

Chapter 28

TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 28-1. Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section. Whenever any words and phrases used in this chapter are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases used herein:

Loading zone shall mean a space adjacent to a curb reserved for the exclusive use of vehicles doing the loading or unloading of passengers, or materials.

Passenger loading zone shall mean a space adjacent to a curb reserved for the exclusive use of vehicles doing the loading or unloading of passengers.

Traffic-control sign or device shall mean all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of the city council for the purpose of regulating, warning or guiding traffic.

(Code 1963, Ch. 13, art. 1, § 1)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

State law reference(s)--Definitions generally, Vernon's Ann. Civ. Stat. art. 6701d, §§ 1—20I.

Sec. 28-2. Penalty.

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8.

* **Cross references**--Ambulances, Ch. 4; junked motor vehicles, § 18-51 et seq.; railroads, Ch. 23; streets, sidewalks and miscellaneous public places, Ch. 25; vehicles for hire, Ch. 29.

State law references--Traffic generally, Vernon's Ann. Civ. St. art. 6701d; powers of local authorities, Vernon's Ann. Civ. St. art. 6701d, § 27.

Sec. 28-3. Application of chapter.

The provisions of this chapter shall apply to the operation of vehicles upon highways except where a different place is specifically referred to in a given section.

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 21.

Sec. 28-4. Application to workers, equipment.

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 1963, Ch. 13, art. 1, § 6(e))

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 24(a).

Sec. 28-5. Application to emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provisions of this 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) Exceed the maximum speed limits so long as he does not endanger life or property.
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use, at the discretion of the driver of the vehicle, in accordance with policies of the state or city, of audible or visual signals meeting the requirements of law, 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. The driver of an authorized emergency vehicle that is used for law enforcement purposes may operate without using the emergency warning devices required by this subsection only when the driver is responding to an emergency call or when he is in pursuit of a suspected violator of the law and he has probable cause to believe that:

- (1) Knowledge of his presence will cause the suspect to destroy or lose evidence of a suspected felony.
- (2) Knowledge of his presence will cause the suspect to cease a suspected continuing felony before the driver has acquired sufficient evidence to establish grounds for arrest;
- (3) Knowledge of his presence will cause the suspect to evade apprehension or identification of the suspect or his vehicle; or
- (4) Traffic conditions on a multilaned roadway are such that movements of motorists in response to the emergency warning devices may increase the potential for a collision

or may unreasonably extend the duration of the pursuit.

(d) The driver of an authorized emergency vehicle that is used for law enforcement purposes may not operate without using the emergency warning devices as provided above unless he complies with regulations relating to the use of emergency warning devices adopted by the state or the city.

(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1963, Ch. 13, art. 1, § 6(b)--(d))

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 24(b)--(e).

Sec. 28-6. Application to public officers and employees.

The provisions of this chapter applicable to 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, district or any other political subdivision of this state, subject to such specific exceptions as are set for in this chapter with reference to authorized emergency vehicles. (Code 1963, Ch. 13, art. 1, § 6(a))

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 24(f).

Sec. 28-7. Application to pushcarts, animals, bicycles, animal-drawn vehicles.

Every person propelling any pushcart, riding animals, riding a bicycle, or driving an animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application. (Code 1963, Ch. 13, art. 1, § 7)

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, §§ 25, 179.

Sec. 28-8. Adoption of state law.

The provisions of Vernon's Ann. Civ. St. art. 6701d as now or hereafter amended are adopted by reference. No person shall violate any of such provisions.

Secs. 28-9--28-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Sec. 28-31. Traffic engineer; powers and duties.

(a) The traffic engineer of the city is charged with the responsibility of maintenance of all official traffic controls, devices and regulations and in addition thereto, the traffic engineer is hereby authorized:

- (1) To determine and establish speed regulations, school zones, fire zones, no parking zones, regulatory devices, signs and signals, save and except traffic signal lights, and all other traffic-control devices as shall be deemed necessary for the public safety and welfare or to regulate, warn or guide traffic for the safe and expeditious flow thereof.

(2) To place and maintain traffic-control signs, signals (save and except traffic signal lights) and devices when and as required under the provisions contained in this chapter to make effective the provisions of this chapter.

(b) The traffic engineer is hereby authorized to make and enforce temporary or experimental devices to cover emergency or special conditions. No such temporary or experimental devices shall remain in effect more than ninety (90) days. The traffic engineer may test traffic-control devices under actual conditions of traffic.

(c) Whenever the traffic engineer determines there is a necessity for the erection, removal or change of any traffic-control device or regulation, such determination shall be based upon a traffic and engineering survey, conducted upon the following standards:

- (1) The public welfare, including safety and traffic factors to ensure the safe and expeditious flow of traffic shall be considered.
- (2) The development of the property surrounding the proposed area shall be analyzed.
- (3) The requirements of vehicular traffic flow in the proposed area shall be determined.
- (4) The amount of pedestrian and vehicular traffic in the proposed area shall be considered.

(d) Whenever the traffic engineer shall erect, remove or change any traffic-control device or regulation, he shall file written information of such action with the city secretary.

(e) The director of public works shall perform the duties of the traffic engineer until such time as the city council designates some other office as that of the traffic engineer.

(f) The traffic engineer when directed to do so by resolution, shall perform the necessary steps as provided by this section to see that the specific need regarding the control of traffic within the city, as expressed by the city council in the resolution, is met.

(Code 1963, Ch. 13, art. 1, § 2 [Ord. No. 69-51, §§ 1-4, 10-27-69; Ord. No. 70-3, §§ 1,2, 2-23-70; Ord. No. 74-14, § 1, 4-22-74])

State law reference(s)--Authority to regulate traffic by means of traffic-control devices, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(2).

Sec. 28-32. Police to direct traffic.

(a) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that 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 1963, Ch. 13, art. 1, § 3 [Ord. No. 69-51, § 5, 10-27-69; Ord. No. 70-3, §§ 1,2, 2-23-70])

State law reference(s)--Authority to regulate traffic by means of police officers, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(2); obedience to police, Vernon's Ann. Civ. St. art. 6701d, § 23.

Sec. 28-33. Emergency, other regulations.

The city council is hereby empowered by resolution to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergency or special conditions. (Code 1963, Ch. 13, art. 1, § 4)

Sec. 28-34. Turning restrictions authorized.

The city engineer in cooperation with the police department may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified by law be traveled by vehicles turning at an intersection. (Code 1963, Ch. 13, art. 1, § 26(e))

State law reference(s)--Obedience to such buttons, etc., required, Vernon's Ann. Civ. St. art. 6701d, § 65(c).

Secs. 28-35--28-55. Reserved.

ARTICLE III. VEHICLE TOWING; WRECKER ROTATION LIST*

DIVISION 1. GENERALLY

Sec. 28-56. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

Hook-up shall mean the completed connection of chain hooks or the tie-down of wheels to a wheel lift, completing the connection of the tow truck to the vehicle to be towed, not to include the actual lifting of the vehicle to be towed.

Tow service shall mean a person engaged in the business of a wrecker or towing service, whereby motor vehicles are towed or otherwise removed at the direction of officers of the city police department by the use of a wrecker or motor vehicle designed for that purpose.

Vehicle storage facility means a garage, parking lot, or any type of facility other than a governmental entity for storing or parking ten (10) or more vehicles.

Wrecked motor vehicle shall mean a motor vehicle not capable of, or safe for, self-propulsion.
(Code 1963, Ch. 3, art. 10, § 1 [Ord. No. 78-71, § 1, 11-28-78; Ord. No. 80-17, § 1, 6-24-80]; Ord. No. 92-43, § I, 7-28-92)

Sec. 28-57. Exclusions.

This division shall not apply to wrecker services which are not listed on the police rotation

***Cross reference**--Licenses, permits and miscellaneous business regulations, Ch. 15.

State law references--Vehicle Storage Facility Act, Vernon's Ann. Civ. Stat. art. 6687-9a; tow truck registration, Vernon's Ann. Civ. Stat. art. 6687-9b; removal of unauthorized vehicles from public property, Vernon's Ann. Civ. Stat. art. 6701g-2.

list. (Code 1963, Ch. 3, art. 10, § 10 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § II, 7-28-92)

Sec. 28-58. Police rotation list.

The chief of police is hereby authorized to establish a rotation list of tow services desiring to provide towing and storage services upon request of police officers. The tow and storage services which desire to be placed upon and remain on a rotation list shall comply with the requirements of all applicable state laws and administrative rules regulating tow trucks and vehicle storage facilities, this article and all rules and regulations which may be issued by the chief of police regarding towing services requested by personnel of the police department. (Code 1963, Ch. 3, art. 10, § 2 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § III, 7-28-92)

Sec. 28-59. Selection of tow services during police investigations.

In all police-initiated towing of vehicles, the operator of the vehicle, if present and not incapacitated, shall have the right to select a tow service of his choice to perform the service. If the operator of the vehicle to be towed is not present or is incapacitated or has no preference as to any towing service, the police officer ordering the tow shall request that the towing service be performed by the tow service then first on the rotation list maintained in the police communications center. When emergency circumstances exist which require the immediate removal of a vehicle from the roadway, the police officer may request towing service from the tow service nearest to the scene of the emergency. A police officer may also request towing service from any company operating large cranes or other heavy equipment if same is necessary to remove traffic obstructions involving large trucks or heavy equipment. (Code 1963, Ch. 3, art. 10, § 3 [Ord. No. 78-71, § 1, 11-28-78])

Sec. 28-60. Towing and impounding vehicles.

(a) The police department or any officer thereof may, at his discretion, order any vehicle parked in violation of any provision of this code or any state or federal law to be removed by a wrecker. The fees for the towing and impoundment of any vehicle ordered moved by the police department shall be paid by the owner of the vehicle.

(b) If a vehicle has been moved and placed in a storage facility without consent of the owner, the owner is entitled to a hearing to determine whether or not probable cause existed for removal and placement of the vehicle. A hearing under this article must be requested in writing within six (6) days of date of impoundment and shall be before a justice of the peace or magistrate in whose jurisdiction the storage facility is located.
(Code 1963, Ch. 3, art. 10, § 14 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § IV, 7-28-92)

Sec. 28-61. Required equipment.

Tow trucks operating under this article must conform to the following specifications:

- (1) Not be over ten (10) years old, including wrecker bed, winch and booms.
- (2) Be a factory wrecker with a minimum one-ton-rated capacity and dual rear wheels.
- (3) Be equipped with hydraulics, an hydraulic wheel lift with a minimum three thousand pound capacity, have all safety articles required by law, and proper equipment to recover

and safely tow any vehicle they are called upon by the police department to tow.
(Code 1963, Ch. 3, art. 10, § 15 [Ord. No. 80-17, § 4, 6-24-80]; Ord. No. 92-43, § V, 7-28-92;
Ord. No. 98-31, § II, 5-12-98; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-62. Duties of police rotation list tow services.

(a) Tow services shall maintain towing equipment which is adequate to perform such towing service in a reasonably workmanlike manner and proper equipment to tow vehicles in such a manner as to minimize any damage to towed vehicles.

(b) The following fees are hereby established as the maximum which may be charged for indicated service for police-initiated tows:

- (1) Towing of automobiles, vans, pickup trucks, motorcycles: ninety dollars (\$90.00).
- (2) Responding to tow request by police department where no hookup is made: no charge and tow service returned to first place on the rotation list.
- (3) Storage and related charges shall be in accordance with the Texas Vehicle Storage Facility Act, as amended.
- (4) A tow involving extraordinary labor and expense: a pro-rated labor charge based upon a rate of sixty-five dollars (\$65.00) per hour may be charged after the first one-half hour at the scene of the tow if unusual and extraordinary circumstances occur at the scene of an emergency.
- (5) Towing and storage charges shall be waived when requested by the police department in unusual circumstances, including but not limited to, instances in which a prisoner is released without charges being filed.
- (6) Towing fee from the scene of an accident for a vehicle that has extensive damage which prevents its being driven and requires cleanup at the scene: one hundred ten dollars (\$110.00).
- (7) A tow service may charge an impound fee of up to twenty dollars (\$20.00) as authorized by state law if the procedures mandated by law are followed and documented.

(c) No tow service shall arrive at the scene of a police investigation as a result of monitoring or intercepting police calls by radio or other device.

(d) Any tow service operating under this article must keep and maintain, for two (2) years from the date of towing, all records relating to the towing or storage of each vehicle as required by the Texas Vehicle Storage Facility Act (Article 6687-9a V.T.C.S.).

(e) Any motor vehicle towed must be stored in a yard with adequate security against intruders, and must be lighted at night to facilitate visual inspection of vehicles released at night in accordance with requirements of the Texas Vehicle Storage Facility Act.

- (1) Vehicle storage facilities must maintain a clear and unobstructed 25 foot wide route of ingress and egress measured from the curb line of the street or highway to the actual storage area. This is for the safety of existing vehicles, traffic on the roadway and vehicles in tow by wreckers, slider trucks, haulers or other trucks using the facility.
- (2) If the route of ingress and egress is 200 or more feet long, then the police chief may

- authorize a 20 foot wide route of ingress and egress, provided however, that an unobstructed turn around space must be established at the entrance of the actual storage area, sufficient to allow trucks with vehicles in tow to safely turn around, and leave the facility, without backing onto a public street while in tow.
- (3) All entrance gates to the premises and into the actual storage area must be no less than 20 feet wide to allow the safe movement of trucks with vehicles in tow.
 - (4) Existing storage lots holding a valid city permit as of August 1, 1995, have until the next annual permit renewal date following passage of this ordinance to comply with the minimum width requirements. Any storage lot applying for an initial permit on or after August 1, 1995, must comply with the width requirements at time of permit issuance.
 - (5) The surface of the vehicle storage area of the impound yard shall be either paved with asphalt, concrete, or seal coat over compacted base material. All ingress and egress approaches from the public street and parking area around the office shall be surfaced in accordance with chapter 31 of this code.
 - (6) The vehicle storage area of the yard must be screened by a barrier of: stone, brick, pierced brick or block, uniformly colored wood or other permanent material of equal character, density, and design at least six (6) feet in height (provided that any structure in excess of eight (8) feet in height shall be deemed a wall subject to the applicable provisions of the building code). A chain link fence that existed as of May 1, 1998, is deemed to be an adequate screen if wood, vinyl, or metal slats are attached to or woven into such fence. Entrance gates are not required to be screened, but may be chain link.
 - (7) An existing impound yard on the police rotation list as of May 1, 1998, shall have until May 31, 2000, in which to comply with subsections (5) and (6).

(f) The tow service will post a clearly visible, readable sign at the main entrance of the business in accordance with the requirements of the Texas Vehicle Storage Facility Act.

(g) The person operating any tow service shall make every reasonable effort to minimize damage to towed and stored vehicles. Where appropriate, such reasonable effort shall include, but shall not be limited to:

- (1) Use of a dolly or carriage for towing.
- (2) Disconnection of the drive shaft.
- (3) Release of brakes.
- (4) Towing at a reasonable speed.

(h) No towed vehicle may be dismantled, have parts removed or tires deflated except as necessary for towing.

(i) The bill for towing and storage of any motor vehicle shall be itemized to reflect services performed, labor or other materials required and any storage or other charges.

(j) A complete inventory of the vehicles held in storage for the police department will be furnished to the abandoned vehicle clerk no later than the fifth day of each month.

(k) Tow companies shall notify consumer and recipients of service, all information required for the purpose of directing complaints to the state department of licensing and regulation, as

required by the Texas Vehicle Storage Facility Act.

(l) Tow services shall maintain appropriate city permits, valid certificate of registration and tow license plate for all tow vehicles, and a valid license to operate their storage facility as required by the state department of licensing and regulation.

(Code 1963, Ch. 3, art. 10, § 9 [Ord. No. 78-71, § 1, 11-28-78; Ord. No. 80-17, § 3, 6-24-80; Ord. No. 84-55, §§ 1,2, 7-24-84]; Ord. No. 92-43, § VI, 7-28-92; Ord. No. 92-56, § I, 8-11-92; Ord. No. 95-67, § I, II, 9-12-95; Ord. No. 98-31, § III, 5-12-98; Ord. No. 99-11, § I, 2-9-99; Ord. No. 00-53, § I, 6-27-00; Ord. No. 03-64, § I, 12-16-03)

Secs. 28-63--28-70. Reserved.

DIVISION 2. PERMIT

Sec. 28-71. Required; fee.

No tow service shall engage in the business of towing vehicles at the direction of a city police officer without first obtaining a police rotation list privilege permit from the city. The annual permit fee shall be fifty dollars (\$50.00). (Code 1963, Ch. 3, art. 10, § 4 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § VII, 7-28-92; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-72. Application.

Application for a police rotation list privilege permit shall be notarized and shall be made on forms prepared and made available by the city secretary. The application shall contain the following information:

- (a) The name, home address and business address of each owner, part owner or partner, silent or active.
- (b) The business address, telephone number, night telephone number, and the location of and telephone number of any storage area.
- (c) A description of the size and capacity of all tow trucks used by the tow service.
- (d) A description of the storage area for towed vehicles.
- (e) A copy or certificate of a standard garage keeper's legal liability insurance policy with a collision limit of not less than twenty thousand dollars (\$20,000.00), subject to a maximum deductible of two hundred fifty dollars (\$250.00) and facility comprehensive coverage for fire, theft and explosion in an amount of not less than twenty thousand dollars (\$20,000.00).
- (f) A copy of certificate of a garage or automobile liability policy insuring the tow service owner and all his employees for liability for death, bodily injury or property damage to third parties in the amount of not less than one hundred thousand dollars (\$100,000.00) for any one (1) person and three hundred thousand dollars (\$300,000.00) for one (1) incident and fifty thousand dollars (\$50,000.00) for property damage. In addition, a minimum of fifty thousand dollars (\$50,000.00) of on-hook cargo insurance must be maintained.
- (g) Proof of current state sales tax permit.
- (h) The application shall be signed by each owner, part owner or partner, active or silent.
- (i) Documentation showing proposed storage area is in a proper zoning by the city and/or a special use permit has been issued.

(Code 1963, Ch. 3, art. 10, § 5 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § VIII, 7-28-92; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-73. Insurance required.

The insurance enumerated in section 28-72 shall be required for all tow services. The policy showing such coverage to be in effect shall be filed with the application for a permit and shall be kept in the office of the city secretary. On or before the expiration date of the current policy, the tow service shall file a new policy with the city secretary. Failure to do so will result in the automatic termination of the permit. (Code 1963, Ch. 3, art. 10, § 6 [Ord. No. 78-71, § 1, 11-28-78; Ord. No. 80-17, § 5, 6-24-80])

Sec. 28-74. Investigation by chief of police.

Within five (5) business days after receipt of each application, the chief of police or his representative shall cause an investigation to be made of the applicant and of his operation. Such investigation shall be made for the purpose of verifying the information in the application and to assure compliance with the provisions of this article. The investigation shall include the following items:

- (a) That all applicants, owners and partners are fit and proper persons to conduct or work in the proposed business and have never been convicted of any theft, felony assault or any other crime involving the taking, use, tampering with or conversion of a motor vehicle.
- (b) That the tow service will use only tow trucks equipped with adequate emergency lights and equipment for safe towing and preventing damage to towed vehicles.
- (c) That the tow service will provide twenty-four-hour-a-day, seven-day-a-week, on-call service.
- (d) That the tow service will arrive at the location of the vehicle to be towed within thirty (30) minutes after receiving a request for towing and tow the vehicle called upon to tow.
- (e) That the tow service will provide and use a storage area for towed vehicles that is enclosed by a chain link fence or equally secure fence or enclosure which shall be illuminated at night.
- (f) That the requirements of all governing laws, rules established by state department of licensing and regulation, city ordinances, and rules and regulations by the chief of police be met.
- (g) That the tow service office and the storage yard is located in the city limits or within the extraterritorial jurisdiction of the city.
- (h) The applicant must provide the registration for all vehicles and a sales tax certificate to show who is the owner of the truck and business. No person shall be allowed to have more than one (1) listing on the wrecker list, whether in his own name or any other assumed name. However, no towing service shall be disqualified under this provision if the tow truck is leased from another person but the lessee tow service provides the tow truck driver and otherwise has control and management of the tow service.

(Code 1963, Ch. 3, art. 10, § 7 [Ord. No. 78-71, § 1, 11-28-78; Ord. No. 80-17, § 2, 6-24-80]; Ord. No. 88-71, § 1, 7-12-88; Ord. No. 92-43, § IX, 7-28-92; Ord. No. 98-31, § I, 5-12-98; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-75. Issuance.

The city secretary shall issue a permit and add a tow service to the rotation list when:

- (a) The police investigation confirms the requirements of section 28-74.
 - (b) The insurance policies as required by this article have been produced.
 - (c) The permit fee has been paid.
 - (d) City requirements for zoning and/or special use permits are met.
- (Code 1963, Ch. 3, art. 10, § 8 [Ord. No. 78-71, § 1, 11-28-78]; Ord. No. 92-43, § X, 7-28-92)

Sec. 28-76. Suspension authorized.

The chief of police shall suspend a police rotation list privilege permit if he determines that:

- (a) A permit holder gave false or misleading information in the material submitted to the city secretary or police department during the application process.
 - (b) The permit holder illegally solicited tow or repair services at a police investigation.
 - (c) The permit holder has exceeded the fee schedule.
 - (d) The tow company has missed more than three (3) rotation calls in a thirty (30) day period. The penalty for this violation shall be a suspension from the rotation list for a period of thirty (30) calendar days for the first violation and sixty (60) days for the second violation in a twelve (12) month period. The chief of police shall have the discretion upon the third such violation by a tow company in a twelve (12) month period to set the suspension period, up to and including indefinite suspension from the rotation list. A tow service that responds to a scene and is unable to tow the vehicle called for due to circumstances beyond the normal control of the tow truck operator (i.e., vehicle size mandates heavy-duty wrecker) will not have the call counted against the company and will return to the top of the rotation list.
 - (e) The permit holder has violated any of the regulations of this article, any of the laws of the state or rules of the state department of labor and standards regulating vehicle storage facilities or tow truck owners, or any of the rules and regulations as established by the police department or the city council.
- (Ord. No. 88-71, § II(3-10-11), 7-12-88; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-77. Procedure on suspension.

(a) *Notice.* If the chief of police suspends a permit issued under this division, he shall send to the permit holder, by certified mail, return receipt requested, written notice of the suspension, the reason therefor, and the right to appeal.

(b) *Period of suspension.* The period of suspension shall be:

- (1) For the first violation, not more than thirty (30) days.
- (2) For the second violation, not more than ninety (90) days.
- (3) For the third or subsequent violation, such period of suspension as the chief of police may determine, including permanent suspension which shall constitute revocation.

(c) *Appeal.* The permit holder may appeal to the city council the decision of the chief of police, such appeal to be in writing, filed with the city secretary, and clearly setting out the basis

of such appeal. The permit holder shall be given at least ten (10) calendar days' written notice of the date of the hearing and shall be allowed to present relevant facts and legal argument regarding the pending suspension or revocation. Upon hearing all relevant evidence, the city council may lift the suspension, affirm the suspension, or suspend for a period of time consistent with the provisions of (b) above which period may be different than that period designated in the letter from the chief of police.

(Ord. No. 88-71, § III(3-10-12), 7-12-88; Ord. No. 03-64, § I, 12-16-03)

Sec. 28-78. Renewal.

The police rotation list privilege permit shall be valid for one (1) year from the date of issuance. Each application for renewal shall contain adequate assurances that the applicant continue to comply with all standards, rules and regulations prescribed by this article and all other standards, rules and regulations issued hereunder. Such renewals shall be on a form furnished by the city secretary and shall contain the names of any new owners, part owners or partners and the names of any new employees. (Code 1963, Ch. 3, art. 10, § 13 [Ord. No. 78-71, § 1, 11-28-78])

Secs. 28-79--28-100. Reserved.

ARTICLE IV. GENERAL RULES OF VEHICLE OPERATION

Sec. 28-101. 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 1963, Ch. 13, art. 1, § 47)

Sec. 28-102. Limitations on turning around.

(a) It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing or otherwise interfering with other traffic. A complete turn shall not be made on any street within the limits of Rancier and Highway 190 on the north and south respectively and 10th and 2nd Streets on the east and west respectively, all inclusive.

(b) A complete turn shall not be made at any intersection of any two (2) streets or upon any street or alley in the city where the city council may determine that it is unsafe to make a complete turn and shall have caused to be posted at such place in the street or alley a sign showing that a complete turn is prohibited.

(Code 1963, Ch. 13, art. 1, § 31)

State law reference(s)--Authority to regulate turning movements, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(8); turning movements, Vernon's Ann. Civ. St. art. 6701d, § 65 et seq.

Sec. 28-103. One-way streets.

(a) *Whitlow Avenue*. Whitlow Avenue shall be a one-way street from east to west beginning with the west line of Garth Avenue and running in a northwesterly direction to the north line of

Williamson Avenue.

(b) *Valley Road.* Valley Road, on the east side of the drainage ditch, from Rancier Avenue to the intersection of Garth Drive shall be a one-way street, the same being one-way going north from Rancier Avenue.

(c) *Williamson Avenue.* Williamson Avenue shall be a one-way street from west to east, beginning with the east line of Hillcrest Drive and running in an easterly direction to the west line of Garth Drive.

(Code 1963, Ch. 13, art. 1, § 12 [Ord. No. 69-21, § 1, 4-14-69]; Ord No. 97-49, § 1, 8-26-97)

State law reference(s)--Authority to designate one-way streets, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(4); one-way streets, Vernon's Ann. Civ. St. art. 6701d, § 59.

Sec. 28-104. Digging out prohibited.

Any person who shall start a motor vehicle from a stopped position or accelerate a motor vehicle, whether originally stopped or moving, in such fashion as to cause the driving wheels to spin, or to cause the driving wheels to spin and create a loud noise calculated to disturb the residents living in the vicinity or other motorists and/or pedestrians in the vicinity, whether motorists and/or pedestrians are actually present or not, or to cause the rear portion of the motor vehicle to sway or swing from side to side, shall, upon conviction, be held guilty of a misdemeanor. (Code 1963, Ch. 13, art. 1, § 27.1(b) [Ord. No. 70-64, §§ 1,2, 11-23-70])

Sec. 28-105. Commercial routes.

(a) It shall be unlawful for the driver of any vehicle, as defined in section 28-132, having a manufacturer's rated carrying or towing capacity of two (2) tons or greater to drive such vehicle on any street in the city which is not designated A+ Major Arterial, A Major Arterial, B+ Minor Arterial, or B Minor Arterial on the currently adopted thoroughfare plan of the city.

(b) The above prohibition shall extend to all vehicular traffic which is traveling through, around or in the city, except that this prohibition shall not be made to deny the legitimate pickup or delivery of merchandise, goods and passengers to or from locations within the city. A vehicle making such pickups and/or deliveries shall traverse the designated vehicle route and take the most direct routing from the designated commercial route to the point of pickup and/or delivery. A bill of lading, routing sheet or other such documentation portraying the specific address from which the merchandise, goods and passengers are to be picked up or the address to which the delivery is to be made is prima facia proof of legitimacy.

(Code 1963, Ch. 13, art. 2, § 1; Ord. No. 94-25, § I, 4-12-94)

Secs. 28-106--28-125. Reserved.

ARTICLE V. STOPPING, STANDING AND PARKING*

***State law references**--Authority to regulate stopping, standing and parking, Vernon's Ann. Civ. St. art. 6701d, §

Sec. 28-126. Parking in violation of ordinances.

No person shall allow, suffer or permit any vehicle registered in his name to stand or be parked in any street in the city in violation of any of the provisions of this code or ordinances of this city regulating the standing or parking of vehicles. (Code 1963, Ch. 13, art. 4, § 3)

Sec. 28-127. Angle parking.

(a) It shall be lawful to park vehicles at an angle not greater than forty-five (45) degrees to the line of traffic at such places in the city as the city council shall by resolution determine that angle parking shall be permitted and shall cause the same to be marked or signed; and in all places where sidewalks have been set back and provisions made for parking vehicles across or inside the usual curb line on any street in the city. In leaving such angle parking space cars shall not be backed into the traffic lane any further than necessary to get straightened out and faced in the proper direction for traffic between such space and center of the street.

(b) It is hereby expressly made acceptable for the public to angle park on the north side of Church Street between Second and Fourth Streets in the city without the necessity of the owner of the property on which such angle parking spaces are to be located, having to provide a maneuvering area as is currently required elsewhere in this code. Such spaces shall be constructed only after the approval of the plans by the city engineer.

(c) It shall be unlawful for any person to angle park on Avenue B, along the north margin of Avenue B, from the west margin of Second Street westerly to the east margin of the concrete bridge on such avenue. All motor vehicles parked on such area shall be parked parallel to the curb of such street.

(d) Automobiles or vehicles shall be permitted to angle park only in those areas in which angle parking can be accomplished without interfering with the free movement of traffic. (Code 1963, Ch. 13, art. 4, §§ 2, 5, 8)

State law reference(s)--Authority to permit angle parking, Vernon's Ann. Civ. St. art. 6701d, § 96(c).

Sec. 28-128. Disabled parking.

(a) *On private property.* A person who owns or controls private property used for parking may designate a parking space or area specifically for the disabled by identifying and reserving parking spaces for the disabled in accordance with the requirements referred to in (b) below.

(b) *Designation.* Identification and designation of parking spaces or areas for the disabled shall conform to the rules promulgated by the state purchasing and general services commission under authority of the State Purchasing and General Services Act [Vernon's Ann. Civ. St. art. 601b]. A copy of such rules is on file and available for examination in the office of the city engineer.

(c) *Offenses.* A person commits an offense if the person:

27(a)(1); stopping, standing and parking generally, Vernon's Ann. Civ. St. art. 6701d, § 93 et seq.; administrative adjudication of parking offenses, Vernon's Ann. Civ. St. art. 6701d-24.

- (1) Is neither temporarily or permanently disabled nor transporting a temporarily or permanently disabled person and parks a vehicle with disabled person identification in a parking space designated specifically for the disabled.
- (2) Parks a vehicle not displaying disabled person identification in a parking space designated specifically for the disabled.
- (3) Parks a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.
- (4) Lends a disabled person identification card issued to him to a person who uses the identification card in violation of the law.

(d) Penalty. An offense under this section is a misdemeanor.

(e) *Presumption.* In a prosecution of an offense under this section, it is presumed that the registered owner of the motor vehicle that is the subject of the prosecution is the person who parked the vehicle at the time and place the offense occurred.

(Code 1963, Ch. 13, art. 4, § 15; Ord. No. 90-24, § I, 3-13-90)

State law reference(s)--Disabled parking, Vernon's Ann. Civ. St. art. 6675a-5e.1.

Sec. 28-129. Parking for peddling.

(a) Parking on the streets of the city for the purpose of peddling creates a hazardous congestion and is a public nuisance.

(b) No person whomsoever shall be allowed to peddle anything from a wagon, automobile, cart, or other vehicle upon the streets of the city, where parking such wagon, automobile, cart or other vehicle is for a period of more than thirty (30) minutes in one (1) place.

(Code 1963, Ch. 13, art. 4, §§ 10, 11)

Sec. 28-130. Parking in downtown alleys.

(a) No person shall park a vehicle within any alley in the downtown district of the city in such a manner or under such conditions as to block the alley or leave an insufficient width of the roadway available for the free movement of vehicular traffic.

(b) It shall be unlawful for any person to park a vehicle within an alley in the downtown business district except for the purpose of actually loading or unloading such vehicle, and such vehicle shall not be parked for more than ten (10) minutes; however, if the loading and unloading is done in an expeditious manner it may remain for more than ten (10) minutes.

(c) For the purposes of this section, the term "alley" shall mean "a narrow lane between buildings which runs through the middle of the block and gives access to the rear buildings."

(d) For the purposes of this section, the term "downtown district" shall mean all property lying within the following boundaries: Beginning at a point on the south line of Rancier Drive at the northeast corner of the intersection of Rancier Drive and North 2nd Street and continuing along the south line of Rancier Drive in an easterly direction to the intersection of Rancier Drive and North 10th Street; then south along the west line of 10th Street to the A.T. & S.F. railroad right-of-way; then continuing in an easterly direction along the north line of the A.T. & S.F.

railroad right-of-way to North 2nd Street; then north along the east boundary of 2nd Street to the point of beginning.

(e) The city police shall tow away any vehicles left in an alley in the downtown business district which is neither loading or unloading.

(Code 1963, Ch. 13, art. 4, § 13 [Ord. No. 69-8, §§ 1-5, 2-24-69])

Sec. 28-131. Maximum time when not otherwise regulated; fines, towing.

(a) Except on Sundays and holidays known as Christmas Day, Thanksgiving Day, July Fourth, Armistice Day, and Labor Day, and except as otherwise provided in this article, it shall be unlawful between the hours of 8:00 a.m. and 6:00 p.m., inclusively, for any person to permit a motor vehicle, registered in his name as owner or under his control, to remain parked or stopped continuously at any one (1) parking space, place, or portion thereof on any of the, or any part of the, public streets, roads, or highways within the city, where such parking or stopping is not otherwise prohibited or regulated by statutes of the state or ordinances of the city, for a period of time in excess of two (2) hours.

(b) In the event any person charged with or alleged to have violated any provision of this section shall pay a fine, within twenty-four (24) hours of and after the time and date of issuance of citation for violation of this section, such fine shall not exceed two dollars (\$2.00). If no fine for a charged or alleged violation of this section has been actually paid within twenty-four (24) hours of the time and date of issuance of the citation for such violation of this section, the person so charged with or alleged to have violated this section shall pay a fine of not less than five dollars (\$5.00), if such fine be actually paid prior to, and without, trial of such charged or alleged violation of this section. If any person charged with or alleged to have violated any provision of this section shall not have actually paid the fine provided by this section for such violation prior to the commencement of trial of such charged or alleged violation of this section, and such person is thereafter convicted of violating such provision of this section, as charged or alleged, such person shall be fined not less than two dollars (\$2.00) nor more than two hundred dollars (\$200.00) upon conviction thereof, or upon change of plea of defendant from a plea of not guilty to a plea of guilty made after commencement of trial.

(c) Except as otherwise provided in this article, it shall be unlawful for any person to permit a motor vehicle, the title to which is registered in his name, or, which is under his control, to remain parked or stopped continuously at any one (1) parking space, place or portion thereof, on any public streets, roads or highways, or any part thereof, within the city for a period of time more than forty-eight (48) hours.

(d) Any motor vehicle parked or stopped continuously at, or in, any one (1) parking space, place, or portion, thereof, for a period in excess of forty-eight (48) hours, on any public streets, roads, or highways, within the city shall be removed, or towed away, from such space, place, or portion thereof, by the chief of police, or his duly authorized subordinate officers, to a place or location where such vehicle shall not be upon, or obstructing, any public streets, roads, or highways within the city.

(e) Any person charged with or alleged to have parked or stopped a motor vehicle in any space, place, or part thereof, upon any public streets, roads, or highways within the city for a continuous period of more than forty-eight (48) hours, shall be charged with, and for, and shall

pay, as towing fees and moving expenses for the removal of any such motor vehicle, a sum of money, in currency of the United States, not less than twenty-five dollars (\$25.00), in addition to any fine, or fines, lawfully determined and ordered, under the laws of the state and the ordinances of the city.

(f) In any prosecution charging or alleging a violation of any provision of this section, proof that the particular motor vehicle, described in the complaint, was parked or stopped in violation of any provision of this section, together with proof that the defendant named in the complaint was at the time of such parking or stopping, as charged or alleged, the registered owner of such motor vehicle, or, was in fact entitled to the control of such motor vehicle, shall be and constitute, in evidence, a prima facie presumption that such registered owner of, or person entitled to control of, such motor vehicle, was the person who in fact parked, placed, or stopped such motor vehicle at the point and place where, and for the time during which, such charged or alleged violation occurred.

(Code 1963, Ch. 13, art. 4, § 14 [Ord. No. 72-58, §§ 1-7, 9-25-72]; Ord. No. 06-110, § I, 9-26-06)

Sec. 28-132. Parking in residential areas.

(a) For the purposes of this article, the following have the meanings provided herein. The word “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excluding light trucks used for personal family or household purposes, not modified for commercial use. The term “travel trailer” shall mean a vehicular, portable home designed as a temporary dwelling for travel, recreational and vacation uses; such homes shall be classified as a travel trailer whether or not its wheels, rollers, skids or other rolling equipment have been removed, and whether or not any addition thereto has been built on the ground; and shall also include pickup campers, converted buses, self-powered motor homes, tent trailers, tents and analogous temporary portable housing and accessory buildings. The term “light truck” shall mean a vehicle with a manufacturer’s rated carrying capacity not to exceed two thousand (2,000) pounds, and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks, and carryall trucks. The term “trailer” does not include a boat trailer carrying a boat, but would include an empty boat trailer. The term “boat” shall mean a boat trailer carrying a boat.

(b) Except as otherwise provided in this article, it shall be unlawful for any person to park any vehicle having a capacity of more than one (1) ton, including, but not limited to, truck tractors, on a street adjacent to property zoned or used for residential purposes.

(c) It shall be unlawful for any person to park any vehicle having a capacity of more than one (1) ton on private property in any district zoned R-1, R-1A, RM-1, RT-1, R-2, R-3, or R-MP, excluding travel trailers and light trucks used for personal family or household purposes, not modified for commercial use, except as provided in this article.

(d) It shall be unlawful for any person to park a trailer of any capacity on a street adjacent to property zoned or used for residential purposes.

(e) It shall be unlawful for any person to park more than one (1) trailer on private property visible from any public right of way in any district zoned R-1, R-1A, RM-1, RT-1, R-2, R-3 or R-MP. Any trailer parked in accordance with this section shall be sixteen (16) feet or less and

shall in no way encroach upon any public street or public right-of-way, including a sidewalk. For purposes of this article, the length of a trailer does not include the tongue.

(f) The provisions of this section shall not deny or make an offense for the parking of any vehicle or trailer while involved in the legitimate delivery or pickup of merchandise, goods, services or passengers to and from locations necessary for commercial purposes. A bill of lading, routing sheet, work order or other such documentation portraying the specific address to be serviced shall be sufficient evidence to exempt such vehicles. This subsection does not authorize the parking of a vehicle or trailer overnight.

(Code 1963, Ch. 13, art. 2, §§ 2--4 [Ord. No. 82-20, 5-15-82]; Ord. No. 94-24, § I, 4-12-94; Ord. No. 06-37, § I, 3-28-06; Ord. No. 06-110, § I, 9-26-06)

Sec. 28-133. Parking prohibited on U.S. 190.

Parking of any automobile or vehicle shall be prohibited on U.S. Highway 190 or on Veterans Memorial Boulevard. (Code 1963, Ch. 13, art. 4, § 7; Ord. No. 06-37, § I, 3-28-06)

Sec. 28-134. Parking of boats and travel trailers.

(a) Except as provided in this section, it shall be unlawful for any person who owns or controls a boat or travel trailer defined in 28-132 to park or leave standing said boat or travel trailer on any public street or parked on private property in a manner so as to encroach upon any public street or public right-of-way, including a sidewalk.

(b) The provisions of paragraph (a) shall not apply if:

(1) The owner or operator of the boat or travel trailer is in the actual course and scope of loading or unloading goods or equipment; or

(2) The boat or travel trailer is otherwise legally parked or left standing for twenty-four (24) hours or less due to a mechanical defect which makes it unsafe to move.

(Ord. No. 06-37, § I, 3-28-06; Ord. No. 06-110, § I, 9-26-06)

Sec. 28-135. Parking on all-weather surface required.

(a) Except as provided in this section, it shall be unlawful to park any vehicle on anything other than an all-weather surface. An all-weather surface shall consist of Portland cement concrete or an impervious bituminous surface over a compacted base or other surface approved by the building official. The parking surface for property zoned or used for commercial and multi-family use must be capable of retaining paint or striping material.

(b) The provisions of this section shall not apply to:

(1) property zoned or used as residential where there is no driveway;

(2) property zoned or used as residential where no on-street parking is allowed on the street or streets adjacent to the residence;

(3) vehicles parked during parades or other sanctioned events;

(4) vehicles screened from public view by the methods stated in sections 31-20 or 31-280 (screening devices), or in section 8-512 (landscaped screening devices);

(5) Property zoned or used as residential where any boat, trailer, or travel trailer is parked

on concrete blocks, pavers, or brick laid in a manner sufficient to meet the standards of off-street parking requirements of chapter 31. The blocks, pavers, or brick must be a minimum of three (3) inches thick. Blocks, pavers or brick only under the wheels or in a path for the wheels is not sufficient; or

- (6) Property zoned or used for commercial purposes with parking areas that were not all-weather surfaces prior to September 24, 2002, and that have remained unchanged since that date. Any subsequent expansion of a parking area that existed prior to September 24, 2002, shall conform to the requirements of subsection (a) above. The exception provided by this section shall no longer apply if the property is sold.

(c) Any person who owns or controls any lot, parcel of land, or premise within the city limits having on it a vehicle in violation of this section shall be required to remove such vehicle within ten (10) days from the date of the written notice from the code enforcement director if the property is used as residential or within sixty (60) days from the date of written notification from the code enforcement director if the property is used as commercial. If another vehicle is parked on the same property in violation of this section within twelve (12) months after the times provided above, and the city has not been informed in writing by the owner of an ownership change, a citation for violation of this section may be issued to the owner or person in control of the lot, parcel of land or premise without providing additional notice.

(Ord. No. 06-37, § I, 3-28-06; Ord. No. 06-110, § I, 9-26-06)

Sec. 28-136. Exceptions in certain districts and economic hardship.

(a) The provisions of sections 28-132, 28-134 and 28-135 shall not apply to property in any district zoned A or A-R1. If property in a district zoned A or A-R1 is re-zoned to a less restrictive zoning district, sections 28-132, 28-134 and 28-135 shall not apply to such property for a period of three (3) years from the date the zoning is approved.

(b) A property owner who claims compliance with sections 28-132, 28-134 or 28-135 will cause an economic hardship may submit a request for variance to the city manager. The city manager shall issue a final decision in writing within ten (10) calendar days. Any variance granted shall set forth the specific terms of the variance.

(Ord. No. 06-37, § I, 3-28-06)

Sec. 28-137. Parking at Killeen-Fort Hood Regional Airport.

A. The airport director may establish areas in which the stopping, standing or parking of a motor vehicle is prohibited or restricted.

B. A person may not park a motor vehicle in a public area of the Killeen-Fort Hood regional airport except:

1. at a place and in a manner expressly authorized by the airport director;
2. as directed by a police officer or an airport official; or
3. in compliance with official posted signs or markings.

C. A person may not stop, stand or park a motor vehicle in a passenger loading zone except to quickly load or unload passengers and baggage. A motor vehicle may not be left unattended while loading or unloading passengers and/or baggage.

D. An airport official may tow a motor vehicle parked on airport property in violation of this chapter at the owner or operator's expense.
(Ord. No. 09-055, § I, 9-8-09)

Secs. 28-138--28-155. Reserved.

ARTICLE VI. PEDESTRIANS*

Sec. 28-156. Obedience to signals.

Pedestrians shall strictly comply with the directions of all traffic-control signals in the city.
(Code 1963, Ch. 13, art. 1, § 39(b))

Sec. 28-157. Use of crosswalks in fire limits.

It shall be unlawful for any pedestrian to cross any street or roadway in the fire limits of the city except in a designated crosswalk. (Code 1963, Ch. 13, art. 1, § 39(b))

State law reference(s)--Authority to so provide, Vernon's Ann. Civ. St. art. 6701d, § 76(b).

Sec. 28-158. Blind and incapacitated pedestrians.

(a) No person may carry a white cane on a public street or highway unless the person is totally or partially blind or otherwise incapacitated.

(b) The driver of a vehicle approaching an intersection or crosswalk where a pedestrian guided by a support dog or carrying a white cane is crossing or attempting to cross shall take necessary precautions to avoid injuring or endangering the pedestrian. The driver shall bring the vehicle to a full stop if injury or danger can be avoided only by that action.

(c) The failure of a totally or partially blind or otherwise incapacitated person to carry a white cane or be guided or aided by a support dog does not deprive the person of the rights and privileges conferred by law on pedestrians crossing streets or highways and does not constitute evidence of contributory negligence.

(Code 1963, Ch. 13, art. 1, § 63)

State law reference(s)--Similar provisions, V.T.C.A., Human Resources Code § 121.007.

Secs. 28-159--28-180. Reserved.

ARTICLE VII. BICYCLES AND TOY VEHICLES**

***State law reference**--Pedestrians, Vernon's Ann. Civ. St. art. 6701d, § 76 et seq.

****State law references**--Authority to regulate bicycles, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(7); bicycles and play vehicles, Vernon's Ann. Civ. St. art. 6701d, § 178 et seq.

Sec. 28-181. Violations.

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(Code 1963, Ch. 13, art. 6, § 1(a), (b) [Ord. No. 67-21, § 3, 9-25-67])

State law reference(s)--Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 178.

Sec. 28-182. Application of article.

The provisions of this article applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (Code 1963, Ch. 13, art. 6, § 1(c) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-183. Operation generally.

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the traffic ordinances of this city applicable to the driver of a vehicle, except as to special regulations in this article, and except as to those provisions of law and ordinances which by their nature can have no application. (Code 1963, Ch. 13, art. 6, § 3(a) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-184. Obedience required.

Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer. (Code 1963, Ch. 13, art. 6, § 3(b) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-185. Obedience to signs.

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians. (Code 1963, Ch. 13, art. 6, § 3(c) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-186. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (Code 1963, Ch. 13, art. 6, § 3(I) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-187. Yield right-of-way.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway. (Code 1963,

Ch. 13, art. 6, § 3(j) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-188. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (Code 1963, Ch. 13, art. 6, § 3(l) [Ord. No. 67-21, § 3, 9-25-67])

Sec. 28-189. Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district. This section shall not apply to a bicycle being operated by a law enforcement officer in the course of official duty.

(b) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(Code 1963, Ch. 13, art. 6, § 3 [Ord. No. 67-21, § 3, 9-25-67]; Ord. No. 94-32, § I, 5-10-94)

Sec. 28-190. Uses of coasters, roller skates, skateboards, or similar devices restricted.

(a) No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city.

(b) No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle, or similar device shall enter, go, travel, or skate in, on, or along the sides, walls, linings, or aprons of any storm sewer, storm drain or ditch channel.

(c) No person upon roller skates or riding in or by means of any coaster, skateboard, toy vehicle or similar device shall go, travel or skate on or along a sidewalk within a business district.

(d) Whenever any person is riding such a coasting or skating device upon a sidewalk in any district other than a business district, such person shall yield right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(e) It shall be unlawful for the parent or legal guardian of a child under ten (10) years of age to intentionally or knowingly allow that child to violate any provision of this section. (Code 1963, Ch. 13, art. 1, § 8; Ord. No. 89-54, § 1, 7-11-89)

Secs. 28-191--28-210. Reserved.

ARTICLE VIII. OFF-ROAD VEHICLES*

*State law reference—All-terrain vehicles, Vernon's Ann. Civ. Stat. art. 6701c-5.

Sec. 28-211. Title.

This article shall be known as the “off-road vehicles ordinance” and may be cited as such. (Code 1963, Ch. 10, art. 6, § 1(a) [Ord. No. 86-49, § 1(1), 7-22-86])

Sec. 28-212. 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:

All-terrain vehicle shall mean a motor vehicle having a saddle for the use of the rider, designed to propel itself with three (3) or four (4) tires in contact with the ground, designed by the manufacturer for off-highway use by the operator only, and not designed by the manufacturer for farming or lawn care.

State law reference(s)--Similar provisions, Vernon’s Ann. Civ. St. art. 6701c-5, § 1.

Child shall mean a person who has not reached the age of majority under the laws of the state.

Off-road vehicle shall mean any bicycle or all-terrain vehicle.

Owner shall mean the person who holds title to or who has possession of and right to control property, whether real or personal.

(Code 1963, Ch. 10, art. 6, § 2 [Ord. No. 86-49, § 1(2), 7-22-86])

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 28-213. Purpose.

It is the purpose of this article to provide just, equitable and practicable protection of the safety, health and general welfare of the operators of off-road vehicles, spectators of such operations and events and the property owners and surrounding property owners. (Code 1963, Ch. 10, art. 6, § 1(b) [Ord. No. 86-49, § 1(1), 7-22-86])

Sec. 28-214. Scope.

The provisions of this article shall apply to all operations of off-road vehicles, which are hereby declared to be a public nuisance. Such operations are prohibited and shall be regulated and prosecuted as set out for the protection of the safety, health and general welfare of the citizens of the city. (Code 1963, Ch. 10, art. 6, § 1(c) [Ord. No. 86-49, § 1(1), 7-22-86])

Sec. 28-215. Parental responsibility.

Any parent, guardian or person having the care and custody of a child, who knowingly permits any child to violate this article, shall be deemed to have committed a misdemeanor. (Code 1963, Ch. 10, art. 6, § 7(b) [Ord. No. 86-49, § 1(7), 7-22-86])

Sec. 28-216. Operation prohibited--circumstances.

It shall be unlawful for any person to operate an off-road vehicle or to allow the operation of

an off-road vehicle owned by them, within the corporate limits of the city, under the following circumstances:

- (1) On private property of another without the express written consent to do so by the owner or occupant of such property; or
- (2) On public school grounds, park property, playgrounds, recreational areas, golf courses or property belonging to, owned by or in the possession of with right to control of, any governmental entity, without the express written consent to do so by the proper public authority.

(Code 1963, Ch. 10, art. 6, § 3 [Ord. No. 86-49, § 1(31), 7-22-86]

Sec. 28-217. Same--exceptions.

(a) Nothing in this article shall be construed so as to prohibit the city, other governmental authority, or any national, state or local association organized solely to promote, sponsor and sanction competitive, recreational, training and educational events involving any of the vehicles in this article, from holding a sanctioned event in accordance with the requirements of this article.

(b) Any such event to be held within the corporate limits of the city shall be approved by the city manager.

(Code 1963, Ch. 10, art. 6, § 4 [Ord. No. 86-49, § 1(4), 7-22-86]; Ord. No. 00-3, § I, 1-11-00)

Sec. 28-218. Application granting, denial, appeal.

A. An application to sponsor any event under the authority of this article shall be submitted to the city secretary who shall prescribe the form. Among the information required shall be a statement as to the arrangements provided for the safety of participants and spectators and adequate parking. Such application shall be filed not less than 21 days prior to the date the event set-up is to begin.

B. Upon receipt of an application, the city secretary shall immediately acquire comments from affected city departments concerning the proposed activity (e.g., fire, police, streets, etc.). The secretary shall forward the application and department comments to the city manager within 5 days.

C. The following standards shall be considered by the city manager in evaluating an application: whether the conduct of the proposed event or its location will:

1. substantially interrupt the safe and orderly movement of vehicular and pedestrian traffic;
2. adversely affect the safety and health of those situated adjacent to the location of the event;
3. require such a substantial number of police, ambulance, animal control, or other city personnel to adequately service the event, that necessary services must be substantially curtailed in other areas of the city;
4. pose a high degree of probability or likelihood to cause or tend to cause injury or damage to persons or property or to provoke disorderly conduct;
5. be so close to a school, church, hospital, or other place at which a specific lawful

activity normally requires for its accomplishment quiet and orderly deliberation or consideration or freedom from loud noises or crowds of persons or traffic;

6. be issued to a person or party who has within the preceding 12 months obtained a permit for the same or substantially same activity at that location or inequitably prevent another from obtaining a permit; or a permit for another show, carnival, circus, rodeo, etc. has previously been lawfully issued to another scheduled for the same date(s) sought by applicant.

D. The city manager shall, within seven (7) days after receipt of an application, approve, modify and approve, or deny it. If modified or denied, the reasons shall be clearly stated in writing by the city manager.

E. For violation of the city of Killeen code of ordinances, applicable state laws, or requirements of this permit, the city manager may revoke a permit previously issued under this chapter, by written order stating the reasons for the action.

F. In the event the city manager modifies an application, denies an application, or revokes a permit, the affected party may appeal the manager's decision to the city council by filing a written letter with the city manager within 2 business days after receiving notice of the city manager's decision. The appeal letter must specifically state each and all points of contention with the city manager's determination. The city manager shall immediately cause the appeal to be placed on the next regular meeting agenda of the city council for discussion and action. At that meeting, the city council shall consider the standards contained in this chapter, the city manager's reasons for modifying, denying, or revoking a permit, the points raised in the letter of appeal, and relevant surrounding facts.

(Code 1963, Ch. 10, art. 6, § 5 [Ord. No. 86-49, § 1(5), 7-22-86]; Ord. No. 00-3, § II, 1-11-00)

Sec. 28-219. Same--area requirements.

In order to provide for adequate area for any approved event under this article, for the protection of participants, spectators and adjacent property owners, the following area requirements shall be provided:

(1) For bicycle events (non-motor-driven), not less than five (5) acres total area, including parking.

(2) For all other events, not less than twenty-five (25) acres total area, including parking.

(Code 1963, Ch. 10, art. 6, § 6 [Ord. No. 86-49, § 1(6), 7-22-86])

Secs. 28-220--28-240. Reserved.

ARTICLE IX. MISCELLANEOUS RULES

Sec. 28-241. Visibility at intersections.

(a) For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) *Parkway area* shall mean that area between the curb line or grade line of any public street and the abutting private property line.
- (2) *Visibility triangle* shall mean a triangle sight area, at all intersections, which shall include that portion of public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points thirty-five (35) feet back from their intersection (such curb lines being extended if necessary to determine the intersection point).

(b) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained any tree, shrub, plant, sign or other view obstruction having a height greater than two (2) feet as measured from the top of the curb of the adjacent streets within the visibility triangle. The restriction shall not apply to permanent structures authorized by the zoning ordinance or to traffic-control signs and signals, street signs or utility poles placed within such area by authority of the city council.

(c) It shall be unlawful to set out, maintain or permit or cause to be set out or maintained any tree, shrub or plant within any parkway area, other than within the visibility triangle, which exceeds two (2) feet in height above curb level. This prohibition shall not apply to trees within the parkway area which are trimmed at all times so that no branches are less than six (6) feet above curb level and which are planted no less than twenty-five (25) feet apart; provided, however, such trees shall not interfere with the free passage of vehicles on the street or pedestrians on the public right-of-way or obscure the view of motor vehicle operators or any traffic-control device or street sign or otherwise create a traffic hazard.

(d) It shall be the duty of the building official to cause a written notice to be served upon the owner of any property upon which any of the above violations exist, or upon any owner or occupant of any property which abuts any parkway area upon which any of the above violations exist to correct such violations within ten (10) days after service of such notice. Such notice shall be given personally or by letter addressed to such owner at his post office address, or, if the owner's address is not known and personal service not possible, by publication at least twice within ten (10) consecutive days. If such violation is not corrected within a ten-day period, the building official is hereby authorized and directed to cause a tree, plant, structure or obstruction constituting such violation to be trimmed, pruned, or removed to eliminate such prohibited condition, with the cost of such trimming, pruning or removal to be assessed against the property owner or abutting property owner, as the case may be, the minimum fee for such service to be ten dollars (\$10.00).

(Code 1963, Ch. 13, art. 8, §§ 1--4 [Ord. No. 74-57, § 2, 11-25-74])

Sec. 28-242. Clinging to moving vehicles.

Any person riding upon any motorcycle shall not attach the same to any moving vehicle upon any roadway. (Code 1963, Ch. 13, art. 1, § 61)

Sec. 28-243. Displaying advertising.

It shall be unlawful for anyone to operate any vehicle on any street within the city for the primary purpose of displaying advertising. (Code 1963, Ch. 13, art. 1, § 65)

Sec. 28-244. Processions.

(a) No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this section. This provision shall not apply at intersection where traffic is controlled by traffic-control signals or police officers.

(b) Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

(c) A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

(Code 1963, Ch. 13, art. 1, §§ 55--57)

State law reference(s)--Authority to regulate processions or assemblages on highways, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(3).

Sec. 28-245. Maximum speed on U. S. 190.

Beginning at the west city limits, proceeding east on U.S. 190, the speed limit shall be 60 m.p.h. for a distance of 5.423 miles, ending at the Killeen and Harker Heights city limits. This portion of the roadway is hereby regulated as to the speed of motor vehicles traveling within that section in any direction, as evidenced by the plan attached to ordinance 01-19, which is hereby approved and made a part of this section. It shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this section when signs are in place giving notice thereof. (Ord. No. 95-81, § I, 11-28-95; Ord. No. 01-19, § I, 5-8-01)

Sec. 28-246. Maximum speed on F.M. 3470.

The reasonable and safe prima facie maximum speed limit for motor vehicles shall be as stated below for the described streets and roads:

Beginning at the intersection of FM 2410 and proceeding to the west on Farm-to-Market Road 3470 (locally known as Stan Schlueter Loop), the speed limit shall be 40 m.p.h. for a distance of 0.980 miles; then, 55 m.p.h. from that point for a distance of 2.467 miles; then, 45 m.p.h. for a distance of 0.700 miles (except for scheduled times of ingress and egress to the Reeces Creek Elementary school during which a 30 m.p.h. maximum speed zone shall be in effect for a distance of 0.299 miles, as further defined by posted notices); then, 55 m.p.h. for a distance of 2.781 miles (except for scheduled times of ingress and egress to the Willow Springs Elementary school during which a 35 m.p.h. maximum speed zone shall be in effect for a distance of 0.227 miles as further defined by posted notices).

(Ord. No. 96-9, § I, 2-13-96; Ord. No. 97-1, § I, 1-14-97; Ord. No. 00-87, § I, 11-14-00; Ord. No. 04-89, § I, 11-9-04)

Sec. 28-247. Maximum speed on a portion of S.H. 195.

The reasonable and safe prima facie maximum speed limit for motor vehicles shall be as stated below for the described streets and roads:

Beginning at the east bound frontage road of U.S. 190 and proceeding in a southerly

direction on S.H. 195 (locally known as Ft. Hood Street), the speed limit shall be 40 m.p.h. for a distance of 0.621 miles; then, 45 m.p.h. for a distance of 0.276 miles; then, 50 m.p.h. for a distance of 0.900 miles; then, 55 m.p.h. for a distance of 0.546 miles; then, 60 m.p.h. for a distance of 1.275 miles, ending at the south city limits.

(Ord. No. 96-8, § I, 2-13-96; Ord. No. 00-86, § I, 11-14-00)

Sec. 28-248. Maximum speed on a portion of F.M. 439.

The reasonable and safe prima facie maximum speed limit for motor vehicles shall be as stated below for the described streets and roads within the city limits:

Starting at U.S. 190, proceeding northeast, the speed limit shall be 40 mph for a distance of 1.507 miles. The speed limit shall then be 30 mph for a distance of 0.195 miles, except in times of ingress and egress, the speed limit shall then be 20 mph when flashing for school zone for a distance of 0.199 miles. The speed limit shall then be 30 mph for a distance of 0.967 mile, except in times of ingress and egress, the speed limit shall then be 20 mph when flashing for school zone for a distance of 0.178 miles. The speed limit shall then be 40 mph for a distance of 1.078 miles, except in times of ingress and egress, the speed limit shall then be 25 mph when flashing for school zone for a distance of 0.267 miles. The speed limit shall then be 45 mph for a distance of 0.530 miles. The speed limit shall then be 55 mph for a distance of 1.535 miles, except in times of ingress and egress, the speed limit shall be 35 mph when flashing for school zone for a distance of 0.113 miles. The speed limit shall then be 60 mph for a distance of 0.390 miles, ending at the Killeen east city limits.

(Ord. No. 96-42, § I, 5-14-96; Ord. No. 04-07, § I, 2-24-04)

Sec. 28-249. Maximum speed U.S. Hwy. 190 frontage roads.

The reasonable and safe prima facie maximum speed limit for motor vehicles shall be as stated below for the described streets and roads:

(a) Beginning at the west city limits proceeding east on the eastbound frontage road of U.S. Hwy. 190, the speed limit shall be 35 m.p.h. for a distance of 1.684 miles (except for scheduled times of ingress and egress to Pershing Park Elementary School during which a 20 m.p.h. maximum speed zone shall be in effect for a distance of 0.166 miles, as further defined by posted notices; and except for scheduled times of ingress and egress to Bellaire Elementary School during which a 20 m.p.h. maximum speed zone shall be in effect for a distance of 0.189 miles, as further defined by posted notices); then the speed limit shall be 45 m.p.h. for a distance of 3.739 miles to the east city limits;

(b) Then, beginning at the east city limits proceeding west on the westbound frontage road of U.S. Hwy. 190, the speed limit shall be 45 m.p.h. for a distance of 3.110 miles; then, the speed limit shall be 35 m.p.h. for a distance of 0.800 miles (except for scheduled times of ingress and egress to Nolan Middle School during which a 20 m.p.h. maximum speed zone shall be in effect for a distance of 0.248 miles, as further defined by posted notices); then, the speed limit shall be 45 m.p.h. for a distance of 1.513 miles to the west city limits.

(Ord. No. 00-85, § I, 11-14-00)

Sec. 28-250. Maximum speed on a portion of S.H. 201.

The reasonable and safe prima facie maximum speed limit for motor vehicles shall be as stated below for the described streets and roads:

Starting at the north Killeen city limits, proceeding south, the speed limit shall be 50 MPH for a distance of 1.647 miles, except in times of ingress and egress, the speed limit shall be 35 MPH for a distance of 0.443 miles when school flashers are flashing. The speed limit shall then be 55 MPH for a distance of 1.562 miles, the speed limit shall then be 60 MPH for a distance of 3.820 miles, ending at M. P. 7.567. That the section of highway described above is hereby regulated as to the speed of motor vehicles traveling within said section in any direction as evidenced by the attached plan which is hereby approved and made a part of this ordinance, and it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

(Ord. No. 04-89, § I, 11-9-04; Ord. No. 06-80, § I, 7-11-06)

Sec. 28-251. School zones, maximum speed limits.

(a) A person commits an offense if he operates or drives a vehicle in a school traffic zone in the following designated areas or on the following designated streets at a speed greater than the speed designated by this section for that area or street or portion thereof, and any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable nor prudent and is unlawful. On the basis of recommendations of the traffic engineer, determined on the basis of engineering and traffic studies, the city council shall designate school speed zones with appropriate pavement markings or signs, which street markings, warnings, or signs shall be placed at the school speed zones by the traffic engineer. The speed limit designated for school speed zones shall be effective only during official school days and at times when appropriate flashing warnings and/or signs advising motorists of the speed limit are placed in conspicuous places.

(b) In accordance with the recommendations of the traffic engineer, the following designated locations and areas are declared to be school speed zones and the maximum speed limit for all motor vehicles operated within such areas and locations and on such streets on school days, when either a flashing warning signal is in operation or when appropriate signs are in place and conspicuous shall be as follows:

Street Corridor	Speed Limit	School Speed Zone --Beginning	School Speed Zone --Ending	School
38 th Street	20	200 feet west of Westcliff Road	Haven Drive	Brookhaven and Rancier Middle
Adrian Barnes Drive	20	Elms Road	Weiss Drive	C. E. Ellison High
Alexander Street	20	200 feet north of F. M. 439	200 feet south of F. M. 439	East Ward Elementary
Alta Vista Drive	20	200 feet south of Wheeler Avenue	U S 190 Eastbound Frontage Road	Pershing Park Elementary
Ambrose Drive	20	200 feet west of Robinett Road	Robinett Road	Live Oak Middle
Arkansas Avenue	20	160 feet west of	South W. S. Young	Manor Middle

		South W. S. Young		
Aspen Drive	20	235 feet east of Hunters Ridge Trail	279 feet west of White Rock Drive	Timber Ridge Elementary
Atkinson Avenue	20	300 feet west of School Property Line	334 feet west of North 38 th Street	Career and Tech Center
Atkinson Drive	20	North 38 th Street	150 feet west of North 42 nd Street	Killeen High
Bacon Ranch Road	20	127 feet east of Trimmier Road	104 feet east of Covey Lane (East)	Grace Lutheran School
Barbara Lane	20	Janis Drive	200 feet east of Pamela Drive	Sugarloaf Elementary
Basset Court	20	200 feet west of Herndon Drive	300 feet east of Gowen Drive	Ira Cross Jr. Elementary
Bigpine Drive	20	300 feet south of Eastwood Drive	Westwood Drive	Maxdale Elementary
Bonnie Drive	20	200 feet south of Wheeler Avenue	U S 190 Eastbound Frontage Road	Pershing Park Elementary
Breeze Drive	20	200 feet south of Bull Run Drive	Thunder Creek Drive	Live Oak Middle
Bull Run Drive	20	200 feet west of Robinett Road	200 feet east of Breeze Drive	Live Oak Middle
Bundrant Drive	20	300 feet north of Saint Francis Drive	Rancier Avenue	St. Joseph Catholic School
Catalina Drive	20	Breeze Drive	200 feet east of Breeze Drive	Live Oak Middle
Chantz Drive	20	300 feet north of Mallard Lane	200 feet south of Fawn Drive	Cedar Valley Elementary
Chantz Drive	20	200 feet north of Kit Carson Trail	300 feet south of Golden Drive	Liberty Hill Middle
Colorado Drive	20	226 feet west of White Rock Drive	280 feet east of Hunters Ridge Trail	Timber Ridge Elementary
Commerce Drive	20	Rail Road Tracks	322 feet west of North 38 th Street	Career and Tech Center
Daisy Drive	20	200 feet north of Marigold Drive	200 feet south of Marigold Drive	Bellaire Elementary
Dartmouth Drive	20	300 feet south of Granex Drive	Granex Drive	Trimmier Elementary
Dean Road	20	200 feet west of Hillcrest Drive	200 feet east of Garth Drive	West Ward Elementary
Dubrock Drive	20	300 feet south of Florence Road	Florence Road	Nolan Middle
Eastwood Drive	20	300 feet west of Bigpine Drive	Southhill Drive	Maxdale Elementary

Edgefield Street	20	212 feet west of Tallwood Drive	200 feet east of Tallwood Drive	Palo Alto Middle
Elms Road	20	300 feet west of Roundrock Drive	200 feet east of Tallwood Drive	Palo Alto Middle
Eppinette Drive	20	Schorn Drive	Oster Drive	Saegert Elementary
Estelle Avenue	20	200 feet north of Carrollton Avenue	200 feet south of Grandon Drive	Clifton Park Elementary
Estelle Avenue	20	200 feet north of Hermosa Drive	300 feet south of Hermosa Drive	Fowler Elementary
Excel Drive	20	Courage Avenue	300 feet east of Success Drive	Trimmier Elementary
F. M. 439	20	200 feet west of Alexander Street	210 feet east of Patton Road	East Ward Elementary
Fawn Drive	20	280 feet west of Chantz Drive	200 feet east of Mesa Drive	Cedar Valley Elementary
Florence Road	20	430 feet south of Marigold Drive	Jasper Drive	Bellaire Elementary
Florence Road	20	155 feet north of Jasper Drive	300 feet north of Lydia Drive	Nolan Middle
Foster Lane	20	200 feet south of Michael Drive	200 feet north of Vahrenkamp Drive	Iduma Elementary
Fowler Avenue	20	200 feet west of Trimmier Road	200 feet east of Trimmier Road	Fowler Elementary
Garth Drive	20	200 feet south of Dean Road	Central Drive	Fairway Middle
Golden Drive	20	Chantz Drive	300 feet east of Leadville Drive	Liberty Hill Middle
Gowen Drive	20	150 feet north of Iredell Drive	200 feet north of Basset Court	Ira Cross Jr. Elementary
Gowen Drive	20	Zephyr Road	150 feet north of Peaks Drive	Haynes Elementary
Grandon Drive	20	200 feet east of Estelle Avenue	Trimmier Road	Clifton Park Elementary
Granex Drive	20	Courage Avenue	300 feet east of Success Drive	Trimmier Elementary
Haven Drive	20	88 feet south of Blackburn Drive	Hilliard Avenue	Brookhaven and Rancier Middle
Herndon Drive	20	150 feet north of Iredell Drive	200 feet north of Basset Court	Ira Cross Jr. Elementary
Highland Avenue	20	200 feet northwest of Rev. R. A. Abercrombie Drive	Rev. R. A. Abercrombie Drive	Marlboro Student Support Center
Hillcrest Drive	20	200 feet south of Dean Road	Williamson Avenue	West Ward Elementary
Hilliard Avenue	20	Haven Drive	207 feet east of	Brookhaven

			Remington Drive	and Rancier Middle
Hunters Ridge Trail	20	Colorado Drive	300 feet south of school property line	Timber Ridge Elementary
Illinois Avenue	20	22 feet east of Ohio Street	217 feet west of Goode Drive	Manor Middle
Jackson Street	20	200 feet north of F. M. 439	F. M. 439	East Ward Elementary
Janis Drive	20	200 feet south of Barbara Lane	200 feet north of Kimberly Lane	Sugarloaf Elementary
Jasper Drive	20	300 feet west of Daisy Drive	300 feet east of 2 nd Street	Bellaire Elementary
Kimberly Lane	20	Janis Drive	200 feet east of Pamela Drive	Sugarloaf Elementary
Kit Carson Trail	20	282 feet south of Chantz Drive	300 feet east of Leadville Drive	Liberty Hill Middle
Lake Road	20	300 feet west of North 42 nd Street	400 feet east of Puddo Lane	Killeen Adventist Jr.
Lake Road	20	200 feet south of Ruiz Drive	200 feet north of Ruiz Drive	Peebles Elementary
Leadville Drive	20	300 feet south of Golden Drive	Kit Carson	Liberty Hill Middle
Lily Drive	20	200 feet south of Marigold Drive	Marigold Drive	Bellaire Elementary
Lisa Lane	20	Atkinson Drive	300 feet north of Atkinson Drive	Killeen High
Littlepine Drive	20	300 feet west of Bigpine Drive	Bigpine Drive	Maxdale Elementary
Marigold Drive	20	200 feet west of Daisy Drive	Florence Road	Bellaire Elementary
Michael Drive	20	200 feet west of Foster Lane	Pennington Avenue	Iduma Elementary
Mikulec Drive	20	235 feet west of Eppinette Drive	Oster Drive	Saegert Elementary
North W. S. Young	20	300 feet south of Poage Avenue	300 feet north of Peebles Drive	Peebles Elementary
Patton Road	20	52 feet south of F. M. 439	Stone Avenue	East Ward Elementary
Oster Drive	20	Napier Drive	Mikulec Drive	Saegert Elementary
Pennington Avenue	20	200 feet south of Michael Drive	300 feet north of School Property Line	Iduma Elementary
Phyllis Drive	20	200 feet west of Trimmier Road	Trimmier Road	Fowler Elementary
Poage Avenue	20	200 feet west of North W. S. Young	300 feet east of Peebles Drive	Peebles Elementary

Rambling Range Drive	20	200 feet west of Robinett Road	Robinett Road	Live Oak Middle
Redondo Drive	20	Estelle Avenue	200 feet east of Trimmier Road	Fowler Elementary
Rev. R. A. Abercrombie Drive	20	200 feet south of Taft Street	200 feet north of School Property Line	Marlboro Student Support Center
Roadrunner Drive	20	Westwood Drive	300 feet north of Westwood Drive	Maxdale Elementary
Robinett Road	20	200 feet south of Bull Run Drive	200 feet north of Thunder Creek Drive	Live Oak Middle
Ronstan Drive	20	197 feet west of Janis Drive	Janis Drive	Sugarloaf Elementary
Ronstan Drive	20	Pamela Drive	200 Feet east of Pamela Drive	Sugarloaf Elementary
Ruger Drive	20	300 feet south of Hilliard Drive	Hilliard Drive	Brookhaven and Rancier Middle
Schorn Drive	20	175 feet north of Eppinette Drive	Mikulec Drive	Saegert Elementary
South 2 nd Street	20	200 feet south of Jasper Drive	300 feet north of Lydia Drive	Nolan Middle
South W. S. Young	20	300 feet south of Illinois Avenue	Richard Drive	Manor Middle
Southhill Drive	20	300 feet south of Eastwood Drive	Westwood Drive	Maxdale Elementary
Southport Drive	20	Success Drive	200 feet east of Success Drive	Trimmier Elementary
Starfish Drive	20	Breeze Drive	200 feet east of Breeze Drive	Live Oak Middle
Stone Avenue	20	128 feet west of Goodnight Drive	200 feet east of Patton Road	East Ward Elementary
Success Drive	20	Granex Drive	Excel Drive	Trimmier Elementary
Tallwood Drive	20	200 feet south of Elms Road	175 feet north of Anna Lee Drive	Palo Alto Middle
Terrace Drive	20	200 feet west of Rev. R. A. Abercrombie Drive	Rev. R. A. Abercrombie Drive	Marlboro Student Support Center
Thunder Creek Drive	20	200 feet west of Robinett Road	200 feet east of Breeze Drive	Live Oak Middle
Trimmier Road	20	200 feet north of Jasper Drive	137 feet south of Grandon Drive	Clifton Park Elementary
Trimmier Road	20	300 feet north of School Property	300 feet south of Redondo Drive	Fowler Elementary

		Line		
U S 190 Eastbound Frontage Road	20	312 feet west of Alta Vista Drive	256 feet east of Bonnie Drive	Pershing Park Elementary
U. S. 190 Eastbound Frontage Road	20	372 feet north of Jasper Drive	97 feet south of Florence Road	Bellaire Elementary
US 190 Westbound Frontage Road	20	200 feet south of Jasper Drive	371 feet north of Dubrock Drive	Nolan Middle
Vahrenkamp Drive	20	200 feet west of Foster Lane	Pennington Avenue	Iduma Elementary
Weiss Drive	20	300 feet west of Adrian Barnes Drive	Trimmier Road	C. E. Ellison High
Westcliff Road	20	Rancier Avenue	339 feet north of Dan Drive	Haybranch Elementary
Wheeler Avenue	20	300 feet west of Alta Vista Drive	200 feet east of Bonnie Drive	Pershing Park Elementary
Whitlow Drive	20	Williamson Avenue	Garth Drive	Fairway Middle
Williamson Avenue	20	300 feet west of Walton Walker Drive	Garth Drive	West Ward Elementary
Zephyr Road	20	76 feet west of Hammond Drive	300 feet east of Gowen Drive	Haynes Elementary
Elms Road	25	300 feet west of Adrian Barnes Drive	112 feet west of Christie Drive	C. E. Ellison High
North 38 th Street	25	1508 feet south of Atkinson Drive	187 feet north of Atkinson Drive	Killeen High
Rancier Avenue	25	300 feet west of School Property Line	200 feet east of Bundrant Drive	St. Joseph Catholic School
Trimmier Road	25	233 feet north of Elms Road	300 feet north of Weiss Drive	C. E. Ellison High
West Stan Schlueter Loop	30	129 feet west of Delores Drive	128 feet east of Kaulean Drive	Reeces Creek Elementary
Rancier Avenue	35	240 feet west of Westcliff Road	240 feet east of Westcliff Road	Haybranch Elementary
West Stan Schlueter Loop	35	24 feet east of Wade Drive	18 feet west of Hitchrock Drive	Willow Springs Elementary
White Rock Drive	20	71 feet south of Fawn Drive	Aspen Drive	Timber Ridge Elementary

(Ord. No. 05-15, § I, 2-22-05; Ord. No. 05-126, § I, 12-20-05; Ord. No. 06-94, § I, 8-22-06)

Sec. 28-252. Penalty.

Any person violating any provision or section of Art. IX, Miscellaneous Rules shall be deemed guilty of a Class C misdemeanor and upon conviction thereof shall be fined a sum of not

less than \$1.00 nor more than \$200.00. (Ord. No. 05-15, § I, 2-22-05; Ord. No. 06-94, § I, 8-22-06)

Sec. 28-253. Culpable mental state not required.

An offense under chapter 28, Traffic, shall not require a culpable mental state. It is the intent of this chapter to impose strict liability for any violation of this chapter. (Ord. No. 05-15, § I, 2-22-05; Ord. No. 06-94, § I, 8-22-06)

Secs. 28-254—28-270. Reserved.

ARTICLE X. PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT SYSTEM

Sec. 28-271. Definitions.

In this article:

Department shall mean the police department of the city of Killeen, Texas.

Intersection shall mean the place or area where two (2) or more streets intersect.

Owner shall mean the owner, individual, or business of a motor vehicle as shown on the motor vehicle registration records of the Texas Department of Transportation or the analogous department or agency of another state or country.

Photographic traffic signal enforcement system or system shall mean a system that:

- (a) consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic-control signal; and
- (b) is capable of producing at least two (2) recorded images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.

Photographic traffic signal enforcement system location shall mean the approach to an intersection toward which a photographic traffic monitoring system is directed and in operation.

Recorded image shall mean photographic or digital images recorded by a traffic monitoring system that depicts the front or the rear of a motor vehicle.

Responsible party shall mean a person or entity other than the owner of the motor vehicle operating the motor vehicle in violation of this article who is responsible for the civil penalties assessed as identified by the owner as provided for by subsection 28-274(k) of this article.

Traffic control signal shall mean a traffic control device that displays alternating red, yellow and green lights that direct traffic when to stop at or proceed through an intersection. (Ord. No. 07-070, § I, 8-14-07)

Sec. 28-272. Imposition of civil penalty for violations.

- (a) The city council finds and determines that a vehicle that proceeds into an intersection

when the traffic control signal for that vehicle's direction of travel is emitting a steady red signal: jeopardizes the health, safety and general welfare of the public by endangering motor vehicle operators and pedestrians alike; decreases the efficiency of traffic control and traffic flow efforts; and, increases the number of serious accidents to which public safety agencies must respond at the expense of municipal taxpayers.

(b) The owner of a motor vehicle or a responsible party operating a motor vehicle is liable for a civil penalty of seventy-five dollars (\$75.00) if the motor vehicle proceeds into an intersection at a photographic traffic signal enforcement system location when the traffic control signal for that motor vehicle's direction of travel is emitting a steady red signal.

(c) An owner or responsible party who fails to timely pay the civil penalty shall be subject to a late payment penalty of twenty-five dollars (\$25.00).
(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-273. Enforcement; procedures.

(a) The department is responsible for the enforcement and administration of this article. The department may contract with an outside party to install, operate, inspect and maintain the system.

(b) In order to impose a civil penalty under this article, the department shall mail a notice of violation to the owner or responsible party liable for the civil penalty not later than the thirtieth (30th) day after the date the violation is alleged to have occurred to:

- (1) the owner's address as shown on the registration records of the Texas Department of Transportation;
- (2) if the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation; or,
- (3) in the situation where a responsible party is liable for a violation of this article, as attested to by the owner of the motor vehicle, to the address provided by the owner and/or an address derived from any public database not later than thirty (30) days after a presumption of liability is established pursuant to subsection 28-274(k).

(c) A notice of violation issued under this article shall contain all notice items required under chapter 707 of the Texas Transportation Code, as amended.

(d) A notice of violation under this article is presumed to have been received on the fifth (5th) day after the date the notice of violation is mailed.

(e) The department may mail a warning notice to the owner or responsible party instead of issuing a notice of violation.
(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-274. Administrative adjudication hearing.

(a) An owner or responsible party who receives a notice of violation is entitled to an administrative adjudication hearing to contest the imposition of the civil penalty by requesting

from the department, in writing, a hearing within thirty (30) days after the date the notice of violation was received.

(b) Failure to pay a civil penalty or to contest liability within the time period provided in section 28-274(a) is an admission of liability for the full amount of the civil penalty assessed in the notice of violation, and is a waiver of the right to an appeal under Section 28-257(i) below.

(c) Upon receipt of a timely request, the department shall notify the owner or responsible party of the date, time and location of the administrative adjudication hearing which shall be within forty-five (45) days of the receipt of the timely request for the hearing, but not earlier than the 30th day after the date the notice of violation was mailed.

(d) Notwithstanding anything in this article to the contrary, an owner or responsible party who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:

- (1) the person files an affidavit with the hearing officer stating the date on which the person received the notice of violation that was mailed to the person; and
- (2) within the same time period required by subsection 28-274(a) for a hearing to be timely requested but measured from the date the mailed notice was received as stated in the affidavit filed under subdivision (1), the person requests an administrative adjudication hearing in writing.

(e) The administrative adjudication hearing shall be held before a hearing officer who shall be appointed by the city council of Killeen and has the authority to administer oaths and issue orders compelling the attendance of witnesses and the production of documents.

(f) In an administrative adjudication hearing, the issues must be proven by a preponderance of the evidence. The reliability of the photographic traffic signal enforcement system used to produce the recorded images of the motor vehicle involved in the violation may be attested to in an administrative adjudication hearing by affidavit of an officer or employee of the city or the entity with which the city contracts to install or operate the system and who is responsible for inspecting and maintaining the system.

(g) An affidavit of an officer or employee of the city that alleges a violation based on an inspection of the applicable recorded image is admissible in the hearing and in an appeal under this article, and is prima facie evidence of the facts contained in the affidavit.

(h) It is presumed that the owner of the motor vehicle committed the violation alleged in the notice of violation mailed to the person if the motor vehicle depicted in a recorded image taken by the system belongs to the owner as determined by the department under section 28-273 of this article.

(i) It shall be an affirmative defense to the imposition of civil liability under this article and no civil penalty shall be imposed if the person named on the notice of violation proves by a preponderance of the evidence, that:

- (1) the traffic control signal was not in a proper position and sufficiently visible to an ordinarily observant person;

- (2) the operator of the motor vehicle was acting in compliance with the lawful order or direction of a police officer;
- (3) the operator of the motor vehicle violated the instructions of the traffic control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
- (4) the motor vehicle was being operated as an authorized emergency vehicle under chapter 546 of the Texas Transportation Code and that the operator was acting in compliance with that chapter;
- (5) the motor vehicle was a stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner and evidence acceptable to the hearing officer shows that the theft of the motor vehicle had been timely reported to the appropriate law enforcement agency;
- (6) the license plate depicted in the recorded image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued and evidence acceptable to the hearing officer shows that the theft of the license plate had been timely reported to the appropriate law enforcement agency;
- (7) the presence of ice, snow, unusual amounts of rain or other unusually hazardous road conditions existed that would make compliance with this article more dangerous under the circumstances than non-compliance;
- (8) the person named on the notice of violation was not the owner of the motor-vehicle at the time of the violation and evidence acceptable to the hearing officer is presented showing that legal transfer of ownership had occurred prior to the time of violation;
- (9) the person named on the notice of violation was not operating the motor vehicle at the time of the violation and successfully rebuts the presumption created by subsection (h) above through satisfying the process listed in subsections (j) and (k) below; or
- (10) the municipal sign indicating the operation of a photographic traffic signal enforcement system, as required by chapter 544.012(c) of the state Transportation Code, does not comply with that section.

(j) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in a recorded image taken by the system was owned by a person in the business of selling, renting, or leasing motor vehicles or by a person who was not the person named in the notice of violation, the presumption established by subsection (h) or this section is rebutted on the presentation of evidence establishing that the vehicle, at the time of the violation, was:

- (1) being test driven by another person who is the responsible party;
- (2) being rented or leased by the vehicle's owner to another person who is the responsible party; or
- (3) owned by a person who was not the person named in the notice of violation who is the responsible party.

(k) Notwithstanding section 28-274 the presentation of evidence under subsection (j) must be made by affidavit, through testimony at the administrative adjudication hearing under section 28-274 or by a written declaration under penalty of perjury. The affidavit or written declaration may be submitted by mail as provided for in the notice of violation not later than the thirtieth (30th) day after the date the notice of violation is received. Affidavits, written declarations or testimony shall include:

- (1) the name and address of the responsible party who was operating the motor vehicle

- depicted in the recorded image; and,
- (2) a statement of the period during which that responsible party was operating the vehicle.

(l) If the person named in the notice of violation provides the required information under subsection (k), it is presumed that the responsible party sworn to be operating the motor vehicle at the time of the violation committed the violation alleged in the original notice of violation and the local authority may send a notice of violation to the responsible party not later than thirty (30) days from receipt of the affidavit, written declaration or testimony provided.

(m) An owner or responsible party who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing is liable for administrative hearing costs in the amount of twenty-five dollars (\$25.00) in addition to the amount of the civil penalty assessed for the violation.

(n) An owner or responsible party who is found liable for a civil penalty after an administrative adjudication hearing shall pay the civil penalty and costs within thirty-one (31) days of the date on which the administrative adjudication hearing officer entered the finding of civil liability.

(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-275. Order.

(a) The hearing officer at the conclusion of an administrative adjudication hearing under this article shall issue a written, signed and dated order stating:

- (1) the person charged with the violation is liable for the civil and/or administrative penalty; and
- (2) the amount of any civil penalty, late penalty, and administrative adjudication hearing cost assessed against the person; or
- (3) a finding of no liability for which no penalty may be imposed.

(b) The orders issued under subsection (a) shall be filed with the office of the hearing officer. The hearing officer shall keep the orders in a separate index and file. The orders may be recorded using microfilm, microfiche, or data processing techniques.

(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-276. Appeal.

(a) An owner or responsible party who is found liable after an administrative adjudication hearing may appeal that finding of civil liability to the municipal court by filing a notice of appeal with the clerk of the municipal court.

(b) The notice of appeal must be filed not later than the thirty-first (31st) day after the date on which the administrative adjudication hearing officer entered an order under section 28-275 with a finding of civil liability.

(c) An appeal stays enforcement and collection of the civil penalty imposed against the

owner or responsible party. The owner or responsible party shall file a notarized statement of personal financial obligation together with payment of the costs required by law, if any, for the court to perfect the owner's or responsible party's appeal and the stay of enforcement and collection. A notarized statement of personal financial obligation shall substantially conform to the following statement:

I, [enter your full name], in the event that my appeal of the hearing officer's order dated [enter date of order] relating to civil citation number [enter citation number] is unsuccessful and I am thereby found liable for such civil penalty, do hereby swear that I will accept personal financial obligation for the payment of the civil penalty and do promise to pay unto the City of Killeen, within thirty-one (31) days from the date the appeal is decided, any amounts then owed for the civil penalty together with a \$50.00 appellate filing fee.

Name: [your full printed name]

Signature: [your signature]

Date: [date signed]

Notary's signature and Seal

(d) The municipal prosecutor will be the representative for the city.

(e) The court clerk shall schedule a hearing and notify the owner or responsible party of the date, time and location of the appellate hearing.

(f) An appeal shall be determined by the municipal court by a non-jury trial de novo only.

(g) The affidavits submitted under section 28-274(f) shall be admitted by the municipal judge in the trial de novo, and the issues must be proven by a preponderance of the evidence.

(h) A person found liable by the municipal court shall pay an appellate filing fee of fifty dollars (\$50.00) in addition to the civil penalty and any other fees due the city.
(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-277. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil penalty under this article is not a criminal conviction and may not be considered a conviction for any purpose.

(b) A civil penalty may not be imposed under this article on the owner or responsible party if the operator of the vehicle was arrested or was issued a citation and notice to appear by a peace officer for the same violation of section 544.007(d) of the Texas Transportation Code as recorded by the photographic traffic signal enforcement system.

(c) An owner or responsible party who fails to pay the civil penalty or to timely contest liability for the penalty is considered to admit liability for the full amount of the civil penalty stated in the notice of violation.

(d) If the owner is delinquent in the payment of a civil penalty imposed under this article, the county assessor-collector or the Texas Department of Transportation may refuse to register a

motor vehicle alleged to have been involved in the violation.

(e) The implementation of the system under this article does not preclude application or enforcement of section 544.007(d) of the Transportation Code in the manner provided by chapter 543; or prohibit a peace officer from arresting a violator of section 544.007(d) as provided by chapter 543, if the peace officer personally witnesses the violation, or from issuing the violator a citation and notice to appear as provided by that chapter.

(f) The city attorney is authorized to file suit to enforce collection of a civil penalty or administrative penalty imposed under this article.

(Ord. No. 07-070, § I, 8-14-07)

Sec. 28-278. Traffic safety fund.

The penalties and fees collected from the imposition of civil liability under this article shall be deposited in the traffic safety fund account established by the city council. Funds from the traffic safety fund may be expended only for the costs of the system provided for under this article, public traffic safety programs, pedestrian safety programs, public safety programs, traffic enforcement and intersection improvements or as provided or required by state law.

(Ord. No. 07-070, § I, 8-14-07)