

ORDINANCE NO. 1018

AN ORDINANCE OF THE CITY OF PLUM GROVE, TEXAS, ORDAINING REGULATIONS FOR PLACEMENT OF TRAFFIC SIGNS AND SIGNALS; REGULATIONS FOR TRAFFIC; USING COMMUNICATION DEVICES WHILE DRIVING; STOPPING, STANDING AND PARKING; TRUCK LOADS AND ROUTES; TRANSPORTATION OF HAZARDOUS MATERIALS; TRAFFIC CONTROL DEVICES; TOWING; PROVIDING FOR A PENALTY PROVIDING A SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION RELATED THERETO.

WHEREAS, it is deemed in the best interest of the City of Plum Grove, Texas for the health, safety and welfare of its citizens that an ordinance be established setting forth regulations for placement of traffic signs, signals and traffic control devices, for stopping, standing and parking, regulations for truck loads and routes and for the transportation of hazardous materials, use of wireless devices to communicate while driving and to provide for towing of vehicles.

WHEREAS, The purpose and intent of this ordinance is to provide for the public health, safety, and welfare from the potential hazards of fire, explosion, and exposure to toxic substances that accompany a hazardous materials incident by regulating the transportation of hazardous materials in and through the city, and by providing for a process to obtain information necessary for enforcement and emergency planning, as well as the development and maintenance of the capability for emergency response.

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLUM GROVE, TEXAS:

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

ARTICLE I. - IN GENERAL

Section 2. Council to determine character and location of signs.

(a) The city council shall, by ordinance, determine and designate the character or type of allofficial traffic signs and signals, and shall designate the location on which same shall be installed.

(b) Subject to this selection, the city police chief is hereby authorized to place "No Parking" signs as designated by the city council, and it shall be his duty, to place and maintain such "No Parking" signs. All "No Parking" signs required hereunder shall, so far as is practical, be uniform as to type and location through the city.

Section 3. Using streets for storage area.

It shall be unlawful for any operator, individual, person or concern to use any street, alleyway or other property owned or controlled by the city for storage purposes.

Section 4. Motor vehicles left unattended, brakes to be set and engine stopped.

No person having control or charge of any motor vehicle shall allow such vehicle to stand on any street without first setting the brakes thereon and stopping the motor of said vehicle, and when standing upon an acceptable grade, without turning the front wheels of such vehicle to the curb or the side of the street or highway.

Section 5. Traffic not to be obstructed.

No vehicle shall be operated or allowed to remain upon any street in such manner as to form an unreasonable obstruction to traffic thereon.

Section 6. No through truck traffic.

No trucks with dual axles or trucks with trailers shall be allowed to use or travel those streets and roadways of the city as designated by the City Council by ordinance with a schedule filed with the City Secretary. All traffic making bona fide deliveries or pickups into the city and trucks or trucks with trailers carrying farm equipment or livestock are hereby excepted from the foregoing provision.

Section 7. - Golf carts and slow-moving vehicles.

(a) Golf carts shall be required to have the following minimum equipment and are subject to all traffic laws in the transportation code within the confines of such equipment:

- (1) Headlamps;
- (2) Tail lamps;
- (3) Reflectors;
- (4) Parking brake;
- (5) Mirrors; and
- (6) A slow-moving vehicle sign that has a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least 500 feet. Such sign shall be mounted down on the rear of the vehicle at a height of three to five feet above the surface and shall be maintained in a clean, reflective condition.

base-
road

(b) Each operator of a golf cart or other slow-moving vehicle shall maintain financial responsibility as required of other passenger vehicles in the V.T.C.A., Transportation Code § 601.051.

- (c) Each operator of a golf cart shall possess a valid driver's license, as required of other operators of passenger vehicles in V.T.C.A., Transportation Code § 521.083.
- (d) Passengers shall be limited to seating capacity as designed by the manufacturer.
- (e) Golf carts shall not be operated on city sidewalks or pathways, or posted or private property without express permission of the property owner.
- (f) Golf carts shall not be operated on any other highway/road with speed limits greater than 35 miles per hour.
- (g) Golf carts shall yield the right of way to other passenger vehicles by turning off the roadway at the next available road when a vehicle is following.
- (h) Design-altered golf carts that have been altered to allow them to travel at a speed greater than 25 miles per hour are prohibited from operating on all public streets.
- (i) Golf carts are prohibited from pulling trailers, boats, jet skis, etc., on public streets and right of ways.
- (j) There shall be exception to the above-referenced requirements for golf carts, as provided by V.T.C.A., Transportation Code § 502.0071, if their operation occurs during the daytime and the operation:
 - (1) Does not exceed a distance of two miles from point of origin to the destination if driven to and from a golf course;
 - (2) Occurs entirely within a master planned community with a uniform set of restrictive covenants that has a plat approved by the city; or
 - (3) Occurs on a public or private beach.

Section 8. Use of certain wireless communication devices while driving prohibited.

- (a) Definitions. For the purposes of this section:
 - (1) *Electronic message* means a self-contained piece of digital communication that is designed or intended to be transmitted to or from a wireless communication device. An electronic message includes, but is not limited to, a text-based communication, such as electronic mail, a text message, or an instant message, or uses a command or request to access an internet site, or other data that commonly recognized electronic communication protocol.
 - (2) *Wireless communication device* means a device that uses a commercial mobile service, as defined by 47 U.S.C. § 332. Ordinance No. 2010-25.
- (b) Offense. A person commits an offense if the person drives or operates a motor vehicle in the city while using a wireless communication device to view, send or compose an electronic message.
- (c) Affirmative defenses. It is an affirmative defense to prosecution of conduct prohibited by subsection (b) if:
 - (1) The person is using the wireless communication device strictly to engage in a telephone conversation, including dialing or deactivating a phone call;
 - (2) The person is an authorized government vehicle and is using the wireless communication device to respond to an emergency while acting in an official capacity;
 - (3) The person is using the wireless communication device while stopped or standing at a position parallel to and as close as possible to the right-hand

edge or
nonemergency

curb of a roadway where parking, standing or stopping in a
situation is not otherwise prohibited; or

- (4) The person is using the wireless communication device to:
- a. Operate only a global positioning or navigation system that is affixed to the vehicle;
 - b. Obtain emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, fire or other hazardous response service;
 - c. Prevent a crime about to be committed;
 - d. Communicate with the reasonable belief that a person's life, safety, or property is in immediate danger; or
 - e. Operate only a device that is permanently installed inside the vehicle or that is solely in a voice-activated or other hands-free

mode.

(d) Conflicting regulations. To the extent that any clause, phrase, provision, sentence or part of this section conflicts with V.T.C.A., Transportation Code § 545.424, regarding the use of wireless communication devices while operating a motor vehicle by minors; or V.T.C.A., Transportation Code § 545.425, regarding the use of wireless communication devices in school crossing zones, this section does not apply.

(e) A notice of violation shall be mailed to the owner of the motor vehicle not later than the thirtieth day after the date the violation is alleged to have occurred. The notice of violation shall be mailed to:

- (1) The owner's address as shown on the registration records of the Texas Department of Motor Vehicles; or
- (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
Motor Vehicles

the other state or country analogous to the Texas Department of

ARTICLE II. - STOPPING, STANDING AND PARKING

Section 9. Stopping prohibited in specified places.

It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of the chief of police or his assistants, or traffic control sign or signal:

- (1) In the center of the street.
- (2) Within a street intersection.
- (3) On a crosswalk.
- (4) Upon a bridge, and the approach thereto.
- (5) Within 25 feet from the intersection of curb lines, or, if none, then within 15 feet of the intersections of property lines at an intersection, except at alleys.
- (6) Within ten feet of any fire hydrant.
- (7) In front of any private driveway, except with the consent of the owner, or directly across the street from a private driveway in a manner that prohibits or limits access to that

driveway.

(8) On a sidewalk.

(9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

(10) At any places where official traffic signs have been erected prohibiting standing and parking.

(11) On the roadway beside any vehicle stopped or parked at the right hand edge or curb of a street. It is the intention of this section to prohibit what is commonly known as double-line parking.

(12) Within reserved zones.

Section 10. Owner to be prima facie responsible for illegal parking.

If any vehicle is found upon the streets as herein set out, in violation of the provisions of this article regulating the stopping, standing or parking of vehicles on the streets herein described, and identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

ARTICLE III. TRUCK LOADS AND ROUTES

Section 11. Weight limits.

Except as otherwise provided in this article or as provided by law, a motor vehicle, truck tractor, trailer, semi-trailer, or combination thereof may not be operated upon a city street if such vehicle or combination has an overall gross weight in excess of 20,000 pounds.

Section 12. Prohibited vehicles.

It shall be unlawful for any person to operate or cause to be operated, upon a city street, any vehicle which has lugs, studs, cleats, ridges, beads, or any other protuberance of metal which project more than one-fourth inch beyond the tread or traction surface of such vehicle's tires or tracks, unless bands, wooden blocks, skids, or other devices are provided which are sufficient to protect the street surface from damage by reason thereof

Section 13. Exemptions.

The provisions of this article shall not apply to:

(1) Any vehicle operated by the city, or a private operator under contract with the city, as part of its municipal transit system.

(2) Any vehicle operated by the city, or a private contractor under contract with the city, while engaged in street maintenance, construction, or related activities.

- (3) Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility facility.
- (4) Emergency vehicles of the city.
- (5) School buses under the jurisdiction of the Plum Grove Independent School District.
- (6) Homeowners who, prior to the enactment of the ordinance from which this article is derived, are independent truck owners; provided, however, they shall only use the most direct route to their home and if they carry a load and park at their home they shall obtain a permit as provided by section 14.

Section 14. Weight limits on specific streets.

When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so signed. Under this section, if vehicle weight is indicated by the number of axles supporting such vehicle, signs limiting the number of axles on through vehicles shall be official.

Section 15. Permits; overweight vehicles.

(a) It shall be unlawful for any person to cause or permit the operation of any vehicle upon a city street, including a ready-mixed concrete truck as defined in V.T.C.A., Transportation Code § 622.011, which has a weight in excess of the limits set forth in this article, without having first obtained a permit therefor from the director of public works or his designee. Such application for a permit shall:

- (1) Be in writing;
- (2) Describe the vehicle;
- (3) Give the weight of the vehicle and the weight of the total load; and
- (4) Be dated and signed by the applicant.

An application for a permit under this section shall be accompanied by a permit fee in such amount as shall be established from time to time by the city council.

(b) Before the director of public works or his designee shall issue a permit under this section, the applicant shall file with the city a surety bond in the amount of \$15,000.00, conditioned that the owner of the vehicle will pay to the city any damage to a city street caused by the operation of the vehicle.

(c) Any person operating or causing to be operated a vehicle that exceeds the weight limitations set forth in subsection (a) of this section shall be liable to the city for any damage to the city's streets, bridges, or culverts caused by such overweight vehicle. Acceptance of a permit

provided for in this section shall be conclusive evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand therefor made by the city.

Section 16. Truck routes designated.

It shall be unlawful for any person to operate a motor vehicle, truck tractor, trailer, semi-trailer, or combination thereof upon a street or roadway within the city in excess of the weight limits set forth in section 11 except upon the following truck routes: All state highways and farm-to-market roads

Section 17. Departure from designated truck routes.

(a) The operator of a motor vehicle, truck tractor, trailer, semi-trailer, or combination thereof, restricted to designated truck routes pursuant to section 16, may depart from such truck routes when it is necessary to reach a truck terminal or to load or unload merchandise at locations situated off designated truck routes. The operator of such vehicle shall not leave a designated truck route until a turnoff point is reached leading to the ultimate destination of the vehicle by the shortest practical route which is consistent with the reasonable operation of the vehicle.

(b) The operation of any vehicle or truck-trailer combination exceeding the prescribed maximum gross weight limit may depart from such designated truck routes if coming from an unrestricted or less restricted street, having ingress and egress by direct route to and from such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon such restricted street for which a building permit has previously been obtained; but then only by such deviation from the nearest unrestricted or less restricted street as is reasonably necessary.

(c) Alternate truck routes. Whenever a truck route designated by section 16 is under repair, or otherwise temporarily out of use, the director of public works or his designee shall be authorized to designate alternate truck routes.

Section 18. Signs.

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

Section 19. No through trucks.

When signs are erected stating "No Through Trucks," no person shall operate any commercial vehicle exceeding 6,000 pounds gross weight at any time upon any of the streets or parts of streets so signed, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise or for vehicle storage, and then only by

entering such street at the intersection nearest the destination of the vehicle and proceeding thereon no farther than the next intersection thereafter.

ARTICLE IV. - TRANSPORTATION OF HAZARDOUS MATERIALS

Section 20. Scope.

This article shall apply to all hazardous materials, as defined herein, which are transported in and through the city, and shall be in addition to all other sections of ordinances of the city regarding hazardous substances or materials or any rules or regulations of other city departments, boards, or commissions pertaining thereto.

Section 21. Scope.

This article shall apply to all hazardous materials, as defined herein, which are transported in and through the city, and shall be in addition to all other sections of ordinances of the city regarding hazardous substances or materials or any rules or regulations of other city departments, boards, or commissions pertaining thereto.

Section. 22. 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:

Hazardous shall have its usual and ordinary meaning.

Hazardous materials means, but shall not be limited to, the following listed materials and materials substantially similar to them:

- (1) *Explosive*. An explosive is any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture or device is otherwise specifically classified.
- (2) *Flammable liquids*. Flammable liquids are:
 - a. Any liquid which gives off flammable vapors (as determined by flashpoint from Tagliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 140 degrees Fahrenheit; and
 - b. Pyroforic liquids that become self-igniting when exposed to air.
- (3) *Flammable solid*. A flammable solid is any solid material, other than one classified as an explosive, which, under conditions incident to transportation, is liable to cause fires through friction, absorption of moisture, spontaneous chemical changes, retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious transportation

hazard; such as, not by way of limitation, but by way of example only, certain metallic hydrides, metallic sodium and potassium, and certain oily fabrics, processed meals, and nitrocellulose products.

(4) *Oxidizing material*. An oxidizing material is a substance such as a chlorate, permanganate, peroxide, nitro carbo nitrate, or a nitrate that yields oxygen readily to stimulate the combustion of organic matter.

(5) *Acids and other corrosive liquids*. Corrosive liquids are those acids, alkaline caustic liquids and other corrosive liquids which, when in contact with living tissue, will cause severe damage of such tissue by chemical action; or in case of leakage, will materially damage or destroy other freight by chemical action; or are liable to cause fire when in contact with organic matter or with certain chemicals.

(6) *Flammable compressed gas*. A flammable compressed gas is any compressed gas that is so classified by section 173.300 of the Regulations of the Department of Transportation Governing the Transportation of Dangerous Articles of Tank Motor Vehicles, dated September 1967.

(7) *Nonflammable compressed gas*. A nonflammable compressed gas is any compressed gas which is poisonous to human beings or which has asphyxiating or toxic effect to human beings.

(8) *Class A poisons*. Class A poisons are poisonous gases or liquids of such nature that a very small amount of the gas or vapor of the liquid mixed with air is dangerous to life. This class includes, not by way of limitation, but by way of example only, the following:

- a. Bromacetone.
- b. Cyanogen.
- c. Cyanogen chloride containing less than 0.9 percent water.
- d. Diphosgene.
- e. Ethyldichlorarsine.
- f. Hydrocyanic acid (see note 1 of this subsection).
- g. Lewisite.
- h. Methyldichlorarsine.
- i. Mustard gas.
- j. Nitrogen peroxide (tetroxide).
- k. Phenylcarbylamine chloride.
- l. Phosgene (diphosgene).
- m. Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.

Note 1—Diluted solutions of hydrocyanic acid of not exceeding five percent strength are not class A poisons.

(9) *Class B poisons*. Class B poisons are those substances, liquid or solid (including pastes and semisolids) other than class A poisons, which are known to be so toxic to man as to afford a hazard to health during transportation, or which, in the absence of adequate data on human toxicity, are presumed to be toxic to man.

(10) *Radioactive materials*. Radioactive materials include any nuclear or fissionable materials or wastes that have external radiation requiring critical safety control.

State law reference— Similar provisions, V.T.C.A., Health and Safety Code § 775.151; similar provisions, V.T.C.A., Local Government Code § 353.001.

Section 23. . - Operation of motor vehicles carrying hazardous materials; parking prohibited.

(a) It shall be unlawful for any truck to transport a cargo of over 100 gallons or over 1,000 pounds of hazardous materials anywhere within the city, with the following exceptions:

(1) Vehicles transporting hazardous materials, as specified in section 22 shall comply with 49 CFR 397.3 while operating within the city. If a vehicle transporting hazardous materials commits a moving traffic violation other than a moving traffic violation constituting a felony, it shall be a violation of this chapter, subject to the penalty established in section 24 in addition to any other penalty imposed for said violation.

(2) Except when overtaking or passing, regardless of direction of travel, or except where the conditions of travel make it impractical to do so, all vehicles transporting hazardous materials as specified in section 22 shall maintain a minimum distance of at least 300 feet from other vehicles carrying hazardous materials. This requirement shall apply whether such vehicles are moving or parked, except when at a destination or point of origin.

(3) Hazardous materials may be transported on the following routes within the City limits:

- a. _____
- b. _____

(4) Hazardous materials may be transported to a large consumer who has first applied to the city council for an exception and has been granted an exception in writing by the council. The term "large consumer" means any person which regularly or frequently uses more than 100 gallons or more than 1,000 pounds of hazardous materials. Such exceptions shall not be valid for more than 12 months.

(5) Hazardous materials may be transported to a destination within the city for one of the following permitted purposes:

- a. To a retail outlet engaged in business to the general public;
- b. Butane or propane deliveries to a residential customer, not for resale;
- c. To a swimming pool, either private, commercial or municipal; or
- d. Municipal water and sewer plants and operations.

(b) No vehicle containing hazardous materials as specified in section 22 may be parked on any city street at any time unless it is necessary for a pickup or delivery and is otherwise permitted by law. No person shall park or store any vehicle that is required by any existing law within the state to display a United States Department of Transportation Hazardous Material placard, or a panel displaying a United Nations or North American four-digit identification number, or to carry shipping papers identifying a hazardous materials cargo within

the jurisdiction of the city as designated on the City General Plan, except while actually loading or unloading cargo on or in said vehicle.

(c) Peace officers of the city or personnel of the city's fire department are authorized to immobilize, impound, or otherwise direct the disposition of a motor vehicle transporting hazardous material in the city if such person deems that the motor vehicle or the operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under or required by rules and regulations promulgated by the state public utilities commission pursuant to Section 40-2.1-103, C.R.S., including, without limitation, when there is any deficiency in the vehicle's steering, brake, lighting, tire, wheel, exhaust, fuel, or suspension system, or cargo-carrying capability, or in case of leakage of a hazardous material or hazardous waste.

(d) Proof that a truck transporting hazardous materials was within the city and not on roadways enumerated in subsection (a)(3) of this section or in violation of subsection (b) of this section in this article shall constitute prima facie evidence of a violation of this article; however, the owner or operator of such truck shall have the right to introduce evidence to show that the truck was being driven to or from a destination within the city for purposes of discharging or receiving hazardous material in one of the three categories stated in this section.

State law reference— City may designate routes for transport of hazardous materials, V.T.C.A., Transportation Code § 644.202.

Section 24. - Enforcement.

Whenever in this article IV an act is prohibited or is made or declared to be unlawful for an offense or a misdemeanor, the violation of any such provision of this article shall be punishable by a fine not to exceed \$500.00, provided that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.

ARTICLE V. - TRAFFIC CONTROL DEVICES

Section 25. - 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:

Official traffic control devices means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other conveyances, either singly or together, while using any street for the purpose of travel.

Traffic control signal means a manual, electric or mechanical device that alternately directs traffic to stop and to proceed.

Vehicle means a device that can be used to transport or draw persons or property on a highway. The term does not include a device exclusively used on stationary rails or tracks, or manufactured housing as that term is defined by the Texas Manufactured Housing Standards Act,

Section 26. - Penalty.

Any person violating any provision of this article V for which another penalty is not provided shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$1.00 or more than \$200.00

State law reference— General penalty, V.T.C.A., Transportation Code § 542.401.

Section 27. - Applicability of state law.

(a) The state motor vehicle laws and Vernon's Texas Civil Statutes, insofar as they apply to municipalities and the jurisdiction of the municipal court of the city, are hereby adopted by reference and made part of this chapter as if set forth at length.

(b) Additions to and revisions of these traffic laws and statutes; as allowed by state law, are to be considered part of this chapter and within the jurisdiction of the municipal court of the city.

Section 28. - Standards for traffic control devices.

(a) All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state transportation commission. All signs and signals required under this chapter for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this article shall be official traffic control devices.

(b) The police chief or his designee is further hereby authorized and directed to maintain on file with the city secretary an updated map, drawing or document designating such regulations and locations of traffic control devices, traffic control signals, signs, warning devices, lights and other appropriate devices as shall be necessary to ensure compliance with applicable law and regulations.

Section 29. Ratification of existing traffic control devices.

All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this ordinance from which this article within this chapter is derived, by the police department 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 article or state law.

Section 30. School zone speed limits.

The following regulations and speed limit of 20 miles per hour is adopted for the following school zone locations for the times of 7:45 a.m. to 8:25 a.m. and 2:55 p.m. to 3:40 p.m.:

(1) Along _____, .0 miles _____ from _____, a distance of approximately .0__ miles, to .0 miles from _____.

Section 31. - Driving on private property to avoid traffic-control device.

No driver of any vehicle shall enter upon or drive across any private property in order to avoid obedience to any traffic-control device.

Section 32. - Obedience required.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle provided by law.

(b) Any person who shall violate any traffic control sign, signal or device installed or promulgated under authority as provided for in section 2 and this article shall be deemed to be in violation of this Code and may be punished to the extent as may be from time to time permitted under applicable law for violations of this Code.

Section 33. - Authority of police officers.

Police officers are hereby authorized to direct all traffic or pedestrians by voice, hand or signal in the enforcement of the laws of the state and the city, but whenever and wherever any police officer shall find it necessary to the safeguarding of pedestrians or the expeditious handling of traffic, or in the safety of persons or property, police officers shall direct traffic and pedestrians as conditions may require notwithstanding other provisions of the traffic laws.

Section 34. - Compliance with lawful orders of police officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, pertaining to the movement of traffic or pedestrians on the public streets, whether given in person or by means of visible or audible signals.

Section 35. Towing of uninsured vehicles.

(a) When a vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under V.T.C.A., Transportation Code ch. 601, as amended, the Plum Grove Police Department Officers are hereby authorized to remove or impound any vehicle where the operator has failed to maintain, or cannot present proof of, the required financial responsibility.

(b) The police department is also authorized to develop and require a financial responsibility verification form for any operator to obtain release of any vehicle removed or impounded pursuant to this section and Plum Grove Police Department policy that is hereinafter established. The fee for the financial responsibility verification form shall be \$5.00. The fee shall be in addition to any applicable towing or storage charges.

(c) The Plum Police Department is hereby authorized to adopt a city-wide policy for towing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present proof of, financial responsibility required by the state.

(d) Any person, firm or corporation violating any provision of this section or failing to comply with any requirement of the section will be guilty of a misdemeanor being punishable by a fine of not less than \$1.00 nor more than \$200.00; except that minors who have passed their 14th birthday shall be punished by a fine of not more than \$100.00.

Section 36. - No liability.

All of the regulations provided in this article are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the city council or any city official or employee charged with the enforcement of this article, acting for the city in the discharge of his duties, shall not thereby render himself personally liable, and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Section 37. Engine Braking.

No person shall operate an engine of any motor vehicle as defined by the Texas Transportation Code so as to "Brake" or slow the same through the use of gears (commonly known as "jake breaking") or by any other method which produces any noise in addition to the normal operating engine noise, except emergency vehicles.

Article VI- Penalty

Section 38. General Penalty.

Any person violating any of the provisions of this ordinance for which another penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

Section 39. Severability Clause. That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

Section 40. All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 41. Publication. This ordinance shall take effect when published in the official newspaper of the City of Plum Grove as required by Section 52.011 of the Local Government The City Secretary is directed to publish the caption of this ordinance in the official City newspaper and to have it incorporated into the City Code of Ordinances.

PASSED AND APPROVED THIS 23 DAY OF February, 2016.

THE CITY OF PLUM GROVE

John Walker
W.A. Walker, Mayor

ATTEST:

Stephanie Denmark
_____, City Secretary

APPROVED:

Leonard Schneider

Leonard Schneider, City Attorney