

Chapter 10 – Traffic Control

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Article 10.01.00 ADOPTION OF UNIFORM ACT

- A. The Board of Aldermen hereby adopts the Texas Uniform Act Regulating Traffic on Highways, known as Article 6701D of Vernon's Texas Civil Statutes, as heretofore and hereafter amended, and ordains that such Act shall be in full force and effect upon all streets, roads, alleys, and thoroughfares within the City. (Ord. No. 09-85 § 1, 4-29-1985)

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.02.00. TRAFFIC CONTROL DEVICES

Sec. 10.02.01. Texas Manual on Uniform Traffic Control Devices adopted.

- A. All traffic control devices including signs, signals, and markings on pavement and curbs used for the purpose of directing and controlling traffic within the City, shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Volumes I and II. All traffic control devices so erected shall be official traffic control devices of the City of Bayou Vista, Texas. (Ord. No. 09-85 § 2A, 4-29-1985)

Sec. 10.02.02. Through streets.

- A. The City hereby designates certain streets as through streets. The designated through streets for the City of Bayou Vista are described in Traffic Control Device Inventory Schedule 1 on file in the office of the City Secretary. This schedule is hereby adopted and incorporated in this article as if set out at length herein. The schedule may be amended from time to time by ordinance of the Board of Aldermen. A current schedule shall be maintained by the City Secretary at all times. Whenever any ordinance modification of this City designates and describes a through street, it shall be the duty of the City to place and maintain a stop sign, or on the basis of an engineering traffic investigation at any intersection, a yield sign, on each and every street intersecting such through street unless traffic at any such street is controlled at all times by traffic control signals, provided, however, that at the intersection of a through street and a heavily traveled street not so designated, stop signs shall be erected at the approached of either, or both of said streets as may be determined by the City upon the basis of an engineering and traffic study.

B. One-way streets.

1. The following streets located within the City of Bayou Vista are hereby designated as one-way streets for vehicular traffic traveling in a southerly direction thereon: Barracuda from its northerly intersection with Neptune Drive to the frontage road of State Highway 6.
2. The Chief of Police is hereby directed to cause signs to be erected and maintained on the one-way streets designated in this article, such signs to give notice of such designation.
3. It shall be unlawful for any person to operate or cause to be operated any motor vehicle on the street or portions of the street designated in section 10.202, subsection (b), paragraph (1), other than in the direction set out in such traffic ordinance; provided that, no conviction shall be had hereunder unless it shall be shown that the signs required by section 10.202, subsection (b), paragraph (1) were in place at the time of the alleged violation. (Ord. No. 95-05, § 2, 5-30-1995; Ord. No. 20-01, 2-2-2000)

***Editor's note:** Since adoption of this provision, the regulations contained in the Uniform Act Regulating Traffic on Highways (V.T.C.A., Article 6701d) have been re-codified and are now located in V.T.C.A., Transportation Code.

State law references-Authority to place and maintain traffic control devices, V.T.C.A., Transportation Code, Section 542.202(1); Destruction of traffic control devices, Section 544.005.

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Sec. 10.02.03. Four way stop intersections.

- A. The City hereby designates certain intersections to be controlled by four-way stop signs. The designated four-way stop intersections for the City of Bayou Vista are described in traffic control device Inventory Schedule II on file in the office of the City Secretary. This schedule is hereby adopted and incorporated in this article as if set out at length herein. The schedule may be amended from time to time by ordinance of the Board of Aldermen. A current schedule shall be maintained by the City Secretary at all times.

Sec. 10.02.04. Special hazard intersections controlled by stop signs.

- A. The City hereby designates certain special hazard intersections to be controlled by stop signs. The designated special hazard intersections for the City of Bayou Vista to be controlled by stop signs are described in Traffic Control Device Inventory-Schedule III on file in the office of the City Secretary. This schedule is hereby adopted and incorporated. In this article as if set out at length herein. The schedule may be amended from time to time by ordinance of the Board of Aldermen. A current schedule shall be maintained by the City Secretary at all times.

Sec. 10.02.05. Special hazard intersections controlled by yield signs.

- A. The City designates certain special hazard intersections to be controlled by yield signs. The designated special hazard intersections for the City of Bayou Vista to be controlled by yield signs are described in Traffic Control Device Inventory-Schedule IV on file in the office of the City Secretary. This schedule is hereby adopted and incorporated in the ordinance as if set out at length herein. The schedule may be amended from time to time by ordinance of the Board of Aldermen. A current schedule shall be maintained by the City Secretary at all times.

Sec. 10.02.06. School zones.

- A. The City hereby designates school zones on certain streets. A maximum speed limit of twenty (20) miles per hour during the hours of 7:00--9:00 a.m. and 1:45--4:00 p.m. on regularly scheduled school days is established within the designated school zones. The designated school zones for the City of Bayou Vista are described in Traffic Control Device Inventory-Schedule V on file in the office of the City Secretary. This schedule is hereby adopted and incorporated in this article as if set out at length herein. The schedule may be amended from time to time by ordinance of the Board of Aldermen. A current schedule shall be maintained by the City Secretary at all times.
- B. The City of Bayou Vista, Texas, hereby authorizes the building inspector to erect signs deemed necessary to advise pedestrians and the operators of vehicles of special hazard areas and to provide maximum speed limits in such areas.

Sec. 10.02.07. Duty to obey instructions of traffic control devices.

- A. The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this section, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.
- B. No provisions of this section for which official traffic control devices are required shall be enforced against an alleged violation, if at the time and place of the alleged violations, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. (Ord. No. 09-85, § 2 C-G, 4-29-1985)

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Sec. 10.02.08. Sidewalks

- A. No person shall operate, use, or ride a motor vehicle, bicycle, roller-skates, scooter, or skateboard in and/or over any public sidewalk within the corporate limits of the City of Bayou Vista, Texas. (Ord. No. 9-85A, § I, 11-6-1989; Ord. No. 09-85B, 1-2-1990)

Sec. 10.02.09. Crosswalks.

- A. The City hereby prohibits the construction of crosswalks on all double streets with center medians and further authorizes the removal of any such existing crosswalks within the City limits. (Ord. No. 09-85C, § J, 4-3-1990)

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.03.00. SPEED LIMITS

Sec. 10.03.01. No person to drive vehicle on any street at a speed greater than is reasonable and prudent.

- A. No person shall drive a vehicle on any street in the corporate limits of the City of Bayou Vista at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and it shall be the duty of all persons to use due care. No person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the City of Bayou Vista on any street at a greater speed than twenty (20) miles per hour, unless signs are erected designating another speed limit, or in any alley at a greater speed than fifteen (15) miles per hour.

Sec. 10.03.02. Speeds greater or less than 20 mph to be determined by engineering and/or traffic investigation.

- A. Whenever the City shall determine upon the basis of an engineering and/or traffic Investigation that the twenty (20) miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of the street or highway, the City shall upon authorization by the Board of Aldermen by appropriate ordinance establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway or street.

Sec. 10.03.03. No person to drive at such slow speed as to impede normal movement of traffic.

- A. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a peace officer. Peace officers are hereby authorized to enforce this provision by directions to drivers and, in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

Sec. 10.03.04. Speed limitation not applicable to emergency vehicle responding to emergency call.

- A. Speed limitations set forth in this section shall not apply to an authorized emergency vehicle when responding to an emergency call or when used in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren or exhaust whistle, and/or when such emergency vehicle is equipped with at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

***State law references:** Authority to establish or alter prima facie speed limits, V.T.C.A., Transportation Code, Section 542.202(12).

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.04.00. SPEED LIMITS ESTABLISHED FOR MOTORBOATS

Sec. 10.04.01. Excessive speed.

- A. No person may operate any motorboat at a rate of speed not to exceed that necessary to maintain headway speed and control of vessel in the canals of the City of Bayou Vista. (Ord. No. 07-03, § 2, 9-2-2003)

Sec. 10.04.02. Speed limit.

- A. No person may operate any motorboat or vessel within the corporate limits of the City of Bayou Vista, Texas, on any public water so as to create a hazardous wake or wash. (Ord. No. 07-03, § 2, 9-2-2003)

Sec. 10.04.03. Definitions.

1. *Boat.* A vessel not more than thirty (30) feet in length, measured from end to end over the deck, excluding sheer, and manufactured or used primarily for noncommercial use.
2. *Hazardous wake.* A wave created by track of a moving vessel, motorboat, and/or boat which is created by exceeding the speed necessary to maintain headway and control of the vessel causing a risk or harm or peril to human life or property.
3. *Vessel.* Any watercraft, including jet skis or jet boats, used or capable of being used for transportation on water. (Ord. No. 07-03, § 2, 9-2-2003)

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Article 10.05.00. NO PARKING ZONES

Sec. 10.05.01. In and along streets, roads, or highways.

- A. No person shall stop, park, or leave standing any vehicle whether attended or unattended, in any traffic lane of any street, road, or highway within the City of Bayou Vista, Texas, when it is practical to stop, park, or leave such vehicle out of such traffic lane.
- B. No person shall stop, park, or leave unattended any abandoned or inoperable vehicle upon any street, road, or highway right-of-way, whether it be the paved portion thereof, the shoulder thereof, or unimproved portion of said right-of-way in the City of Bayou Vista, Texas.

***State law references:** Authority to regulate parking, V.T.C.A., Transportation Code, Section 542.202(2).

- C. This section shall not apply to any driver of any vehicle which is disabled in such manner and such extent that it is impossible to avoid stopping, parking, or temporarily leaving such disabled vehicle in such position.
- D. No person shall stop, park, or leave standing any vehicle within "No Parking Zones" when so signed. The marshal of the City is hereby authorized to designate "No Parking Zones" within fifty (50) feet of any intersection when the traffic hazards at such intersection require in the public safety that such "No Parking Zones" be so designated. In pursuance thereof, the marshal before so signing any "No Parking Zones" shall first obtain the consent of the Board of Aldermen and such "No Parking Zones" shall be set out and designated on an addendum to this article, giving the location and date of approval by the Board of Aldermen. (Ord. No. 09-85, § 4, 4-29-1985)

Sec. 10.05.02. Adding an addendum.

- A. The Chief of Police of the City of Bayou Vista, Texas, hereby designates certain areas around the MUD Building located at 2929 Highway 6, and in the median on the streets known as Dolphin, Tarpon, Barracuda, Ling, and Pompano in Bayou Vista, Texas, to be "No Parking Zones". It should be unlawful for any person to stop, park, or leave standing any vehicle within the "No Parking Zone" when so signed.
- B. Any person who shall violate or fail to comply with this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a minimum fine in accordance with the general penalty provision found in section 1.106 of this Code. (Ord. No. 09-85E, 3-5-1991; Ord. No. 20-10, original adoption date unavailable; Ord. No. 01-14, 10-2-2001)

Sec. 10.05.03. Parking of vessels, motorboats and boats.

- A. No person shall stop, park or leave unattended any vessel, motorboat or boat on any public water located in the City of Bayou Vista, Texas unless such vessel, motorboat or boat is parallel to the shoreline.
- B. No person shall cause more than two (2) vessels, motorboats or boats to be parked abreast on any public water located in Bayou Vista, Texas.

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- C. No person shall stop, park or leave standing any vessel, motorboat or boat whether attended or unattended on any public water so as to block more than fifty (50) percent of the width of such public water.
- D. This subsection shall not apply to any operator of any vessel, motorboat or boat which is disabled in such manner and such extent that it is impossible to avoid stopping, parking, or temporarily leaving such disabled vessel, motorboat or boat in such position.

Sec. 10.05.04. When any peace officer finds a violation.

- A. Whenever any peace officer finds a vehicle standing upon any public right-of-way, whether on the main traveled roadway, the shoulder thereof, or any other portion of the said right-of-way in violation of the provisions of this article, such officer is hereby authorized to remove such vehicle to the nearest garage or other place of safety, or to a garage or wrecking yard designated by the marshal of the City of Bayou Vista, Texas. (Ord. No. 09-85, § 4, 4-29-1985)

Sec. 10.05.05. Truck and/or truck tractor traffic.

- A. For the purpose of this section, a "truck" and/or "truck tractor" is defined as, any truck and/or truck tractor:
 - 1. Is designated or operated;
 - 2. Has a payload which exceeds one (1) ton;
 - 3. Has a gross weight in excess of fifty thousand (50,000) pounds;
 - 4. Truck tractor is every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn, (Texas Traffic Uniform Act-6701d-Sec. 3[a])
 - 5. Every motor vehicle designed and used for drawing other vehicles and not so constructed as in carry any load thereon either independently or any part of the weight of a vehicle or load so drawn, (Texas Traffic Uniform Act 6701d, Sec. 3[3]).
- B. It shall be unlawful for any person to operate any truck and/or truck tractor on any public street or right-of-way of the City, and other than on state highways except to make deliveries as well as pick-ups within the City.
- C. In the event that a truck and/or truck tractor must completely or partially load and/or unload at a point in the City, the truck and/or truck tractor may proceed to and from such point of loading and/or unloading, providing that the truck and/or truck tractor follows the shortest route to and from each point of loading or unloading. (Ord. No. 09-85D, § 5A, 9-4-1990)

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Article 10.06.00. VEHICLES APPROACHING SCHOOL BUSES

Sec. 10.06.01. Words and phrases used in this section.

- A. Every word and phrase used in this article shall, for the purpose of this article, have the meaning ascribed to them in Article 6701d of the revised Civil Statutes of Texas, 1925, as amended or hereafter amended.

Sec. 10.06.02. When vehicles approaching school buses shall stop.

- A. The driver of a vehicle or motorcycle, upon any street or highway within the corporate limits of the City approaching a school bus from any direction, receiving and/or discharging passengers, shall bring such vehicle or motorcycle to a full stop, and the operator of such vehicle or motorcycle shall not start up or attempt to pass in any direction until the said school bus vehicle has finished receiving and/or discharging its passengers.

Sec. 10.06.03. School bus markings.

- A. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. When a school bus is being operated upon a street or highway within the corporate limits of the City for any purposes other than the actual transportation of children either to or from school, all markings thereon indicating "School Bus" shall be covered. (Ord. No. 09-85, § 6, 4-29-1985)

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Article 10.07.00 UNLAWFUL TO DISOBEY LAWFUL ORDERS OF PEACE OFFICER

Sec. 10.07.01. Traffic regulations.

- A. No person shall willfully fail or refuse to comply with any lawful order, direction or signal (visual or audible) of any peace officer vested by law with authority to direct, control, or regulate traffic.

Sec. 10.07.02. Unlawful to flee from peach officer; prima facie evidence of fleeing.

- A. It shall be unlawful for any driver to flee or attempt to flee from a peace officer who orders, directs, or signals with all proper indicia (red light and/or siren) to stop such driver. The fact that a driver flees or attempts to flee from a peace officer who orders, directs, or signals with all proper indicia (red light and/or siren) to stop such driver and necessitates a high speed chase or pursuit along the public streets of the City shall be prima facie evidence that it was willfully done, and the fact a high speed chase or pursuit was necessitated to stop such driver shall be prima facie evidence that such driver was attempting to flee from such peace officer. (Ord. No. 09-85, § 7, 4-29-1985)

Note: Ordinance 2016-10, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.08.00. RATIFICATION OF EXISTING TRAFFIC CONTROL DEVICES

- A. All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this article 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.
- B. No person shall operate, use, or ride a motor vehicle, roller skates, scooter, or skateboard in and/or over any public sidewalk within the corporate limits of the City of Bayou Vista, Texas. (Ord. No. 09-85, § 8, 4-29-1985; Ord. No. 09-85A, § I, 11-6-1989)

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.09.00. OBSTRUCTIONS

- A. No person shall obstruct the drainage in any drainage ditch within the City of Bayou Vista by placing refuse therein or by placing any bridge or crossing over such ditch or by any other means. The Mayor is hereby authorized; to cause such obstructions to be removed. (Ord. No. 09-85F § 2J, 1-7-1992)

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.10.00. PENALTY

- A. Any person who shall violate or fail to comply with any section of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine in accordance with the general penalty provision found in Section 01.01.06 of this Code. (Ord. No. 09-85, § 9, 4-29-1985)

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word “village” for the word “City”.

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Article 10.10.00. GOLF CARTS

Sec. 10.11.01. Purpose.

- A. The Texas Transportation Code, Section 551.404 specifically provides that a municipality may, under certain conditions, allow for the operation of a golf cart on a street or highway; within its jurisdiction; and
- B. The City Council has determined that, in allowing for the use of a golf cart on a street or highway, it is necessary to regulate the operation of golf carts in the interest of public safety, while in the corporate limits of Bayou Vista, Texas.

Sec. 10.11.02. Definitions.

- A. The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.
 - 1. *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 golf cart shall have an attainable top speed of not greater than 25 mph. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATV's, NEV's, four-wheelers, mules and gators.
 - 2. *Operator* shall mean the person operating and having physical control over the golf cart.
 - 3. *Public Highway* shall have the meaning assigned by the Transportation Code § 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.

Sec. 10.11.03 General Requirements.

- A. All golf carts and operators must comply with the following requirements;
 - 1. Golf carts shall be operated only on a public highway for which the posted speed limit is not more than 20 miles per hour.
 - 2. A slow moving vehicle emblem, as provided for in Section 547.703 of the Transportation Code, must be displayed to the rear.
 - 3. All operators of golf carts shall abide by all traffic regulations applicable to the movement of vehicular traffic when using any public highway in the City of Bayou Vista.

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4. Each operator of a golf cart shall possess a valid driver's license, as required of other operators of passenger vehicles in Section 521.088 of Texas Transportation Code.
5. Golf carts shall not be operated on public sidewalks at any time.
6. All golf carts are entitled to the 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. The operator of a golf cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
8. Golf carts which have been altered to allow them to travel at speeds greater than 20 mph are prohibited on any public highway in the City of Bayou Vista.
 - a. No person may ride in the lap of the driver of the golf cart.
 - b. Golf cart owners must maintain liability insurance for the golf cart as required of other passenger vehicles in Section 601.501 of the Texas Transportation Code.

Sec. 10.11.04. Operation.

- A. Golf Carts must be equipped with headlights, tail lamps, reflectors, parking brakes, and rearview mirrors.
- B. Golf Carts may operate during daytime or nighttime hours. During nighttime hours headlights and tail lamps shall be operational at all times.

Sec. 10.11.05. Penalty.

- A. Any person who shall violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200 per offense. Each day of violation shall constitute a separate offense.

Note: **Ordinance 2016-10**, amending Chapter 10 of the Code of Ordinances, of the City of Bayou Vista, Texas, was approved at the Regular Called Meeting of City Council on 04-26-16, for the purpose to provide continuity with the numbering system with all the Article and Sections within the Chapter and to replace the word "village" for the word "City".