

**ORDINANCE NO. 2093**

**AN ORDINANCE EXTENDING CERTAIN SPECIFIED TRAFFIC RULES THAT APPLY TO ROADS OWNED BY THE CITY OF EULESS, TEXAS, TO THE ROADS IN THE “ESTATES AT BEAR CREEK” SUBDIVISION ON PETITION BY THE GOVERNING BODY OF THE ENTITY THAT MAINTAINS THE ROADS IN SAID SUBDIVISION; AMENDING CHAPTER 82 “TRAFFIC AND MOTOR VEHICLES” OF THE CITY OF EULESS, TEXAS CODE OF ORDINANCES THROUGH THE ADDITION OF APPLICABLE SUBDIVISION; FINDING THAT THIS ORDINANCE IS IN THE INTEREST OF THE CITY OF EULESS, GENERALLY; SPECIFYING THE REQUESTED RULES TO BE EXTENDED TO THE ROADS IN SAID SUBDIVISION; ALLOWING THE CITY TO REQUIRE THAT OWNERS OF PROPERTY IN SAID SUBDIVISION PAY ALL OR PART OF THE COST OF EXTENDING AND ENFORCING THE TRAFFIC RULES TO SAID SUBDIVISION, INCLUDING COSTS ASSOCIATED WITH PLACEMENT OF NECESSARY OFFICIAL TRAFFIC CONTROL DEVICES; ALLOWING FOR THE PLACEMENT OF NECESSARY TRAFFIC CONTROL DEVICES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVING CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 542.008 of the Texas Transportation Code allows the City of Euless, upon petition by twenty-five percent (25%) of the property owners residing in a subdivision or on the request of the governing body of the entity that maintains the roads in a subdivision, to extend by ordinance any traffic rules that apply to roads owned by the City of Euless, so that the roads in said subdivision are under some of the same traffic rules as govern public roads within the city; and

**WHEREAS**, the City Council has received a petition from the property owner, Lennar Homes of Texas Land & Construction, Ltd., that maintains the roads in the Estates at Bear Creek, a subdivision of the City of Euless, Texas, requesting that the city extend by ordinance certain, specified traffic rules that apply to roads owned by the municipality to the roads located within that subdivision; and

**WHEREAS**, the City Council hereby finds that it would be in the best interests of the city, generally, to extend such traffic rules to apply to the roads in said subdivision; and

**WHEREAS**, the City Council further finds that the following ordinance provisions promote the health, safety, and general welfare of the citizens of Euless.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EULESS, TEXAS, THAT:**

## **SECTION 1.**

The following specified traffic rules that apply to public streets in the City of Euless are hereby extended by this ordinance to the streets located within the Estates at Bear Creek subdivision in the City of Euless (hereinafter “the Subdivision”) and shown within “**Exhibit A.**”

## **SECTION 2.**

The City Council hereby finds that this ordinance is in the interest of the City of Euless, generally.

## **SECTION 3.**

A condition of extending such traffic rules, the City Council hereby requires that owners of property in the subdivision shall pay all or part of the costs of extending and enforcing the traffic rules in said subdivision, including the costs associated with the placement of necessary official traffic control devices. The City Council shall consult with the Euless Police Department to determine the cost of enforcing traffic rules in this subdivision.

## **SECTION 4.**

On the effective date of this ordinance, the private roads located in the subdivision are considered to be public highways or streets for the purposes of the application and enforcement of the following specified traffic laws which apply to public streets within the city. Without limiting the generality hereof, the following specific traffic rules and regulations are hereby applied to the roads within said subdivision.

- 1) Failure to yield to an emergency vehicle – Section 545.156.
- 2) Interfering with emergency vehicles – Section 545.407.
- 3) Crossing a fire hose – Section 545.408.
- 4) Regulations governing parking, stopping or standing – Sections 545.302 and 545.303.
- 5) Removal of unlawfully stopped vehicle – Section 545.305.
- 6) Passing a school bus – Section 545.066.
- 7) Driving with expired, wrong or fictitious license plates or registration insignia – Sections 502.407 and 502.409.

- 8) Driving without a driver's license, or with and expired, suspended or revoked license – Sections 521.021, 521.451, 521.457.
- 9) Failure to maintain financial responsibility (no insurance) – Sections 601.191, 601.195.
- 10) Failure to comply with a lawful order of a police officer – Section 542.501.
- 11) Maximum speed requirement – Section 545.351.

#### **SECTION 5.**

Section 82-68 "City rules applicable to certain subdivision roads" Paragraph (d) is hereby amended with the addition of the subdivision name "Estates at Bear Creek."

#### **SECTION 6.**

**CUMULATIVE CLAUSE.** This Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Euless, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

#### **SECTION 7.**

**SEVERABILITY CLAUSE.** It is hereby declared to be the intention of the City Council of the City of Euless that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 any such unconstitutional phrase.

#### **SECTION 8.**

**SAVINGS CLAUSE.** Chapter 82 of the Code of Ordinances, City of Euless, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

#### **SECTION 9.**

**PENALTY CLAUSE.** Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

**SECTION 10.**

**PUBLICATION CLAUSE.** The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date of this ordinance in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

**SECTION 11.**

**EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, as provided by the Euless City Charter and the laws of the State of Texas.

**PRESENTED AND PASSED ON FIRST AND FINAL READING** at a regular meeting of the Euless City Council on November 10, 2015, by a vote of \_\_\_\_ayes, \_\_\_\_nays, and \_\_\_\_abstentions.

**APPROVED:**

\_\_\_\_\_  
Linda Martin, Mayor

**ATTEST:**

\_\_\_\_\_  
Kim Sutter, TRMC, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Wayne K. Olson, City Attorney

