

Ordinance No. 3-79

ORDINANCE AUTHORIZING EXISTING TRAFFIC CONTROL DEVICES, THE INSTALLATION OF NEW TRAFFIC CONTROL DEVICES, SIGNALS AND SIGNS, AND DIRECTING THE MAYOR OR HIS DESIGNATE TO ERECT SUCH DEVICES, SIGNALS OF PUBLIC WORK 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 BY THE CITY COUNCIL OF THE CITY OF 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 Wells shall conform with the TEXAS MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, Volumes I and II (hereafter called the Manual). Article 67 Old, Vernon's Civil Statutes states; all signs, signals and markings erected or used by the City of Wells 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 consistent with the Manual, State law and this Ordinance 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, 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 emergency vehicle shall apply

only when such vehicle is making use of audible and visual signals meeting the requirements of Section 124 V.C.S. '67 Old (Uniform Act Regulating Traffic on Highways), except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the 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.
- (e) Provisions of this Ordinance applicable to drivers upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the State of Texas, or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this Ordinance with reference to authorized emergency vehicles.

SECTION 4: (a) No person shall place,

maintain, or display upon or in view of any highway, street or alley any unauthorized signs, signals, 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 to 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 moved 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

inscription, shield, or insignia thereon, or any part thereof.

SECTION 6: (a) The City Council of the City of Wells shall by Ordinance direct that the Mayor or his designate 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 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 Mayor or his designate has erected and installed any official traffic control devices, signal or signs at any location in the City of Wells, or has caused the same to be done under his direction, in obedience to this Ordinance and the Manual shall thereafter file a report with the City Secretary in writing and signed officially by the Mayor or his designate. Stating the type of traffic control device, sign or signal, and when and where the same was erected and installed. The City Secretary shall file and maintain such report of the Mayor or his designate among the official papers of the office of the City Secretary.

SECTION 7: It being unlawful for any person other than the Mayor or his designate, acting pursuant to an Ordinance 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 or any traffic Ordinance of the City of Wells, 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 Mayor or his designate pursuant to the authority of this Ordinance 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 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

1 day of March, 1929.

ATTEST:

C. W. Williams
Mayor

Bobbie Seymour
City Secretary

AMENDMENT TO ORDINANCE # 3-79

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WELLS, TEXAS COUNTY OF CHEROKEE, TEXAS. EXERCISING THEIR DISCRETION TO AMEND ORDINANCE NO. 3-79.

ORDINANCE AUTHORIZING EXISTING TRAFFIC CONTROL DEVICES, THE INSTALLATION OF NEW TRAFFIC CONTROL DEVICES, SIGNALS AND SIGNS, AND DIRECTING THE MAYOR OR HIS DESIGNATE TO ERECT SUCH DEVICES, SIGNALS OF PUBLIC WORK AND SIGNS AS MAY BE PROVED FOR IN ANY SUBSEQUENT ORDINANCE/RESOLUTION; FOR PRIMA FACIE EVIDENCE RULE WITH RESPECT TO SUCH DEVICES, SIGNALS AND SIGNS AS MAY BE ACTUALLY INSTALLED.

BY ADDING/REPLACING THE FOLLOWING:

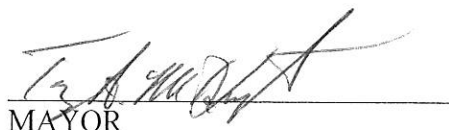
SECTION 2 (B) ADD THAT SIGNS PLACED ON LIGHT POLES AND IN THE CITY ROWS INSIDE THE CITY LIMITS ARE PROHIBITED AND WILL BE REMOVED. POLITICAL SIGNS MUST BE REMOVED WITHIN 24 HOURS FOLLOWING ANY ELECTION CONCLUSION.

THE STATE OF TEXAS
COUNTY OF CHEROKEE
CITY OF WELLS


BE IT HEREBY ORDAINED BY THE CITY COUNCIL, IN AND FOR THE CITY WELLS, CHEROKEE COUNTY, TEXAS.

ON THIS 12TH DAY OF JUNE 2023, THE CITY COUNCIL VOTED TO AMEND ORDINANCE # 3-79 BY CHANGING THE DESCRIPTION OF THE ORDINANCE AS LISTED ABOVE.

PASSED AND APPROVED THIS THE 12th DAY OF JUNE 2023.


MAYOR

ATTEST:


CITY SECRETARY