

Chapter 94 TRAFFIC AND VEHICLES

Chapter 94 TRAFFIC AND VEHICLES [\(1\)](#)

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Sec. 94-1. Definitions.

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

Alley means a street which:

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- (1) Is not primarily for through traffic; and
- (2) Provides access to rear entrances of buildings or lots along a street.

Authorized emergency vehicle means:

- (1) A fire department or police vehicle;
- (2) A public or private ambulance operated by a person who has been issued a license by the state department of health;
- (3) A city department or public service corporation emergency vehicle that has been designated, or authorized, by the city council;
- (4) A private vehicle of a volunteer firefighter, or a certified emergency medical services employee or volunteer, when responding to a fire alarm or medical emergency;
- (5) An industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the Texas Industrial Fire Training Board of the State Firemen's and Fire Marshals' Association of Texas; or
- (6) A vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines or organs.

Bus means:

- (1) A motor vehicle used to transport persons and designed to accommodate more than ten passengers, including the operator; or
- (2) A motor vehicle, other than a taxicab, designed and used to transport persons for compensation.

Bus stop means a section of the roadway along the edge thereof, marked by signs reading "bus stop," as a place for the sole use and convenience of the general public to board and depart from any bus.

Business district means the territory adjacent to and including a highway if buildings used for business or industrial purposes, including a building used as a hotel, bank, office building, public building or railroad station:

- (1) Are located within a 600-foot segment along the highway; and
- (2) Within that segment the buildings occupy at least 300 feet of frontage:
 - a. On one side of the highway; or
 - b. Collectively on both sides of the highway;

or any other area so classified by the city zoning ordinance in appendix C to this Code.

Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property with a weight in excess of 1,500 pounds.

Crosswalk means:

- (1) The portion of a roadway, including an intersection, designated as a pedestrian crossing by surface markings, including lines; or
- (2) The portion of a roadway at an intersection that is within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

Curb means the edge of a street, roadway or highway.

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Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers, freight, merchandise or other material.

Digging out means the practice of starting any motor vehicle from a standing position by applying a sudden burst of power, recognized by spinning rear wheels and noise of tires on the surface of the roadway.

Double parking means the standing of a vehicle, whether occupied or not, upon a street or roadway in the rear of an angle-parked vehicle at the curb of such street or alongside a vehicle parked parallel with the curb of such street.

Driver or operator means, as used in reference to a vehicle, a person who drives or has physical control of a vehicle.

Driveway, private, means any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property, or the entrance or exit of any private garage into or from any alley.

Driveway, public, means any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any public property.

Freight loading zone. See "Curb loading zone."

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

Intersection means the common area at the junction of two highways, other than the junction of an alley and a highway. The dimensions of an intersection include only the common area:

- (1) Within the connection of the lateral curb lines or, in the absence of curb lines, the lateral boundary lines of the roadways of intersecting highways that join at approximate right angles; or
- (2) At the place where vehicles could collide if traveling on roadways of intersecting highways that join at any angle other than an approximate right angle.

Each junction of each roadway of a highway that includes two roadways at least 30 feet apart with the roadway of an intersecting highway, including each roadway of an intersecting highway that includes two roadways at least 30 feet apart, is a separate intersection.

Laned street means a street which is divided into two or more clearly marked lanes for vehicular traffic.

Light commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property with a weight of less than 1,500 pounds.

Limit lines means boundaries of parking areas, loading zones, safety or danger zones, and lines marked for the purpose of excluding traffic or parking.

Limited-access or controlled-access highway means a highway or roadway to which:

- (1) Persons, including owners or occupants of abutting real property, have no right of access; and
- (2) Access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

Map, official traffic-control, means an engineering drawing of such dimensions and scale as to show clearly all streets, alleys, speed limits, traffic movement regulations and prohibitions, types of traffic-control devices, right-of-way dimensions and names of all streets within the boundaries of the city.

Motor scooter. See "Motorcycle."

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Motor vehicle means a self-propelled vehicle, or a vehicle that is propelled by electric power from overhead trolley wires.

Motorcycle means a motor vehicle, other than a traffic, that is equipped with a rider's saddle and designed to have, when propelled, not more than three wheels on the ground.

Negligence means the failure to use that degree of care that a reasonable and prudent person would use under the same or similar circumstances.

No parking zone means a space or area on the roadway adjacent to the curb, whether marked by official signs or not, in which no vehicle may be parked.

Official traffic-control device means a sign, signal, marking or device that is:

- (1) Consistent with this chapter;
- (2) Place or erected by a public body or officer having jurisdiction; and
- (3) Used to regulate, warn or guide traffic.

One-way street means a street on which all vehicular traffic is required to move in the same general direction as indicated by direction signs.

Park or parking means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Parking stall or parking space means that portion or section of a roadway adjacent to the curbing or edge, set apart, marked and bounded by lines painted or marked upon the surface of the roadway, and extending into the roadway for the use of parking vehicles, or that portion of any alley marked by official signs showing such space to be a parking zone.

Passenger means any person in or on a vehicle, other than the driver, whether or not the vehicle is moving.

Passenger loading zone. See "Curb loading zone."

Pedestrian means a person on foot.

Police officer means an officer authorized to direct traffic or arrest persons who violate traffic regulations.

Private road or driveway means a privately owned way or place used for vehicular travel and used only by the owner and persons who have the owner's express or implied permission.

Procession or parade means a group of pedestrians or vehicles standing or moving on a street, occupying more than 600 feet of such street and having a common destination, purpose or direction.

Public place means a place where people are assembled, or to which people commonly resort for purposes of business, amusement, recreation or other lawful purposes and, for the purpose of this chapter, shall include all streets and alleys within the boundaries of the city.

Railroad means a carrier than operates cars, other than streetcars, on stationary rails to transport persons or property.

Residence district means the territory, other than a business district, adjacent to and including a highway, if at least 300 feet of the highway frontage is primarily improved with:

- (1) Residences; or
- (2) Buildings used for business purposes and residences.

Right-of-way means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian that is approaching from a direction, at a speed, and within a proximity, that could cause a collision unless one grants precedence to the other.

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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 "roadway" applies to each roadway separately.

Route means a street on which signs are erected giving notice thereof that certain types of vehicles may or may not be operated.

Safety zone means the area in a roadway officially designated for exclusive pedestrian use, and that is protected, or so marked or indicated by adequate signs, as to be plainly visible at all times.

School bus means a bus designated to transport more than 15 passengers, including the operator, and used for purposes that include regularly transporting students to and from school or school-related events. The term "school bus" does not include a school-chartered bus or a bus operated by a mass transit authority.

Sidewalk means the portion of a street that is:

- (1) Between a curb or lateral line of a roadway and the adjacent property line; and
- (2) Intended for pedestrian use.

Signs and signals, when pertaining to drivers of vehicles, means the position of a driver's hand or arm to indicate to the driver of another vehicle that he intends to stop, start or change his direction of travel; when pertaining to a physical object or marking, the terms "signs" and "signals" mean any official traffic-control device.

Stand or standing means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Stop or stopping means:

- (1) When required, to completely cease movement; and
- (2) When prohibited, to halt, including momentarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic, or to comply with the directions of a police officer or a traffic-control sign or signal.

Through street or highway means a street or highway, or a portion thereof, on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to either a stop sign, caution sign or yield sign, when such signs are erected as provided in this chapter.

Tractor means a motor vehicle, other than a truck, which is designed, maintained or used primarily for the pulling, pushing or dragging of other objects.

Traffic means pedestrians, ridden or herded animals, and conveyances, including vehicles and streetcars, singly or together while using a highway for the purposes of travel.

Traffic engineer means the chief of police.

Truck means a motor vehicle designed, used or maintained primarily to transport property.

Tunnel or underpass means a complete enclosure through which passes a street, roadway or walkway.

U-turn means the turning, or causing the turning, of a vehicle so that when such turn is completed, such vehicle will be headed in the opposite direction from that in which it was headed before such turning was begun, whether or not such vehicle is pulled into a driveway or any space beyond the curbline of the street.

Vehicle means a drive that can be used to transport or draw persons or property on a highway. The term does not include:

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- (1) A device exclusively used on stationary rails or tracks; or
- (2) Manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act (Vernon's Ann. Civ. St. art. 5221f).

Walk means an area in public ways designed primarily for pedestrian use.

Zone means an area in public ways designed for limited or specialized use.

(Code 1978, § 24-1)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, V.T.C.A., Transportation Code ch. 541.

Sec. 94-2. General penalty.

A person convicted of an offense under this chapter, for which another penalty is not provided, shall be punished by a fine of not less than \$1.00 or more than \$200.00.

(Code 1978, § 24-24(a)(2))

Sec. 94-3. Uniform vehicle code and model traffic ordinance adopted.

That certain ordinance known as the Uniform Vehicle Code and Model Traffic Ordinance, recommended by the National Committee on Uniform Traffic Laws and Ordinances, is adopted as and for the traffic ordinance of the city, with like effect as if stated at length in this section; except when in conflict with state statutes, as referred to in V.T.C.A., Transportation Code § 542.201, the state statutes will prevail; and except when in conflict with other provisions of this chapter, the provisions of this chapter will prevail. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of the ordinance adopted in this section, shall be punished as prescribed in section 1-11 of this Code.

(Code 1978, § 24-1.1)

Sec. 94-4. Specific provisions saved from repeal.

Nothing contained in this Code, or in the ordinance adopting this Code, shall be construed to repeal, or otherwise affect, any ordinance of the city regulating or restricting traffic or parking on specific streets, or parts of streets, or in specific places.

(Code 1978, § 24-2)

Sec. 94-5. Enforcement generally.

It shall be the duty of the city police department to enforce the provisions of this chapter, all other street and traffic laws of the city and all the state traffic laws applicable to traffic in the city.

(Code 1978, § 24-10)

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Sec. 94-6. Authority of police officers to direct traffic.

Officers of the police department, or such officers as are assigned by the chief of police, are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(Code 1978, § 24-11)

State Law reference— Authority of city to regulate traffic by police officers, V.T.C.A., Transportation Code § 542.202(a)(1).

Sec. 94-7. Obedience required to police officers and school crossing guards.

A person may not willfully fail or refuse to comply with a lawful order or direction of a:

- (1) Police officer; or
- (2) School crossing guard who is performing crossing guard duties in a school crosswalk, to stop and yield to a pedestrian.

(Code 1978, § 24-12)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 542.501.

Sec. 94-8. Authority of officers of fire department to direct traffic.

When at the scene of a fire, members of the city fire department may direct or assist the police in directing traffic at the scene of a fire, or in the immediate vicinity, when requested by a police officer.

(Code 1978, § 24-13)

Sec. 94-9. Temporary traffic-control officers.

Under unusual conditions, the chief of police may appoint temporary traffic-control officers to serve until such unusual conditions cease to exist. These temporary officers shall have the same authority as regular officers of the police department unless they are specifically limited by the chief of police.

(Code 1978, § 24-14)

Sec. 94-10. Emergency and experimental regulations.

- (a) The chief of police is empowered to make and enforce such emergency and/or experimental traffic regulations for a period not to exceed 48 hours, as may be necessary to prevent or correct any hazardous condition.
- (b) The chief of police, by and with the approval of the city council, is empowered to make and enforce such regulations as may be necessary to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect longer than 30 days unless the approval of the city council is renewed.

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(Code 1978, § 24-15)

Sec. 94-11. Application of chapter to governmental vehicles.

The provisions of this chapter, applicable to the drivers of vehicles upon the highways and streets, shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town or any other political subdivision of this state, subject to such specific exceptions as are set forth in this chapter with reference to authorized emergency vehicles.

(Code 1978, § 24-16)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 542.002.

Sec. 94-12. Animals and animal-drawn vehicles.

A person riding an animal on a roadway, or operating a vehicle drawn by an animal on a roadway, has the rights and duties applicable to the operator of a vehicle under this chapter, except a right or duty that by its nature cannot apply to a person riding an animal or operating a vehicle drawn by an animal.

(Code 1978, § 24-17)

Cross reference— Animals, ch. 10.

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 542.003.

Sec. 94-13. Application of chapter to workers, equipment on public works.

The provisions of this chapter shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway or street, but shall apply to such persons and vehicles when traveling to or from such work.

(Code 1978, § 24-18)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 542.004.

Sec. 94-14. Failure to obey notice or promise to appear.

- (a) Any person who violates his written promise to appear, given to an officer upon an arrest for any traffic violation, shall be deemed guilty of a misdemeanor regardless of the disposition of the charge on which he was originally arrested.
- (b) Any driver of a motor vehicle who unlawfully neglects to answer the charges set forth in a written notice affixed to such motor vehicle by a police officer, shall be deemed guilty of a misdemeanor regardless of the disposition of the charge for which the notice was originally given.

(Code 1978, § 24-21)

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Sec. 94-15. Arrest procedure for traffic violations.

The procedure stated in V.T.C.A., Transportation Code ch. 543, shall govern the police officers in making arrests for moving traffic violations insofar as applicable.

(Code 1978, § 24-19)

Sec. 94-16. Disposition of fines and forfeitures.

All fines or forfeitures collected upon conviction, or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter, shall be paid into the city treasury and deposited in the general fund.

(Code 1978, § 24-20)

Sec. 94-17. Payment of fine at traffic violations bureau.

- (a) Any person who has received any notice to appear in answer to a traffic charge under this chapter may, within the time specified in the notice, appear at the traffic violations bureau and answer the charge set forth in such notice, by paying a prescribed fine, and in writing, plead guilty to the charge, waiving a hearing in court and giving power of attorney to the person in charge of the bureau to make such a plea, and pay such fine in court.
- (b) Any person who has been found guilty of two or more moving traffic violations, except as otherwise provided, within the preceding 12 months, shall not be permitted to pay a fine at the traffic violations bureau, and he must make statutory bail for appearance in court.
- (c) The provisions of this section shall not apply to juveniles.

(Code 1978, § 24-23)

Sec. 94-18. Traffic barriers.

- (a) It shall be unlawful for any person, other than a city employee, to remove or damage any barrier erected under the direction of the chief of police or street superintendent, either closing a street or for the purpose of warning traffic of an obstruction in the street, or of any other potential hazard which the erection of such barrier, or warning device, seeks to bring to the attention of the public.
- (b) It shall be unlawful for any driver, pedestrian or other person, to willfully disobey the obvious directives, either written or attached to such barrier, or the meaning which the presence of such barrier would suggest to a reasonably prudent person under the same or similar circumstances, and in consideration of the existing circumstances or conditions at such time and place.
- (c) It shall be unlawful for any person or vehicle to willfully disobey the signal to stop, as by law required, at any railroad crossing, before proceeding to cross or to willfully circumvent, drive around, through or otherwise disobey the mandate of such stop-at-every-crossing requirements, including, but not limited to, the crossing under, or driving around, descending crossing barriers, or barriers that have descended and are in place at such crossing or the willful disobedience of any signal person directing traffic at such crossing, or the willful disobedience of any warning or signal device temporarily or permanently installed at any such public railroad crossing.
- (d) V.T.C.A., Transportation Code §§ 545.251—545.255, are made a part of this section.

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(Code 1978, § 24-24(a)(1), (b), (d))

Sec. 94-19. Tampering with vehicles.

It shall be unlawful for any person within the city, without the consent of the owner or the person in charge thereof, to sit in or upon, or in any manner to handle, move, tamper with or disturb any of the gears, levers or any portion of the mechanism of any motor vehicle.

(Code 1978, § 24-25)

Sec. 94-20. Riding on portion of vehicle not intended for passengers.

It shall be unlawful for any person to ride upon any portion of a vehicle not designated or intended for the use of passengers, when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 1978, § 24-26)

Sec. 94-21. Overloading, crowding of vehicles.

- (a) It shall be unlawful for the driver of any vehicle to drive the vehicle when such vehicle is so loaded, or when there is in the front seat of such vehicle, such number of persons as to obstruct the view of the driver to the front or sides, or to interfere with the operator's control over the driving mechanism of the vehicle.
- (b) It shall be unlawful for any passenger of a vehicle to ride in such a position as to interfere with the driver's view ahead, or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(Code 1978, § 24-27)

Sec. 94-22. Following or obstructing fire apparatus or ambulance.

- (a) An operator, unless on official business, may not follow closer than 500 feet of a fire apparatus responding to a fire alarm, or drive into, or park the vehicle in the block where the fire apparatus has stopped to answer a fire alarm.
- (b) An operator may not:
 - (1) Follow closer than 500 feet of an ambulance that is flashing red lights unless the operator is on official business; or
 - (2) Drive or park the vehicle where an ambulance has been summoned for an emergency call in a manner intended to interfere with the arrival or departure of the ambulance.

(Code 1978, § 24-28)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.407.

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Sec. 94-23. Boarding or alighting from moving vehicles.

It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

(Code 1978, § 24-29)

Sec. 94-24. Clinging to vehicle.

It shall be unlawful for any person traveling upon any motorcycle, coaster, sled, roller skates or any toy vehicle, to cling to, or attach himself or his vehicle to, any moving vehicle upon any roadway.

(Code 1978, § 24-30)

Sec. 94-25. Opening vehicle doors.

- (a) No vehicle shall be driven within the city unless all side doors are securely closed.
- (b) No person shall open the door of a parked or stopped vehicle, on the side adjacent to moving traffic, until it is reasonably safe to do so.
- (c) No person shall leave a vehicle door open and unattended on the side adjacent to moving traffic.

(Code 1978, § 24-31)

Sec. 94-26. Wearing protective headgear.

- (a) A person commits an offense if the person:
 - (1) Operates or rides as a passenger on a motorcycle on a public street or highway; and
 - (2) Is not wearing protective headgear that meets safety standards adopted by the state department of public safety.
- (b) A person commits an offense if the person carries on a motorcycle, on a public street or highway, a passenger who is not wearing protective headgear that meets safety standards adopted by the state department of public safety.
- (c) It is an exception to the application of subsection (a) or (b) of this section, that at the time the offense was committed, the person required to wear protective headgear was at least 21 years of age, and had successfully completed a motorcycle operator training and safety course under V.T.C.A., Transportation Code ch. 662, or was covered by a health insurance plan providing the person with at least \$10,000.00 in medical benefits for injuries incurred as a result of an accident while operating or riding on a motorcycle.
- (d) In this section, the term "health insurance plan" means an individual, group, blanket or franchise insurance policy, insurance agreement, evidence of coverage, group hospital services contract, health maintenance organization membership or employee benefit plan that provides benefits for health care services or for medical or surgical expenses incurred as a result of an accident.
- (e) An offense under this section is a misdemeanor punishable by a fine of not less than \$10.00 or more than \$50.00.

(Code 1978, § 24-32)

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State Law reference— Similar provisions, V.T.C.A., Transportation Code § 661.003.

Sec. 94-27. Riding motorcycles.

A person operating a motorcycle, motor scooter or motorized bicycle, shall ride only on the permanent and regular seat attached thereto, and such operator shall not permit any other person to ride on such vehicle unless it is designed to carry more than one person, in which event a passenger may ride on the permanent and regular seat if designed for two or more persons, or upon another seat firmly attached to the rear or side of the operator.

(Code 1978, § 24-33)

Sec. 94-28. Use of roller skates, toys and similar devices.

No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle, whether motorized or not, or other similar device, shall go upon any roadway, except while crossing a street on a sidewalk. When so crossing, such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.

(Code 1978, § 24-34)

Sec. 94-29. Putting rubbish or hazardous material on streets.

- (a) No person shall throw, or cause to be put, any glass, nails, wire, cans or any other substance likely to cause injury or damage to any person, animal or vehicle, upon any highway or street.
- (b) Any person who drops, or permits to be dropped or thrown on a highway or street, destructive or injurious material, shall immediately remove the material or cause it to be removed.
- (c) Any person removing a wrecked or damaged vehicle from a highway or street shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

(Code 1978, § 24-35)

Sec. 94-30. Operation of dangerous vehicles.

It shall be unlawful for any person to operate any vehicle within the city, which is mechanically defective or dangerous, in any way that would endanger the life or property of others.

(Code 1978, § 24-36)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 600.001.

Sec. 94-31. Muffler required.

- (a) A motor vehicle shall be equipped with a muffler in good working condition that continually operates to prevent excessive or unusual noise.
- (b) A person may not use a muffler cutout, bypass or similar device on a motor vehicle.

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(Code 1978, § 24-37(a))

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 547.604.

Sec. 94-32. Emission systems required.

- (a) The engine and power mechanism of a motor vehicle shall be equipped and adjusted to prevent the escape of excessive smoke or fumes.
- (b) A motor vehicle, or motor vehicle engine, of a model year after 1967, shall be equipped to prevent the discharge of crankcase emissions into the ambient atmosphere.
- (c) The owner or operator of a motor vehicle, or motor vehicle engine, of a model year after 1967, that is equipped with an exhaust emission system:
 - (1) Shall maintain the system in good working condition;
 - (2) Shall use the system when the motor vehicle, or motor vehicle engine, is operated; and
 - (3) May not remove the system, or a part of the system, or intentionally make the system inoperable in this state, unless the owner or operator removes the system or part to install another system or part intended to be equally effective in reducing atmospheric emissions.

(Code 1978, § 24-37(b)—(d))

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 547.605.

Sec. 94-33. Excessive or unusual noise.

No person or vehicle shall emit excessive or unusual noise on the highways or streets, and no vehicle shall be equipped with a noisemaker other than the required horn.

(Code 1978, § 24-37(e))

Sec. 94-34. Sound amplification systems in vehicle.

- (a) No person operating or occupying a motor vehicle, shall operate or permit the operation of any sound amplification system from within the vehicle so that such sound is plainly audible at a distance of 50 feet or more from the vehicle.
- (b) The term "sound amplification system" means any radio, tape player, compact disc player, loudspeaker or other electronic device used for the amplification of sound.
- (c) The term "plainly audible" means any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by the auditory senses, based on direct line of sight. Words or phrases need not be discernible and bass reverberations are included.
- (d) No vehicle shall use any siren, whistle or bell, except as permitted in the state traffic laws that defines emergency vehicles.
- (e) During parades (with a parade permit), any vehicle in the parade procession will be excluded from this section until the parade is over.

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- (f) Any person, firm, corporation or agent who shall violate, or cause to be violated, any provision of this section, or who shall fail to comply with this section, or with any of the requirements of this section, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in an amount not to exceed \$500.00. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each day during which any violation of any of the provisions of this section is committed or continued.

(Code 1978, § 24-38)

Secs. 94-35—94-65. Reserved.

ARTICLE II. TRAFFIC-CONTROL DEVICES

[Sec. 94-66. When required.](#)

[Sec. 94-67. Obedience to devices.](#)

[Sec. 94-68. Ratification of existing devices.](#)

[Sec. 94-69. Duty to place and maintain devices.](#)

[Sec. 94-70. Conformity with manual of state transportation commission.](#)

[Sec. 94-71. Interference with devices.](#)

[Sec. 94-72. Display of unauthorized devices.](#)

[Secs. 94-73—94-105. Reserved.](#)

Sec. 94-66. When required.

No provision of this article, for which traffic-control devices or signs are required, shall be enforced against an alleged violator if, at the time and place of the alleged violation, the official traffic-control device or sign is not in reasonable position and sufficiently legible to be seen by an ordinarily observant person.

(Code 1978, § 24-3)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.004(b).

Sec. 94-67. Obedience to devices.

The driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed in accordance with this chapter, and other traffic ordinances of the city, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(Code 1978, § 24-4)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.004(a).

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Sec. 94-68. Ratification of existing devices.

All traffic-control signs, signals, devices and markings placed or erected prior to the adoption of this Code, and in use for the purpose of regulating, warning or guiding traffic, are affirmed, ratified and declared to be official traffic-control devices, provided such traffic-control devices are not inconsistent with the provisions of this chapter or state law.

(Code 1978, § 24-5)

Sec. 94-69. Duty to place and maintain devices.

The city traffic engineer, subject to the approval of the city council, shall place and maintain traffic-control signs, signals and devices, when and as required under this chapter, to make effective the provisions of this chapter, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under this chapter or state law, or to guide or warn traffic.

(Code 1978, § 24-6)

Sec. 94-70. Conformity with manual of state transportation commission.

- (a) All traffic-control signs, signals and devices shall conform to the manual on uniform traffic-control devices and specifications approved by the state transportation commission and resolutions adopted by the city council.
- (b) All traffic-control devices erected within the city, and not inconsistent with the provisions of state law or this chapter, shall be official traffic-control devices.

(Code 1978, § 24-7)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.002.

Sec. 94-71. Interference with devices.

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device, or any railroad sign or signal, or any inscription or shield, or insignia thereon, or any part thereof.

(Code 1978, § 24-8)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.005.

Sec. 94-72. Display of unauthorized devices.

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, 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 to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

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- (b) No person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing any commercial advertising.
- (c) No person shall place or maintain a flashing light or flashing electric sign of any kind or color within 1,000 feet of any intersection, unless a permit is granted by the state transportation commission for such flashing light or electric sign.
- (d) This section shall not be deemed to prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information, and of a type that cannot be mistaken for official signs.
- (e) Every such prohibited sign, signal, light or marking is declared to be a public nuisance, and the chief of police is empowered to remove such prohibited sign, signal, light or marking or cause it to be removed without notice.

(Code 1978, § 24-9)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.006.

Secs. 94-73—94-105. Reserved.

ARTICLE III. OPERATION OF VEHICLES

DIVISION 1. - GENERALLY

DIVISION 2. - SPEED

DIVISION 3. - DRIVING TO THE RIGHT, MEETING AND PASSING

DIVISION 4. - RIGHT-OF-WAY

DIVISION 5. - TURNS

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DIVISION 7. - TRUCK ROUTES

DIVISION 1. GENERALLY

[Sec. 94-106. Driver's license required.](#)

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[Sec. 94-109. Designation, signing of one-way streets and alleys.](#)

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Chapter 94 TRAFFIC AND VEHICLES

[Sec. 94-116. Crossing property.](#)

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[Secs. 94-120—94-140. Reserved.](#)

Sec. 94-106. Driver's license required.

It shall be unlawful for any person to drive or otherwise propel any motor vehicle within the city, unless such person shall have in his possession a current, valid driver's license issued by the state of his residency.

(Code 1978, § 24-49)

State Law reference— Who may not obtain driver's license, V.T.C.A., Transportation Code § 521.201 et seq.

Sec. 94-107. Control of vehicle.

It shall be the duty of every person who shall operate any vehicle within the city, to keep the vehicle under control at all times, and to avoid, whenever possible, colliding with any other vehicle or person.

(Code 1978, § 24-50)

Sec. 94-108. Following too closely.

The driver of a motor vehicle shall, when following another vehicle, maintain an assured clear distance between the two vehicles, exercising due regard for the speed of such vehicles, traffic upon and conditions of the street or highway so that such motor vehicle can be safely brought to a stop without colliding with the preceding vehicle, or veering into other vehicles, objects or persons on or near the street or highway.

(Code 1978, § 24-51)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.062.

Sec. 94-109. Designation, signing of one-way streets and alleys.

Whenever any ordinance of the city designates any one-way street or alley, the traffic engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

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(Code 1978, § 24-52)

State Law reference— Authority of city to designate one-way highways, V.T.C.A., Transportation Code § 542.202(a)(10).

Sec. 94-110. Operation on one-way streets and alleys.

Upon streets, parts of streets, and in alleys which are designated as one-way streets or alleys, vehicular traffic shall move only in the indicated direction where signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1978, § 24-53)

Sec. 94-111. Crossing fire hose.

No vehicle shall be driven over any unprotected hose of the fire department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the fire marshal or fire department official in command.

(Code 1978, § 24-54)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.408.

Sec. 94-112. Limitations on backing.

The driver of a vehicle shall not back such vehicle unless such movement can be made safely, and shall yield the right-of-way to other vehicular traffic.

(Code 1978, § 24-55)

Sec. 94-113. Driving on sidewalks.

Any driver of any vehicle who shall drive such vehicle upon or across any sidewalk or sidewalk area of any street within the city, except on a driveway, public or private, shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-56)

Sec. 94-114. Driving in safety zones.

No driver of any vehicle shall, at any time, drive through or within a safety zone.

(Code 1978, § 24-57)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.403.

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Sec. 94-115. Stop when traffic obstructed.

No driver shall enter an intersection, or a marked crosswalk, unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Code 1978, § 24-58)

Sec. 94-116. Crossing property.

- (a) An operator may not cross a sidewalk or drive through a driveway, parking lot or business or residential entrance without stopping the vehicle.
- (b) An operator may not cross or drive in or on a sidewalk, driveway, parking lot or business or residential entrance at an intersection to turn right or left from one highway to another highway.

(Code 1978, § 24-59)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.423.

Sec. 94-117. Passing a school bus.

- (a) When approaching from either direction a school bus stopped on the highway to receive or discharge a student, an operator on a highway:
 - (1) Shall stop before reaching the school bus when the bus is operating a visual signal as required by V.T.C.A., Transportation Code § 547.701; and
 - (2) May not proceed until:
 - a. The school bus resumes motion;
 - b. The operator is signaled by the bus driver to proceed; or
 - c. The visual signal is no longer actuated.
- (b) An operator on a highway having separate roadways is not required to stop:
 - (1) For a school bus that is on a different roadway; or
 - (2) If on a controlled-access highway, for a school bus that is stopped:
 - a. In a loading zone that is a part of or adjacent to the highway; and
 - b. Where pedestrians are not permitted to cross the roadway.
- (c) An offense under this section is a misdemeanor punishable by a fine of not less than \$200.00 or more than \$1,000.00.

(Code 1978, § 24-60)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.066(a)—(c).

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Sec. 94-118. Starting parked vehicle.

No person shall start a vehicle which is stopped, standing or parked, unless and until, such movement can be made safely.

(Code 1978, § 24-61)

Sec. 94-119. Digging out prohibited.

Any driver of any motor vehicle who shall willfully cause such vehicle to dig out, or shall cause any such vehicle to make unusual noise by reason of operating such vehicle in such a manner as to cause the wheels thereof to spin or slide on the roadway of any street, when starting such vehicle, or while making any turning movement, shall be deemed guilty of a misdemeanor.

(Code 1978, § 24-62)

Secs. 94-120—94-140. Reserved.

DIVISION 2. SPEED ^[2]

[Sec. 94-141. Maximum limits generally.](#)

[Sec. 94-142. Maximum limits on specific streets.](#)

[Sec. 94-143. Limit in hospital, school, hazardous zones.](#)

[Sec. 94-144. Minimum limits.](#)

[Sec. 94-145. Reduction under hazard.](#)

[Sec. 94-146. Regulation by traffic signals.](#)

[Sec. 94-147. Racing on highway.](#)

[Secs. 94-148—94-170. Reserved.](#)

Sec. 94-141. Maximum limits generally.

- (a) No person shall operate or drive any vehicle on any street within the city at a speed greater than 30 miles per hour, unless signs are erected designating another speed in accordance with this article.
- (b) Notwithstanding any other provisions of this article, no person shall drive a vehicle on a street 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 controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street, in compliance with legal requirements and duty of all persons to use due care.

(Code 1978, § 24-69)

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Sec. 94-142. Maximum limits on specific streets.

The city council may alter the maximum speed limits established by section 94-141 on any street or portion thereof within the city in accord with the provisions of V.T.C.A., Transportation Code § 545.356. Whenever signs are posted giving notice of the maximum legal speed limit established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit.

(Code 1978, § 24-70)

Sec. 94-143. Limit in hospital, school, hazardous zones.

The maximum speed limit in all hospital, school and hazardous zones shall be 15 miles per hour.

(Code 1978, § 24-71)

Sec. 94-144. Minimum limits.

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

(Code 1978, § 24-72)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.363(a).

Sec. 94-145. Reduction under hazard.

The driver of every vehicle shall drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or street or highway conditions.

(Code 1978, § 24-73)

Sec. 94-146. Regulation by traffic signals.

The city traffic engineer, by and with the approval of the city council, is authorized to regulate the timing of traffic signals as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district, or at intersections, and shall erect appropriate signs giving notice thereof.

(Code 1978, § 24-74)

Sec. 94-147. Racing on highway.

(a) A person shall not participate in any manner in:

- (1) A race;

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- (2) A vehicle speed competition or contest;
 - (3) A drag race or acceleration contest;
 - (4) A test of physical endurance of the operator of a vehicle; or
 - (5) An exhibition of vehicle speed or acceleration, or to make a vehicle speed record.
- (b) In this section:
- (1) Drag race means the operation of:
 - a. Two or more vehicles from a point side by side, at accelerating speeds, in a competitive attempt to outdistance each other; or
 - b. One or more vehicles over a common selected course, from the same place to the same place, for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles in a specified distance or time.
 - (2) Race means the use of one or more vehicles in an attempt to:
 - a. Outgain or outdistance another vehicle or prevent another vehicle from passing;
 - b. Arrive at a given destination ahead of another vehicle or vehicles; or
 - c. Test the physical stamina or endurance of an operator over a long-distance driving route.
- (c) The fact that the actual speed attained by any vehicle operated by a person in violation of this section is less than the prima facie legal speed limit shall be no defense to a violation of this section.

(Code 1978, § 24-75)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.420.

Secs. 94-148—94-170. Reserved.

FOOTNOTE(S):

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State Law reference— Prima facie speed limits, V.T.C.A., Transportation Code § 545.352; authority of city to alter speed limits, V.T.C.A., Transportation Code § 545.356. ([Back](#))

DIVISION 3. DRIVING TO THE RIGHT, MEETING AND PASSING

[Sec. 94-171. Driving on roadways laned for traffic.](#)

[Sec. 94-172. Duty to keep to right; exceptions.](#)

[Sec. 94-173. Meeting another vehicle.](#)

[Sec. 94-174. Manner of overtaking and passing on the left.](#)

[Sec. 94-175. Driving to left of center of roadway.](#)

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[Sec. 94-176. When overtaking and passing permitted.](#)

[Sec. 94-177. Duty of driver of overtaken vehicle.](#)

[Sec. 94-178. Passing to the right.](#)

[Secs. 94-179—94-200. Reserved.](#)

Sec. 94-171. Driving on roadways laned for traffic.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent with this section, shall apply:

- (1) The driver of a vehicle shall drive as nearly as practicable entirely within a single lane, and the vehicle shall not be moved from such lane until the driver has first ascertained that such movement can be made safely.
- (2) Upon a roadway which is divided into three lanes, and which provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where such center lane is, at the time, allocated exclusively to traffic moving in the same direction that the vehicle is proceeding, and such allocation is designated by official traffic-control devices.
- (3) Official signs may be erected directing slow-moving traffic to use a designated lane, or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway, and drivers of vehicles shall obey the direction of every such sign.
- (4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway, and drivers of vehicles shall obey the directions of every such device.

(Code 1978, § 24-82)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.060.

Sec. 94-172. Duty to keep to right; exceptions.

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
 - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway provided any person doing so shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (3) Upon a roadway divided into three marked lanes for traffic under the rules applicable on such roadway; or
 - (4) Upon a roadway restricted to one-way traffic.

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- (b) Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction, or when preparing for a left turn at an intersection or into a private road or driveway.
- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (a)(2) of this section. This subsection shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or drive.

(Code 1978, § 24-83)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.051.

Sec. 94-173. Meeting another vehicle.

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon the roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the main-traveled portion of the roadway, as nearly as possible.

(Code 1978, § 24-84)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.052.

Sec. 94-174. Manner of overtaking and passing on the left.

Except as provided in section 94-178, the driver of a vehicle overtaking another vehicle proceeding in the same direction, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the street until safely clear of the overtaken vehicle.

(Code 1978, § 24-85)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.053.

Sec. 94-175. Driving to left of center of roadway.

- (a) An operator may not drive on the left side of the roadway in a no-passing zone, or on the left side of any pavement striping designed to mark a no-passing zone. This section does not prohibit a driver from crossing pavement striping, or the centerline in a no-passing zone marked by signs only, to make a left turn into or out of, an alley or private road or driveway.
- (b) An operator may not drive to the left side of the roadway if the operator is:
 - (1) Approaching within 100 feet of an intersection or railroad grade crossing;
 - (2) Approaching within 100 feet of a bridge, viaduct or tunnel; or
 - (3) Awaiting access to a ferry operated by the state transportation commission.

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(c) The limitations in subsection (b) of this section do not apply:

- (1) On a one-way roadway; or
- (2) To an operator turning left into or from an alley or private road or driveway.

(Code 1978, § 24-86)

State Law reference— Similar provisions, V.T.C.A., Transportation Code §§ 545.055(b), 545.056(a), (b).

Sec. 94-176. When overtaking and passing permitted.

No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this article, and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. The overtaking vehicle must return to an authorized lane of travel as soon as practicable and if the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within 200 feet of any approaching vehicle.

(Code 1978, § 24-87)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.054.

Sec. 94-177. Duty of driver of overtaken vehicle.

- (a) An operator being passed by another vehicle:
 - (1) Shall, on audible signal, move or remain to the right in favor of the passing vehicle; and
 - (2) May not accelerate until completely passed by the passing vehicle.
- (b) Subsection (a) of this section does not apply when passing to the right is permitted.

(Code 1978, § 24-88)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.053(b), (c).

Sec. 94-178. Passing to the right.

- (a) An operator may pass to the right of another vehicle only if conditions permit safely passing to the right, and:
 - (1) The vehicle being passed is making or about to make a left turn; and
 - (2) The operator is:
 - a. On a highway having unobstructed pavement not occupied by parked vehicles and sufficient width for two or more lines of moving vehicles in each direction; or

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- b. On a one-way street or on a roadway having traffic restricted to one direction of movement, and the roadway is free from obstructions and wide enough for two or more lines of moving vehicles.
- (b) An operator may not pass to the right by leaving the main traveled portion of a roadway, except as provided by V.T.C.A., Transportation Code § 545.058.
- (c) The driver of a vehicle may overtake and pass another vehicle on the right only under conditions permitting such movement safely.

(Code 1978, § 24-89)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.057.

Secs. 94-179—94-200. Reserved.

DIVISION 4. RIGHT-OF-WAY

[Sec. 94-201. Generally.](#)

[Sec. 94-202. Presumption of failure to yield.](#)

[Sec. 94-203. Yielding to vehicle on the right.](#)

[Sec. 94-204. Traffic-control signals in general.](#)

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[Sec. 94-206. Signals required at through streets.](#)

[Sec. 94-207. Other intersections where stop or yield required.](#)

[Sec. 94-208. When making left turn.](#)

[Sec. 94-209. When approaching multilaned roadway from single or double-laned roadway.](#)

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[Sec. 94-211. Emerging from alleys, private driveways or buildings.](#)

[Secs. 94-212—94-235. Reserved.](#)

Sec. 94-201. Generally.

The driver of a vehicle approaching the intersection of a different street or roadway shall stop, yield and grant the privilege of immediate use of such intersection in obedience to any stop sign, yield right-of-way sign or traffic-control device erected by public authority, and after so stopping, may only proceed when such driver may safely enter the intersection without interference, or collision, with traffic using such different street or roadway.

(Code 1978, § 24-96)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.151(a).

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Sec. 94-202. Presumption of failure to yield.

A driver obligated to stop and yield the right-of-way in accord with this division, who is involved in a collision or interference with other traffic at such intersection, is presumed not to have yielded the right-of-way as required by this division.

(Code 1978, § 24-97)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.151(f).

Sec. 94-203. Yielding to vehicle on the right.

An operator approaching an intersection of a street or roadway that is not controlled by an official traffic-control device:

- (1) Shall stop, yield and grant immediate use of the intersection to a vehicle that has entered the intersection from the operator's right, or is approaching the intersection from the operator's right, in a proximity that is a hazard; and
- (2) After stopping, may proceed when the intersection can be safely entered without interference or collision with traffic using a different street or roadway.

(Code 1978, § 24-98)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.151(d).

Sec. 94-204. Traffic-control signals in general.

- (a) A traffic-control signal displaying different colored lights or colored lighted arrows successively, or in combination, may display only green, yellow or red, and applies to operators of vehicles as provided by this section.
- (b) An operator of a vehicle facing a circular green signal may proceed straight, or turn right or left, unless a sign prohibits the turn. The operator shall yield the right-of-way to other vehicles and to pedestrians lawfully in the intersection, or an adjacent crosswalk, when the signal is exhibited.
- (c) An operator of a vehicle facing a green arrow signal, displayed alone or with another signal, may cautiously enter the intersection to move in the direction permitted by the arrow or other indication shown simultaneously. The operator shall yield the right-of-way to a pedestrian lawfully in an adjacent crosswalk and other traffic lawfully using the intersection.
- (d) An operator of a vehicle facing only a steady red signal shall stop at a clearly marked stop line. In the absence of a stop line, the operator shall stop before entering the crosswalk on the near side of the intersection. A vehicle that is not turning shall remain standing until an indication to proceed is shown. After stopping, standing until the intersection may be entered safely and yielding right-of-way to pedestrians lawfully in an adjacent crosswalk and other traffic using the intersection, the operator may:
 - (1) Turn right; or
 - (2) Turn left, if the intersecting streets are both one-way streets, and a left turn is permissible.
- (e) An operator of a vehicle facing a steady yellow signal is warned by such signal that:
 - (1) Movement authorized by a green signal is being terminated; or

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- (2) A red signal is to be given.
- (f) The city may prohibit a turn by an operator of a vehicle facing a steady red signal by posting notice at the intersection where the turn is prohibited.
- (g) This section applies to an official traffic-control signal placed and maintained at a place other than an intersection, except for a provision that by its nature cannot apply. A required stop shall be made at a sign or marking on the pavement, indicating where the stop shall be made. In the absence of such a sign or marking, the stop shall be made at the signal.

(Code 1978, § 24-99)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.007.

Sec. 94-205. Flashing signals.

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

- (1) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through an intersection, or past such signal, only with caution.

This section does not apply at railroad grade crossings. The conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in V.T.C.A., Transportation Code ch. 541 et seq.

(Code 1978, § 24-100)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 544.008.

Sec. 94-206. Signals required at through streets.

Whenever any ordinance of the city designates and describes a through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street, unless traffic at any such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets, as may be determined by the city traffic engineer upon the basis of an engineering and traffic study.

(Code 1978, § 24-101)

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Sec. 94-207. Other intersections where stop or yield required.

The city traffic engineer is authorized to determine and designate intersections where particular hazards exist upon other than through streets, and to determine whether vehicles shall stop at one or more entrances to any such intersections, in which event he shall cause to be erected, a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection.

(Code 1978, § 24-102)

Sec. 94-208. When making left turn.

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway, shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection, or so close to such intersection as to constitute an immediate hazard.

(Code 1978, § 24-103)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.152.

Sec. 94-209. When approaching multilaned roadway from single or double-laned roadway.

The driver of a vehicle on a single-laned street or roadway, or a street or roadway consisting of only two traffic lanes, upon approaching an intersection not otherwise controlled by traffic signs or signals of a divided street or roadway, or of a street or roadway divided into three or more marked traffic lanes, shall stop, yield and grant the privilege of immediate use of such intersection to vehicles on such other street which are within the intersection or approaching the intersection in such proximity to such intersection as to constitute a hazard, and after so stopping, may only proceed when such driver may safely enter the intersection without interference or collision with traffic using such different street or roadway.

(Code 1978, § 24-104)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.151(b).

Sec. 94-210. When approaching a paved roadway from an unpaved roadway.

The driver of a vehicle on an unpaved street or roadway, approaching the intersection of a paved roadway, shall stop, yield and grant the privilege of immediate use of such intersection to any vehicle on any such paved roadway which is within the intersection, or approaching the intersection, in such proximity to such intersection as to constitute a hazard, and after stopping, may only proceed when such driver may safely enter the intersection without interference or collision with traffic using such paved street or roadway.

(Code 1978, § 24-105)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.151(c).

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Sec. 94-211. Emerging from alleys, private driveways or buildings.

The driver of a vehicle emerging from an alley, driveway, private road or building, shall stop such vehicle immediately prior to driving onto a sidewalk or sidewalk area extending across any alleyway or driveway, yielding the right-of-way to any pedestrian, as may be necessary to avoid collision, and upon entering the roadway, shall yield the right-of-way to all vehicles approaching on such roadway.

(Code 1978, § 24-106)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.256.

Secs. 94-212—94-235. Reserved.

DIVISION 5. TURNS ^[3]

[Sec. 94-236. Obedience to signs.](#)

[Sec. 94-237. General limitation.](#)

[Sec. 94-238. Right turn generally.](#)

[Sec. 94-239. Left turn generally.](#)

[Sec. 94-240. When turn signals required.](#)

[Sec. 94-241. Signals by hand and arm or signal device.](#)

[Sec. 94-242. Method of giving hand and arm signals.](#)

[Sec. 94-243. Courtesy signals prohibited.](#)

[Secs. 94-244—94-265. Reserved.](#)

Sec. 94-236. Obedience to signs.

No person shall turn a vehicle at any place, or in any direction, where there appears an authorized sign or device prohibiting such turn.

(Code 1978, § 24-113)

Sec. 94-237. General limitation.

No person shall turn a vehicle at an intersection unless the vehicle is in a proper position upon the roadway as required in sections 94-238 and 94-239, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway, unless and until such movement can be made safely.

(Code 1978, § 24-114)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.103.

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Sec. 94-238. Right turn generally.

The driver of a vehicle intending to turn right at an intersection, shall both approach and turn as close as practicable, to the right-hand curb or edge of the roadway.

(Code 1978, § 24-115)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.101(a).

Sec. 94-239. Left turn generally.

(a) To make a left turn at an intersection, an operator shall:

- (1) Approach the intersection in the extreme left-hand lane lawfully available to a vehicle moving in the direction of the vehicle; and
- (2) After entering the intersection, turn left, leaving the intersection as to arrive in a lane lawfully available to traffic moving in the direction of the vehicle on the roadway being entered.

(b) On a street or roadway designated for two-way traffic, the operator turning left shall, to the extent practicable, turn in the portion of the intersection to the left of the center of the intersection.

(c) To turn left, an operator who is approaching an intersection having a roadway designated for one-way traffic, and for which signs are posted from a roadway designated for one-way traffic, and for which signs are posted, shall make the turn as closely as practicable to the left-hand curb or edge of the roadway.

(Code 1978, § 24-116)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.101(b)—(d).

Sec. 94-240. When turn signals required.

No person shall turn any vehicle without first giving an appropriate signal if any other traffic may be affected by such movement. Such signal of intention to turn right or left, when required, shall be given continuously during not less than the last 100 feet traveled by the driver of such vehicle, before turning.

(Code 1978, § 24-117)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.104.

Sec. 94-241. Signals by hand and arm or signal device.

Any stop or turn signal, when required, shall be given either by means of the hand and arm, by a signal lamp or mechanical signal device of a type approved by the state department of public safety, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then the signals must be given by lamp or signal device.

(Code 1978, § 24-118)

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State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.106.

Sec. 94-242. Method of giving hand and arm signals.

An operator, who is permitted to give a hand and arm signal, shall give the signal from the left side of the vehicle as follows:

- (1) To make a left turn signal, extend hand and arm horizontally;
- (2) To make a right turn signal, extend hand and arm upward, except a bicycle operator may signal from the right side of the vehicle with the hand and arm extended horizontally; and
- (3) To stop or decrease speed, extend hand and arm downward.

(Code 1978, § 24-119)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.107.

Sec. 94-243. Courtesy signals prohibited.

The signal lamps provided for in section 94-241, shall be used to indicate an intention to turn, change lanes or start from a parked position, and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or a signal termed "do pass" to operators of other vehicles approaching from the rear.

(Code 1978, § 24-120)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.104(c).

Secs. 94-244—94-265. Reserved.

FOOTNOTE(S):

--- (3) ---

State Law reference— Authority of city to regulate turning at intersections, V.T.C.A., Transportation Code § 542.202(a)(7). [\(Back\)](#)

DIVISION 6. MINORS

[Sec. 94-266. Violation of chapter.](#)

[Sec. 94-267. Operation of a motor vehicle by minor without license.](#)

[Sec. 94-268. Procedure and jurisdiction.](#)

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[Sec. 94-269. Fine for offense in construction or maintenance work zone.](#)

[Secs. 94-270—94-275. Reserved.](#)

Sec. 94-266. Violation of chapter.

- (a) A person who is younger than 17 years of age commits an offense if the person operates a motor vehicle on a public road, highway, street or alley in violation of any provision of this chapter.
- (b) An offense under this section is a class C misdemeanor.

(Code 1978, § 24-22)

Sec. 94-267. Operation of a motor vehicle by minor without license.

- (a) A person who is younger than 17 years of age commits an offense if the person operates a motor vehicle without a driver's license authorizing the operation of a motor vehicle on a:
 - (1) Public road or highway; or
 - (2) Street or alley.
- (b) An offense under this section is a class C misdemeanor.

(Code 1978, § 24-22)

Sec. 94-268. Procedure and jurisdiction.

- (a) A person may not plead guilty to an offense under section 94-266 or 94-267, or to a violation of any other motor vehicle traffic ordinance of the city except in open court before a judge. A person may not be convicted of an offense, or fined as provided by this division, or under any other traffic ordinance, except in the presence of one or both parents or guardians having legal custody of the person. The court shall summon one or both parents or guardians to appear in court and shall require one or both of them to be present during all proceedings in the case. The court may waive the requirement of the presence of parents or guardians if, after diligent effort, the court cannot locate them or compel their presence.
- (b) The provisions of the Texas Code of Criminal Procedure relating to release of a defendant on bail, apply to a person charged with a traffic offense under this division.
- (c) A person detained for an offense under this division shall be detained in a facility that complies with V.T.C.A., Family Code § 51.12.
- (d) The municipal court shall report to the state department of public safety a person charged with a traffic offense under this division who does not appear before the court as required by law. In addition to any other action or remedy provided by law, the department may deny renewal of the person's driver's license under V.T.C.A., Transportation Code § 521.310 or V.T.C.A., Transportation Code ch. 706. The court also shall report to the department on final disposition of the case.
- (e) A person may not be committed to a jail in default of payment of a fine imposed under this division, but the court imposing the fine shall report the default to the state department of public safety. The court also shall report to the department on final disposition of the case.

Chapter 94 TRAFFIC AND VEHICLES

- (f) The court may order a person convicted of an offense under this division to perform a specified number of hours of community service in lieu of a fine.
- (g) An offense under this division is within the jurisdiction of the municipal court and is not within the jurisdiction of a juvenile court.

(Code 1978, § 24-22)

Sec. 94-269. Fine for offense in construction or maintenance work zone.

- (a) This section applies to an offense under section 94-266 for a violation of this chapter other than offenses involving pedestrians.
- (b) If an offense to which this section applies is committed in a construction or maintenance work zone when workers are present:
 - (1) The minimum fine applicable to the offense is twice the minimum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone; and
 - (2) The maximum fine applicable to the offense is twice the maximum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone.
- (c) In this section, the term "construction or maintenance work zone" means a portion of a highway or street:
 - (1) Where highway construction or maintenance is being undertaken, other than mobile operations as defined by the Texas Manual on Uniform Traffic Control Devices; and
 - (2) That is marked by one or more signs indicating that it is a construction or maintenance work zone.

Secs. 94-270—94-275. Reserved.

DIVISION 7. TRUCK ROUTES ^[4]

[Sec. 94-276. Preamble.](#)

[Sec. 94-277. Definitions.](#)

[Sec. 94-278. Truck routes.](#)

[Sec. 94-279. Penalty.](#)

[Sec. 94-280. Signs.](#)

[Secs. 94-281—94-290. Reserved.](#)

Sec. 94-276. Preamble.

All of the facts recited in the preamble to this division are hereby found by the city council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

(Ord. No. 2007-06-03, § 1, 7-17-07)

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Sec. 94-277. Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Local delivery means a delivery which has as its termination point (point of physical delivery) a location or address which is within the city limits.

Local pickup means a pickup which has as its point of physical receipt a location or address which is within the city limits.

Truck route means:

- (1) U.S. Highway 67/90 from the eastern city limits boundary to the western city limits boundary.
- (2) Texas Highway 118 from the northern city limits boundary to the southern city limits boundary.
- (3) Texas Highway 223 (Loop Road) from its intersection with U.S. Highway 67/90 (at McDonalds) to its intersection with Texas Highway 118 (Alpine High School).

(Ord. No. 2007-06-03, § 2, 7-17-07)

Sec. 94-278. Truck routes.

- (a) No person shall intentionally and knowingly operate any vehicle with a rated capacity in excess of 26,000 pounds GVWR according to the manufacturer's classification upon any public street, except upon such streets as are designated as truck routes. Whenever any street designated as a truck route is being repaired or is otherwise temporarily out of use, the city manager or his/her designee is authorized to designate alternate truck routes for such periods as may be necessary.
- (b) It shall be an offense for a person to operate a truck tractor, semitrailer, pole trailer, short bed dump truck, bobtail truck, or vehicle used for delivery of concrete or cement upon a street or highway within the city, not being a truck route or a commercial delivery route, when:
 - (1) Not engaged in a local delivery or pickup, and
 - (2) The street or highway is not the most direct route between the truck route or a commercial delivery route and the local delivery or pickup.
- (c) It is not a violation of this section for a truck tractor, semitrailer, pole trailer, short bed dump truck, bobtail truck, or vehicle used for delivery of concrete or cement to use a city street if it is the most direct route between the operator's point of origin and the nearest truck route.
- (d) A person operating a semitrailer, pole trailer, short bed dump truck, bobtail truck, or vehicle used for delivery of concrete or cement upon a street or roadway which is not a designated truck route by this section shall have in his or her possession for the inspection of police officers his or her log book, delivery slips or other evidence of his or her destination and point of origin to justify the presence of the vehicle on a street or roadway other than a designated truck route.
- (e) This section shall not apply to:
 - (1) Recreational vehicles and personal trailers. As used in this division recreational vehicles means a vehicular portable structure designed for a temporary or short-term occupancy for travel, recreational or vacation uses, including vacation travel trailers, converted buses, tent trailers or similar devices used for temporary portable housing. As used in this division personal trailer means a wheeled device made to be hauled by a personal motor vehicle upon a road or highway, and includes a horse trailer, dog trailer, car trailer, motorcycle trailer, boat trailer, lawn equipment trailer, gooseneck trailer, and any other trailer designed and intended to be used to carry animals, boats, large items, or motor-driven means of transportation.

Chapter 94 TRAFFIC AND VEHICLES

- (2) Street construction, maintenance and repair vehicles engaged in the construction, maintenance, or repair of city streets;
 - (3) Vehicles used by public service companies engaged in providing or expanding their service(s) within the city;
 - (4) Authorized emergency vehicles responding to emergency calls;
 - (5) Vehicles used or operated by the city performing city business, include transit uses;
 - (6) Vehicles used by the city's franchisee for the franchisee's approved activities; or
 - (7) Vehicles operating under a valid permit issued by the state department of highways and public transportation under the provision of V.T.C.A. Transportation Code, § 623.071.
- (f) Any vehicle owned or controlled by the United States Government, State of Texas, County of Brewster, or City of Alpine is excluded from compliance with this section.
- (g) No oversized truck or trailer may use any city street if it is unable to navigate any truck route or highway overpass.
- (h) Vehicles restricted to the streets or roadways designated as truck routes under this section may depart from such truck routes where it is necessary to load or unload merchandise at locations situated off designated truck routes; provided, however, such vehicles shall not leave a designated truck route until they have reached a turning-off point that can be described as the shortest distance practical to the ultimate destination of the vehicle which is consistent with the reasonable operation of the vehicle. Vehicles restricted to truck routes, as provided for in this section may depart from truck routes for the purpose of traveling to and from a truck terminal so long as such vehicle proceeds by the most direct route practical from the truck route to the terminal and so long as the vehicle does not use residential streets or roadways to reach a truck terminal. In no event will such vehicles departing from a designated truck route, under the provisions of this exception, operate on streets or roadways prohibited for truck travel under this division.
- (i) No person shall intentionally or knowingly operate a vehicle that falls within the criteria set forth in subsection (a) and (b) above on any street not designated as a truck route without having in his or her possession a log book, delivery slip, or other evidence of destination and point of origin for such vehicle.

(Ord. No. 2007-06-03, § 3, 7-17-07)

Sec. 94-279. Penalty.

- (a) Any person violating the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the city or any other court of proper jurisdiction, shall be subject to a fine not to exceed the sum of \$500.00 for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of \$2,000.00 for each offense.
- (b) Any person violating any portion or provision division section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by the assessment of a fine as provided for in subsection (a), and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 2007-06-03, § 4, 7-17-07)

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Sec. 94-280. Signs.

The director of public works shall erect appropriate signs and markings advising motorists of the truck routes established by this section.

(Ord. No. 2007-06-03, § 5, 7-17-07)

Secs. 94-281—94-290. Reserved.

FOOTNOTE(S):

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Editor's note—Ord. No. 2007-06-03, §§ 1—5, adopted July 17, 2007, did not specifically amend the Code; hence, inclusion herein as division 7, sections 94-276—94-280 was at the discretion of the editor. See also the Code Comparative Table. [\(Back\)](#)

ARTICLE IV. STOPPING, STANDING AND PARKING ^[5]

DIVISION 1. - GENERALLY

DIVISION 2. - LIMITATIONS FOR SPECIFIED STREETS

DIVISION 3. - LOADING ZONES; CARRIER STANDS

FOOTNOTE(S):

--- (5) ---

State Law reference— Authority of city to regulate the stopping, standing or parking of a vehicle, V.T.C.A., Transportation Code § 542.202(a)(2). [\(Back\)](#)

DIVISION 1. GENERALLY

[Sec. 94-291. Presumption that owner of vehicle illegally parked such vehicle.](#)

[Sec. 94-292. Impoundment of standing or parked vehicles; liability of city.](#)

[Sec. 94-293. General manner of parking.](#)

[Sec. 94-294. Parallel parking.](#)

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[Sec. 94-295. Angle parking.](#)

[Sec. 94-296. Parking not to obstruct traffic.](#)

[Sec. 94-297. No stopping, standing or parking near hazardous or congested places.](#)

[Sec. 94-298. Stopping, standing or parking prohibited in certain places.](#)

[Sec. 94-299. Parking for certain purposes.](#)

[Sec. 94-300. Parking in alleys.](#)

[Sec. 94-301. When stop signal required.](#)

[Sec. 94-302. Unattended motor vehicle.](#)

[Sec. 94-303. Special parking.](#)

[Sec. 94-304. Parking for disabled persons on privately owned or controlled property.](#)

[Sec. 94-305. Parking for disabled persons on city owned or controlled property.](#)

[Secs. 94-306—94-325. Reserved.](#)

Sec. 94-291. Presumption that owner of vehicle illegally parked such vehicle.

In any prosecution charging a violation of any ordinance or regulation governing the standing or parking of a vehicle, proof that the vehicle described in the complaint was parked in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence, a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(Code 1978, § 24-132)

Sec. 94-292. Impoundment of standing or parked vehicles; liability of city.

- (a) Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place, may be removed by or upon order of the chief of police, and placed in storage in a privately operated garage, or other place designated or maintained by the city, under the following circumstances:
- (1) When any vehicle is found upon a street, avenue, alley, way or public place and a report has been previously made that such vehicle has been stolen, or complaint has been filed, and a warrant issued charging that such vehicle has been stolen or converted in violation of law.
 - (2) When any police officer of the city has reasonable grounds to believe that any vehicle has been abandoned.
 - (3) When a police officer arrests any person driving, or in control of a vehicle, for an alleged offense, and such officer is or may be required by law to take the one arrested immediately before a magistrate, or if the arrested one is immediately taken before a magistrate, and when the arrested one is the sole occupant or the owner of the vehicle and is immediately placed in custody.

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- (4) When a vehicle is so disabled that its normal operation is impossible or impractical, and the persons in charge of the vehicle are incapacitated by reason of physical injury or other causes, to such an extent as to be unable to provide for its removal or custody, or cannot be found, or are not in the immediately vicinity of such vehicle.
 - (5) When such vehicle is left unattended upon any bridge, viaduct or causeway, or in a tunnel or tube, and constitutes an obstruction to traffic.
 - (6) When any such vehicle is illegally parked as to block the entrance to any private driveway, and it is impracticable to move such vehicle from in front of the driveway to any other point on the highway.
 - (7) When any vehicle constitutes a hazard, or interferes with the normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance, the safety of the vehicle is imperiled.
 - (8) When any vehicle is left standing or parked unattended for more than 48 hours, in violation of any applicable section of this Code, state law or city ordinances, rules or regulations; provided, however, that if such vehicle is parked or standing immediately in front of, or immediately adjacent to, property owned by the owner of such vehicle, or property rented by such owner, before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of 48 hours, and shall be given an additional 24 hours to remove or cause to be removed such vehicle. Written notice may be given by depositing the written notice in the United States mail, addressed to the owner, at the address given on the registration receipt of the vehicle, or his last known address.
- (b) In order to obtain possession of a vehicle stored under the provisions of this section, the claimant must produce satisfactory evidence of ownership, or right to possession, within 30 days from the date of such storage and, in addition thereto, must pay all charges for storage and removal of such vehicle in addition to any fine.
- (c) If a vehicle removed under this section is not claimed within 30 days from the date of storage, the vehicle may be sold by the city or the garage where the vehicle is stored, for storage charges, as provided by law.
- (d) The provisions of this section shall not be construed to relieve from or lessen the responsibility of any person who shall leave his vehicle parked on the streets of the city in such a manner that the vehicle may be impounded, nor shall the city be held as assuming any such liability by reason of impounding, or causing to be impounded, such vehicle.

(Code 1978, §§ 24-133, 24-134)

State Law reference— Removal of unlawfully stopped vehicle, V.T.C.A., Transportation Code § 545.305.

Sec. 94-293. General manner of parking.

It shall be a misdemeanor for any person to park any motor vehicle in disregard of the parking lines and markers upon the pavement or curb at the place where such vehicle may be parked.

(Code 1978, § 24-135)

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Sec. 94-294. Parallel parking.

Except as otherwise provided, vehicles may be parked on all public streets or alleys in the city, provided the following conditions are met:

- (1) The vehicle shall be headed in the direction of travel of the nearest adjacent traffic lane;
- (2) The wheels nearest the curb shall be approximately parallel to, and within 18 inches of, the curb or edge of the roadway;
- (3) The manner of parking such vehicle shall be in compliance with all applicable provisions of this chapter and state law.

(Code 1978, § 24-136)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.303.

Sec. 94-295. Angle parking.

Vehicles may be parked at any angle, not to exceed 45 degrees, to the curb or edge of the roadway at those places and angles where signs or markings clearly indicate that it is permissible, and no part or contents of such vehicle shall protrude into or cause a hazard with other vehicles or pedestrians in the nearest adjacent traffic lane, sidewalk or crosswalk. In no case shall this exceed 17 feet from the curb in a perpendicular direction where 30-degree parking is permitted, or 19 feet from the curb in a perpendicular direction where 45-degree parking is permitted.

(Code 1978, § 24-137)

State Law reference— Authority to permit angle parking, V.T.C.A., Transportation Code § 545.303(c).

Sec. 94-296. Parking not to obstruct traffic.

No person shall park any vehicle upon a street, other than an alley, in such a manner, or under such conditions, as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1978, § 24-138)

Sec. 94-297. No stopping, standing or parking near hazardous or congested places.

- (a) The city traffic engineer is authorized to determine and designate by proper signs, places not exceeding 100 feet in length, in which the stopping, standing or parking of vehicles would create an especially hazardous condition, or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places, as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1978, § 24-139)

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Sec. 94-298. Stopping, standing or parking prohibited in certain places.

- (a) An operator may not stop, stand or park a vehicle:
 - (1) On the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (2) On a sidewalk;
 - (3) In an intersection;
 - (4) On a crosswalk;
 - (5) Between a safety zone and the adjacent curb, or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the city council designates a different length by signs or markings;
 - (6) Alongside or opposite a street excavation or obstruction if stopping, standing or parking the vehicle would obstruct traffic;
 - (7) On a bridge or other elevated structure on a highway or in a highway tunnel;
 - (8) On a railroad track; or
 - (9) Where an official sign prohibits stopping.
- (b) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:
 - (1) In front of a public or private driveway;
 - (2) Within 15 feet of a fire hydrant;
 - (3) Within 20 feet of a crosswalk at an intersection;
 - (4) Within 30 feet on the approach to a flashing signal, stop sign, yield sign or traffic-control signal located at the side of a roadway;
 - (5) Within 20 feet of the driveway entrance to a fire station, and on the side of a street opposite the entrance to a fire station, within 75 feet of the entrance, if the entrance is properly marked with a sign; or
 - (6) Where an official sign prohibits standing.
- (c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:
 - (1) Within 50 feet of the nearest rail of a railroad crossing; or
 - (2) Where an official sign prohibits parking.
- (d) A person may stop, stand or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.
- (e) A private vehicle operated by an elevator constructor responding to an elevator emergency, shall be exempt from subsections (a)(1), (a)(5), (a)(6), (a)(9), (b) and (c) of this section.
- (f) Subsections (a), (b) and (c) of this section do not apply if the avoidance of conflict with other traffic is necessary, or if the operator is complying with the law, or the directions of a police officer or official traffic-control device.
- (g) No person shall move a vehicle not lawfully under his control into any such prohibited area, or away from a curb, such a distance as is unlawful.

(Code 1978, § 24-140)

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State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.302.

Sec. 94-299. Parking for certain purposes.

No person shall park a vehicle upon any street in the city for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Advertising, except by permit issued by the chief of police, and under the conditions stipulated in such permit.

(Code 1978, § 24-141)

Sec. 94-300. Parking in alleys.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic. No person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

(Code 1978, § 24-142)

Sec. 94-301. When stop signal required.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.

(Code 1978, § 24-143)

Sec. 94-302. Unattended motor vehicle.

An operator may not leave a vehicle unattended without:

- (1) Stopping the engine;
- (2) Locking the ignition;
- (3) Removing the key from the ignition;
- (4) Setting the parking brake effectively; and
- (5) If standing on a grade, turning the front wheels to the curb or side of the highway.

(Code 1978, § 24-144)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.404.

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Sec. 94-303. Special parking.

The city traffic engineer may issue special permits for a definite period of time to allow parking of an unusual nature which may be contrary to, or in violation of, any of the provisions of this article. It shall be unlawful for any person to use this permit for purposes, places or times other than that clearly indicated in the written permit, and it shall be unlawful for any person, other than those named in the permit, to use such permit for any purpose whatsoever.

(Code 1978, § 24-145)

Sec. 94-304. Parking for disabled persons on privately owned or controlled property.

- (a) Designation of parking not required. The city will not require a private property owner or person who controls property used for parking to designate a parking space or parking area for the exclusive use of vehicles transporting temporarily or permanently disabled persons.
- (b) Voluntary designation of parking. A private property owner or person who controls property used for parking, who voluntarily designates a parking space or parking area specifically for the disabled, must post a sign that conforms to the state department of transportation design standards, and the spaces provided must conform to the width requirements set by the department.
- (c) Unauthorized parking prohibited. No person shall park a vehicle in a privately owned or controlled parking lot in a parking space or parking area specifically designated for the disabled, which conforms to the identification and dimension requirements for disabled parking established by the state department of transportation, unless such vehicle is displaying a device issued by the county tax collector for motor vehicles regularly operated by or for the transportation of temporarily or permanently disabled persons.
- (d) Authority to enforce. A peace officer or a person designated by the city to enforce parking regulations may file charges against a person who commits an offense under this section at a parking space or parking area designated specifically for disabled parking by a private property owner or person who controls property used for parking, provided the designated parking space conforms to the identification and dimension requirements established by the state department of transportation for disabled parking.
- (e) Determination of offense.
 - (1) A person commits an offense if the person is neither temporarily or permanently disabled, nor transporting a temporarily or permanently disabled person, and parks a vehicle with such special device, or displaying a temporarily disabled person identification card, in any privately owned or controlled parking space or parking area that has been designated specifically for the disabled.
 - (2) A person commits an offense if the person parks a vehicle neither displaying the special device, nor displaying a temporarily disabled person identification card, in any privately owned or controlled parking space or parking area that has been designated specifically for the disabled.
 - (3) A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled, which is located on any privately owned or controlled property.
- (f) Penalties for offenses.
 - (1) Except as provided by subsections (2)—(5) of this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$100.00 or more than \$200.00.

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- (2) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200.00 or more than \$300.00.
- (3) If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by a fine of not less than \$300.00 or more than \$400.00.
- (4) If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by a fine of not less than \$400.00 or more than \$500.00.
- (5) If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$500.00.
- (6) If a judge requires a person convicted of an offense under this section to perform community service, the judge may not require the person to work more than 100 hours.

(Code 1978, § 24-146)

Sec. 94-305. Parking for disabled persons on city owned or controlled property.

- (a) Unauthorized parking prohibited. No person shall park a vehicle in a parking space or parking area owned or controlled by the city, and specifically designated as a parking area or parking space for the exclusive use of vehicles transporting temporarily or permanently disabled persons, unless such vehicle is displaying a device issued by the county tax collector for motor vehicles regularly operated by or for the transportation of temporarily or permanently disabled persons.
- (b) Authority to enforce. A peace officer or person designated by the city to enforce parking regulations, may file charges against a person who commits an offense under this section, at a parking space or a parking area designated by the city specifically for the temporarily or permanently disabled.
- (c) Determination of offense.
 - (1) A person commits an offense if the person is neither temporarily or permanently disabled, nor transporting a temporarily or permanently disabled person, and parks a vehicle with such special device, or displaying a temporarily disabled person identification card, in any parking space or parking area designated by the city specifically for the disabled.
 - (2) A person commits an offense if the person parks a vehicle neither displaying the special device, nor displaying a temporarily disabled person identification card, in a parking space or parking area designated by the city specifically for the disabled.
 - (3) A person commits an offense if the person parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.
- (d) Penalties for offenses.
 - (1) Except as provided by subsections (2)—(5) of this section, an offense under this section is a misdemeanor punishable by a fine of not less than \$100.00 or more than \$200.00.
 - (2) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200.00 or more than \$300.00.
 - (3) If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by a fine of not less than \$300.00 or more than \$400.00.

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- (4) If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by a fine of not less than \$400.00 or more than \$500.00.
- (5) If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$500.00.
- (6) If a judge requires a person convicted of an offense under this section to perform community service, the judge may not require the person to work more than 100 hours.

(Code 1978, § 24-147)

Secs. 94-306—94-325. Reserved.

DIVISION 2. LIMITATIONS FOR SPECIFIED STREETS

[Sec. 94-326. Authorized.](#)

[Sec. 94-327. Parking signs required.](#)

[Sec. 94-328. Parking prohibited on certain streets.](#)

[Sec. 94-329. Application.](#)

[Sec. 94-330. Regulations not exclusive.](#)

[Secs. 94-331—94-350. Reserved.](#)

Sec. 94-326. Authorized.

The traffic engineer, subject to disapproval by the council, is authorized to promulgate regulations prohibiting or restricting parking on particular streets or other public places. Such regulations shall be reported by the traffic engineer to the council at the next meeting of the council, following their promulgation.

(Code 1978, § 24-152)

Sec. 94-327. Parking signs required.

Whenever any parking time limit is imposed or parking is prohibited or restricted on designated streets, it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof; and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.

(Code 1978, § 24-153)

Sec. 94-328. Parking prohibited on certain streets.

When signs are erected giving notice of the regulations authorized by this division, it shall be unlawful to fail to comply with such signs.

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(Code 1978, § 24-154)

Sec. 94-329. Application.

The regulations pursuant to the provisions of this division shall apply at all times, or at those times specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic, or in compliance with the directions of a police officer or official traffic-control device.

(Code 1978, § 24-155)

Sec. 94-330. Regulations not exclusive.

The regulations pursuant to the provisions of this division shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1978, § 24-156)

Secs. 94-331—94-350. Reserved.

DIVISION 3. LOADING ZONES; CARRIER STANDS

[Sec. 94-351. Traffic engineer to designate curb loading zones.](#)

[Sec. 94-352. Standing in passenger curb loading zone.](#)

[Sec. 94-353. Standing in freight curb loading zones.](#)

[Sec. 94-354. Traffic engineer to designate public carrier stops and stands.](#)

[Sec. 94-355. Stopping, standing and parking of buses and taxicabs regulated.](#)

[Sec. 94-356. Restricted use of bus and taxicab stands.](#)

[Secs. 94-357—94-380. Reserved.](#)

Sec. 94-351. Traffic engineer to designate curb loading zones.

The city traffic engineer, subject to the approval of the city council, is authorized to determine the location of passenger and freight curb loading zones, and shall place and maintain appropriate signs indicating the passenger and freight curb loading zones, and stating the hours during which the provisions of this section are applicable.

(Code 1978, § 24-163)

Sec. 94-352. Standing in passenger curb loading zone.

No person shall stop, stand or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb loading zone

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during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three minutes.

(Code 1978, § 24-164)

Sec. 94-353. Standing in freight curb loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

(Code 1978, § 24-165)

Sec. 94-354. Traffic engineer to designate public carrier stops and stands.

The city traffic engineer is authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets, in such places and in such number, as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs.

(Code 1978, § 24-166)

Sec. 94-355. Stopping, standing and parking of buses and taxicabs regulated.

- (a) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage, other than at a bus stop, bus stand or passenger loading zone designated as provided in this section, except in case of an emergency.
- (b) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- (c) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided in this section. This provision shall not prevent the operator of a taxicab from temporarily stopping, in accordance with other stopping or parking regulations, at any place for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers.

(Code 1978, § 24-167)

Sec. 94-356. Restricted use of bus and taxicab stands.

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand, when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop in a taxicab stand for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

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(Code 1978, § 24-168)

Secs. 94-357—94-380. Reserved.

ARTICLE V. ACCIDENTS

[Sec. 94-381. Accident involving damage to vehicle.](#)

[Sec. 94-382. Duty to give information and render aid.](#)

[Sec. 94-383. Duty upon striking unattended vehicle.](#)

[Sec. 94-384. Duty upon striking fixture or highway landscaping.](#)

[Sec. 94-385. Investigation of accidents.](#)

[Sec. 94-386. Accident reports; by driver and law enforcement officer.](#)

[Sec. 94-387. When driver unable to report accident.](#)

[Sec. 94-388. Garages to report damaged vehicles.](#)

[Secs. 94-389—94-410. Reserved.](#)

Sec. 94-381. Accident involving damage to vehicle.

The operator of a vehicle involved in an accident resulting only in damage to a vehicle that is driven or attended by a person shall:

- (1) Immediately stop the vehicle at the scene of the accident, or as close as possible to the scene of the accident, without obstructing traffic more than is necessary;
- (2) Immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident; and
- (3) Remain at the scene of the accident until the operator complies with the requirements of section 94-382.

(Code 1978, § 24-180)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 550.022.

Sec. 94-382. Duty to give information and render aid.

The operator of a vehicle involved in an accident resulting in the injury or death of a person or damage to a vehicle that is driven or attended by a person shall:

- (1) Give the operator's name and address, the registration number of the vehicle the operator was driving, and the name of the operator's motor vehicle liability insurer to any person injured, or the operator or occupant of, or person attending a vehicle involved in the collision;
- (2) If requested and available, show the operator's driver's license to a person described by subsection (1) of this section; and

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- (3) Provide any person injured in the accident reasonable assistance, including transporting or making arrangements for transporting the person to a physician or hospital for medical treatment if it is apparent that treatment is necessary, or if the injured person requests the transportation.

(Code 1978, § 24-181)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 550.023.

Sec. 94-383. Duty upon striking unattended vehicle.

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop, and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver or owner of the vehicle striking the unattended vehicle, or shall leave securely fastened in a conspicuous place in or on the vehicle struck, a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking, and a statement of the circumstances thereof.

(Code 1978, § 24-182)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 550.024.

Sec. 94-384. Duty upon striking fixture or highway landscaping.

The operator of a vehicle involved in an accident resulting only in damage to a fixture or landscaping legally on or adjacent to a highway shall:

- (1) Take reasonable steps to locate and notify the owner or person in charge of the property of the accident, and of the operator's name and address, and the registration number of the vehicle the operator was driving;
- (2) If requested and available, show the operator's driver's license to the owner or person in charge of the property; and
- (3) Report the accident as required by section 94-386.

(Code 1978, § 24-183)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 550.025.

Sec. 94-385. Investigation of accidents.

Upon notification of a law enforcement officer by the driver of a vehicle involved in an accident resulting in injury to or death of any person, or total property damage to an apparent extent of \$50.00 or more, the officer may investigate the accident and file any justifiable charges relating thereto, without regard to whether the accident occurred on a public street, highway or other public property, on a road owned and controlled by any water control and improvement district, whether or not a fee is charged for the use of the road, or on private property commonly used by the public such as supermarket or shopping center parking lots, parking areas provided by business establishments for the convenience of their customers, clients or patrons, parking lots owned and operated by the city, or any other parking area owned and operated for the convenience of, and commonly used by, the public. It is specifically provided,

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however, that this section shall not apply to accidents occurring on privately owned residential parking areas or on privately owned parking lots where a fee is charged for the privilege of parking or storing a motor vehicle.

(Code 1978, § 24-184)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 550.041.

Sec. 94-386. Accident reports; by driver and law enforcement officer.

- (a) The driver of a vehicle involved in an accident within the city resulting in an injury to or death of any person, or damage to any property to an apparent extent of \$50.00 or more, shall immediately, by the quickest means of communication, give notice of such accident to the police department.
- (b) The police department may require any driver of a vehicle involved in an accident, of which a report must be made as provided in this section, to file a supplemental report whenever the original report is insufficient, and it is made the duty of all persons witnessing any accident or collision of a vehicle of any kind to report the accident to the police department.
- (c) Every law enforcement officer, other than members of the city police department and state department of public safety, who in the regular course of duty investigates a motor vehicle accident of which a report must be made, either at the time of, and at the scene of, the accident or thereafter by interviewing participants or witnesses, shall, within ten days after completing such investigation, forward a written report of such accident to the traffic division of the police department. Every accident report shall be made on the appropriate form provided by the traffic division and shall contain all of the information required in such report, unless not available. Such reports shall be without prejudice to the officer so reporting, and shall be for the confidential use of the police department and the city traffic engineer.

(Code 1978, §§ 24-185, 24-186)

State Law reference— Similar provisions, V.T.C.A., Transportation Code §§ 550.026, 550.061, 550.062.

Sec. 94-387. When driver unable to report accident.

When the driver or operator of a vehicle is unable physically to make the required accident report, and there were other occupants of the vehicle at the time of the accident capable of making the report, such occupants shall make or cause to be made such report.

(Code 1978, § 24-187)

Sec. 94-388. Garages to report damaged vehicles.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided by state law, or struck by any bullet, shall report to the police department within 24 hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

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(Code 1978, § 24-188)

State Law reference— Similar provisions authorized, V.T.C.A., Transportation Code § 550.067(c).

Secs. 94-389—94-410. Reserved.

ARTICLE VI. AUTHORIZED EMERGENCY VEHICLES

[Sec. 94-411. When exempt from chapter.](#)

[Sec. 94-412. Duty of drivers of other vehicles upon approach of authorized emergency vehicles.](#)

[Sec. 94-413. Warning devices required.](#)

[Sec. 94-414. Duty of drivers.](#)

[Sec. 94-415. Limitation on application of exemptions.](#)

[Secs. 94-416—94-445. Reserved.](#)

Sec. 94-411. When exempt from chapter.

The provisions of this chapter regulating the operation, parking and standing of vehicles, shall apply to authorized emergency vehicles, except that a driver, when operating any such vehicle in an emergency or in the immediate pursuit of an actual or suspected violator of the law, unless otherwise directed by a police officer, may:

- (1) Park or stand, notwithstanding the provisions of this chapter.
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down, as may be necessary for safe operation.
- (3) Disregard regulations governing the direction of movement, or turning in specified directions, as long as he does not endanger life or property.
- (4) Exceed the prima facie speed limits established by this chapter, so long as life or property is not endangered; provided, however, that this exception shall not apply to ambulances, which shall not be operated at a speed of more than ten miles per hour over the posted speed limit.

(Code 1978, § 24-200)

State Law reference— Exemption of authorized emergency vehicles from certain traffic regulations, V.T.C.A., Transportation Code § 546.001 et seq.

Sec. 94-412. Duty of drivers of other vehicles upon approach of authorized emergency vehicles.

Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right-of-way, and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of

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the roadway clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(Code 1978, § 24-201)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 545.156.

Sec. 94-413. Warning devices required.

The exceptions granted to an authorized emergency vehicle by section 94-411 shall apply only when the driver of any such vehicle, while in motion, sounds an 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 atmospheric conditions from a distance of 500 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.

(Code 1978, § 24-202)

Sec. 94-414. Duty of drivers.

The exemptions granted authorized emergency vehicles by section 94-411 shall not relieve the driver thereof 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.

(Code 1978, § 24-203)

Sec. 94-415. Limitation on application of exemptions.

No driver of any authorized emergency vehicle shall assume any special privilege under the provisions of this article, except when such vehicle is operated in response to an emergency call, or in the immediate pursuit of an actual or suspected violator of the law.

(Code 1978, § 24-204)

Secs. 94-416—94-445. Reserved.

ARTICLE VII. PEDESTRIANS

[Sec. 94-446. Subject to traffic control.](#)

[Sec. 94-447. Right-of-way at crosswalks.](#)

[Sec. 94-448. When pedestrians shall yield.](#)

[Sec. 94-449. To use right half of crosswalk.](#)

[Sec. 94-450. Use of sidewalk.](#)

[Sec. 94-451. Use of sidewalks and safety zones.](#)

[Sec. 94-452. Solicitation by pedestrians.](#)

[Sec. 94-453. Drivers to exercise due care.](#)

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[Sec. 94-454. Pedestrian signals.](#)

[Sec. 94-455. Blind pedestrians.](#)

[Secs. 94-456—94-485. Reserved.](#)

Sec. 94-446. Subject to traffic control.

Pedestrians shall be subject to traffic-control signals at intersections as provided in this chapter, but at all other places pedestrians shall be accorded privileges and shall be subject to the restrictions stated in this article.

(Code 1978, § 24-216)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.001.

Sec. 94-447. Right-of-way at crosswalks.

- (a) When traffic-control signals are not in place, or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk, when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- (b) Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk, at an intersection to permit a pedestrian to cross the roadway, no driver of another vehicle approaching from the rear shall overtake and pass such vehicle.

(Code 1978, § 24-217)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.003.

Sec. 94-448. When pedestrians shall yield.

- (a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at an intersection, shall yield the right-of-way to all vehicles upon the roadway.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing is provided, shall yield the right-of-way to all vehicles in the roadway.

(Code 1978, § 24-218)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.005.

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Sec. 94-449. To use right half of crosswalk.

A pedestrian shall proceed on the right half of a crosswalk, if possible.

(Code 1978, § 24-219)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.004.

Sec. 94-450. Use of sidewalk.

- (a) A pedestrian may not walk along and on a roadway if an adjacent sidewalk is provided.
- (b) If a sidewalk is not provided, a pedestrian walking along and on a highway shall, if possible, walk on:
 - (1) The left side of the roadway; or
 - (2) The shoulder of the highway facing oncoming traffic.

(Code 1978, § 24-220)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.006.

Sec. 94-451. Use of sidewalks and safety zones.

- (a) Where sidewalks or safety zones are provided, pedestrians shall stand on the sidewalks, or in the safety zones, while waiting for a bus, taxi or other vehicle.
- (b) Pedestrians shall, while waiting on a sidewalk, stand either near the curb or away from the curb so as not to interfere with other pedestrians.

(Code 1978, § 24-221)

Sec. 94-452. Solicitation by pedestrians.

- (a) A person may not stand in a roadway to solicit a ride, contribution, employment or business from an occupant of a vehicle, except a person may stand in a roadway to solicit a charitable contribution if authorized to do so by the local authority having jurisdiction over the roadway.
- (b) A person may not stand on or near a highway to solicit the watching or guarding of a vehicle parked or to be parked on the highway.
- (c) In this section, the term "charitable contribution" means a contribution to an organization defined as charitable by the standards of the United States Internal Revenue Service.

(Code 1978, § 24-222)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.007.

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Sec. 94-453. Drivers to exercise due care.

Notwithstanding the provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child, or any obviously confused or incapacitated person, upon a roadway.

(Code 1978, § 24-223)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.008.

Sec. 94-454. Pedestrian signals.

Whenever special pedestrian-control signals exhibiting the words "Walk," "Don't Walk" or "Wait" are in place, such signals shall indicate as follows:

- (1) Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- (2) Don't Walk or Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal shall proceed to a sidewalk or safety island while the "Don't Walk" or "Wait" signal is showing.

(Code 1978, § 24-224)

State Law reference— Similar provisions, V.T.C.A., Transportation Code § 552.002.

Sec. 94-455. Blind pedestrians.

- (a) It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the city, any cane or walking stick which is white in color or white tipped with red.
- (b) Any driver of a vehicle, operator of a motor-driven vehicle or pedestrian who approaches or comes in contact with a person wholly or partially blind and carrying a cane or walking stick white in color or white tipped with red, shall immediately come to a full stop and take such other precautions before proceeding as may be necessary to avoid an accident or injury to the person carrying such cane or walking stick.

(Code 1978, § 24-225)

Secs. 94-456—94-485. Reserved.

ARTICLE VIII. PARADES AND PROCESSIONS ^[6]

DIVISION 1. - GENERALLY

DIVISION 2. - PERMIT

Chapter 94 TRAFFIC AND VEHICLES

FOOTNOTE(S):

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State Law reference— Authority of city to regulate a procession or assemblage on a highway, V.T.C.A., Transportation Code § 542.202(a)(3). ([Back](#))

DIVISION 1. GENERALLY

[Sec. 94-486. Definitions.](#)

[Sec. 94-487. Exception to article.](#)

[Sec. 94-488. Change of route.](#)

[Sec. 94-489. Driving through procession prohibited.](#)

[Sec. 94-490. Unlawful to interrupt.](#)

[Secs. 94-491—94-510. Reserved.](#)

Sec. 94-486. 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:

Parade means the concerted movement of a body of persons, equestrians or vehicles in something approximating military order over the streets, sidewalks or public ways of the city.

(Code 1978, § 24-237)

Cross reference— Definitions generally, § 1-2.

Sec. 94-487. Exception to article.

The provisions of this article shall not apply to movements of the military forces of the United States of America, or of the state, nor to a funeral procession being held as a part of the burial services of a human body.

(Code 1978, § 24-238)

Sec. 94-488. Change of route.

The chief of police is authorized to make such change in the route of any proposed parade as he may deem proper and necessary in averting a breach of the peace, public disorder or traffic congestion within the city.

(Code 1978, § 24-242)

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Sec. 94-489. Driving through procession prohibited.

It shall be unlawful for the driver of any vehicle to drive between vehicles comprising a funeral or other authorized parade or procession while they are in motion provided such vehicles are conspicuously so designated. This provision shall not apply to intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1978, § 24-244)

Sec. 94-490. Unlawful to interrupt.

It shall be unlawful for any vehicle or person to interrupt, enter or otherwise disrupt the free movement of a parade or procession unless specifically directed to do so by an official law enforcement officer.

(Code 1978, § 24-245)

Secs. 94-491—94-510. Reserved.

DIVISION 2. PERMIT

[Sec. 94-511. Required.](#)

[Sec. 94-512. Application.](#)

[Sec. 94-513. General restrictions.](#)

[Sec. 94-514. Issuance restricted.](#)

[Secs. 94-515—94-535. Reserved.](#)

Sec. 94-511. Required.

All parades within the city are expressly prohibited unless a permit for the parades shall have first been obtained in conformity with the provisions of this article.

(Code 1978, § 24-239)

Sec. 94-512. Application.

Any person or group of persons desiring to engage in or conduct a parade in the city shall make application in writing to the chief of police not less than two hours before the time for holding the proposed parade, and shall state in the application the probable number of persons, animals and vehicles to be used in the parade, and the object, time and route of the parade, together with the names of the persons to be in charge thereof.

(Code 1978, § 24-240)

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Sec. 94-513. General restrictions.

No permit for a parade shall be issued or granted by the chief of police when the parade is to be held on a Sunday, except to a religious order for religious purposes, or to the local chapter of a national civic, patriotic or fraternal organization, such as the Knights of Columbus, Woodmen of the World, Maccabees, Boy Scouts, American Legion, Veterans of Foreign Wars and the like. In no event shall be permit be issued for a parade to be held at any time when the holding of such parade or the route of the parade will, in the opinion of the chief of police, tend to cause or bring about a riot, undue commotion, breach of the peace or undue congestion of traffic within the city.

(Code 1978, § 24-241)

Sec. 94-514. Issuance restricted.

Upon application for a parade permit, the chief of police shall forthwith, and without fee or charge, issue a permit for such parade unless he is justified in refusing a permit for such proposed parade under the provisions of this article, in which event he shall refuse the issuance of such permit to the applicant for such permit.

(Code 1978, § 24-243)

Secs. 94-515—94-535. Reserved.

ARTICLE IX. ABANDONED AND JUNKED VEHICLES [\[i\]](#)

DIVISION 1. - GENERALLY

DIVISION 2. - ABANDONED VEHICLES

DIVISION 3. - JUNKED VEHICLES

FOOTNOTE(S):

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State Law reference— Abandoned and junked vehicles, V.T.C.A., Transportation Code ch. 683. [\(Back\)](#)

DIVISION 1. GENERALLY

[Sec. 94-536. Definitions.](#)

[Sec. 94-537. Effect of article on certain laws.](#)

[Secs. 94-538—94-560. Reserved.](#)

Chapter 94 TRAFFIC AND VEHICLES

Sec. 94-536. 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:

Abandoned motor vehicle means a motor vehicle that:

- (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (4) Has been left unattended on the right-of-way of a designated county, state or federal highway for more than 48 hours; or
- (5) Has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the state turnpike authority or a controlled-access highway.

Abandoned nuisance vehicle means a self propelled motor vehicle that is at least five years old and is of a condition only to be junked, crushed, or dismantled.

Antique vehicle means a passenger car or truck that is at least 35 years old.

Demolisher means any person whose business is to convert a motor vehicle into processed scrap or scrap metal, or otherwise to wreck or dismantle vehicles.

Dismantled or partially dismantled means as follows:

- (1) For self-propelled vehicles designed to be operated upon public streets and for which a valid state motor inspection certificate is required to legally do so, "dismantled or partially dismantled" means dismantled to the degree that said vehicle is not capable of passing a state motor vehicle inspection.
- (2) For self-propelled vehicles not subject to state motor vehicle inspection, including self-propelled off-road vehicles designed and intended to be operated in places other than on public streets, including but not limited to dirt track vehicles, race cars, all terrain vehicles, and golf carts, "dismantled or partially dismantled" means to the degree that said vehicle is not usable for the vehicle's designed and intended purpose.

Duly appointed agent means a representative given authorization to enforce code violations by the chief of police.

Garagekeeper means an owner or operator of a storage facility.

Inoperable means as follows:

- (1) For self-propelled vehicles designed to be operated upon public streets and for which a valid state motor inspection certificate is required to legally do so, "inoperable" means not capable of passing a state motor vehicle inspection.
- (2) For self-propelled vehicles not subject to state motor vehicle inspection, including self-propelled off-road vehicles designed and intended to be operated in places other than on public streets, including but not limited to dirt track vehicles, race cars, all terrain vehicles, and golf carts, "inoperable" means not usable for the vehicles designed or intended use.

Chapter 94 TRAFFIC AND VEHICLES

Junked vehicle means a vehicle that is self-propelled and inoperable and:

- (1) Does not have lawfully attached to it:
 - a. An unexpired license plate; or
 - b. A valid motor vehicle inspection certificate;
- (2) Is wrecked, dismantled or partially dismantled, or discarded; or
- (3) Inoperable, and has remained inoperable for more than:
 - a. 72 consecutive hours, if the vehicle is on public property; or
 - b. 30 consecutive days, if the vehicle is on private property.

Motor vehicle means a vehicle that is subject to registration under V.T.C.A., Transportation Code ch. 501.

Motor vehicle collector means a person who:

- (1) Owns one or more antique or special interest vehicles; and
- (2) Acquires, collects or disposes of an antique or special interest vehicle, or part of an antique or special interest vehicle, for personal use to restore and preserve an antique or special interest vehicle for historic interest.

Motor vehicle demolisher means a person in the business of:

- (1) Converting motor vehicles into processed scrap or scrap metal; or
- (2) Wrecking or dismantling motor vehicles.

Person means any individual, firm, partnership, association, corporation, company or organization of any kind.

Police department means the department of public safety or the police department of the city, acting under the general police power authority as vested in the department by the city council or the sheriff or a constable of a county.

Special interest vehicle means a motor vehicle of any age that has not been altered or modified from original manufacturer's specifications, and because of its historical interest, is being preserved by hobbyists.

Vehicle storage facility includes a garage, parking lot or establishment for the servicing, repairing or parking of motor vehicles, as defined by V.T.C.A., Occupations Code § 2303.002, operated by a person who holds a license issued under V.T.C.A., Occupations Code ch. 2303 to operate a vehicle storage facility.

Wrecked vehicle means as follows:

- (1) For self-propelled vehicles designed to be operated on the public streets and for which a valid state motor vehicle inspection certificate is required to legally do so, "wrecked" means not capable of passing a state motor vehicle inspection due to damage that is consistent with a motor vehicle accident, incomplete repair, salvage or restoration including, but not limited to, a missing or broken engine, transmission, windshield, window, tire, wheel or major mechanical component.
- (2) For self-propelled vehicles not subject to state motor vehicle inspection, including self-propelled off-road vehicles designed and intended to be operated in places other than on public streets, including but not limited to dirt track vehicles, all-terrain vehicles, and golf carts, "wrecked" means not usable for the vehicles intended purpose.

Watercraft means a vessel subject to registration under V.T.C.A., Parks and Wildlife Code ch. 31.

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(Code 1978, § 16.5-1; Ord. No. 2010-10-03, (exh. A), 10-19-10)

Cross reference— Definitions generally, § 1-2.

Sec. 94-537. Effect of article on certain laws.

This article does not affect a law authorizing the immediate removal, as an obstruction to traffic, of a vehicle left on public property.

(Code 1978, § 16.5-30)

Secs. 94-538—94-560. Reserved.

DIVISION 2. ABANDONED VEHICLES

[Sec. 94-561. Authority to take abandoned motor vehicle into custody.](#)

[Sec. 94-562. Notice of abandonment.](#)

[Sec. 94-563. Storage fees.](#)

[Sec. 94-564. Auction or use of abandoned items; waiver of rights.](#)

[Sec. 94-565. Auction proceeds.](#)

[Sec. 94-566. Garagekeeper's duty; abandoned motor vehicles.](#)

[Sec. 94-567. Garagekeeper's fees and charges.](#)

[Sec. 94-568. Unauthorized storage fee; offense.](#)

[Sec. 94-569. Report of garagekeeper.](#)

[Sec. 94-570. Disposal of vehicle abandoned in storage facility.](#)

[Sec. 94-571. Lien of garagekeeper.](#)

[Sec. 94-572. Application for authorization to dispose of certain motor vehicles.](#)

[Sec. 94-573. Contents of application; application fee.](#)

[Sec. 94-574. Department to provide notice.](#)

[Sec. 94-575. Certificate of authority to dispose of vehicle.](#)

[Sec. 94-576. Demolisher's duty.](#)

[Sec. 94-577. Demolisher's records; offense.](#)

[Secs. 94-578—94-600. Reserved.](#)

Sec. 94-561. Authority to take abandoned motor vehicle into custody.

- (a) The police department, or a duly appointed agent may take into custody an abandoned motor vehicle, watercraft or outboard motor found on public or private property.

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- (b) The police department, or a duly appointed agent may use department personnel, equipment and facilities, or contract for other personnel, equipment and facilities to remove, preserve and store an abandoned motor vehicle, watercraft or outboard motor taken into custody by the department under this section.

(Code 1978, § 16.5-11; Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-562. Notice of abandonment.

- (a) The police department shall send notice of abandonment to:
 - (1) The last known registered owner of each motor vehicle, watercraft or outboard motor taken into custody by the department, or for which a report is received under section 94-566; and
 - (2) Each lienholder recorded under V.T.C.A., Transportation Code ch. 501, for the motor vehicle or under V.T.C.A., Parks and Wildlife Code ch. 31, for the watercraft or outboard motor.
- (b) The notice under subsection (a) of this section must:
 - (1) Be sent by certified mail not later than the tenth day after the date the department:
 - a. Takes the abandoned motor vehicle, watercraft or outboard motor into custody; or
 - b. Receives the report under section 94-566;
 - (2) Specify the year, make, model and identification number of the item;
 - (3) Give the location of the facility where the item is being held;
 - (4) Inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:
 - a. Towing, preservation and storage charges; or
 - b. Garagekeeper's charges and fees under section 94-567; and
 - (5) State that failure of the owner or lienholder to claim the item during the period specified by subsection (4) of this section is:
 - a. A waiver by that person of all right, title and interest in the item; and
 - b. Consent to the sale of the item at a public auction.
- (c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, watercraft or outboard motor was abandoned, is sufficient notice under this section if:
 - (1) The identity of the last registered owner cannot be determined;
 - (2) The registration has no address for the owner; or
 - (3) The determination with reasonable certainty of the identity and address of all lienholders is impossible.
- (d) Notice by publication:
 - (1) Must be published in the same period that is required by subsection (b) of this section for notice by certified mail and contain all of the information required by that subsection; and
 - (2) May contain a list of more than one abandoned motor vehicle, watercraft or outboard motor.

(Code 1978, § 16.5-12(a)—(c))

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Sec. 94-563. Storage fees.

The police department or the agent of the police department that takes into custody an abandoned motor vehicle, watercraft or outboard motor is entitled to reasonable storage fees:

- (1) For not more than ten days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and
- (2) Beginning on the day after the day the department mails notice and ending on the day accrued charges are paid and the motor vehicle, watercraft or outboard motor is removed.

(Code 1978, § 16.5-12(d))

Sec. 94-564. Auction or use of abandoned items; waiver of rights.

- (a) If an abandoned motor vehicle, watercraft or outboard motor is not claimed under section 94-562:
 - (1) The owner or lienholder:
 - a. Waives all rights and interests in the item; and
 - b. Consents to the sale of the item by public auction; and
 - (2) The police department may sell the item at a public auction or use the item as provided by V.T.C.A., Transportation Code § 683.016.
- (b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.
- (c) The purchaser of a motor vehicle, watercraft or outboard motor:
 - (1) Takes title free and clear of all liens and claims of ownership;
 - (2) Shall receive a sales receipt from the police department; and
 - (3) Is entitled to register the motor vehicle, watercraft or outboard motor and receive a certificate of title.

(Code 1978, § 16.5-13(a))

Sec. 94-565. Auction proceeds.

- (a) The police department is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, watercraft or outboard motor for:
 - (1) The cost of the auction;
 - (2) Towing, preservation and storage fees resulting from the taking into custody; and
 - (3) The cost of notice or publication as required by section 94-562.
- (b) After deducting the reimbursement allowed under subsection (a) of this section, the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.
- (c) After the period provided by subsection (b) of this section, proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage and notice and publication fees resulting from taking other vehicles, watercraft or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.

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- (d) The city may transfer funds in excess of \$1,000.00 from the account to the city's general revenue account to be used by the police department.

(Code 1978, § 16.5-13(b))

Sec. 94-566. Garagekeeper's duty; abandoned motor vehicles.

- (a) A motor vehicle is abandoned if the vehicle is left in a storage facility operated for commercial purposes after the tenth day after the date on which:
 - (1) The garagekeeper gives notice by registered or certified mail, return receipt requested, to the last known registered owner of the vehicle, and to each lienholder of record of the vehicle under V.T.C.A., Transportation Code ch. 501, to remove the vehicle;
 - (2) A contract for the vehicle to remain on the premises of the facility expires; or
 - (3) The vehicle was left in the facility, if the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage or repair.
- (b) If notice sent under subsection (a)(1) of this section is returned unclaimed by the post office, substituted notice is sufficient if published in one newspaper of general circulation in the area where the vehicle was left.
- (c) The garagekeeper shall report the abandonment of the motor vehicle to the police department and shall pay a \$5.00 fee to be used by the police department for the cost of the notice required by this section or other cost incurred in disposing of the vehicle. A fee paid to the state department of public safety shall be used to administer V.T.C.A., Transportation Code ch. 683.
- (d) The garagekeeper shall retain custody of an abandoned motor vehicle until the police department takes the vehicle into custody under section 94-570.

(Code 1978, § 16.5-14(a))

Sec. 94-567. Garagekeeper's fees and charges.

- (a) A garagekeeper, who acquires custody of a motor vehicle for a purpose other than repair, is entitled to towing, preservation and notification charges and reasonable storage fees, in addition to storage fees earned under a contract, for each day:
 - (1) Not to exceed five days, until the notice described by section 94-562(a) is mailed; and
 - (2) After notice is mailed, until the vehicle is removed and all accrued charges are paid.
- (b) A garagekeeper who fails to report an abandoned motor vehicle to the police department within seven days after the date it is abandoned may not claim reimbursement for storage of the vehicle.
- (c) This section does not impair any lien that a garagekeeper has on a vehicle except for the term or limitation of claim for storage for the failure to report the vehicle to the police department.

(Code 1978, § 16.5-14(b))

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Sec. 94-568. Unauthorized storage fee; offense.

- (a) A person commits an offense if the person charges a storage fee for a period for which the fee is not authorized by section 94-567.
- (b) An offense under this section is a misdemeanor punishable by a fine of not less than \$200.00 or more than \$1,000.00.

Sec. 94-569. Report of garagekeeper.

The police department, upon receipt of a report from a garagekeeper of the possession of a vehicle deemed abandoned under the provision of this article, shall follow the notification procedures provided by section 94-566, except that custody of the vehicle shall remain with the garagekeeper until after compliance with notification requirements. A fee of \$2.00 shall accompany the report of the garagekeeper to the police department and be used to defray the cost of notification or other costs incurred in the disposition of an abandoned motor vehicle.

(Code 1978, § 16.5-14(c))

Sec. 94-570. Disposal of vehicle abandoned in storage facility.

- (a) The police department shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under section 94-562.
- (b) The police department may use the vehicle as authorized by V.T.C.A., Transportation Code § 683.016 or sell the vehicle at auction as provided by section 94-564. If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's charges for service, storage and repair of the vehicle.
- (c) As compensation for expenses incurred in taking the vehicle into custody and selling it, the police department shall retain:
 - (1) Two percent of the gross proceeds of the sale of the vehicle; or
 - (2) All the proceeds if the gross proceeds of the sale are less than \$10.00.
- (d) Surplus proceeds shall be distributed as provided by section 94-565.
- (e) If the police department does not take the vehicle into custody before the 31st day after the date notice is sent under section 94-562:
 - (1) The police department may not take the vehicle into custody; and
 - (2) The storage facility may dispose of the vehicle under V.T.C.A., Property Code ch. 70, except that notice under section 94-562 satisfies the notice requirements of that chapter.

(Code 1978, § 16.5-14(d))

Sec. 94-571. Lien of garagekeeper.

Except for the termination or limitation of claim for storage for failure to report an abandoned motor vehicle, nothing in this article may be construed to impair any lien of a garagekeeper under the laws of this state.

(Code 1978, § 16.5-14(e))

Chapter 94 TRAFFIC AND VEHICLES

Sec. 94-572. Application for authorization to dispose of certain motor vehicles.

A person may apply to the state department of transportation for authority:

- (1) To sell, give away or dispose of a motor vehicle to a motor vehicle demolisher if:
 - a. The person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed or faulty; or
 - b. The vehicle is an abandoned motor vehicle and is:
 1. In the possession of the person; or
 2. Located on property owned by the person; or
- (2) To dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking or dismantling if:
 - a. The abandoned motor vehicle:
 1. Is in the possession of the person;
 2. Is more than eight years old;
 3. Has no motor or is otherwise totally inoperable; and
 4. Was authorized to be towed by the police department; and
 - b. The police department approves the application.

(Code 1978, § 16.5-15(a), (e))

Sec. 94-573. Contents of application; application fee.

- (a) An application under section 94-572 must:
 - (1) Contain the name and address of the applicant;
 - (2) State the year, make, model and vehicle identification number of the vehicle, if ascertainable, and any other identifying feature of the vehicle; and
 - (3) Include a:
 - a. Concise statement of facts about the abandonment;
 - b. Statement that the certificate of title is lost or destroyed; or
 - c. Statement of the reasons for the defect in the owner's certificate of title for the vehicle.
- (b) An application under section 94-572(2) must also include an affidavit containing a statement of the facts that make that subsection applicable.
- (c) The applicant shall make an affidavit stating that:
 - (1) The facts stated in the application are true; and
 - (2) No material fact has been withheld.
- (d) The application must be accompanied by a fee of \$2.00, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the state highway fund.

(Code 1978, § 16.5-15(a))

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Sec. 94-574. Department to provide notice.

Except as provided by section 94-575(b), the state department of transportation shall give notice as provided by section 94-562 if it determines that an application under section 94-572 is:

- (1) Executed in proper form; and
- (2) Shows that:
 - a. The abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or
 - b. The vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle.

(Code 1978, § 16.5-15(b))

Sec. 94-575. Certificate of authority to dispose of vehicle.

- (a) The state department of transportation shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking or dismantling if notice under section 94-574 was given and the vehicle was not claimed as provided by the notice.
- (b) Without giving the notice required by section 94-574, the state department of transportation may issue to an applicant under section 94-572(2) a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle:
 - (1) Is more than eight years old; and
 - (2) Has no motor or is otherwise totally inoperable.
- (c) A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle.

(Code 1978, § 16.5-15(c), (d))

Sec. 94-576. Demolisher's duty.

- (a) A motor vehicle demolisher who acquires a motor vehicle for dismantling or demolishing shall obtain from the person delivering the vehicle:
 - (1) The motor vehicle's certificate of title;
 - (2) A sales receipt for the motor vehicle;
 - (3) A transfer document for the vehicle as provided by this article or division 3 of this article; or
 - (4) A certificate of authority for the disposal of the motor vehicle.
- (b) A demolisher is not required to obtain a certificate of title for the vehicle in the demolisher's name.
- (c) On the demand of the state department of transportation, the demolisher shall surrender for cancellation the certificate of title or certificate of authority.
- (d) The state department of transportation shall adopt rules and forms necessary to regulate the surrender of auction sales receipts and certificates of title.

(Code 1978, § 16.5-16(a))

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Sec. 94-577. Demolisher's records; offense.

- (a) A motor vehicle demolisher shall keep a record of a motor vehicle that is acquired in the course of business.
- (b) The record must contain:
 - (1) The name and address of the person from whom the vehicle was acquired; and
 - (2) The date of acquisition of the vehicle.
- (c) The demolisher shall keep the record until the first anniversary of the date of acquisition of the vehicle.
- (d) The record shall be open to inspection by the state department of transportation or any law enforcement agency at any time during normal business hours.
- (e) A motor vehicle demolisher commits an offense if the demolisher fails to keep a record as provided by this section.
- (f) An offense under subsection (e) of this section is a misdemeanor punishable by a fine of not less than \$100.00 or more than \$1,000.00.

(Code 1978, § 16.5-16(b))

Secs. 94-578—94-600. Reserved.

DIVISION 3. JUNKED VEHICLES ^[B]

[Sec. 94-601. Junked vehicle declared to be a public nuisance.](#)

[Sec. 94-602. Exceptions.](#)

[Sec. 94-603. Authority to abate nuisance.](#)

[Sec. 94-604. Notice.](#)

[Sec. 94-605. Hearing.](#)

[Sec. 94-606. Disposal of junk vehicles.](#)

[Sec. 94-607. Violations and penalties.](#)

[Sec. 94-608. Authority to enforce.](#)

[Sec. 94-609. Application.](#)

Sec. 94-601. Junked vehicle declared to be a public nuisance.

A junked vehicle, including a part of a junked vehicle, that is visible from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;
- (3) Invites vandalism;
- (4) Creates a fire hazard;

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- (5) Is an unattractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of the city; and
- (7) Is a public nuisance.

It shall be unlawful for any person to cause or maintain such a public nuisance within the corporate limits of the city.

(Code 1978, § 16.5-26(a))

Sec. 94-602. Exceptions.

Vehicles within the city are not deemed public nuisances when the vehicle or vehicle part is:

- (a) Completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or
- (b) Stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:
 - (1) Maintained in an orderly manner;
 - (2) Not a health hazard; and
 - (3) Screened from ordinary public view by appropriate means, including a fence, or rapidly growing trees or shrubbery.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-603. Authority to abate nuisance.

Any authorized person may remove the nuisance. The city municipal court may issue necessary orders to enforce the procedures set forth herein.

- (a) The provisions of this [article] pertaining to the finding and inspecting of junked vehicles, and the notification of the property owner upon whose property the junked vehicle is found, or whose property is adjacent to the public property upon which the junk vehicle is found, shall be administered by the chief of police or his duly authorized representative.
- (b) The provisions of this [article] pertaining to notification to vehicle owners and lien holders regarding a junk vehicle, and the removal of said junk vehicle, shall be administered by the chief of police or his duly authorized agent.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-604. Notice.

Once a public nuisance is found to exist on public or private property:

- (a) A ten-day written notice must be sent by certified mail with a five-day return request to:
 - (1) The last known registered owner of the nuisance (vehicle); or
 - (2) Each lien holder of record of the nuisance (vehicle); or

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- (3) The owner or occupant of:
 - a. The property on which the nuisance (vehicle) is located; or
 - b. If the nuisance (vehicle) is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state:
 - (1) The nature of the nuisance, including, if possible, the vehicle's:
 - a. Description;
 - b. Vehicle identification number; and
 - c. License plate number.
 - (2) That it is the responsibility of the property owner or occupant to abate and remove the public nuisance not later than the tenth day after the date on which the notice was received; and
 - (3) Any request for a hearing must be made before that ten-day period expires, such notice to be mailed to the city manager's office.
- (c) If the post office address of the last known registered owner of the nuisance (vehicle) is unknown, notice may be placed on the nuisance itself or, if the owner is located, then the notice may be hand delivered.
- (d) If notice is returned undelivered, action to abate the nuisance (remove the vehicle) shall be continued to a date not earlier than the 11th day after the date of return.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-605. Hearing.

- (a) When a party requests a hearing. A hearing, when requested by any party receiving notice under section 94-604 hereof, shall be held prior to the removal of the vehicle or any part of the vehicle.
 - (1) Said hearing shall be held no earlier than the 11th day and no later than the 45th day after the date of the receipt of notice.
 - (2) Said hearing will be to determine if a public nuisance exists.
 - (3) It shall be the duty of the city to prove the existence of such a nuisance as defined by section 94-601 of this division.
 - (4) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
 - (5) If it is determined that a public nuisance does exist, the court or its designee shall order the police chief or his duly authorized agent to remove said nuisance.
 - (6) If the information is available at the location of the nuisance, the order requiring the removal of the nuisance must include the vehicle's:
 - a. Description;
 - b. Vehicle identification number; and
 - c. License plate number.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Chapter 94 TRAFFIC AND VEHICLES

Sec. 94-606. Disposal of junk vehicles.

- (a) Removal with permission of owner or occupant: if within ten days after receipt of the notice from the chief of police, or authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises upon which the nuisance exists, or the owner or occupant of the premises adjacent to the public right-of-way upon which a public nuisance exists, shall give his or her written permission to the city for the removal of the junked motor vehicle from said premises.
- (b) The relocation of a junked vehicle that is a public nuisance to another location within the city after the proceeding for the abatement and removal of the nuisance has commenced, has no effect on the proceeding if the junked vehicle constitutes a public nuisance at another location.
- (c) If the chief of police or his designee orders the removal of said public nuisance, the city shall take official action to abate the nuisance:
 - (1) Junked vehicles may be disposed of by removal to a scrap yard or to demolishers; or
 - (2) Should the city find that the commercial channels of disposition are not available or adequate, the city may order that the public nuisance be removed to a suitable site operated by the city for the processing as scrap or salvage.
- (d) The actual removal of the junked motor vehicle shall be accomplished by any person authorized by the chief of police.
- (e) After a vehicle has been removed pursuant to this chapter, it shall not be reconstructed or made operable by any person.
- (f) Notice identifying the vehicle or part of the vehicle must be given to the department of transportation, using the prescribed form MVD71-4 revised (Notice to the Texas State Department of Transportation of the Abatement of Junked Vehicles), and not later than the fifth day after the date of removal.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-607. Violations and penalties.

Any persons, either by himself or agent, and any firm, corporation or other entity who violates any of the provisions of this article shall be deemed guilty of a class C misdemeanor and, upon conviction of any violation, shall be fined in any sum not to exceed \$500.00; and each day during which such violation continues shall constitute a separate and distinct offense. In any case of a violation of any of the terms or provisions of this article by any corporation, the officers and agents actively in charge of the business by such corporation shall be subject to the penalty herein provided. A culpable mental state is not required for a violation of this chapter, and need not be proved. Any offense defined herein which has been defined by laws of the state as an offense and for which penalty has been prescribed shall be punished as provided in state law, and nothing herein shall be held as fixing any penalty contrary to a penalty provided by the laws of the state.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-608. Authority to enforce.

Pursuant to V.T.C.A., Transportation Code § 683.074, police officers and code enforcement officers may enter private property to examine a public nuisance, to obtain information to identify a nuisance, and to remove or direct the removal of the nuisance, with a court injunction, without the private property owner's consent.

Chapter 94 TRAFFIC AND VEHICLES

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

Sec. 94-609. Application.

Nothing in this chapter shall affect ordinances or laws that permit immediate removal of any vehicle left on public property which constitutes an obstruction of traffic.

(Ord. No. 2010-10-03, (exh. A), 10-19-10)

FOOTNOTE(S):

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Editor's note—Ord. No. 2010-10-03, adopted Oct. 19, 2010, deleted the former §§ 94-602—94-605, and enacted a new §§ 94-602—94-609 set out herein. The former §§ 94-602—94-605 derived from the Code of 1978, § 16.5-26(b), §§ § 16.5-27—16.5-29. For a complete derivation of this division, see the Code Comparative Table at the end of this volume. ([Back](#))