of $25, in addition to applicable towage, notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(7) A notification fee of $50, in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.

(c) A police officer may, at his discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked and secured.

(d) The chief of police or designated representative may release a vehicle without payment of towage, notification, impoundment, or storage fees under the following circumstances

(1) a vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

(2) a vehicle is owned by or belongs to an individual who is not a citizen of the United States, who does not permanently reside in the United States, and who is entitled to diplomatic immunity;

(3) subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or

(4) a vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.

(e) If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative shall release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.

(f) A person commits an offense if he removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.

(g) As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the city council hereby designates all city pound locations as storage facilities operated for commercial purposes."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $500.

SECTION 3. That the terms and provisions of this ordinance are severable and are governed by Section 62 121 article Ill of the East Tawakoni City Code, as amended.

SECTION 4. That this ordinance will take effect on January 1, 2013, and it is accordingly so ordained.

Adopted 11-15-2011

Amended 1-13-2013

Section 62-122: Alternate Procedure for Administrative Hearing.

The City Council hereby adopts the option as granted in V.T.C.A., Transportation Code

Section 683.0765 to provide an administrative adjudication process under which an

administrative penalty may be imposed for the enforcement of an ordinance adopted

under this subchapter. If a municipality provides for an administrative adjudication

process under this section, the municipality shall use the procedure described by Section

54.044, Local Government Code.

adopted