

ORDINANCE NO. 294

AN ORDINANCE REGULATING THE SPEED OF MOTOR VEHICLES WITHIN THE CITY LIMITS OF SEVEN POINTS, TEXAS, ON STATE HIGHWAY NO. 274, (ALSO DESCRIBED AS SEVEN POINTS BOULEVARD), ON FM 85 (ALSO DESCRIBED AS WEST CEDAR CREEK PARKWAY), STATE HIGHWAY NO. 334 (ALSO DESCRIBED AS EAST CEDAR CREEK PARKWAY), AND THE SUBURBAN STREETS OF THE CITY OF SEVEN POINTS, TEXAS, REPEALING ORDINANCES NO. 11, 16, 36, 44, 84, 142, 156A, 175, and 281. PROVIDING FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES FOR VIOLATION; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SAVING CLAUSE; AND PROVIDE FOR AN EFFECTIVE DATE;

Be it Ordained by the City Council of the City of Seven Points, Texas:

THAT CHAPTER 9 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 3 : EMERGENCY VEHICLES

Permissible Conduct

- A. In operating an authorized emergency vehicle (as defined by State law) the operator may;
- (1) park or stand, irrespective of another provision of this ordinance;
 - (2) proceed past a red or stop signal or stop sign, after slowing as necessary for safe operation;
 - (3) exceed a maximum speed limit as long as the operator does not endanger life or property; and
 - (4) Disregard a regulation governing the direction of movement or turning specified directions.
- B. When conduct permissible.
- (1) In this section, "police escort" means facilitating the movement of a funeral, oversized or hazardous load, or other traffic disruption for public safety purposed by a peace officer described by Articles 2.12 (1)-(4), Code of Criminal Procedure.
 - (2) Section (A) applies only when the operator is:
 - (a) responding to an emergency call;
 - (b) pursuing an actual or suspected violator of the law;
 - (c) responding to but not returning from a fire alarm;
 - (d) directing or diverting traffic for public safety purposes; or,
 - (e) conducting a police escort.

C. Audible or visual signals required.

- (1) Except as provided by exceptions in Section (D), the operator of an authorized emergency vehicle engaging in conduct permitted by Section (A) shall use, at the discretion of the operator in accordance with policies of the Department or the City that employs the operator, audible or visual signals that meet the pertinent requirements of Section 547.305 and 547.702 of the Texas Transportation Code.

D. Exceptions to signal requirement.

- (1) A volunteer fireman who operates a private vehicle as an authorized emergency vehicle may engage in conduct permitted by Section (A) only when the fire fighter is using visual signals meeting the pertinent requirements of Section 547.305 and 547.702 of the Texas Transportation Code.
- (2) An authorized emergency vehicle that is operated as a police vehicle is not required to be equipped with or display red light visible from the front of the vehicle.
- (3) A police officer may operate an authorized emergency vehicle for a law enforcement purpose without using the audible or visual signals required by Section (C) if the officer is:
 - (a) responding to an emergency call or pursuing a suspected violator of the law with probable cause to believe that:
 - (i) knowledge of the presence of the officer will cause the suspect to:
 - destroy or lose evidence of a suspected felony;
 - end a suspected continuing felony before the officer has obtained sufficient evidence to establish grounds for arrest;or
 - evade apprehension or identification of the suspect or the suspect's vehicle, or
 - (ii) because of traffic conditions on multi-laned roadway, vehicles moving in response to the audible or visual signals may:
 - increase the potential for a collision, or
 - unreasonably extend the duration of pursuit

E. Duty of Care.

- (1) This section does not relieve the operator of an authorized emergency vehicle from:
 - (a) the duty to operate the vehicle with appropriate regard for the safety of all persons; or
 - (b) the consequences of reckless disregard for the safety of others.

Section 4 : SPEED LIMITS

A. GENERAL PROVISIONS

B.

- (1) An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing on any street in the city limits of Seven Points. An operator may not drive a vehicle at a speed greater than is reasonable and prudent the conditions and having regard for actual and potential hazards then existing. In every event, speed shall be so controlled as necessary to avoid colliding with any person vehicle or other conveyance on or entering the highway in compliance with legal requirements and it shall be the duty of all persons to use due care. An operator shall drive at an appropriate reduced speed if: the operator is approaching and crossing an intersection or railroad grade crossing; the operator is approaching and going around a curve; the operator is approaching a hillcrest; the operator is traveling on a narrow or winding roadway; and a special hazard exists with regard to traffic, including pedestrians, or weather or highway/roadway conditions. No person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the City of Seven Points on any street at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed limit, or any alley at a greater speed than fifteen (15) miles per hour.
- (2) Whenever the City shall determine upon the basis of an engineering and/or traffic investigation that the thirty (30) miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of the street or highway, the duty shall upon authorization by the City Council by appropriate Ordinance establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place of part of the highway or street.

B. PASSING AUTHORIZED EMERGENCY VEHICLE

- (1) On approaching a stationary authorized emergency vehicle using visual signals that meet the requirements of Section 547.305 and 547.702 Texas Transportation Code, an operator, unless otherwise directed by a police officer, shall slow to a speed not to exceed:
 - (a) 20 miles per hour less than the posted speed limit when the posted speed limit is 25 miles per hour or more; or
 - (b) five miles per hour when the posted speed limit is less than 25 miles per hour.

C. MAXIMUM SPEED LIMITS ON SPECIFIC STREETS

The following streets or portions thereof shall be designated as special speed zones and it shall be unlawful for any person to drive any vehicle thereon at a speed greater than indicated as follows:

- (1) A speed in excess of the limits established in this chapter is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

Any person violating any of the provisions of this ordinance regulating the speed of motor vehicles within the City Limits of the City of Seven Points, Texas, shall be deemed guilty of a misdemeanor and upon conviction may be fined any sum not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00), plus any additional related cost of court for each such violation.


Section 5 : SAVING CLAUSE

It is hereby declared to be the intention of the city council of the City of Seven Points, Texas, that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and, if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this chapter since the same would have been enacted by the city commission without the incorporation in this chapter of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

The First reading of this Ordinance occurred during a Special Council Meeting December 9, 2003 at 7:00 P.M. Therefor upon the Second reading of this Ordinance at a Council Meeting on the 18th day of Dece,ber, 2004 at 7:00 P.M.:


PASSED AND APPROVED at a Meeting of the City Council of the City of Seven Points, Texas, this the 18thday of December, 2004.

APPROVED:



Mayor Gerald Taylor

ATTEST:



City Secretary

