

ORDINANCE # 78-17

AN ORDINANCE PRESCRIBING REGULATIONS FOR TRAFFIC, BOTH VEHICULAR AND PEDESTRIAN, IN AND THROUGH THE CITY OF WYLIE, TEXAS REPEALING ORDINANCE # 71-15, ORDINANCE # 73-1, ORDINANCE # 10-10-61, ORDINANCE # 62-10, ORDINANCE # 78-9.

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WHEREAS, in order to ensure to the people the maximum use and benefits of the public streets of the City and yet retain the maximum degree of safety to prevent injury to persons and property, it is deemed necessary to prescribe regulations controlling both vehicular and pedestrian traffic; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF Wylie , TEXAS:

#### ARTICLE I—GENERAL TRAFFIC REGULATIONS

SECTION I: DEFINITION OF TERMS. When used in this Ordinance, the following words and phrases shall have the meaning herein ascribed to them:

- a. Alley. "Alley" shall mean any public way in the City extending either partly through, or through any City block in the rear of City lots and in a direction generally from avenue to avenue, and being not more than twenty feet (20') in width and capable of being traversed by a vehicle.
- b. Authorized Emergency Vehicle. "Authorized emergency vehicle" shall mean any Fire Department vehicle, Police vehicle, or public or private ambulance for which permits have been issued by the State Board of Health; emergency vehicles of City departments or public service corporations as are designated or authorized by the City

Council; and private vehicles operated by volunteer firemen while answering a fire alarm.

- c. Bus. "Bus" shall mean any commercial vehicle carrying passengers for hire and operating over and along a fixed route.
- d. Bus Stop. "Bus stop" shall mean any section of the roadway along the edge thereof authorized by order of the City Council and marked by signs reading "Bus Stop" as a place for the sole use and convenience of the general public to board and depart from any bus.
- e. Business District. "Business district" shall mean any territory contiguous to, and including, a roadway when—within any six hundred feet (600') along such roadway—there are buildings in use for business or industrial purposes which occupy three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the roadway.
- f. Crosswalk. "Crosswalk" shall mean that part of a roadway at any intersection included within the connection of lateral lines of the sidewalks on opposite sides of the street, whether marked or not, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway. The word, "crosswalk," also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway.

- g. Digging Out. "Digging out" shall mean the practice of starting any motor vehicle from a standing position by applying a sudden burst of power, and recognized by spinning wheels and the noise of tires on the surface of the roadway.
- h. Driver. "Driver" shall mean any person who drives or is in actual physical control of the movement of a vehicle.
- i. Driveway, Private. "Private driveway" shall mean any entrance or exit from the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property, or the entrance or exit of any private garage into or from any alley.
- j. Driveway, Public. "Public driveway" shall mean any entrance or exit crossing the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles on or off any public property.
- k. Intersection. "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral curb lines or, if none, then the lateral boundary lines of the roadway of two (2) streets which join one another at, or approximately at, right angles; or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict. Where a street includes two (2) roadways, thirty feet (30') or more apart, then every crossing of each roadway of such divided street

by an intersecting street shall be regarded as a separate intersection. In the event that such intersecting streets also include two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such streets shall be regarded as a separate intersection.

- l. Laned Roadway. "Laned roadway" shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.
- m. Limited-Access or Controlled-Access Highway. "Limited-access" or "controlled-access" highway shall mean any highway, street, or roadway in respect to which owners or occupants of abutting property or land and other persons have no legal right of access to or from same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street, or roadway.
- n. Loading Zone. "Loading zone" shall mean that portion of any roadway set apart, marked, and numbered for the sole use of the public as a place for loading or unloading passengers, merchandise, or other cargo.
- o. Motor Vehicle. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- p. Motorcycle. "Motorcycle" shall mean every motor vehicle having a saddle for the use of

the rider and designated to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

- q. No Parking Zone. "No Parking Zone" shall mean a space on the roadway adjacent to the curb, whether marked by official sign or not, in which no vehicle may be parked.
- r. Official Traffic-control Devices. "Official traffic-control devices" shall mean all signs, signals, markings, and devices not inconsistent with this Ordinance which are placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
- s. Park or Parking. "Park" or "parking" shall mean the standing of a vehicle—occupied or unoccupied—otherwise than a temporary stopping of such vehicle for the purpose of, and while actually engaged in, loading or unloading passengers, merchandise, or other cargo; except an involuntary stopping of such vehicle by reason of mechanical failure or by direction of a police officer.
- t. Parking Stall or Parking Space. "Parking stall" or "parking space" shall mean that portion or section of a roadway adjacent to the curbing or edge, set apart, marked, and bounded by lines painted or marked upon the surface of the roadway and extending into the roadway for the use of parking vehicles; or that portion of any alley marked by official signs showing such space to be a parking zone.



- u. Pedestrian. "Pedestrian" shall mean any person afoot or walking.
- v. Policeman or Police Officer. "Policeman" or "Police officer" shall mean any member of the Police Department of the City authorized by law to make arrests for traffic offenses.
- w. Residential District. "Residential district" shall mean the territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of three hundred feet (300') or more is, in the main, improved with residences.
- x. Right-of-way. "Right-of-way" shall mean the privilege of the immediate use of a roadway.
- y. Roadway. "Roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular travel. In the event a street includes two (2) or more separate roadways, the term, "roadway," shall refer to any such roadway separately, but not to all such roadways collectively.
- z. Safety Zone. "Safety zone" shall mean the area or space officially set apart within or along a roadway for the exclusive use of pedestrians, and which is protected, or so marked, or so indicated by adequate and plainly visible signs at all times while set apart as a safety zone.

- aa. Sidewalk. "Sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines, which is intended for the use of pedestrians.
  - bb. Stop. "Stop" shall mean the complete cessation of motion of a motor vehicle or pedestrian.
  - cc. Stop, Stopping, or Standing. "Stop," "stopping," or "standing" shall mean any stopping or standing of a vehicle—whether occupied or not—when prohibited, except when necessary to avoid conflict with other traffic or when in compliance with the direction of a police officer or traffic-control sign or signal.
  - dd. Street or Highway. "Street" or "highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to use by the public for purposes of vehicular travel.
  - ee. Traffic. "Traffic" shall mean pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while such are using any street for purposes of travel.
  - ff. Traffic-control Signal. "Traffic-control device shall mean any device—whether manually, electrically, or mechanically operated—by which traffic is alternately directed to stop and to proceed.
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- gg. Truck. "Truck" shall mean a motor vehicle designed primarily for the transportation of cargo.
- hh. U-Turn. "U-turn" shall mean turning, or causing the turning of, a vehicle so that when such turning is completed that such vehicle will be heading in the opposite direction from that in which it was headed before such turning was begun, whether or not such vehicle is pulled into a driveway or any space beyond the curb line of the street.
- ii. Vehicle. "Vehicle" shall mean any device in, upon, or by which any person or property may be, or is, transported upon any street within the corporate limits of the City, except devices moved by human power or used exclusively upon stationary rails or tracks.

SECTION 2: AUTHORITY TO DIRECT TRAFFIC.

- a. Officers of Police Department. 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 this Ordinance and other traffic laws. In the event of fire or other emergencies, to expedite traffic, or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of this Ordinance and other traffic laws.

- b. Officers of Fire Department. Officers of the Fire Department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

SECTION 3: OBEDIENCE TO TRAFFIC OFFICERS. No person shall willfully fail to or refuse to comply with any lawful order or direction of a police officer or fire department official given to direct or control traffic as authorized by this Ordinance.

SECTION 4: INCLUSIONS AND EXEMPTIONS.

- a. Persons Propelling Pushcarts, Riding Animals, etc. Every person propelling any pushcart or riding any animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this Ordinance applicable to the driver of any vehicle, except those provisions which, by their very nature, can have no such application.
- b. Drivers of Government Vehicles. The provisions of this Ordinance shall apply to the drivers of any vehicle owned by or used in the service of the United States Government, this State, Centennial County, or this City; and it shall be unlawful for any such driver to violate any of the provisions of this Ordinance, except as otherwise permitted herein or by State statutes.
- c. Workmen and Equipment. The provisions of this Article shall not apply to persons, motor vehicles, or 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 and from work.

d. Emergency Vehicles.

- 1) The provisions of this Ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, except 1) that a driver, when operating any such vehicle in an emergency or in the immediate pursuit of an actual or suspected violator of the law, or 2) when otherwise directed by a police officer, may:
  - a) Park or stand, notwithstanding the provisions of this Ordinance;
  - b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property;
  - d) Exceed the *prima facie* speed limits established by this Ordinance so long as life and property are not endangered; provided, however, that this exception shall not apply to ambulances.
- 2) The exemptions granted above shall apply only when the driver of the vehicle sounds a siren, bell, or exhaust whistle as may be reasonably necessary, and when the vehicle displays a lighted red lamp visible from the front as a warning to others.

e. Minors. Any male or female minor who has passed the fourteenth (14th) birthday, but has not reached the seventeenth (17th) birthday, and who drives or operates an automobile or any other motor vehicle on any street, alley, public way, overpass, or avenue within the corporate limits of the City in such a way as to violate any traffic Ordinance of the City shall, upon conviction, be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred dollars(\$200). No such minor, after conviction or a plea of guilty and the imposition of a fine, shall be committed to jail in default of payment of the fine imposed, but the Court imposing such fine shall have power to suspend and take possession of such minor's operators license and retain the same until such fine has been paid.

If any such minor shall drive any motor vehicle upon any street, alley, public way, overpass, or avenue within the corporate limits of the City without having a valid operators license authorizing such driving, such minor shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not more than two hundred dollars (\$200).

SECTION 5: ILLEGAL RIDING PROHIBITED. No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. However, this provision shall not apply to any employee engaged in the necessary discharge of his duty or to a person seated within truck bodies or spaces intended for merchandise.

SECTION 6: RIDING MOTORCYCLES RESTRICTED. A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor shall any other person; nor shall any other person ride upon such motorcycle other than upon a firmly attached seat to the rear or to the side of the motorcycle.

SECTION 7: BOARDING OR ALIGHTING FROM MOVING VEHICLES PROHIBITED. No person shall board or alight from any vehicle while such vehicle is in motion.

SECTION 8: CLINGING TO MOVING VEHICLE PROHIBITED. No person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

SECTION 9: ROLLER SKATES, COASTERS, ETC., PROHIBITED. 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 the street on a crosswalk, and when so crossing, such person shall be granted all the rights and shall be subject to all the regulations applicable to pedestrians.

SECTION 10: DEPOSITING OF GLASS, NAILS, ETC.

a. Prohibited. No person shall throw or deposit upon any street or alley any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal, or vehicle upon such streets or alleys.

b. Removal of Materials.

1) Any person who drops or permits to be

dropped or thrown upon any street or alley any destructive or injurious materials shall immediately remove the same or cause it to be removed.

- 2) Any person removing a wrecked or damaged vehicle from any street or alley shall remove any glass or other injurious substance dropped upon such street or alley from the vehicle.

SECTION 11: PROJECTING LOADS. Whenever the load upon any vehicle extends to the rear four feet (4') or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the side and rear of the vehicle. Such red light shall be in addition to the red rear lights required for every vehicle. At any other time, there shall be displayed at the extreme rear end of such load, a red flag or cloth not less than twelve inches (12") square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

SECTION 12: REMOVAL OR DAMAGE OF TRAFFIC BARRIERS. It shall be unlawful for any person, other than a City employee, to remove or damage any barrier erected under the direction of the Chief of Police or Street Superintendent either in closing a street or for the purpose of warning traffic of an obstruction in the street.

SECTION 13: POLLUTION AND PREVENTION OF NOISE.

- a. Noise. Every motor vehicle shall, at all times, be equipped with a muffler in



good working condition and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a muffler cut-out, by-pass, or similar device upon any motor vehicle in the City.

- b. Fumes and Smoke. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

## ARTICLE II—TRAFFIC ACCIDENTS

### SECTION 1: ACCIDENTS INVOLVING DAMAGE TO VEHICLES.

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and shall forthwith return to said damaged vehicle and remain on the scene of such accident until he has fulfilled the requirements of Section 2 of this Article. Every such stop shall be made in such a way as not to obstruct traffic.

### SECTION 2: DUTY TO GIVE INFORMATION AND RENDER AID.

The driver of any vehicle involved in an accident resulting in injuries to, or death of, any person or damage to any vehicle which is driven or attended by any person shall give his name, address, and the registration number of the vehicle being driven; and shall, upon request, exhibit his or her operators or chauffeurs license to the person struck, or to the driver or occupant of or persons attending any vehicle collided with, or to any peace officer; and shall render assistance to any person injured in such accident, including the carrying, or the making of arrangements for the carrying,

of such persons to a physician, surgeon, or hospital for medical or surgical treatment—if it is apparent that such treatment is necessary, or if such carrying is requested by an injured person.

SECTION 3: DUTY UPON STRIKING AN UNATTENDED VEHICLE. The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver or owner of the vehicle striking the unattended vehicle; or shall leave—securely fastened and in a conspicuous place—in or on the vehicle struck, a notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

SECTION 4: DUTY UPON STRIKING FIXTURES ON PUBLIC THOROUGHFARE. The driver of any vehicle involved in an accident resulting only in damage of fixtures which are legally upon or adjacent to a street, roadway, or highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact, and notify such owner of the driver's name and address and of the registration number of the vehicle being driven; and shall, upon request and, if available, exhibit his operators or chauffeurs license and make report of such accident when and as required in Section 5.

SECTION 5: REPORTING ACCIDENTS.

a. Accident Reports Required.

- 1) The driver of any vehicle involved in any accident within the City resulting in an injury to, or death of, any person or damage to any property, to an apparent

extent of twenty-five dollars (\$25) or more, shall immediately by the quickest means of communication give notice of such accident to the Police Department.

- 2) The Police Department may require any driver of any vehicle involved in an accident of which a report must be made as provided herein, to file a supplemental report whenever the original report is insufficient, and it is hereby made the duty of all persons witnessing any accident or collision of a vehicle of any kind to report the same to the Police Department.

- b. Filing of Report. Every law enforcement officer, other than members of the City Police Department and State Department of Public Safety, who, in the regular course of duty, investigates a motor vehicle accident of which a report must be made, shall either at the time of and at the scene of the accident or thereafter by interviewing the participants or witnesses and within twenty-four (24) hours after completing such investigation, file a written report of such accident with the Police Department. Every such accident report shall be made on the appropriate form provided by the Police Department and shall contain all of the information required therein, unless information is not available. Such reports shall be without prejudice to the officer so reporting and shall be for the confidential use of the Police Department and the City Traffic Engineer.

- c. Inability to Report. When the driver or operator of a vehicle is unable physically to make the required accident report and, if there were other occupant(s) of the vehicle at the time of the accident who are capable of making the report, such occupant or occupants shall make or cause to be made said report.

SECTION 6: REPORTING OF DAMAGED VEHICLES. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of being involved in an accident or struck by any bullet of which report must be made as provided by State Law, shall report to the Police Department within twenty-four (24) hours after such motor vehicle is received and give the engine number, registration number, and the name and address of the owner or operator of such vehicle.

SECTION 7: REMOVING VEHICLE FROM SCENE. It shall be unlawful for the driver or any other person to remove any vehicle involved in an accident from the scene of the accident until authorized to do so by a police officer of the Police Department of this City; provided, however, that this Section shall not apply if there exists or arises a duty on the part of such driver or other person in control of such vehicle to use said vehicle in carrying any person injured in said accident to a physician or surgeon for medical or surgical treatment.

SECTION 8: MOVING OR REMOVAL OF WRECKED VEHICLE BY WRECKER TRUCKS. It shall be unlawful for the operator of any vehicle equipped with a crane, hoist, winch, or towing device who has answered a call to, or is attending, the

scene of any collision or accident of one or more vehicles on any highway or street in the City to remove, or attempt to remove, any vehicle involved in such collision or accident, or in any way to interfere with or change the position of any such vehicle—except upon authority or direction and in the presence of a police officer of the City—unless such change is made or attempted for the purpose of releasing a person or persons imprisoned within or under such vehicle; provided, however, that it shall be unlawful for such operator of any such vehicle equipped with a crane, hoist, winch, or towing device to remove any vehicle from the scene of the accident or collision without the consent of the owner of the vehicle so removed, unless directed by a police officer to remove such vehicle as a public safety measure or for the protection of private property.

### ARTICLE III—GENERAL OPERATION OF VEHICLES

SECTION 1: DRIVING. Upon all roadways, the driver of a vehicle shall drive upon the right half of the roadway, except as follows:

- a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
- b. When the right half of the street is closed to traffic while under construction or repair;
- c. Upon a street divided into three (3) marked lanes for traffic under the rules applicable thereto;
- d. Upon a street designated and sign-posted for one-way traffic.

## SECTION 2: PASSING.

### a. Vehicles Proceeding in Same Direction.

Except as provided in Subsection C of this Section, the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass on the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle. No vehicle shall be driven on the left side of the center of a street in overtaking and passing another vehicle while proceeding in the same direction unless such left side is clearly visible and is free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be made completely without interfering with the safe operation of any vehicle approaching from the opposite direction by any overtaking vehicle. In every event, the overtaking vehicle must return to the right-hand side of the street before coming within one hundred feet (100') of any vehicle approaching from the opposite direction.

No vehicle shall, at any time, be driven to the left of the street for the purpose of passing a vehicle proceeding in the same direction when approaching within one hundred feet (100') of, or traversing, any intersection or railroad grade crossing or when approaching within one hundred feet (100') of any bridge, viaduct, or tunnel.

- b. Duty of Driver of Overtaken Vehicle. It shall be the duty of the driver of a vehicle, upon audible signal that such vehicle is about to be overtaken on the left, to give way to the right in favor of the overtaking vehicle, and the speed of such vehicle shall not be increased until completely passed by the overtaking vehicle.
- c. Passing on Right-hand Side Restricted.
- 1) The driver of a vehicle may overtake and pass to the right of a vehicle proceeding in the same direction only under the following conditions:
    - a) When the overtaken vehicle is making, or about to make, a left turn;
    - b) When a vehicle is being driven upon a street or highway with unobstructed pavement of sufficient width for two (2) or more lines of moving traffic in each direction and not occupied by parked vehicles;
  - 2) Whenever a vehicle may be overtaken and passed on the right under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the street.
- d. Vehicles Proceeding in Opposite Direction. Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon streets having width for

not more than one line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the street, as nearly as possible.

SECTION 3: TURNING.

a. Turning Movement—Generally. The driver of a vehicle intending to turn at any intersection shall do so as follows:

- 1) Both the approach for a right turn and the actual right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- 2) The approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof; and, after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.
- 3) The approach for a left turn from a two-way street into a one-way street shall be made in the portion of the right-of-way of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.



- 4) Where both streets or roadways are one-way, both the approach for a left turn, and the left turn, shall be made as close as practical to the left-hand curb or edge of the roadway.

b. Limitations Upon U-Turns.

- 1) 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 without otherwise interfering with other traffic.
- 2) 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.

SECTION 4: SIGNALS.

a. Stopping and Turning Signals.

- 1) When any other traffic may be affected by turning movements, no person shall turn any vehicle without giving a signal of his intention to turn right or left. Such signals shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.

- 2) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.
- 3) A stop or turn signal required by this Section shall be given by means of the hand and arm, or by a signal lamp or mechanical signal device of a type approved by the State Department of Public Safety; provided, however, that when the body of the vehicle or the body and load of a vehicle project twenty-four inches (24") or more to the left of the center of the steering-wheel—or under any condition when a hand and arm signal would not be visible both to the front and rear of the vehicle—the vehicle must be equipped with, and the signals must be given by, such turn-indicating lamp or device.
- 4) The signal lamp provided for in this Section shall be used to indicate an intention to turn, change lanes, or start from a parking position, and shall not be flashed on a moving vehicle as a courtesy or as a "to pass" signal to operators of other vehicles approaching from the rear.

b. Manner of Giving Turning Signals. All signals required by Subsection a, when given

by hand and arm, shall be given from the left side of the vehicle in the following manner, and such signals shall be indicated as follows:

- 1) Left Turn.           Hand and arm extended horizontally.
- 2) Right Turn.           Hand and arm extended upward.
- 3) Stop or Decrease Speed.       Hand and arm extended downward.

SECTION 5: DRIVING ON LANED ROADWAYS.    Whenever any roadway has been divided into two (2) or more clearly-marked lanes for traffic, the following rules, in addition to all other consistent herewith, shall apply:

- a. Lane Restriction.       The driver of a vehicle shall drive as nearly as practical entirely within a single lane, and shall not move from such lane until the driver has first ascertained that such movement can be made with safety.
- b. Three-Lane Roadway.     Upon a roadway which is divided into three (3) lanes, the driver of a vehicle shall not drive in the center lane, except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation.

- c. Designated Lanes. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway; and drivers of vehicles shall obey the directions of every such sign.

SECTION 6: DRIVING ON DIVIDED STREETS. Whenever any street or highway within the City has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly-indicated dividing sections so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such divided space, barrier, or section, except through an opening therein, at a cross-over, or at an intersection.

SECTION 7: RIGHT-OF-WAY.

a. At Intersections.

- 1) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street or highway. When two (2) vehicles enter an intersection which is not controlled by a traffic sign or device, from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.
- 2) When two (2) vehicles going in opposite directions approach one another on the

same street and the driver of one of the vehicles desires to turn off said street, the turning vehicle shall yield the right-of-way to the vehicle which continues on the street in the original direction. In the event that both drivers desire to turn off, then the vehicle turning to the right has the right-of-way over the vehicle turning to the left.

- b. When Turning Left. The driver of the vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection, or so close thereto, as to constitute an immediate hazard; but such driver, having so yielded and having given a signal when and as required by this Ordinance, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right-of-way to the vehicle making the left turn.

SECTION 8: BACKING RESTRICTED. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

SECTION 9: EMERGENCY VEHICLES AND SCHOOL BUSES.

- a. Approach of Authorized Emergency Vehicle. Upon the immediate approach of an authorized emergency vehicle equipped with at least one

lighted lamp exhibiting red light visible, under normal atmospheric conditions, from a distance of five hundred feet (500') to the front of such vehicle and—when the driver of such vehicle is giving audible signal by siren, exhaust whistle, or bell—the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway which is clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

This Subsection shall not operate to relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using any highway or roadway.

b. Meeting or Overtaking Stopped School Bus.

The driver of a vehicle upon any of the public streets or highways within the City limits shall, upon meeting or overtaking from either direction, any school bus which as stopped on the highway for the purpose of loading or unloading any school children, stop such vehicle when warning lights on such school bus are activated. It shall be unlawful for any vehicle to proceed as long as such warning lights remain activated; however, if any school bus has stopped for the purpose

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of loading or unloading any children on a divided highway, then approaching traffic may continue at a safe and prudent speed.

SECTION 10: OBSTRUCTIONS.

- a. Traffic. It shall be unlawful for any person to stop, drive, or propel a vehicle in such manner as to block or obstruct the traffic on any street or alley in the City.
- b. Intersections or Crosswalks. No driver shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle being operated without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

SECTION 11: FOLLOWING OF VEHICLES.

- a. Distance. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon, and the condition of, the street.
- b. Emergency Vehicles. No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm, or shall follow closer than five hundred feet (500'), any other emergency vehicle which is on an emergency call, nor shall such driver drive into or park such vehicle within the block where the fire apparatus has stopped to answer a fire alarm.

- 3) Each driver in a funeral or other authorized procession shall drive as near to the right-hand side of the roadway as possible and shall follow the vehicle ahead as closely as is practical and safe.

SECTION 14: DRIVING AREAS PROHIBITED AND RESTRICTED.

- a. Sidewalks. Any driver of any vehicle who shall drive such vehicle upon or across any sidewalk or sidewalk area of any street within the City, except on a driveway, public or private, shall be deemed guilty of a misdemeanor.
- b. Safety Zone. No driver of any vehicle shall, at any time, drive through or within a safety zone.
- c. Fresh Pavement. It shall be unlawful for any person to drive any vehicle upon any portion of any street in the City that has been freshly paved, unless all barriers or signal lights have been lawfully removed therefrom, indicating that the street is ready for travel.
- d. Other. It shall be unlawful for any person to drive or operate any vehicle whatsoever through or upon, or to park such vehicle upon, any park, hospital ground, or other public property within the City except upon officially designated roadways or parking lots.

SECTION 15: "DIGGING OUT" PROHIBITED. Any driver of any motor vehicle who shall use such vehicle to "dig out" or shall cause any such vehicle to make unnecessary noises by reason of operating such vehicle in such manner as to cause



the wheels thereof to spin or slide on the roadway of any street when starting such vehicle or while making any turning movement, shall be deemed guilty of a misdemeanor.

SECTION 16: CONTROL OF VEHICLE REQUIRED. It shall be the duty of every person who shall operate any vehicle within the City to keep the same under control at all times and to avoid, whenever possible, colliding with any other vehicle or person.

SECTION 17: OPENING DOORS INTO TRAFFIC RESTRICTED. No person shall open the door of a motor vehicle on the side available to moving traffic unless, and until, it is reasonably safe to do so, nor shall any person leave a door of a motor vehicle open on the side available to traffic for a period of time longer than necessary to load or unload passengers.

SECTION 18: "CORNER CUTTING" PROHIBITED. It shall be unlawful for any person to drive a vehicle over any sidewalk area or through any driveway, parking lot, or any business entrance at any intersection—making either a right or left turn—except for the purpose of coming to a complete stop to obtain or render some service or to make a sale or purchase. It is the intention of this Section to prohibit "corner cutting"—the driving of any vehicle from one street into another across any sidewalk and/or through any parking lot and/or driveway.

SECTION 19: RESTRICTED ACCESS. No person shall drive his vehicle onto or from any limited roadway except at such entrances and exits as are established by public authority.

SECTION 20: OVERLOADING OR CROWDING OF VEHICLES RESTRICTED. No person shall drive a vehicle when it is

loaded with material or passengers so as to obstruct the view of the driver to the front or sides of the vehicle, or so as to interfere with the driver's control over the driving mechanism of the vehicle.

No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the side, or as to interfere with the control over the driving mechanism of the vehicle.

#### ARTICLE IV—TRAFFIC-CONTROL DEVICES

Section 1: All traffic control devices including signs, signals and markings (pavement and/or curb) installed or used for the purpose of directing and controlling traffic within the City of Wylie shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, Volumes I and II (hereafter called the Manual). Article 6701d, Vernon's Civil Statutes states; all signs, signals and markings erected or used by the City of Wylie shall be uniform and be located so far as practicable according to the directions shown in the Manual throughout the city. All existing traffic control devices and those erected in the future by the city being consistent with the Manual, State law and this Ordinance shall be official traffic control devices.

#### SECTION 2: POWERS AND DUTIES OF TRAFFIC ENGINEER.

The Traffic Engineer shall place and maintain traffic-control signs, signals, and devices when, and as, required under this Ordinance to make effective the provisions of this Ordinance, and may place and maintain such additional traffic-control devices as are deemed necessary to regulate traffic under this Ordinance or under State Law or to guide or warn traffic. It shall be the duty of the Traffic Engineer to supervise the installation and proper timing and maintenance of traffic-control devices.

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SECTION 3: OBEDIENCE TO DEVICES. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto which has been placed in accordance with this Ordinance and other traffic ordinances of the City, unless otherwise directed by a police officer, subject to the exception granted the driver of an authorized emergency vehicle.

SECTION 4: NECESSITY OF SIGNS. No provisions of this Ordinance which require the placing of signs shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such sections shall be effective even though no signs are erected or in place.

SECTION 5: RATIFICATION OF EXISTING DEVICES. All traffic-control signs, signals, devices, and markings placed and erected prior to the adoption of this Ordinance and in use for the purpose of regulating, warning, or guiding traffic are hereby affirmed, ratified, and declared to be official traffic-control devices; provided such traffic-control devices are not inconsistent with the provisions of this Ordinance or State Law.

SECTION 6: UNAUTHORIZED SIGNS, SIGNALS, MARKINGS, OR DEVICES.

- a. Prohibited or Restricted. No person shall place, maintain, or display upon or in view of any road, street, or highway any unauthorized sign, signal, marking, or device which purports to be, is an imitation of, or resembles an official traffic-control

SECTION 9: TRAFFIC-CONTROL SIGNAL LEGEND. When traffic is controlled 1) by a traffic-control signal exhibiting the word, "Go," "Caution," or "Stop;" 2) by exhibiting different colored lights successively one at a time; or 3) with arrows, the following colors only shall be used, and the following terms and lights shall indicate and apply to drivers of vehicles and to pedestrians:

a. Green Light Alone or Word, "Go."

- 1) Vehicular traffic facing the signal may proceed straight through or turn right or left, unless a sign at such place prohibits either such turn; but vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or in an adjacent crosswalk at the time such signal is exhibited.
- 2) Pedestrian facing the signal may proceed across the roadway within any marked or unmarked crosswalk.

b. Yellow Light Alone or Word, "Caution," When Shown Following the Green or "Go" Signal.

- 1) Vehicular traffic facing the signal is thereby warned that the red or "Stop" signal will be exhibited immediately thereafter, and such vehicular traffic shall not enter or be crossing the intersection when the red or "Stop" signal is exhibited.
- 2) Pedestrians facing such signals are thereby advised that there is insufficient time to cross the roadway, and any

pedestrian then starting to cross shall yield the right-of-way to all vehicles.

c. Red Light Alone or Word, "Stop."

- 1) Vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection, and shall remain until the green light or "Go" is shown alone; provided that, after stopping and yielding to all pedestrians and vehicles, the driver of the vehicle may enter the intersection for the purpose of making a right turn only, if no sign is in place indicating that such turn cannot be legally made.
- 2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

d. Red Light With Green Arrow.

- 1) Vehicular traffic facing such signal may cautiously enter intersection only to make the movement indicated by such arrow, but shall yield the right-of-way to any pedestrian lawfully within the crosswalk and to other traffic lawfully using the intersection.
- 2) No pedestrian facing such signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic.

In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable, except as to those provisions which, by their nature, can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such signs or markings, the stop shall be made at the signal.

SECTION 10: FLASHING SIGNALS. Whenever flashing red or yellow signals are used, they shall require the obedience of vehicular traffic as follows:

- a. Flashing Red (Stop Signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at the limit line, when marked, and the right to proceed shall be subject to the rules applicable after making a stop at any stop sign.
- b. Flashing Yellow (Caution Signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

SECTION 11: RAILROAD CROSSINGS. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty feet (50'), but no less than fifteen feet (15'), from the nearest rail and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- a. A clearly visible electrical or mechanical sign or device gives warning of an immediate approach of a railroad train;
- b. A crossing gate is lowered or a human flagman gives, or continues to give, a signal of the approach of, or passage of, a railroad train;
- c. A railroad train approaching within approximately fifteen hundred feet (1500') of the highway crossing emits a signal audible from such distance, and such railroad train by reason of its speed or nearness to such crossing is an immediate hazard;
- d. An approaching railroad train is plainly visible and is in hazardous proximity of such crossing.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed, or is being opened or closed.

SECTION 12: PEDESTRIAN "WALK" AND "DON'T WALK" SIGNALS. Whenever special pedestrian-control signals exhibiting the words, "Walk" or "Don't Walk," are in place, such signals shall indicate the following:

- a. Walk. Pedestrian facing such signal may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.
- b. Don't Walk. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the "Walk" signal

may proceed to the sidewalk or safety zone while the "Don't Walk" signal is showing.

SECTION 13: STOP INTERSECTION. The City Traffic Engineer, with the approval of the City Council, may designate any street intersection as a "Stop" intersection and designate the streets upon which vehicles shall stop before entering such intersection. Whenever any intersection has been so designated, the Traffic Engineer shall cause the same to be identified by the erection of "Stop" signs indicating which vehicles approaching such intersection shall stop. It shall be the duty of the driver of any vehicle approaching such sign to bring such vehicle to a complete stop at such sign or at a nearby marked stop line before entering the intersection, except when directed to proceed by a police officer or a traffic-control signal. After having so stopped, such driver shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely as to constitute an immediate hazard. Such driver, after having so yielded, may proceed, and the drivers of all other vehicles approaching on the intersecting street shall yield the right-of-way to the vehicle so proceeding into or across the intersection.

SECTION 14: "YIELD" SIGNS. The Traffic Engineer, as authorized from time to time by the City Council, may install and maintain "Yield" right-of-way signs at intersections where a special hazard may exist or any place vehicles shall be required to yield the right-of-way. The driver of a vehicle approaching a "Yield" right-of-way sign shall, in obedience to such sign, slow down to a speed not in excess of fifteen (15) miles per hour; or shall stop, if necessary, and yield the right-of-way to any pedestrian crossing the roadway being traveled or to any vehicle in the intersection or approaching so closely on another street as to constitute an immediate hazard.



SECTION 15: DESIGNATION OF CROSSWALKS, ZONES, AND MARKING OF TRAFFIC LANES. The Traffic Engineer is hereby authorized to:

- a. Designate and maintain—by appropriate devices, marks, or lines upon the surface of the roadway—crosswalks at any intersection where, in his opinion, there is particular danger to pedestrians crossing the roadway and at such other places as the Traffic Engineer may deem necessary;
- b. Establish safety, quiet, play, and other zones of such kind and character and at such places as may be deemed necessary for the protection of the public;
- c. Mark lanes for traffic on street pavements at such places as may be deemed advisable and which are consistent with the provisions of this Ordinance and other traffic ordinances of the City.

SECTION 16: ONE-WAY STREETS AND ALLEYS. Whenever any Ordinance of the City Council designates any one-way street or alley, the Traffic Engineer shall place and maintain signs giving notice thereof. No such regulation shall be effective until such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

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

SECTION 17: PROHIBITED TURNS AT INTERSECTIONS.

- a. Authority for Restrictions. The Traffic Engineer is hereby authorized, subject to the approval of the City Council, to determine those intersections at which drivers of vehicles shall not make a right, left, and/or U-turn, and shall place proper signs at such intersections. The making of any such turn may be prohibited between certain hours of any day and permitted at other hours; in which case, the same shall be plainly indicated on a sign, and such sign may be removed when such turns are permitted. Whenever authorized signs are erected indicating that no right, left, or U-turn is permitted, no driver of a vehicle shall disobey the directions on such signs.
- b. U-Turn. No driver of any vehicle shall make a U-turn at any intersection within the City where a traffic-control signal light is suspended and operating.

SECTION 18: TURNING MARKER.

- a. Authority for Placement. The City Traffic Engineer, with the approval of the City Council, is authorized to place markers, buttons, or signs (within or adjacent to intersections) indicating the course to be traveled by vehicles turning at such intersections; and such course to be traveled as so indicated, may conform to, but not be limited to, those locations prescribed by any provision of this Ordinance, State Law, or City ordinances, rules, or regulations.

- b. Compliance Required. When authorized markers, buttons, or other indicators are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indicators.

SECTION 19: NO PASSING ZONE. The City Council is hereby authorized to determine by resolutions those portions of any highway in the City where overtaking and passing or driving on the left side of the roadway would be expressly hazardous and may, by appropriate signs or markings on the roadway, indicate the beginning and end of such zones; and, when such signs or markings are in place and clearly visible to any ordinarily observant person, every driver of a vehicle shall obey the directions thereof.

SECTION 20: TRUCK ROUTES.

- a. Authority to Establish. The Traffic Engineer, as authorized from time to time by the City Council, may designate such truck routes within the City as may be necessary for the proper flow of traffic through the City.
- b. Compliance Required. It shall be unlawful for any truck with the gross vehicular weight rating of over eighteen thousand (18,000) pounds [or eighteen thousand (18,000) pounds gross cargo weight rating in the case of a truck trailer or tractor trailer unit] to use, travel upon, or be driven over any street, avenue, or highway within the City not designated as a truck route (See Subsection a) of this Section); provided, however,

that if the point of origin or destination (for commercial purposes only) for any such truck shall be off such truck route, then such truck may proceed by the shortest possible route to the nearest truck route.

- C. Truck Routes. The following streets and parts of streets are designed as truck routes under this ordinance:

<u>NAME OF STREET</u>	<u>LIMITS</u>
Brown Street	West of Ballard St.
Ballard St. to East Stone St.	East of Ballard

## ARTICLE V-SPEED REGULATIONS

### SECTION 1: GENERAL SPEED LIMITS.

- a. Maximum Speed Limit. No Person shall operate or drive any vehicle on any street within the City at a speed greater than thirty (30) miles per hour, or on any alley within the City at a speed greater than ten (10) miles per hour, unless signs which designate a different speed are erected in accordance with this Ordinance.
- b. Reasonable and Prudent Speed Limit. Notwithstanding any other provisions of this Ordinance, no person shall drive a vehicle on a street, or alley at a speed that is greater than is reasonable and prudent under existing conditions, having regard for the actual and potential hazards then existing. In every event, speeds shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on, or entering upon, the street in compliance with legal requirements, and it shall be the duty of all persons to use such care.

- c. Reduction of Speed. The driver of every vehicle shall, consistent with the requirements of Subsection 1-b of this Section, drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, or alley and when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or street, alley or highway conditions.

SECTION 2: SPECIFIC SPEED LIMITS.

- a. Authority to Establish. The City Council may alter the maximum speed limit on any street or alley, or portion thereof, as established by this Ordinance within the City in accord with the provisions of Article 6701d, Section 169, of VERNON'S ANNOTATED CIVIL STATUTES. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit.
- b. Speed Limits Established. Pursuant to the provisions of the preceding Subsection, the following speed limits are hereby established for the streets and portions of streets enumerated below:

<u>LOCATION</u>	<u>SPEED LIMIT</u>
Stone Rd.	35 MPH
Extending East from F.M. 544 (E. Stone St.) where F.M. 544 turns South to East City Limit Line.	

c. School Zone. It shall be unlawful for any person to operate, or drive, any vehicle at a speed greater than the speed designated or posted, or to overtake or pass any other vehicle in any school zone as may be marked or designated within the City during the hours indicated upon signs erected in such zone, or whenever children are present in such zones. School Zone hours are hereby designated as from 7:00 o'clock am to 9:00 o'clock am. and from 2:00 o'clock pm. to 4:00 o'clock pm. on days when the schools are in session.

SECTION 3: RACING PROHIBITED. Any person who shall race or engage in a contest for speed between motor vehicles of any kind upon any public street or alley within the City shall be deemed guilty of a misdemeanor. The fact that the actual speed attained by any vehicle engaged in racing or in contest for speed is less than the PRIMA FACIE legal speed limit shall be no defense to a complaint of racing or engaging in a contest for speed in violation of this Section.

SECTION 4: MINIMUM LIMITS. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or compliance with law.

SECTION 5: EXEMPTIONS. The provisions of this Ordinance and other ordinances of the City regulating the speed of vehicles shall not apply to vehicles of the Fire Department when responding to a call, nor to police patrol vehicles, physicians' vehicles, or ambulances when actually engaged in responding to emergency calls; provided, however, that this Section shall not authorize any ambulance driver to exceed the speed of forty-five (45) miles per hour, or the speed limit, whichever is greater.

#### ARTICLE VI—STOPPING, STANDING, AND PARKING OF VEHICLES

SECTION 1: PRESUMPTION THAT OWNER OF VEHICLE IS VIOLATOR. In any prosecution charging the violation of any ordinance or regulation governing the standing or parking of a vehicle, proof that any particular vehicle described in the complaint was parked in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was the registered owner of such vehicle at the time of such parking, shall constitute in evidence a *prima facie* presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

SECTION 2: IMPOUNDMENT OF STANDING OR PARKED  
VEHICLES.

a. Authority. Any vehicle which shall be, or remain, standing or parked upon any public street, avenue, way, alley, or other public place may, under the following circumstances, be removed by, or upon order of, the Chief of Police and placed in storage in a privately-operated garage or other place designated or maintained by the City:

- 1) When any vehicle is found upon a street, avenue, alley, way, or public place and a report has been previously made that such vehicle has been stolen, or a complaint has been filed and a warrant issued thereon, charging that such vehicle has been stolen or converted in violation of the law;
- 2) When any police officer of the City has reasonable grounds to believe that any vehicle has been abandoned;
- 3) When any police officer arrests any person driving, or in control of, a vehicle for an alleged offense and such officer is (or may be) required by law to take the one arrested immediately before a magistrate; or, if the arrested person is immediately taken before a magistrate; or when the arrested person is the sole occupant or the owner of the vehicle and is immediately placed in custody;



4) When a vehicle is so disabled that its normal operation is impossible or impractical and the person in charge of the vehicle is incapacitated by reason of physical injury or other causes to such an extent as to be unable to provide for its removal or custody, or cannot be found, or is not in the immediate vicinity of such vehicle;

5) When any vehicle is left standing or parked unattended for more than forty-eight (48) hours in violation of any applicable provision of State Law, City ordinance, rules or regulations; provided, however—that in the event such vehicle is parked or standing immediately in front of, or immediately adjacent to, property owned by the owner of such vehicle, or property rented by such owner—before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of forty-eight (48) hours and shall be given an additional twenty-four (24) hours to remove or cause to be removed such vehicle. Such written notice may be given by depositing the same, addressed to the owner at the address given on the registration receipt of the vehicle or his last known address, in the United States Mail.

b. Claiming of Vehicle by Owner. In order to obtain possession of any vehicle stored under the provisions of this Section, the claimant

must produce satisfactory evidence of the ownership or right to possession within thirty (30) days from the date of such storage, and, in addition thereto, must pay all charges for storage and removal of such vehicle in addition to any fine.

- c. Sale of Vehicle. If the vehicle removed under this Section is not claimed within thirty (30) days from the date of storage, the same may be sold by the City or the garage where the same is stored for recovery of charges, as provided by law.
- d. Impounding Fees. An impounding fee of five dollars (\$5) and a storage fee of fifty cents (\$.50) per day is hereby assessed against, and shall be collected from, the owner or driver of any vehicle impounded by virtue of the provisions of this Section before the release of any such vehicle. The payment of this impounding fee shall not excuse such owner or driver from the charge of violating any applicable provisions of State Law, this Ordinance, or other rules or regulations.
- e. Liability to City. The provisions of this Section shall not be construed to relieve from, or lessen the responsibility of, any person who shall leave his vehicle parked on the streets of the City in such a manner that the same may be impounded; nor shall the City be held as assuming any such liability by reason of the impounding, or the causing to be impounded, of such vehicle.

SECTION 3: UNATTENDED VEHICLES. No person driving, or in charge of, a motor vehicle shall permit it to stand unattended without first stopping the engine and effectively setting the brakes thereon, and, when standing upon any grade, turning the front wheels toward the curb or side of the roadway.

SECTION 4: PROHIBITED PARKING.

- a. Specified Places. No person shall stop, stand, or park a vehicle—except when necessary to avoid conflict with other traffic or in compliance with law, the direction of a police officer, or a traffic-control device—in any of the following places:
- 1) On a sidewalk or sidewalk area;
  - 2) In front of a public or private driveway;
  - 3) Within an intersection;
  - 4) Within fifteen feet (15') of a fire hydrant, except within an officially-marked parking stall;
  - 5) On a crosswalk;
  - 6) Within twenty feet (20') of a crosswalk at an intersection, except within an officially-marked parking stall;
  - 7) Within thirty feet (30') of the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
  - 8) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite

the end of a safety zone, unless a different length is indicated by sign or marking;

- 9) Within fifty feet (50') of the nearest rail of a railroad crossing;
- 10) Within twenty feet (20') of the driveway entrance to any fire station, or on the side of a street opposite the entrance to any fire station, or within seventy-five feet (75') of such entrance (when properly sign-posted).
- 11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- 12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- 13) Upon any bridge or other elevated structure upon a highway, or within a highway tunnel;
- 14) At any place where official signs prohibit stopping, standing, or parking.

b. Moving of Vehicles. No person shall move a vehicle not lawfully under his control into any prohibited area specified above or any distance from a curb, except as permitted by law.

c. Specified Purposes. No person shall park a vehicle upon any street in the City for the principal purpose of:

- 1) Displaying such vehicle for sale;
- 2) Washing, greasing, or repairing such vehicle, except such repairs as necessitated by an emergency;

3) Advertising, except by permit issued by the Chief of Police and under the conditions stipulated therein.

d. Specified Minimum Roadway. No person shall stop, stand, or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet (10') of width of either lane of a roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or, when necessary, in obedience to traffic regulations, traffic signs, or signals of a police officer.

SECTION 5: EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto a sidewalk area extending across any alleyway or driveway, thereby yielding the right-of-way to any pedestrian as may be necessary to avoid collision; and, upon entering the roadway, such driver shall yield the right-of-way to all vehicles approaching on the roadway.

SECTION 6: ENTERING INTERSECTION OR CROSSWALK AREA. 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 being operated without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicating otherwise.

SECTION 7: DESIGNATION AND MARKING OF SPECIAL PARKING STALLS AND AREAS. The Traffic Engineer shall cause parking stalls to be maintained and marked off in and on such streets, or parts thereof, as may be designated by the City Council from time to time; and such person shall cause spaces in which parking is prohibited to be maintained and marked off in and on such streets, and parts thereof, as may be designated by the City Council from time to time. The Traffic Engineer shall also cause time-limit parking areas to be marked off and maintained in and on such streets, or parts thereof, as may be designated by the City Council from time to time. All such spaces or areas shall be clearly indicated by appropriate signs or by marking on the pavement or curb.

In areas designated as time-limit parking areas, parking may be limited to any period prescribed by the Council—the same areas to be designated with clearly distinguished markings or signs at both ends of the time-limit areas and at reasonable intervals between the beginning and ending of such time-limit areas, indicating the time allowed for parking in such area.

Any prohibition of, or time limit on, parking established under this Section shall apply on such days and between such hours as prescribed by the City Council.

SECTION 8: PARKING IN PROHIBITED AREAS. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in such person's name or owned and operated by such person or in such person's possession or under such person's control to be or remain in any space or area in which parking is prohibited, as provided in Section 7, or in a time-limit parking area for a longer period of time than that designated by the markings on the street or by clearly visible signs.

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SECTION 9: PARALLEL AND ANGLE PARKING.

- a. Parallel Parking. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway and headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within twelve inches (12") of the curb or edge of the roadway, except as otherwise provided in this Ordinance. On one-way streets, vehicles may be parked on the left side of the street with the left-hand wheels within twelve inches (12") of the curb or edge of the roadway, unless signs prohibit such parking.
- b. Angle Parking. The Traffic Engineer, with the approval of the City Council, shall determine upon which streets angle parking shall be permitted and shall mark or sign such streets, but such angle parking shall not be indicated on any Federal-aid or State highway within this City unless the State Highway Commission has determined by resolution or order, entered into its minutes, that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused, or required, to drive upon the left side of the street or upon any railroad track.
- c. Compliance. Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other

than at the angle to, and with the hood or front end of such vehicle next to, the curb or edge of the roadway indicated by such signs or markings.

- d. Marked Stalls. Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

SECTION 10: PARKING OR STANDING IN ALLEYS RESTRICTED.

- a. Obstruction of Alley. No person shall park a vehicle within an alley in such a manner or under such conditions as to block the free passage of other vehicles in such alley.
- b. Parking Within Fire Limits. Notwithstanding the provisions of Subsection a. of this Section, it shall be unlawful for any person to park a vehicle in the alley within the fire limits of the City, except when such vehicle is actually being used for the purpose of loading or unloading merchandise or passengers.

SECTION 11: PARKING IN EXCESS OF FORTY-EIGHT (48) HOURS PROHIBITED. It shall be unlawful for the owner or operator of any vehicle to allow, cause, or permit such vehicle to remain standing or parked on any street, alley, avenue, or public way within the City for more than forty-eight (48) hours continuously.

SECTION 12: STARTING A PARKED VEHICLE. No person shall start a vehicle which is stopped, standing, or parked



unless, and until, such movement can be made with safety.

SECTION 13: DESIGNATION OF LOADING AND UNLOADING ZONES. The City Traffic Engineer is hereby authorized to determine and designate the locations of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions therefor are applicable.

SECTION 14: USE OF PASSENGER ZONES. No person shall stop, stand, or park a vehicle for any purpose or period of time, other than for the expeditious loading or unloading of passengers, in any place marked as a passenger curb-loading zone during the hours when the regulation applicable to such curb-loading zones is effective, and then only for a period of time not to exceed three (3) minutes; except when such spaces are adjacent to, and serving, a hotel or bus station, then such period of time shall not exceed fifteen (15) minutes.

SECTION 15: USE OF FREIGHT ZONE. No person shall stop, stand, or park a vehicle for any length of time in any place marked as a freight curb-loading zone during the hours so set aside, except that commercial vehicles may so stop, stand, or park for the expeditious loading and unloading, or pick-up and delivery, of material. In no case shall stop for unloading, loading, pick-up, or delivery of material exceed thirty (30) minutes.

The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb-loading zone for the purpose of, and while actually engaged in, unloading or loading passengers when such stopping, standing, or parking does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or

about to enter such zone.

SECTION 16: PERMIT FOR BACKING TO CURB FOR LOADING OR UNLOADING. The Traffic Engineer is authorized to issue special permits for such fee, as may be determined by the City Council from time to time, to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permit may be issued either to the owner or lessee of real property, or to the owner of the vehicle, and shall grant to such person the privilege as therein stated and as authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

SECTION 17: VEHICLES EXCEEDING LENGTH OF TWENTY-FIVE (25) FEET. It shall be unlawful for any person to park any vehicle, trailer, or combination thereof which shall exceed twenty-five (25) feet in length on the streets, alleys, or other public ways of the City.

SECTION 18: OVERNIGHT PARKING. Overnight parking for storage on any paved street is hereby prohibited. "Overnight parking for storage" is hereby defined as the habitual parking or storing of cars, trucks (through or local), tractors or other vehicles on paved streets or right-of-ways during hours from sundown to sun-up, except temporarily disabled vehicles which are protected by flares or other approved signal devices. It is not the intention of this section to prohibit or interfere with passenger cars, and up to three-quarters (3/4) ton pickups to be parked overnight.

SECTION 19: COMMERCIAL VEHICLES NOT TO BE PARKED ON RESIDENTIAL DISTRICT PROPERTY. Local commercial vehicles, or through commercial vehicles shall not be parked on any lot or tract of land zoned Residential District, except those used during construction of the Residential District.

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ARTICLE VII      RESERVED

ARTICLE VIII—PEDESTRIANS

SECTION 1: APPLICATION OF ARTICLE.      Pedestrians shall be subject to traffic-control signals as provided in this Ordinance, but in all other places pedestrians shall be granted those rights and be subject to those restrictions stated in this Article.

SECTION 2: RIGHT-OF-WAY.

- a. Within Crosswalks.      When traffic-control signals are not in place or are not in operation, the driver of vehicle shall yield the right-of-way—slowing down or stopping if need be—to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; but no pedestrian shall suddenly leave the curb or a place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Whenever any vehicle is stopped at a marked crosswalk, or at any unmarked crosswalk at an intersection, in order to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

- b. Other. Every pedestrian crossing a roadway at any point other than within a marked crosswalk, or within an unmarked crosswalk at any intersection, shall yield the right-of-way to all vehicles upon the roadway.

Any pedestrian crossing the roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

### SECTION 3: CROSSING RESTRICTIONS.

- a. Between Adjacent Intersections. Pedestrians shall cross roadways only at a marked crosswalk when crossing between adjacent intersections at which traffic-control signals are in operation.
- b. Crosswalks at Intersections.
  - 1) Any crossing by any pedestrian of any intersection within the corporate limits of the City shall be made within the crosswalks of such intersection.
  - 2) It shall be unlawful for a pedestrian to cross the street at any place other than at an intersection, but when any such crossing is made by any pedestrian, such pedestrian shall yield the right-of-way

to all vehicles upon such street approaching such place of crossing and in proximity thereto. It shall be unlawful for any pedestrian to cause any vehicle to stop or to cause any interference with the movement of any vehicle by reason of such crossing at such place.

- c. Crossing at Right Angles. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

#### SECTION 4: WALKING ON ROADWAYS.

- a. With Sidewalks Provided. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- b. Without Sidewalks Provided. Where sidewalks are not provided, any pedestrian walking along or upon a street or highway shall, when practical, walk only on the left side of the roadway or upon its shoulder facing traffic which may approach from the opposite direction.

SECTION 5: HITCHHIKING. It shall be unlawful for any person to stand in any street or other roadway in the City for the purpose of hitchhiking or otherwise soliciting a ride from the driver of any vehicle.

SECTION 6: DUTY OF DRIVERS TO PEDESTRIAN. Notwithstanding the foregoing provisions of this Ordinance, every

driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, shall give warning by sounding a horn when necessary, and shall exercise proper precautions upon observing any child or any confused or incapacitated person upon any roadway.

SECTION 7: USE OF CROSSWALK. Pedestrians shall move, whenever possible, upon the right half of the crosswalk.

SECTION 8: BLIND PEDESTRIANS. It shall be unlawful for any person, except persons wholly or partially blind, to carry or use on the public streets of the City any cane or walking stick which is white in color or white with a red end.

Any driver of any vehicle, operator of a motor-driven vehicle, or pedestrian who approaches or comes in contact with a person who is wholly or partially blind and is carrying such walking stick or cane as above described, shall immediately come to a full stop and take such other precautions as may be deemed necessary to avoid accident or injury to the person carrying such cane or walking stick.

#### ARTICLE IX—PENALTY AND SEVERABILITY.

SECTION 1: PENALTY. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than two hundred dollars (\$200), unless otherwise specified in other sections of this Ordinance. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

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SECTION 2: SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

ARTICLE X - DECLARING AN EMERGENCY.

The fact that there are no adequate controls creates a hazard and endangers the health, safety, and welfare of the City of Wylie, it is hereby declared to be an emergency and this Ordinance shall take effect upon final passage hereof.

Passed and Approved this 23rd day of May, 1978.

  
John W. Akin, Mayor

ATTEST:

  
Barbara Ellis, City Secretary

Approved as to Form:

  
Ted Kent, City Attorney