

ORDINANCE NO. 5509

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION
AMENDING CHAPTER 110, TRAFFIC AND VEHICLES, ARTICLE IX,
MISCELLANEOUS DRIVING RULES, BY ADDING NEW SECTION 110.502,
TRAVERSING FLOODED STREET WITH VEHICLE**

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has authority to adopt ordinances that are for the good government, peace, or order of the municipality or for the trade and commerce of the municipality and that are necessary to carry out powers granted to the City; and

WHEREAS, pursuant to the Texas Constitution, article XI, Section 5, and Texas Local Government Code Section 51.072, the City, as a home-rule municipality, has full power of local self-government; and

WHEREAS, flooding is a significant concern for many Mission residents, and despite the City's continuous flood mitigation efforts over the past several years, heavy rainfall periodically results in flooded street conditions throughout the City; and

WHEREAS, operating vehicles through flooded streets at unreasonable speeds and creating a wake on flooded streets increases the risks of personal injury and damage to properties adjoining such flooded streets; and

WHEREAS, prohibiting such activity is in furtherance of the City's ongoing flood hazard mitigation efforts to reduce damage to homes and personal property from flooding, and will enhance the City's continued participation in the Community Rating System and National Flood Insurance Program.

NOW, THEREFORE, LET IT BE ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MISSION, TEXAS, THAT:

SECTION 1. AUTHORITY; AREA

The City of Mission hereby adopts and enacts this Ordinance that shall be enforceable within the municipality's municipal boundaries and extra territorial jurisdiction. This Ordinance and provisions herewith shall be included in the Mission Code of Ordinances Chapter 110, Article IX, Section 110.502 Traversing Flooded Street with Vehicle.

As matters related to the public's health, safety, and welfare is of the utmost concern, the City of Mission shall be authorized to enforce, through its City Attorney, this Ordinance as may be allowed by law herein.

SECTION 2. ADMINISTRATIVE AUTHORITY

It shall be the duty of the City Police Department to enforce the provisions of this Ordinance. It shall also be the duty of the Public Works Director or his designee to place and maintain any and all traffic signs, signals, and devices within the City Right of Way (ROW) when and as required by this Ordinance. (V.T.C.A. Transportation Code Section 542.202(a)(1)).

SECTION 3. SECTION 110.502 TRAVERSING FLOODED STREET WITH VEHICLE

(a) It shall be unlawful for any person to traverse a flooded street in an automobile, truck, boat, or other vehicle or vessel at such speed as to create a wake therein that may or is likely to cause personal injury or damage or increased flooding to the property or premises adjoining such flooded street or streets.

(b) It shall be an affirmative defense to prosecution under this section that the person was performing a rescue operation or was protecting the public order and safety.

SECTION 4. PENALTIES FOR VIOLATIONS

Each violation of this Ordinance shall be punishable by a fine not to exceed \$500.00. Every violation of this Ordinance shall be considered a unique and separate offense.

SECTION 5. NOTICE TO BE PLACED IN CONSPICUOUS PLACE

All or part of the provisions of this Ordinance may be placed in an area to be viewed by the public at or near the meeting site.

SECTION 6. CUMULATIVE CLAUSE; REPEALING CLAUSE

This Ordinance shall be cumulative of all ordinances dealing with the same subject and any provision in conflict with this Ordinance is hereby repealed and the provisions of this Ordinance supersedes. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part thereof.

SECTION 7. PROPER NOTICE AND MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passing.

READ, CONSIDERED AND APPROVED on this the 24th day of June, 2024.


Norie Gonzalez Garza, Mayor

ATTEST:


Anna Carrillo, City Secretary

