

ORDINANCE NO. 2021.9.1

AN ORDINANCE OF THE CITY OF FLATONIA, TEXAS, AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF TRAFFIC CONTROL SIGNS FOR THE STOPPING OF TRAFFIC AT THE INTERSECTION OF PENN STREET AND SECOND STREET, IN THE CITY LIMITS OF FLATONIA, TEXAS; ESTABLISHING A PENALTY THEREFOR NOT TO EXCEED \$200.00; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF; AND PROVIDING FOR OPEN MEETINGS.

Whereas, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadways and rights-of-way within the City limits is essential and necessary to protect and to preserve the public safety of the City of Flatonia, Texas (the "City"); and

Whereas, the City is authorized pursuant to Section 311.002, Texas Transportation Code, to ensure that public streets, roadways and rights-of-way within the City limits are safe for all users; and

Whereas, City personnel have reviewed the yield signs located on Penn Street where it intersects with Second Street and believe that such yield signs should be replaced with stops signs at all four corners of that intersection to improve the public safety; and

Whereas, after review, the City Council supports the removal of the yield signs and placement, installation and maintenance of the stop signs at all four corners of the intersection of Penn Street and Second Street, finding such action is reasonable and necessary for the public safety and is supported by sound and accepted public safety practices;

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

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Ratification and Confirmation. The removal of two (2) yield signs located on Penn Street and erection, maintenance and enforcement of four (4) stop signs at such intersection is hereby confirmed and ratified by the City Council. The stops signs shall be installed along the

corners of the rights-of-way of Penn Street at its intersection with Second Street and shall require traffic and/or motor vehicles traveling southbound or northbound along Penn Street or eastbound or westbound along Second Street to stop completely and yield the right-of-way to any traffic before safely proceeding through such intersection as set forth in Sections 545.151 and 153, Texas Transportation Code.

Section 3. Traffic Control Signs. The City Council hereby orders and directs that the stop signs discussed herein be placed, installed and erected at the locations designated, and that each sign be herein maintained and enforced by the City.

Section 4. Violation and Penalties. It shall be unlawful for any person to drive or operate a motor vehicle along northbound or southbound on Penn Street or eastbound or westbound on Second Street without stopping in obedience to the signs erected and installed pursuant to this Ordinance. Further, it shall be unlawful for any person to tamper with, alter, remove, destroy, cover or hinder the visibility, of any stop sign erected by this Ordinance in a manner which is inconsistent with its use as a traffic control device. Any person who violates this Ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$1.00 or more than \$200.00.

Section 5. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code.

Section 7. 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 severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED ON the 14th day of September 2021.

THE CITY OF ELATONIA, TEXAS



Bryan Milson
Mayor

ATTEST



Brenda Shaw
Interim City Secretary

APPROVED AS TO FORM AND LEGALITY



Barbara Boulware-Wells
The Knight Law Firm, LLP
Interim City Attorney