

**MINUTES  
OF  
CITY OF WHARTON  
REGULAR CITY COUNCIL MEETING  
APRIL 12, 2010**

Mayor David W. Samuelson declared a Regular Meeting duly open for the transaction of business at 7:03 P.M. Councilmember Terry David Lynch led the opening devotion and then Mayor David W. Samuelson led the pledge of allegiance.

Councilmembers present were: Mayor David W. Samuelson, Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Don Mueller, Domingo Montalvo, Jr., and Jeff Gubbels.

Councilmember absent was: None.

Staff members present were: Finance Director Joyce Vasut, City Secretary Lisa Olmeda, Assistant to City Manager Jackie Jansky, Public Works Director Carter Miska, Police Chief Tim Guin, EMS Lieutenant Frank Giesie, Community Services Director Jo Knezek and City Attorney Paul Webb.

Visitors present were: Barry Halvorson- Wharton Journal Spectator, David Schroeder- Wharton Economic Development Corporation, Carlos Cotton – Jones & Carter, Inc., Monique Trigo, Diana Casanova, Ray Williamson, Nikki Araguz, I.O. Coleman, Jr., Edward Guajardo, Delia Perez, and Bo Philips.

The second item on the agenda was Roll Call and Excused Absences. All members were present. No action was taken.

The third item on the agenda was Public Comments. Mr. Ray Williamson addressed the City Council regarding the smoking ordinance. He stated that business owners should run their business as they see fit to allow or not allow smoking in their establishments. No action was taken.

The fourth item on the agenda was Wharton Moment. Mayor David W. Samuelson publicly commended City Manager Andres Garza, Jr., Finance Director Joyce Vasut and the finance staff for the City of Wharton Audit approved at the Regular City Council meeting on March 22, 2010. No action was taken.

The fifth item on the agenda was to review and consider the reading of the minutes from the regular meetings held March 8, 2010 and March 22, 2010. After some discussion, Councilmember Jeff Gubbels made a motion to approve the minutes from the regular meetings

held March 8, 2010 and March 22, 2010 as presented. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixth item on the agenda was to review and consider Over 50% Variance Requests from the following:

A. Mr. and Mrs. Edward Guajardo for a fourteen feet (14') variance for the construction of a 16' x 24' carport with attached storage area to be located at Hawes 4<sup>th</sup>, Block 14, Lot 1; 912 East Wayside.

Finance Director Joyce Vasut presented a copy of the application for an over 50% variance submitted by Mr. and Mrs. Edward Guajardo for a fourteen feet (14') variance for the construction of a 16' x 24' carport with attached storage area to be located at Hawes 4<sup>th</sup>, Block 14, Lot 1; 912 East Belle Street. Assistant to City Manager Jackie Jansky stated that Mr. Guajardo desired to construct a carport 11' from the required 25' property line requirement. Mr. Guajardo addressed the City Council and stated that the carport would be on the front of the residence on Belle. Councilmember Don Mueller asked if the water meter would be relocated. Mr. Guajardo stated that there would be an offset with a 3" barrier in front of the water meter. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. and Mrs. Edward Guajardo for a fourteen feet (14') variance for the construction of a 16' x 24' carport with attached storage area to be located at Hawes 4<sup>th</sup>, Block 14, Lot 1; 912 East Belle Street. Councilmember Jeff Gubbels seconded the motion. All voted in favor.

B. Ms. Delia Perez for a zero foot (0') variance to construct a home over the center property line located River Road, Block 7, Lot 9 and 10; 610 Lincoln Street.

Finance Director Joyce Vasut presented a copy of the City of Wharton Application for an over 50% variance submitted by Ms. Delia Perez requesting a zero foot (0') variance to construct a home over the center property line located River Road, Block 7, Lot 9 and 10; 610 Lincoln Street. Assistant to City Manager Jackie Jansky stated that Ms. Perez desired to construct the home over the property line. Ms. Perez addressed the City Council and stated that she owned Lots 9 and 10. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Ms. Delia Perez requesting a zero foot (0') variance to construct a home over the center property line located River Road, Block 7, Lot 9 and 10; 619 Lincoln Street. Councilmember Terry David Lynch seconded the motion. All voted in favor.

The seventh item on the agenda was to review and consider the request by Mr. Bo Philips, Chairman of the Wharton Tea Party for City Council consideration to close Houston Street between Burleson and Milam Streets on Thursday, April 15, 2010. Finance Director Joyce Vasut presented a copy of the letter dated April 9, 2010 from Mr. Bo Philips, Chairman of the Wharton Tea Party requesting City Council consideration to close Houston Street, between Burleson and Milam Streets on Thursday, April 15, 2010 for their event. She also presented a copy of a flyer regarding the event. Mr. Philips addressed the City Council and requested the times be from 4:00 until 9:00 p.m. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve the request by Mr. Bo Philips, Chairman of the Wharton Tea Party for City Council consideration to close Houston Street between Burleson and Milam Streets on Thursday, April 15, 2010. Councilmember Don Mueller seconded the motion. All voted in favor.

The eighth item on the agenda was to review and consider the City Staff request for City Council authorization to request qualifications from energy service companies for performance contracting (Utility Conservation and Cost Reduction Services). Finance Director Joyce Vasut stated that on January 15, 2010, the City of Wharton submitted its application to the Texas State Comptrollers Office, State Energy Conservation Office (SECO) for stimulus funding in the amount of \$40,303.00, which could be used to conduct a full audit of the City of Wharton facilities. She said that the City Staff was awaiting notification from SECO regarding the grant funds. She said that on April 1, 2010, the City Council Finance Committee was presented information regarding the process for performance contracting and information regarding utility conservation and cost reduction. She said that the Finance Committee Members voted to recommend the City Council move forward and authorize the City Staff to solicit request for qualifications from energy service companies for performance contracting (Utility Conservation and Cost Reduction Services). She then presented a draft copy of the RFQ. After some discussion, Councilmember Lewis Fortenberry, Jr. made a motion to authorize the request for qualifications from energy service companies for performance contracting (Utility Conservation and Cost Reduction Services). Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The ninth item on the agenda was to review and consider the request by Mr. Manual Thomas Trigo, Jr., Blue Cross EMS for City Council reconsideration to approve a City of Wharton Ambulance Provider Permit Application. Finance Director Joyce Vasut stated that during the March 22, 2010 Wharton City Council meeting, the City Council discussed the request by Mr. Manual Thomas Trigo, Jr., for the City Council to reconsider Blue Cross EMS's application for an ambulance provider permit. She said that the City Council did not take action regarding the permit application pending additional information. She then presented a copy of the letter dated March 23, 2010 to Mr. Trigo regarding the City Council's actions and informing him that this item would be an item on the next agenda for City Council consideration. She then presented a copy of Mr. Trigo's letter dated March 31, 2010 to City Secretary Lisa Olmeda, informing her that a Blue Cross EMS representative would attend the meeting.

Ms. Monique Trigo addressed the City Council and stated that Blue Cross EMS would like to start serving Wharton and apologized for any miscommunications. Mayor David W. Samuelson stated that Blue Cross EMS was notified on three different occasions regarding the permit. He stated that the employees should advise the manager of the company of any discrepancies. He stated that in the letter submitted to the City, Blue Cross EMS blamed the City for arbitrarily denying the permit. He said that the City did not arbitrary deny the permit. Ms. Trigo stated that Blue Cross EMS would like to establish a good working relationship with the City of Wharton. She stated that Blue Cross EMS operated in Rio Grande Valley, Columbus and several patients from Wharton had been requesting service be provided by Blue Cross EMS. Councilmember Lewis Fortenberry, Jr. stated that when the City of Wharton issued the Ambulance Provider Permit, Blue Cross EMS should have known when the permit expired. Councilmember Terry David Lynch stated that there was a pattern with Blue Cross EMS not obtaining the required permits from the cities in which operations occurred. Ms. Trigo stated that the City of Kingsville had stopped requiring permits; however, had started back again.

After some discussion, Councilmember Jeff Gubbels made a motion for the City Council to reconsider and approve an ambulance provider permit to Blue Cross EMS. Councilmember Don Mueller seconded the motion. Councilmembers Don Mueller and Jeff Gubbels voted for the motion. Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch Domingo Montalvo, Jr. voted against the motion. The motion died.

The tenth item on the agenda was to review and consider an ordinance providing for the regulation of smoking in public places in the City of Wharton, Texas, by amending the City of Wharton Code of Ordinances, Chapter 34 Health and Sanitation by adding Article V Smoking; Providing for fines and penalties; Providing for a severability clause; Providing for an effective date; and Providing for a Repealer Clause. Finance Director Joyce Vasut stated that during the March 8, 2010 Wharton City Council meeting, the City Council held a Public Hearing regarding the proposed smoking ordinance. She said that the City Council had also discussed the proposed ordinance and deferred the proposed ordinance to the City Council Public Health Committee for further development prior to City Council action. She said that the City Council Public Health Committee met on April 8, 2010 to further discuss the proposed ordinance and voted to recommend the revised ordinance for consideration by the City Council. Mayor David W. Samuelson stated that the City Council Public Health Committee reviewed the proposed ordinance and made the requested changes by the Councilmembers. Councilmember Lewis Fortenberry, Jr. stated that Section 34.333 Enforcement (d) and (e) stated that the owner, manager, or employee of any establishment regulated by the article should enforce the regulations. He stated that the ordinance should be enforced by the Code Enforcement Department. After some discussion, Councilmember Don Mueller made a motion to approve the ordinance with Section 34.333 Enforcement (d) be reinstated and (e) be deleted. Councilmember Jeff Gubbels seconded the motion. Mayor David W. Samuelson, Councilmembers Don Mueller and Jeff Gubbels voted for the motion. Councilmembers V. L. Wiley, Jr., Lewis Fortenberry, Jr., Terry David Lynch, Domingo Montalvo, Jr. voted against the motion. The motion died.

The eleventh item on the agenda was to review and consider an ordinance amending the City of Wharton Code of Ordinances, Chapter 82 Traffic, Providing that a violation of the ordinance or any part of the code as adopted hereby shall constitute a penalty upon conviction of a fine; Providing for severability and setting an effective date. Finance Director Joyce Vasut stated that the City Council Public Works Committee met on March 6, 2010 and voted to recommend the City Council consider approving the amendment to the City of Wharton, Code of Ordinances, Chapter 82 Traffic. She also presented a summary of the changes included in the ordinance. Police Chief Tim Guin stated that he reviewed the proposed changes. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Ordinance No. 2010-03, which read as follows:

**CITY OF WHARTON  
ORDINANCE NO. 2010-03**

**AN ORDINANCE AMENDING THE CITY OF WHARTON CODE OF  
ORDINANCES, CHAPTER 82 TRAFFIC, PROVIDING THAT A VIOLATION OF  
THE ORDINANCE OR ANY PART OF THE CODE AS ADOPTED HEREBY**

**SHALL CONSTITUTE A PENALTY UPON CONVICTION OF A FINE;  
PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Council of the City of Wharton, Texas, that the City of Wharton Code of Ordinances, Chapter 82 Traffic, shall read as follows:

**ARTICLE I. IN GENERAL**

**Sec. 82-1. Adoption of Uniform Act Regulating Traffic on Highways.**

All provisions of the Uniform Act Regulating Traffic on Highways (Vernon's Ann. Civ. St. art. 6701d), as now in effect in the state, including all amendments to such statute, are hereby adopted as a part of this chapter, and such statute is supplemented by the provisions set forth in this chapter.

**Sec. 82-2. Enforcement--Fines for parking violations.**

Any person who shall violate any parking provision shall be fined not more than \$30.00 for each violation.

**Sec. 82-3. Same--Payment of traffic fines at police department.**

- (a) Any person who has received any notice to appear in answer to a traffic charge under this chapter may, within the time specified in the notice, appear at the municipal court and answer the charge set forth in such notice by paying a fine in accord with the schedule of fines prescribed by motion or resolution of the city council, thereby pleading guilty to the charge.
- (b) A person who has been guilty of three or more traffic violations within the preceding 12 months shall not be permitted to pay a fine at the police department, and he must make a statutory bail for appearance in court.

**Sec. 82-4. Same--Disregarding notice of violation.**

Any driver of a motor vehicle who unlawfully neglects to answer to the charges set forth in a written notice affixed to such motor vehicle by a police officer shall be guilty of a misdemeanor, regardless of the disposition of the charge for which such notice was originally given.

**Sec. 82-5. Same--Penalty generally.**

Except as otherwise provided in this chapter, any person violating any provision of this chapter shall, upon conviction thereof in the municipal court, be fined as provided in section 1-5.

**Sec. 82-6. Same--Impoundment of illegally parked vehicles.**

Any vehicle parked in violation of this chapter at a place where parking is prohibited or parking time is limited may be removed and impounded by the police department and wrecker charges shall be assessed against and collected from the owner or driver of the vehicle before the release of such vehicle. The payment of the wrecker fee shall not excuse such owner or driver of the vehicle from the charge of violating the traffic ordinances prohibiting or limiting such parking.

**Sec. 82-7. Enforcement on school property--Applicability.**

All traffic laws and ordinances of the city are hereby made and declared to be applied and made applicable to all of the property of the Wharton Independent School District which lies within the corporate limits of the city. All references in this chapter to the property of the Wharton Independent School District shall be construed to mean only that property which lies within the corporate limits of the city.

**Sec. 82-8. Same--Right and authority.**

The right and authority of all police and law enforcement agents and officers of the city to enter into and upon all property owned by the Wharton Independent School District, blanket authority and permission having been had and obtained from the board of trustees of the Wharton Independent School District consenting to this, and all of the parts and provisions of sections 82-5 and 82-7 for the purpose of enforcing any of the ordinances of the city, as well as all of the traffic and parking rules, requirements, regulations and limitations of record in the minutes of the board of trustees of the Wharton Independent School District, so long as such rules, regulations, requirements and limitations are clearly designated by signs and markers, erected or painted by the Wharton Independent School District and at the expense of the Wharton Independent School District, exclusively, is hereby granted, authorized and established.

**Sec. 82-9. Enactments of council.**

The city council is hereby empowered, by ordinance or resolution, to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergency or special conditions. All such valid and subsisting regulations, not in conflict with this chapter, are hereby continued in full force and effect until amended or repealed.

**Sec. 82-10. Duty of police department to enforce chapter; authority of police officers and firefighters to direct traffic.**

It shall be the duty of the police department to enforce the provisions of this chapter. Officers of the police department are hereby authorized to direct all traffic, either in person or by means of visible and/or audible signals in conformance with the provisions of this chapter. If a fire or other emergency occurs or to expedite traffic or safeguard pedestrians, officers of the police department or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter.

**Sec. 82-11. Accident reports.**

- (a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of \$25.00 or more shall immediately, by the quickest means of communication, either verbal or written, give notice of such accident to the police department if such accident occurs within this city.
- (b) The police department may require any driver of a vehicle involved in an accident on which a report must be made as provided in this section to make a supplemental oral or written report, whenever the original report is found to be insufficient or inadequate, and may require witnesses of accidents to render reports to the department.
- (c) Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making the report, such occupant shall make or cause to be made such report.
- (d) 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 as required in this section, either at the time of and at the scene of the accident or thereafter, by interviewing participants or witnesses, shall, within 24 hours after completing such investigation, forward a report of such accident to the police department. Every such accident report shall be made on the appropriate form provided by the police department (standard accident form used by the state) and shall contain all of the information required therein unless not available. Such reports shall be without prejudice to the officer so reporting and shall be for the confidential use of the police department.

**Sec. 82-12. Removal of vehicle from scene of accident.**

- (a) It shall be unlawful for the driver or any other person to remove any vehicle involved in an accident, for which a report is required, from the scene of the accident until authorized to do so by a police officer. 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 the vehicle in carrying any person injured in the accident to a physician or surgeon for medical or surgical treatment.
- (b) It shall be unlawful for the driver or any person in charge 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 street in this city to remove or attempt to remove any vehicle involved in such collision or accident or in any way interfere with or change the position of any vehicle, except upon authority or direction and in the presence of a police officer, unless such change is made or attempted for the purpose of releasing a person imprisoned within or under such vehicle involved in such collision or an accident. It shall likewise be unlawful for the driver or person in charge of

any such vehicle equipped with a crane, winch, hoist or towing device to remove any vehicle from the scene of an 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.

**Sec. 82-13. Garage records of damaged vehicles.**

The person in charge of any garage or repair shop shall keep a record of all damaged vehicles which show evidence of having been involved in an accident or wreck or struck by bullets. This record shall be available for police inspection and shall show the name of the driver or person in charge of the vehicle, the license number, model and type of the vehicle, description of the damage to the vehicle and the date brought in for repairs.

**Sec. 82-14. Railroads--Duty to keep crossings in repair.**

Every railroad company operating a railroad in or through any part of the city shall keep that portion of its roadbed and right-of-way over which any street or public road crosses in the city in proper condition for the use of the traveling public. If any company fails to comply with this section for 30 days after written notice to do so is given by the city, such company shall be guilty of a misdemeanor.

**Sec. 82-15. Same--Obstructing streets.**

No railroad company shall obstruct any street, alley, crossing or other thoroughfare of the city by leaving thereon any car, engine or rolling stock for a longer period than five minutes.

**ARTICLE II. OPERATION OF VEHICLES**

**Sec. 82-51. Permit to use vehicles for advertising purposes.**

It shall be unlawful for any person to operate any vehicle upon any street within the city for the primary purpose of displaying advertising, either by signs, posters or any type of loudspeaker, without first securing a permit from the chief of police.

**Sec. 82-52. Use of skates, coasters and toy vehicles in roadway.**

No person upon roller skates or a skateboard or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk; and when so crossing, such person shall be granted all of the rights and shall be subjected to all of the duties applicable to pedestrians. This section shall not apply upon any street set aside as a play street as authorized by the city council.

**Sec. 82-53. Speed limits--Specific streets and highways.**

Upon the basis of an engineering and traffic investigation made as authorized by the provisions of Vernon's Ann. Civ. St. art. 6701d, § 169, the following prima facie limits indicated for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways or parts thereof described as follows:

*U.S. 59--Loop 183 (Richmond Road).*

- (1) From a point at the north city limit to a point 2,260 feet south, a distance of approximately 0.428 of a mile, 45 miles per hour.
- (2) From a point 2,260 feet south of the north city limit to a point 1,874 feet south, a distance of approximately 0.355 of a mile, 40 miles per hour.
- (3) From a point 4,134 feet south of the north city limit to a point 3,432 feet south, a distance of approximately 0.650 of a mile, 35 miles per hour.
- (4) From a point at the south city limit to a point 127 feet north, a distance of approximately 0.024 of a mile, 40 miles per hour.
- (5) From a point 127 feet north of the south city limit to a point 4,182 feet north, a distance of approximately 0.792 of a mile, 30 miles per hour.

*State Highway 60 (Milam Street).*

- (1) From a point at the east city limit to a point 1,605 feet west, a distance of approximately 0.304 mile, 45 miles per hour.
- (2) From a point 1,605 feet west of the east city limit to a point 5,121 feet west, a distance of approximately 0.970 mile, 30 miles per hour.

*FM 102 (Ogden Street).*

- (1) From a point at the intersection of U.S. 59 Business, Richmond Road, to a point 1,299 feet East, a distance of approximately .246 of a mile, to be 30 miles per hour;
- (2) From a point 1,299 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 3,696 feet East, a distance of approximately .700 of a mile, to be 40 miles per hour;
- (3) From a point 4,995 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 2,304 feet East, a distance of approximately .438 of a mile, to be 50 miles per hour;

- (4) From a point 7,299 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 2,650 feet East, a distance of approximately .502 of a mile, at the East City Limit, to be 55 miles per hour;

*FM 1299 (Alabama Road).*

- (1) From a point at its intersection with State Highway 60 (Milam Street) to a point 2,540 feet south, a distance of approximately 0.481 mile, 40 miles per hour.
- (2) From a point at the south city limit to a point 174 feet north, a distance of approximately 0.033 mile, 50 miles per hour.

*FM 1301.*

- (1) From a point at the intersection of U.S. 59 Business, Richmond Road, to a point 1,299 feet East, a distance of approximately .246 of a mile, to be 30 miles per hour;
- (2) From a point 1,299 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 3,696 feet East, a distance of approximately .700 of a mile, to be 40 miles per hour;
- (3) From a point 4,995 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 2,304 feet East, a distance of approximately .438 of a mile, to be 50 miles per hour;
- (4) From a point 7,299 feet East of the intersection of U.S. 59 Business, Richmond Road, to a point 2,650 feet East, a distance of approximately .502 of a mile, at the East City Limit, to be 55 miles per hour;

*Old Caney Road.*

From a point at its intersection with Old Lane City Road, in a northeasterly direction, to the city limits, 35 miles per hour.

*Old Lane City Road.*

From a point at its intersection with State Highway 60, in an easterly direction to the city limits, 35 miles per hour.

**Sec. 82-54. Same--School zones.**

No person shall operate a vehicle at a speed greater than 20 miles per hour when passing through any properly marked school zone in the city. The school zone speed limit shall be operative between the hours of 7:15 a.m. and 8:15 a.m. and between the hours of 3:00 p.m. and 4:00 p.m. during school days.

**Sec. 82-55. School crossings.**

- (a) *Designation.* The following areas are designated as school crossings, and crosswalks shall be delineated in these areas:

*Abell Street*, 46 feet north of Avenue C.

*Alabama Road*, at its intersection at Sunny Lane.

*Alabama Road*, at the juncture of the 1700 and 1800 blocks.

*Alabama Street*, at its intersection with Abell Street.

*Martin Luther King Boulevard*, immediately west of its intersection with Allen Street.

*Martin Luther King Boulevard*, approximately 35 feet east of Sanders Street.

*Mattie Street*, at its intersection with Hendon Street.

*Milam Street*, for 50 feet on either side of its intersection with East Avenue.

*North Abel*, between Wharton High School parking lot and the field house beginning at a distance of more or less 240 feet from the intersection of Ahldag Street and North Abell.

*North Fulton*, at its south side intersection of Kelly Street.

*North Rusk*, at its south side intersection of Kelly Street.

*Tiger Avenue*, at its 100 block adjacent to Wharton County Junior College.

- (b) *Boundaries of crosswalks.* The city shall use white markings on pavements to designate the boundaries of the crosswalks. These markings may be in lieu of or in addition to other traffic signs and signals.
- (c) *Right-of-way.* Pedestrians may proceed across the roadways described in subsection (a) of this section within the boundaries of the crosswalks, and drivers of all vehicles shall yield the right-of-way to any pedestrians crossing in any such areas.

**Sec. 82-56. School zones.**

- (a) *Designated.* The following areas are designated as school zones:

*Abell Street*, from its intersection with Alabama Street to its intersection with Center Street.

*Abell Street*, from its intersection with Belle Avenue to its intersection with Tiger Avenue.

*Alabama Road*, from its intersection with FM 1301 (Old Boling Road) to its intersection with Barfield Road.

*Alabama Road*, from its intersection with FM 1301 (Old Boling Road) to its intersection with Sunny Lane.

*Alabama Street*, from its intersection with East Avenue to its intersection with Speed Street.

*Belle Avenue*, from its intersection with Abell Street to its intersection with Junior College Boulevard.

*Center Street*, from its intersection with Abell Street to its intersection with Speed Street.

*Lynn Street*, from its intersection with Fulton Street to its intersection with Houston Street.

*Mockingbird Lane*, from its intersection with Rusk Street to its intersection with Sunny Lane.

*Old Boling Road*, from its intersection with Alabama Road to its intersection with John Knox Street.

*Oriole Lane*, from its intersection with Sunny Lane to its intersection with Meadow Lane.

*Pecan Street*, from its intersection with Third Street to its intersection with Mockingbird Lane.

*Rusk Street*, from its intersection with Mockingbird Lane to its intersection with Santé Fe Street.

*Santa Fe Street*, from its intersection with Fulton Street to its intersection with Walnut Street.

*Speed Street*, from its intersection with Alabama Street to its intersection with Center Street.

*Sunny Lane*, from its intersection with Alabama Road to its intersection with Park Lane.

*Third Street*, from its intersection with Rusk Street to its intersection with Pecan Street.

*Tiger Avenue*, from its intersection with Alabama Road to its intersection with the 600 Block of Ahldag Street.

(b) *FM 1301*: For a distance of .345 miles beginning 4,158 feet from its intersection with Alabama Road and continuing for a distance of 1,820 feet in an easterly direction.

(c) *Speed limit*.

1) The speed limit in the school zones described in subsection (a) of this section shall be 20 miles per hour from 7:30 a.m. until 8:30 a.m. and from 3:00 p.m. until 4:00 p.m., Monday through Friday.

2) The speed limit in the school zones described in subsection (b) of this section shall be 35 miles an hour during times in which the school zone signs are flashing.

(d) *Signs*.

1) The chief of police is authorized to cause signs to be erected designating the areas described in subsection (a) of this section as school zones and designating the speed limit to be followed in these school zones.

2) The Texas Department of Transportation shall cause signs to be erected designating the areas described in subsection (b) of this section as school zones and designating the speed limit to be followed in these school zones.

#### **Sec. 82-57. No U-turn intersections.**

The chief of police is hereby authorized to cause any street intersection to be designated as an intersection at which no U-turn shall be made, as may be authorized by the city council from time to time. The chief of police is further authorized to cause appropriate signs and markings to be painted on the surface of the street or to cause clearly visible and uniform signs to be erected at such intersection indicating that it has been designated as an intersection at which no U-turn shall be made.

#### **Sec. 82-58. Truck routes.**

- (a) It shall be unlawful to operate any truck rated larger than one-ton load capacity on any street in the city, other than as listed in subsection (b) of this section, except for the purpose of making a pickup or a delivery within the city or for the purpose of going to and from the operator's place of residence in the city or for the purpose of having the truck repaired or serviced within the city. However, any truck rendered for taxation within the city may be operated upon such other streets in the city as are necessary to use for the purpose of direct ingress and egress to and from the truck route streets authorized in subsection (b) of this section in order to gain ingress and egress to and from the place within the city where the truck is usually kept when not in actual operation.
- (b) The following streets are hereby designated as truck route streets within the city, and it shall not be unlawful to operate a truck rated larger than the one-ton load capacity upon such streets:

U.S. Highway 59.

State Highway 60.

FM 1301.

FM 102.

South East Avenue.

Burleson Street from Richmond Road to Resident Street.

Resident Street from Burleson Street to Milam Street.

**Sec. 82-59. Improper acceleration.**

It shall be unlawful for any person operating a motor vehicle upon any public street, roadway or alley or upon any private driveway or parking lot in the city to start such vehicle from a stopped position in such a manner as to cause one or more of its tires to slip, skid or squeal in a loud manner calculated to disturb the persons present at or near such place or in such a manner calculated to cause or causing rocks, pebbles or other debris to be thrown or thrust out from under such wheels or tires in a manner calculated to cause or causing injury to persons present at or near such place or private or public property at or near such place.

**Sec. 82-60. Improper slowing or stopping.**

It shall be unlawful for any person operating a motor vehicle upon any public street or roadway in the city to apply the brakes of such vehicle or to stop, turn or slow such vehicle in such a manner as to cause one or more of its wheels or tires to skip, skid or squeal in a loud manner calculated to disturb the persons present at or near such place, except to avoid an accident or collision.

**Sec. 82-61. Negligent collision.**

Every person who drives or operates any motor vehicle, animal, railroad engine, railroad car, wagon, cart, dray or any other vehicle who shall, by negligence, cause or suffer or permit the vehicle to come in collision with any other vehicle of any nature whatever or with any animal, person, street sign, street post, water plug, mailbox or any other obstacle or object whatever, in or upon any public street or public alley, highway or any public place in the city shall be guilty of negligent collision and of violating this Code.

**Sec. 82-61.1. Three-way stop intersections designated.**

*Briar Lane*, at its intersection with Glenn Haven Street.

*Crestmont Street*, at its intersection with Hodges Lane and Willowbend Street.

**Sec. 82-62. Four-way stop intersections designated.**

The following intersections are hereby designated as four-way stop intersections at which all vehicles shall stop before entering such intersections from any direction. The chief of police shall cause stop signs to be erected at each corner of such intersections, along with stripes for added precautions at the Mockingbird Lane/North Rusk intersection, indicating that vehicles shall stop before entering the intersection in accordance with state law:

Alabama Street, east, at its intersection with Resident Street, north.

Avenue A at its intersection with Olive Street.

Belle Avenue, east at its intersection with Walnut Street, north.

Caney Street, west at its intersection with Houston Street, north.

Emily Street, east at its intersection with Speed Street, north.

Fulton Street, north at its intersection with Armstrong Street and Kelly Street.

Fulton, north at its intersection with Ahldag Street.

Fulton, north at its intersection with Alabama Street.

Fulton, north at its intersection with Caney Street, east.

Outlar Street, north at its intersection with Bailey Street.

Pecan Street at its intersection with Mockingbird Lane.

Resident Street, north at its intersection with Caney Street, east.

Rusk Street at its intersection with Mockingbird Lane

Texas Street at its intersection with Center Street.

**Sec. 82-63. Stop intersections designated.**

The following intersections are designated as stop intersections and stop signs shall be erected as follows:

Abell Street at its intersection with Alabama Street east.

Abell Street at its intersection with Center Street.

Abell Street at its intersection with Columbus Street.

Abell Street at its intersection with Santa Fe Street.

Abell Street north at its intersection with Ahldag Street.

Abell Street north at its intersection with Emily.

Abell Street north at its intersection with Mulberry Street east.

Ahldag Street west at its intersection with Richmond Road north.

Alabama Street east at its intersection with Alabama Road north.

Alabama Street west at its intersection with Richmond Road north.

Alcalde Way at its intersection with Park Lane.

Alcalde Way at its intersection with Sunny Lane.

Allen Street at its intersection with Goode Street.

Allen Street at its intersection with Martin Luther King Boulevard.

Armstrong at its intersection with Richmond Road north.

Avenue A at its intersection with Abell Street.

Avenue A at its intersection with Alabama Road north.

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Avenue A at its intersection with Resident Street.

Avenue B at its intersection with Pecan Street north.

Avenue B at its intersection with Walnut Street.

Avenue C at its intersection with Abell Street.

Avenue C at its intersection with Alabama Road north.

Avenue C at its intersection with Koehl Street.

Avenue C at its intersection with Resident Street.

Avenue C at its intersection with Speed Street.

Avenue C at its intersection with Texas Street.

Azalea Drive at its intersection with Camellia Avenue.

Azalea Street at its intersection with Outlar Street south.

Bailey Street at its intersection with Spanish Camp Road north.

Barclay Avenue at its intersection with Ahldag Street west.

Barclay Avenue at its intersection with Fulton Street north.

Barfield Lane at its intersection with Alabama Road north.

Bell Street at its intersection with Sunset Street south.

Belle Avenue at its intersection with Fulton north.

Belle Avenue east at its intersection with Abell Street north.

Belle Avenue east at its intersection with Junior College Boulevard.

Belle Avenue west at its intersection with Richmond north.

Black Street at its intersection with Elm Street.

Boatwright Lane at its intersection with Richmond Road north.

Bob-O-Link Lane at its intersection with Lazy Lane.

Bob-O-Link Lane at its intersection with Rusk Street north.

Bob-O-Link Lane at its intersection with Sunny Lane.

Boling Green Drive at its intersection with Greenbriar Drive.

Bolton Street at its intersection with Richmond Road north.

Bolton Street at its intersection with Sunset Street north.

Branch Street at its intersection with FM 102 (Ogden Street).

Branch Street at its intersection with Hendon Street.

Branch Street at its intersection with Martin Luther King Boulevard.

Breezy Lane at its intersection with Alabama Road.

Breezy Lane at its intersection with Park Lane.

Breezy Lane at its intersection with Pecan Street.

Breitling Lane at its intersection with Elm Street.

Brenek Lane at its intersection with Nelson Lane.

Brenek Lane at its intersection with Rugely Lane.

Briar Lane at its intersection with Alabama Road.

Burleson Street west at its intersection with Ford Street north.

Burleson Street west at its intersection with Sheppard Street north.

Burleson Street west at its intersection with Sunset Street south

Camellia at its intersection with Martin Luther King Boulevard.

Caney Drive south at its intersection with Sunset Street north.

Caney Street east at its intersection with East Avenue north.

Caney Street east at its intersection with Alabama Road north.

Caney Street west at its intersection with Ford north.

Caney Street west at its intersection with Outlar north.

Caney Street west at its intersection with Sunset Street north.

Cargill Street at its intersection with Abell Street.

Cargill Street at its intersection with Alabama Road north.

Cargill Street at its intersection with Koehl.

Cargill Street at its intersection with Speed Street.

Cargill Street at its intersection with Texas Street.

Carolyn Street at its intersection with Alabama Road south.

Carolyn Street at its intersection with East Avenue south.

Carter at its intersection with Boling Highway.

Carter Street at its intersection with Frankie.

Center Street at its intersection with Alabama Road north.

Center Street at its intersection with Koehl.

Center Street at its intersection with Walnut Street.

Centennial at its intersection with Fulton.

Centennial at its intersection with Rusk Street.

Chapel Heights Drive at its intersection with Cottonwood Drive.

Chapel Courts at its intersection with Sycamore Street.

Circle Drive at its intersection with Circle Drive.

Circle Drive at its intersection with Old Lane City Road.

Circle Drive at its intersection with Park Drive.

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Cline Drive at its intersection with Old Caney Road.

Cloud Street at its intersection with Bell Street.

Cloud Street at its intersection with Burleson west.

Cloud Street at its intersection with Colorado Street.

Cloud Street at its intersection with Milam Street west.

Cloud Street north at its intersection with Caney west.

College Street at its intersection with Ogden Street.

Colorado Street at its intersection with Richmond Road north.

Colorado Street at its intersection with Sunset Street south.

Columbine Street at its intersection with Azalea.

Columbine Street at its intersection with Outlar south.

Columbus Drive at its intersection with Fulton north.

Columbus Drive at its intersection with Richmond Road north.

Connie Street at its intersection with Outlar Street north.

Correll at its intersection with Carolyn Street.

Correll at its intersection with Elm east.

Correll at its intersection with Maple Street.

Correll at its intersection with Milam Street east.

Cottonwood Drive at its intersection with Price Drive.

Country Club Drive at its intersection with Old Lane City Road.

Crestmont at its intersection with Alabama Road.

Crestmont at its intersection with Glen Haven.

Croom Drive at its intersection with Old Lane City Road.

Croom Drive at its intersection with Sycamore Street.

Cutbirth at its intersection with Old Lane City Road.

Dahlgren at its intersection with Fulton north.

Dalgreen east at its intersection with Walnut north.

Dahlgren west at its intersection with Richmond Road north.

Damon Street at its intersection with Sheppard Street south.

David Street at its intersection with East Avenue south.

David Street at its intersection with Moutray Street.

Davis Street at its intersection with East Avenue north.

Davis Street at its intersection with Resident Street north.

Davis Street at its intersection with Walnut Street.

Debbie Street at its intersection with Alabama Street east.

Debbie Street at its intersection with Davis Street.

Delmas Drive at its intersection with Kincaid Street.

Delmas Drive at its intersection with Milam Street east.

Dennis Street at its intersection with Caney east.

Dennis Street at its intersection with Davis Street.

Dennis Street at its intersection with Milam Street east.

Dunraven Street at its intersection with Kingston Drive.

Dunraven Street at its intersection with Westgate Drive.

Dunraven Street at its intersection with Wisteria way.

East Avenue at its intersection with Alabama Street east.

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East Avenue at its intersection with Milam Street east.

Edwards Street at its intersection with Sheppard Street.

Elm east at its intersection with Alabama Road.

Elm Street east at its intersection with East Avenue south.

Emily at its intersection with Fulton north.

Emily at its intersection with Richmond north.

Evans at its intersection with Fulton north.

Evans at its intersection with Richmond Road north.

Fairway Drive at its intersection with Old Caney Road.

First Street at its intersection with Fulton Street north.

First Street at its intersection with Richmond Road north.

First Street at its intersection with Rusk north.

Foote Street at its intersection with Evans Street.

Foote Street at its intersection with Harmanson Street.

Foote Street at its intersection with Mayes Street.

Ford Street at its intersection with Milam Street west.

Frankie at its intersection with Pioneer.

Franklin at its intersection with Crestmont.

Franklin Drive at its intersection with Kelving Way.

Franklin Road at its intersection with Nelga Road.

Fulton Street south at its intersection with Elm Street east.

Fulton south at its intersection with Burleson Street east.

Gail at its intersection with Fulton Street north.

Gail at its intersection with Richmond Road north.

Gallaher at its intersection with Burleson west.

Gallaher Street at its intersection with Colorado Street.

Golfcrest Drive at its intersection with Country Club Drive.

Goode Street at its intersection with Outlar Street north.

Glen Haven at Kelving Way.

Grayson Street north at its intersection with Ahldag Street east.

Greenbriar at its intersection with Boling Highway.

Greenbriar at its intersection with Boling Green (Lake Net 2nd).

Grove Street at its intersection with Alabama Street east.

Grove Street at its intersection with Caney east.

Groves Street at its intersection with Milam Street east.

Hamilton at its intersection with Bolton Street.

Hamilton at its intersection with Caney west.

Harmanson at its intersection with Fulton north.

Harmanson Street at its intersection with Richmond Road north.

Harris Street at its intersection with Hughes Street.

Harris Street at its intersection with Outlar north.

Harrison Lane at its intersection with Ogden Street (FM 102).

Harrison Lane at its intersection with Spanish Camp Road. Hawes Street at its intersection with Fulton north.

Hawes Street at its intersection with Houston Street.

Hawes Street at its intersection with Polk Street.

Helms Street at its intersection with Carter Street.

Helms Street at its intersection with Pioneer Avenue.

Hendon Street at its intersection with Mattie Street.

Hendon Street at its intersection with Spanish Camp Road north.

Hodges Lane at its intersection with Alabama Road.

Hodges Lane at its intersection with Briar Lane.

Hollis Avenue at its intersection with Delmas Drive.

Hollis Avenue at its intersection with Oliver Street.

Horton Foote at its intersection with Alabama north.

Horton Foote at its intersection with Pioneer.

Houston Street at its intersection with Elm.

Houston Street at its intersection with Alabama Street west.

Houston Street at its intersection with Linn Street.

Hughes Street at its intersection with Caney west.

Hughes Street at its intersection with Milam Street west.

Hughes Street at its intersection Spanish Camp Road.

Jefferson Street at its intersection with East Avenue south.

Jefferson Street at its intersection with Milam Street east.

Joan Street at its intersection with Fulton north.

Joan Street at its intersection with Richmond north.

John Knox at its intersection with Lazy Lane.

John Knox Street at its intersection with Boling Highway.

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John Knox Street at its intersection with Old Boling Highway.

Jr. College Boulevard at its intersection with Tiger Avenue.

Kaiser Lane at its intersection with Spanish Camp Road.

Kearney Street at its intersection with Sheppard Street south.

Kelly Street at its intersection with Rusk Street.

Kelving Way at its intersection with Alabama Road.

Kelving Way at its intersection with Hodges.

Kelving Way Courts at its intersection with Hodges Lane.

Kincaid Street at its intersection with Hodges Lane.

Kincaid Street at its intersection with Milam Street east.

Kingston Drive at its intersection with Alabama Road.

Koehl Street at its intersection with Alabama Street east.

Koehl Street at its intersection with Avenue A.

Koehl Street at its intersection with Santa Fe Street.

La Delle Street at its intersection with Alabama Road.

Lakeshore Drive at its intersection with Boling Highway.

Lazy Lane at its intersection with Fulton.

Lazy Lane at its intersection with Rusk Street.

Lazy Lane at its intersection with Sunny Lane.

Lewis Street at its intersection with Hendon Street.

Lewis Street at its intersection with Wilson Street.

Liberty Road at its intersection with Alabama Road.

Lily Lane at its intersection with Park Drive.

Lincoln Street at its intersection with Carolyn Street.

Lincoln Street at its intersection with David Street.

Lincoln Street at its intersection with Elm east.

Lincoln Street at its intersection with Jefferson Street.

Lincoln Street at its intersection with Maple Street.

Linda Croom park at its intersection with Alabama Road.

Linn Street at its intersection with Fulton north.

Linn Street at its intersection with Richmond Road north.

Linwood Street at its intersection with Briar Lane.

Linwood Street at its intersection with Hodges.

Lucky Lane at its intersection with Bolton Street.

Lucky Lane at its intersection with Richmond Road north.

Mahan Street at its intersection with Hodges Lane.

Mahan Street at its intersection with Milam Street east.

Maple Street at its intersection with Alabama Road.

Maple Street at its intersection with East Avenue south.

Martin Luther King Boulevard at its intersection with Spanish Camp north.

Mattie Street at its intersection with Martin Luther King Boulevard.

Mattie Street at its intersection with Ogden (FM 102).

Mayfair circle at its intersection with Bob-O-Link Lane.

Mays Street at its intersection with Fulton north.

Mays Street at its intersection with Richmond Road north.

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McElroy Street at its intersection with Fulton north.

McElroy Street at its intersection with Richmond Road north.

Meadow Lane at its intersection with Alabama Road.

Meadow Lane at its intersection with Park Lane.

Meadow Lane at its intersection with Sunny Lane.

Merry Lane at its intersection with Breezy Lane.

Merry Lane at its intersection with Park Lane.

Milam Street west at its intersection with Outlar Street south.

Milam Street west at its intersection with Outlar Street north.

Milburn Street at its intersection with Rusk Street north.

Mockingbird Lane at its intersection with Fulton Street north.

Moore Street at its intersection with Milburn Street.

Moore Street at its intersection with Old Boling Highway east.

Moutray Street at its intersection with Carolyn Street.

Moutray Street at its intersection with Elm east.

Moutray Street at its intersection with Jefferson Street.

Moutray Street at its intersection with Maple Street.

Mulberry Avenue east at its intersection with Texas north.

Mulberry west at its intersection with Richmond Road north.

Mulberry Street west at its intersection with Fulton Street north.

Murphy Avenue at its intersection with Collins Street.

Nelga Road at its intersection with Stavena Road.

Nelson Lane at its intersection with Ogden Street.

Nelson Lane at its intersection with Spanish Camp Road.

Newton at its intersection with Ahldag Street east.

Oak Street at its intersection with Bailey Street.

Oak Street at its intersection with Caney west.

Oak Street at its intersection with Harris.

Oak Street at its intersection with Milam Street west.

Oak Street at its intersection with Spanish Camp north.

Oakcrest Street at its intersection with Crestmont Street.

Old Boling Highway at its intersection with Alabama Road north.

Old Boling Road at its intersection with Rusk Street.

Old Caney Road at its intersection with Old Lane City Road.

Old Lane City Road at its intersection with Milam Street east.

Olive Street at its intersection with Alabama Street east.

Olive Street at its intersection with Avenue C.

Olive Street at its intersection with Breezy Lane.

Olive Street at its intersection with Center Street.

Olive Street at its intersection with Santa Fe Street.

Oliver Street at its intersection with Delmas Drive.

Oliver Street at its intersection with Kincaid Avenue.

Oriole Lane at its intersection with Breezy Lane.

Oriole Lane at its intersection with Meadow Lane.

Oriole Lane at its intersection with Sunny Lane.

Outlar north at its intersection with Martin Luther King Boulevard.

Park Drive at its intersection with Croom Drive.

Park Lane at its intersection with Breezy Lane.

Park Lane at its intersection with Meadow Lane.

Park Lane at its intersection with Oriole Lane.

Pecan Street at its intersection with Alabama Street.

Pecan Street at its intersection with Avenue A.

Pecan Street at its intersection with Avenue C.

Pecan Street at its intersection with Bob-O-Link Lane.

Pecan Street at its intersection with Lazy Lane.

Pecan Street at its intersection with Santa Fe Street.

Pecan Street west at its intersection with Bailey Street.

Pecan Street west at its intersection with Caney Street west.

Pecan Street west at its intersection with Harris Street.

Pecan Street west at its intersection with Martin Luther King Boulevard.

Pecan Street west at its intersection with Milam Street west.

Pioneer Avenue at its intersection with Ahldag Street east.

Pioneer Avenue at its intersection with Boling Highway east.

Polk Street at its intersection with Milam Street west.

Polk Street north at its intersection with Alabama Street west.

Polk Street north at its intersection with Caney Street, west.

Polk Street south at its intersection with Burleson west.

Polk Street south at its intersection with Elm Street west.

Price Drive at its intersection with Briar Lane.

Price Drive at its intersection with Lily Lane.

Price Drive at its intersection with Sycamore Drive.

Quail hollow at its intersection with Crestmont Drive.

Quail hollow at its intersection with Oakcrest.

Red River Drive at its intersection with Barfield Lane.

Reed at its intersection with Richmond Road north.

Regional Medical Drive at its intersection with Highway 59 North Feeder Road.

Regional Medical Drive at its intersection with Ogden (FM 102).

Resident Street at its intersection with Milam Street east.

Resident Street at its intersection with Santa Fe Street.

Resident Street at its intersection with Third Street.

Resident Street south at its intersection with Burlison east.

Resident Street south at its intersection with Elm Street east.

Rugeley Lane at its intersection with Stafford Lane.

Rusk north at its intersection with Emily east.

Rusk north at its intersection with Wayside Street.

Rusk Street at its intersection with Alabama Street.

Rusk Street at its intersection with Boling Highway.

Rusk Street north at its intersection with Alabama Street east.

Rusk Street north at its intersection with Belle Avenue.

Rusk Street north at its intersection with Caney east.

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Rusk Street south at its intersection with Burleson east.

Rusk Street south at its intersection with Elm Street east.

Salisbury at its intersection with Westgate Drive.

Salisbury Street at its intersection with Kingston Street.

Sanders Street at its intersection with Martin Luther King Boulevard.

Santa Fe Street at its intersection with Alabama Road north.

Santa Fe Street at its intersection with Fulton north.

Santa Fe Street at its intersection with Rusk Street.

Sara Ann at its intersection with Kingston Drive.

Sara Ann at its intersection with Westgate Drive.

Sara Ann at its intersection with Wisteria Way.

Schley Drive at its intersection with Delmas Drive.

Schley Drive at its intersection with Kincaid Avenue.

Schley Drive at its intersection with Mahan Avenue.

Second Street at its intersection with Fulton Street.

Second Street at its intersection with Resident Street.

Second Street at its intersection with Rusk Street north.

Sheppard Street north at its intersection with Caney west.

Sheppard Street north at its intersection with Milam Street west.

Sheppard Street north at its intersection with Spanish Camp Road west.

Shirley Avenue at its intersection with Alabama Road north.

Sorrell Street at its intersection with Richmond Road north.

Sorrell Street at its intersection with Sunset Street north.

Spanish Camp Road at its intersection with Sunset Street south.

Spanish Camp Road north at its intersection with Ogden Street (FM 102).

Speed Street at its intersection with Alabama Street east.

Speed Street at its intersection with Avenue A.

Speed Street at its intersection with Center Street.

Speed Street at its intersection with Columbus Street.

Speed Street at its intersection with Santa Fe Street.

Speed Street at its intersection with Wayside Street.

Speed Street north at its intersection with Mulberry Avenue east.

Stadium Street at its intersection with Boling Highway.

Stafford Lane at its intersection with Nelson Lane.

Stavena Road at its intersection with Old Lane City Road.

Sunny Lane at its intersection with Alabama Road north.

Sunny Lane at its intersection with Mockingbird Lane.

Sunny Lane at its intersection with Pecan Street.

Sunset Drive north at its intersection with Richmond Road north.

Sunset Street north at its intersection with Milam Street west.

Sunset Street north at its intersection with Ogden Street (FM 102).

Sycamore Drive at its intersection with Lily Lane.

Sycamore Drive at its intersection with Price Drive.

Sycamore Street at its intersection with Croom Drive.

Tennie Street at its intersection with Carter Street.

Tennie Street at its intersection with Pioneer Avenue.

Texas Street at its intersection with Alabama Street east.

Texas Street at its intersection with Avenue A.

Texas Street at its intersection with Santa Fe Street.

Texas Street north at its intersection with Belle east.

Third Street at its intersection with Richmond Road north.

Third Street at its intersection with Fulton north.

Third Street at its intersection with Pecan Street.

Third Street at its intersection with Rusk Street north.

Tiger Avenue at its intersection with Junior College Boulevard.

University Street at its intersection with Fulton north.

University Street at its intersection with Pioneer Avenue.

Valhalla Drive at its intersection with Regional Medical Drive.

Walnut North Street at its intersection with Emily Street east.

Walnut Street at its intersection with Alabama Street east.

Walnut Street at its intersection with Avenue A.

Walnut Street at its intersection with Avenue C.

Walnut Street at its intersection with Caney Street east.

Walnut Street at its intersection with Milam Street east.

Walnut Street at its intersection with Santa Fe Street.

Walnut Street at its intersection with Wayside Street.

Walnut Street north at its intersection with Ahldag Avenue east.

Washington Street at its intersection with Carolyn Street.

Washington Street at its intersection with David Street.

Washington Street at its intersection with Elm Street east.

Washington Street at its intersection with Maple Street.

Wayside Avenue at its intersection with Abell Street north.

Wayside Avenue at its intersection with Fulton north.

Wayside Avenue at its intersection with Junior College Boulevard.

Wayside Avenue at its intersection with Richmond north.

Wayside Avenue at its intersection with Texas Street north.

Wells Street at its intersection with Caney Drive north.

Wells Street at its intersection with Ogden Street (FM 102).

West Street at its intersection with Circle Drive.

Westgate at its intersection with Alabama Road south.

Weston Avenue at its intersection with Hodges Lane.

Wilkes Street at its intersection with Martin Luther King Boulevard.

Willow Lane west at its intersection with Richmond Road north.

Wilson Street at its intersection with Branch Street.

Wilson Street at its intersection with Spanish Camp Road.

Wisteria Way at its intersection with Alabama Road south.

Woodvine Street at its intersection with Briar Lane.

Woodvine Street at its intersection with Linwood Drive.

**Sec. 82-64. Yield right-of-way intersections.**

The following intersections have been designated as yield right-of-way intersections and yield signs shall be erected as follows:

- (a) Burleson Street east at Milam Street east.
- (b) Jr. College Boulevard at its intersection with Tiger Avenue.
- (c) Jr. College Boulevard at its intersection with County Road 166.
- (d) Regional Medical Drive at Regional Medical Drive.
- (e) Tiger Avenue at Junior College Boulevard.

**Sec. 82-65. One-way only streets.**

- (a) Burleson Street from its intersection at Richmond Road to Resident Street.
- (b) Resident Street from its intersection at Burleson Street to Milam Street.
- (c) Milam Street from its intersection at Resident Street to Richmond Road.
- (d) Fulton Street from its intersection at Milam Street to Burleson Street.
- (e) Houston Street from its intersection at Milam Street to Burleson Street.

**Secs. 82-66--82-90. Reserved.**

**ARTICLE III. PROCESSIONS AND PARADES**

**Sec. 82-91. Permit required.**

It shall be unlawful for any number of persons or a delegation or association of persons or for any company, circus or group, excepting the military forces of the United States or of this state and the forces of the police and fire departments of this city to parade, march or proceed along any street within the city without having first obtained a written permit from the chief of police, during certain hours as may be designated by the chief of police. Whenever such permit is granted by the city, acting by and through its chief of police, it shall designate the streets, avenues, alleys and thoroughfares over which the parade or group is privileged to travel and the time that the parade or procession shall be held and completed.

**Sec. 82-92. Identification of funeral processions.**

A funeral composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the chief of police.

**Sec. 82-93. Driving in procession.**

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

**Sec. 82-94. Driving through processions.**

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously identified as required. This section shall not apply at intersections where traffic is controlled by traffic control signals or a police officer.

**Secs. 82-95--82-125. Reserved.**

**ARTICLE IV. PARKING\***

**Sec. 82-126. Parking of unlicensed or uninspected vehicles.**

It shall be unlawful for any person to park or to allow, suffer or permit to be parked, upon any street within the city, any motor vehicle not displaying front and rear license tags for the current year or any motor vehicle not displaying the current safety inspection sticker.

**Sec. 82-127. Parking in alley.**

Except in compliance with law, no person shall stop, stand or park a vehicle in an alley or in such a manner as to block or impede vehicular traffic.

**Sec. 82-128. Emerging from parked vehicle.**

It shall be unlawful for any person to step from a parked vehicle into the roadway or sidewalk in such a manner as to interfere with or impede the progress of any vehicle or pedestrian.

**Sec. 82-129. Moving vehicle from angle parking space.**

In leaving an angle parking space, a vehicle shall not be backed into the traffic lane any further than necessary to get straightened out and faced in the proper direction for traffic between such space and the center of the street.

**Sec. 82-130. Time limit for parking certain vehicles:**

(a) **Six wheeled vehicles (Trucks and trailers):**

It shall be unlawful for any person to park any motor vehicle or truck having more than six wheels or any combination of motor vehicle, truck and trailer with more than six wheels or any trailer detached from any truck that has more than six wheels upon any street within the city for a longer period of time than thirty (30) minutes.

**(b) Two and four wheeled vehicles (utility trailers, boats, travel trailers, etc.):**

It shall be unlawful for any person to park any two or four wheeled vehicle (including but not limited to utility trailers, boats, travel trailers, etc.) that is detached from any truck or other vehicle upon any street within the city for a longer period of time than forty-eight (48) hours.

**Sec. 82-131. Trucks and trailers parked in city-owned lots or on city-owned property.**

It shall be unlawful for any person to park any motor vehicle or truck having more than six wheels or any combination of motor vehicle, truck and trailer with more than six wheels or any trailer detached from any truck that has more than six wheels upon any city parking lot, city park or other real property owned by the city. This section shall not apply to city-owned vehicles, trucks or trailers parking on city-owned property.

**Sec. 82-132. No parking zones--All times.**

The following no parking zones, in addition to those established by authority of the council and not in conflict with this section, are established in the city:

*North Abell Street*, both sides, from its intersection with Ahldag Avenue to its intersection with East Belle Avenue.

*West Alabama Street*, from a point of its intersection with North Polk Street, in a westerly direction to North Richmond Road.

*Bailey Street*, north side, from a point 216 feet west of its intersection with Outlar Street for a distance of 449 feet in a westerly direction; such no parking zone extending from a point 30 feet east of the bus entrance to a point 30 feet west of the bus exit.

*East Belle Avenue* south side, from its intersection with North Abell Street to its intersection with Alabama Road.

*East Belle Avenue*, south side of 100 block east, beginning at a point 140 feet from its intersection with North Fulton Street and continuing in an easterly direction for 56 feet.

*East Boling Highway*, FM 1301, both sides, in the 900 block from Pioneer Avenue and extending east to Alabama Road.

*West Boling Road*, FM Road 1301, north side, at a point beginning 142.75 feet west of its intersection with North Fulton Street in a westerly direction a distance of 78 feet.

*Briar Lane*, beginning at its intersection with Price Drive and continuing in a westerly direction 20 feet on the side of the street across from the Holy Family Catholic Church.

*Briar Lane*, northeast side, at its intersection with Hodges Lane to include the width of Hodges Lane at such intersection plus a distance of 20 feet on each side of the intersection.

*Burleson Street*, north side, from its intersection with North Richmond Road to its intersection with Resident Street (except the block on Burleson Street between Houston Street and Fulton Street where parking on both sides shall be permitted).

*FM 102*, north side, for a distance of 120 feet on both the east and west sides of its intersection with Regional Medical Drive.

*FM 102*, south side, for a distance of 120 feet on both the east and west sides of its intersection with Mattie Street.

*Fulton Street*, on the west side beginning at its intersection with Milam Street for a distance of 78-feet north.

*Fulton Street*, on the east side of the 200 block of Fulton Street from a point beginning at the intersection of Alabama Street and extending a distance of 148 feet south. This area shall be designated as a no parking area seven days a week and 24 hours per day, except for duly authorized personnel of the city fire department and city ambulance service as they may be permitted under the rules and regulations of these particular departments.

*Mattie Street*, with Hendon Street.

*West Milam Street*, north side, from the 900 block to the 1100 block.

*West Milam Street*, both sides beginning at the intersection of Outlar Street and continuing to the cul-de-sac or pedestrian entrance of Harris Park.

*Mockingbird Street*, both sides, from its intersection with Pecan Street to its intersection with Rusk Street.

*Nelson Lane*, the west side of Nelson Lane beginning at the intersection of FM 102 and extending a distance of 265 feet south.

*Price Drive*, beginning at its intersection with Briar Lane and continuing in a northerly direction 20 feet on the side of the street across from the Holy Family Catholic Church.

*Regional Medical Drive*, from its intersection at FM 102 to its intersection with the east frontage road of U.S. Highway 59.

*Resident Street*, west side, from its intersection with Burleson Street to its intersection with Milam Street.

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*Richmond Road*, both sides, from the south city limits at its intersection with the Colorado River and continuing in a northerly direction to the intersection of North Richmond Road with FM 1301.

*North Richmond Road*, within 36 feet of either side of the centerline of the street beginning at a point 400 feet north of its intersection with FM 1301 and continuing in a northerly direction to the city limit line.

*Rusk Street*, east side, from a point of its intersection with Mockingbird Lane in a southerly direction to a point perpendicular from the intersection of Kelly Street.

*North Rusk Street*, in the 100 block, from East Milam Street and extending north to East Caney Street.

*North Sheppard Street*, east side, to its intersection at West Caney Street.

*South Sheppard Street* west side, to its intersection at Burluson Street.

*Speed Street*, west side, from a point at its intersection with Center Street in a southerly direction to its intersection with Alabama Street.

*West Stadium Road*, from its intersection with FM 1301 to its intersection with Barfield Road.

*State Highway 1301* both sides, from its intersection with Pioneer Street to its intersection with Alabama Road.

*Sunny Lane*, north side, from its intersection with Alabama Road in a southerly direction a distance of 130 feet.

*Sunny Lane*, both sides, from its intersection with Alabama Road to its intersection with Oriole Lane.

*US 59 East Frontage Road near FM 102*, from FM 102 to 500 feet north, east side.

*US 59 East Frontage Road near FM 102*, from FM 102 to 500 feet south, west side.

**Sec. 82-133. Same--Designated hours.**

The following no parking zones are established in the city during the designated times:

- (1) From 7:30 a.m. to 4:00 p.m.:  
*Alabama Road*, both sides from FM 1301 to Stadium Street and along the west side of Alabama Road from Stadium Street to Ahldag Avenue.

*Lazy Lane*, both sides, from a distance of 325 feet in an easterly direction of its intersection with North Rusk Street.

*Pioneer Avenue*, both sides, from its intersection with FM 1301 to Ahldag Avenue.

- (2) From 7:30 a.m. to 8:30 a.m. and from 3:00 p.m. to 4:00 p.m.:

*Abell Street*, beginning on the east side of Abell Street 270 feet from its intersection with Alabama Street and continuing 134 feet north.

*Martin Luther King Boulevard*, north side.

- (3) From 8:00 a.m. to 4:00 p.m.:

*Frankie Avenue*, one block off Pioneer Avenue.

*Helms Street*, one block off Pioneer Avenue.

*Tennie Avenue*, one block off Pioneer Avenue.

*University Avenue*, one block off Pioneer.

- (4) From 8:00 a.m. to 5:00 p.m.:

*Fulton Street*, in the 200 block between the south boundary line and the north boundary line of the New Hope Baptist Church property, Monday through Friday, inclusive, of each week, except vehicles of the city fire department and city ambulance service.

- (5) From 9:00 p.m. to 6:00 a.m.:

*South Wilkes Street*, west side.

- (6) From 6:00 a.m. to 3:00 a.m.:

*Branch Street*, west side, from its intersection with Hendon Street to the south a distance of 300 feet.

*Branch Street*, east side, from its intersection with Canton Street to its intersection with Wilson Street.

**Sec. 82-134. No standing/no stopping zones.**

- (a) *Designated.* The following areas are designated as no standing/no stopping zones:

*Mockingbird Lane*, from its intersection with Pecan Street to its intersection with Rusk Street.

*Sunny Lane*, from its intersection with Alabama Road to its intersection with Oriole Lane.

*US 59 East Frontage Road near FM 102*, from FM 102 to 500 feet south, west side.

- (b) *Partially, totally blocking traffic prohibited.* No person shall stand or cause a vehicle to stop in any of the areas described in subsection (a) of this section in such a manner as to partially or totally block any vehicular traffic.

- (c) *Signs.* The city council authorizes the chief of police to cause signs to be erected designating the areas described in subsection (a) of this section as no standing/no stopping zones.

**Sec. 82-135. Three-hour parking zones.**

- (a) *Designated.* Except on Saturdays, Sundays and holidays it shall be unlawful to park any vehicle on the following designated streets and areas between the hours of 8:00 a.m. and 5:00 p.m. for a period of time longer than three consecutive hours in one specific parking space:

The north and south side of the 100 block of West Burlison.

The south side of the 200 block of West Burlison.

The south side of the 100 block of East Burlison.

The east and west side of the 100 block of South Fulton.

The west side of the 100 block of North Fulton.

The east side of the 200 block of South Fulton beginning at a point 30 feet south of the intersection of East Burlison and South Fulton and running along the east side of Fulton in a southerly direction for a distance of 60 feet.

The east and west side of the 100 block of South Houston.

The east and west side of the 200 block of South Houston.

The west side of the 100 block of North Houston beginning at a point 30 feet north of the intersection of West Milam and North Houston and running along the west side of Houston Street in a northerly direction for a distance of 45 feet.

The east side of the 100 block of North Houston beginning at a point of 30 feet north of the intersection of West Milam and North Houston and running along the east side of Houston street in a northerly direction for a distance of 125 feet.

The north and south side of the 100 block of West Milam.

The north and south sides of the 200 and 300 blocks of West Milam.

The south side of the 100 block of East Milam beginning at a point of 75 feet from the intersection of South Rusk and East Milam in front of the United States Post Office.

- (b) *Exception.* The three-hour parking restriction shall not apply during city-wide events or festivals held in the downtown area. These events would include but is not limited to the Wharton County Freedom Festival, Hispano Americana Festival, Shanghai Days Cowboy Gathering, and the Wharton Chamber of Commerce Holiday Parade.

**Sec. 82-136. One-hour parking zones.**

*Designated.* Except on Saturdays, Sundays and holidays it shall be unlawful to park any vehicle on the following designated streets and areas between the hours of 8:00 a.m. and 5:00 p.m. for a period of time longer than one hour in one specific parking space:

The north side of the 100 block of East Milam Street from its intersection with North Fulton Street and extending 75 feet in an easterly direction.

The east side of the 100 block of North Fulton Street.

**Sec. 82-137. Ten-minute parking zones.**

Except on Saturdays, Sundays and holidays it shall be unlawful to park any vehicle on the following designated streets and areas between the hours of 8:00 a.m. and 5:00 p.m. for a period of time longer than ten consecutive minutes:

The north side of the 100 block of East Milam Street from a distance of 30 feet from the intersection of South Rusk and East Milam Streets and extending 45 feet in a westward direction. The south side of the 100 block of East Milam Street from a distance of 30 feet from the intersection of South Rusk and East Milam Streets and extending 74 feet in a westward direction.

**Sec. 82-138. RESERVED.**

**Sec. 82-139. Parking spaces for disabled persons.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Disabled person* means any person who:

- (1) Is so severely handicapped that he is unable to move from place to place without the aid of a mechanical device, wheelchair, walker, cane, crutches, artificial limb or any similar device.
- (2) Has mobility problems that substantially impair the person's ability to walk.
- (3) Is legally blind.

*Legally blind* means having not more than 20/200 of visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

(b) *Prohibited acts.*

- (1) It shall be unlawful for any person who is not a disabled person to park or leave standing a motor vehicle in any space designated for the use of such disabled persons; provided, however, that a driver of a vehicle used in transporting such disabled persons may park in such spaces.
- (2) It shall be unlawful for a person to park a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid disabled persons.
- (3) It shall be unlawful for a person to park a vehicle neither displaying special license plates nor displaying a removable windshield identification card in a parking space or parking area designated specifically for the disabled by the city or by a person who owns or controls private property used for parking for which the city has provided for the application of this section under Vernon's Ann. Civ. St. art. 6675-5e.1, § 6A(c).
- (4) It shall be unlawful for a person to lend an identification card issued to him under Vernon's Ann. Civ. St. art. 6675a-5e.1 to a person who uses the identification card in violation of this section.

(c) *Designation of parking spaces for disabled persons.*

- (1) The city shall have the authority to designate parking spaces or parking areas for the exclusive use of vehicles transporting temporarily or permanently disabled persons.
  - (2) The city's designation of any such parking spaces or parking areas shall conform to the rules promulgated by the state commissioner of licensing and regulation under Vernon's Ann. Civ. St. art. 9102, relating to the identification and dimensions of parking spaces for the disabled.
  - (3) A person who owns or controls private property used for parking may voluntarily designate one or more parking spaces or parking areas specifically for the disabled. All such parking spaces or parking areas shall conform to the identification and dimension requirements referred to in subsection (c)(2) of this section.
  - (4) The city may require any private property owner or any person who controls property used for parking to designate one or more parking spaces or parking areas for the exclusive use of vehicles transporting temporarily or permanently disabled persons. All such parking spaces and parking areas shall conform to the identification and dimension requirements referred to in subsection (c)(2) of this section.
  - (5) All parking spaces or parking areas located on private property and specifically designated as parking spaces or parking areas for the disabled shall conform to the identification and dimension requirements referred to in subsection (c)(2) of this section.
  - (6) Subsection (b) of this section shall apply to any parking space or area for the disabled on private property designated in compliance with the identification requirements described in subsection (c)(2) of this section.
- (d) *Signs.* The chief of police or any other person whom the city council authorizes shall cause signs to be posted in all areas where parking is limited to disabled persons. These signs shall contain the international wheelchair symbol, consisting of a profile view of a stylized wheelchair with an occupant in white on a blue background, which will identify the parking space as one for disabled persons only.
- (e) *Presumption.* In a prosecution of an offense under this section, it shall be presumed that the registered owner of the motor vehicle that is the subject of the prosecution is the person who parked the vehicle at the time and place that the offense occurred.
- (f) In the prosecution of an offense under section 82-135, it shall be presumed that the registered owner of a motor vehicle that displays a valid disabled persons license plate or has attached to said vehicle a permit issued by the State of Texas and is the subject of prosecution under this section shall be allowed a defense to prosecution of such section if found to be in possession of such valid license plate or permit.

**Sec. 82-140. Defense to prosecution.**

Any person whose primary residence is located in the buildings whose addresses are listed on the streets mentioned in section 82-135 shall file an application with the chief of police and provide verifiable proof of residency. Once the application is approved, the resident shall be issued a permit to be placed in a visible location in their vehicle and shall be exempt from the parking restriction. Permits will be issued on a yearly basis

**Secs. 82-141--82-160. Reserved.**

## **ARTICLE V. BICYCLES**

### **Sec. 82-161. Parent's guardian's responsibility.**

It shall be unlawful for the parent of any child or the guardian of any ward to authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

### **Sec. 82-162. License required.**

It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any of the streets of the city without first obtaining from the police department a license therefore as provided in this article.

### **Sec. 82-163. Application form.**

- (a) *Form.* Application for a bicycle license and license plate shall be made upon a form provided by the city and shall be made to the police department of the city.
- (b) *Fee.* No fee shall be required for any license to be issued.

### **Sec. 82-164. Issuance of license.**

The city reserves the right to issue licenses or to contract with agencies for license issuing. The city or the contractor, upon receiving proper application therefore, is authorized and directed to issue a bicycle license.

### **Sec. 82-165. License prohibited under suspicious circumstances.**

The police department shall not issue a license for any bicycle when it is known or there are reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

### **Sec. 82-166. Inspection; refusal of license if unsafe.**

The chief of police or an officer assigned such responsibility shall, if it be deemed necessary, inspect each bicycle before licensing the same, and if it be found that such bicycle is in unsafe mechanical condition, such license shall be refused.

### **Sec. 82-167. Metal tags; registration card; records.**

This license shall be issued one time only for a one-time fee for the duration of the life to the bicycle, and subject to the terms and conditions hereinafter set out.

- (1) *Metal tags.* The city shall provide metallic tags and seals having the registration number.
- (2) *Attachment to bicycle.* The owner of the bicycle shall keep the metal tag attached to the rear of each bicycle so that the tag is clearly visible at all times.
- (3) *Registration card.* At the time of the issuance of the license, the police department shall also issue to the person obtaining the license a registration card, which card shall bear the license and registration number of the bicycle.

- (4) *Records.* The city shall keep a record of the date of the issuance of each license, the name of the person to whom issued the number thereof and a description of the bicycle.

**Sec. 82-168. Lost registration card and license plate.**

Any licensee who has lost his registration card or license plate shall pay a fee of \$1.00 for a reissuance thereof.

**Sec. 82-169. Transfer of ownership; seller's report; purchaser's registration.**

- (a) *Seller's report.* It shall be the duty of every person who sells or transfers ownership of any bicycle to report such sale or transfer by returning to the police department the registration card issued to such person as licensee thereof, together with the name and address of the person to whom the bicycle was sold or transferred. Such report shall be made within five days of the date of the sale or transfer.
- (b) *Purchaser's registration.* It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefore within five days of the sale or transfer.

**Sec. 82-170. Mutilation of identifying numbers; provision for supply numbers.**

- (a) *Frame or factory numbers.* It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this section.
- (b) *License plate, seal or registration card.* It shall also be unlawful for any person to remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this section.
- (c) *Provision for supplying number.* Nothing in this section shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found or on which such number is illegible or insufficient for identification purposes.

**Sec. 82-171. Bicycle dealers.**

- (a) *Secondhand buyers.* All persons engaged in the business of buying secondhand bicycles are required to make a daily report to the police department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the metallic license plate found thereon, if any.
- (b) *Repair of unlicensed bicycles.* It shall be unlawful for any person to do any repair work on any bicycle to be licensed hereunder which is not properly licensed and registered as required by this section. It shall be the duty of any such person to see that any such bicycle has the city license tag thereon before doing any repair work on the same.
- (c) *Dismantling or taking out of operation.* Within ten days after any bicycle registered and licensed hereunder shall have been dismantled and taken out of operation, such information shall be reported to the police department by the person in whose name the bicycle has been licensed and registered.

**Sec. 82-172. Required equipment; electric headlamps; tail lamps and rear reflectors.**

It shall be unlawful for any person to operate a bicycle during the period between one-half hour after sundown to one-half hour before sunrise, or at any time where there is not sufficient natural light to render persons and vehicles clearly discernible on the streets at a distance of 500 feet, unless such bicycle is equipped with a lighted electric headlamp and a lighted electric tail lamp or a rear reflector meeting the following requirements:

- (1) *Headlamps.* Headlamps shall be firmly attached to the frame of the bicycle and shall cast a white light to the front clearly visible from a distance of 500 feet under normal atmospheric conditions.
- (2) *Tail lamps and rear reflectors.* Tail lamps and rear reflectors shall be firmly attached to the rear of the bicycle. Tail lamps shall emit a red light to the rear clearly visible from a distance of 500 feet under normal atmospheric conditions.
- (3) *Rear reflectors.* Rear reflectors shall be red in color, not less than one and one-half inch in diameter, shall contain one lens or a group of smaller lenses, and shall be visible at a distance of 300 feet when illuminated by vehicular head lamps complying with the city's regulations.
- (4) *Brakes.* Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

**Sec. 82-173. Traffic laws apply.**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this state except as to special regulations in this section and except as to those provisions of laws and regulations which by their nature have no application.

**Sec. 82-174. Fine and penalty for violation.**

Every person convicted of a violation of any provision of this section shall be subject to the penalty, not to exceed \$50.00 fine, removal and detention of the license plate from such person's bicycle for a period not to exceed 90 days, to impounding of such person's bicycle for a period not to exceed 30 days, or by any combination thereof.

**Penalty Clause**

Except as otherwise provided in this chapter, any person found guilty of intentionally, knowingly or recklessly violating any provision of this article and upon conviction thereof in the municipal court shall be fined in accordance with the terms of Section 1-5 of the Code of Ordinances of the City of Wharton, Texas.

**Severability**

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If any court of competent jurisdiction rules that any section, subsection, sentence, clause, phrase, or portion of this ordinance is invalid or unconstitutional, any such portion shall be deemed to be a separate, distinct, and independent provision, and any such ruling shall not affect the validity of the remaining portions hereof.

**Effective Date**

This Ordinance shall become effective on the 23<sup>rd</sup> day of April 2010 at 12:01 a.m.

**Passage and Approval**

**PASSED AND APPROVED** by the City Council of the City of Wharton, Texas, on the 12<sup>th</sup> day of April 2010.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA OLMEDA**  
*City Secretary*

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**PAUL WEBB**  
*City Attorney*

Published in the Wharton Journal Spectator on Wednesday, April 14, 2010 and Wednesday, April 21, 2010.

Councilmember V. L. Wiley, Jr. seconded the motion. All voted in favor.

The twelfth item on the agenda was to review and consider a resolution of the Wharton City Council establishing the 2010 Street Improvement Program and authorizing the City Manager to create a temporary construction crew for said Street Improvement Program for the City of Wharton. Finance Director Joyce Vasut stated that during the March 22, 2010 City Council Public Works Committee meeting, the Committee Members were informed that the City Staff was developing a plan to implement the City of Wharton 2010 Street Improvement Program. She said that the Committee Members reviewed a list of streets that could be considered for improvements under the program. She said that the City Council Public Works Committee met again on April 6, 2010 and further discussed the City of Wharton Street Improvement Program. She said that the City Staff presented the Committee Members a copy of the list of streets that were prioritized by Public Works Director Carter Miska. She said that funding for the temporary construction crew and street improvements could be allocated from the Capital Improvement

Program for 2010 in the amount of \$125,000 and from the 2009 Bond Program in the amount of \$160,000 for a total of \$285,000. She said that the Public Works Committee voted to recommend the City Council approve the 2010 Street Improvement Program and to authorize the City Manager to create a temporary construction crew to conduct the work. She said that since that time, Jr. College Blvd. had been overlaid by Wharton County Precinct No. 2 in accordance with the contract. Public Works Director Carter Miska stated that the original estimate for Jr. College Blvd. was \$136,000; however, contracting with Wharton County, the project was completed for \$55,000. Mrs. Vasut then presented a copy of a draft resolution approving the program and authorizing the creation of a temporary construction crew. Mr. Miska then stated that three part-time employees, and a supervisor would be needed for the Street Improvement Project. He stated that a City of Wharton Public Works full-time employee would also be part of the construction crew. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2010-14, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2010 – 14**

**A RESOLUTION OF THE WHARTON CITY COUNCIL ESTABLISHING THE 2010 STREET IMPROVEMENT PROGRAM AND AUTHORIZING THE CITY MANAGER TO CREATE A TEMPORARY CONSTRUCTION CREW FOR SAID STREET IMPROVEMENT PROGRAM FOR THE CITY OF WHARTON.**

**WHEREAS**, the Wharton City Council wishes to implement the City of Wharton 2010 Street Improvement Program; and

**WHEREAS**, the Wharton City Council wishes City forces to make certain street improvements to the following streets,

Junior College Blvd (FM 1301 to City Limit)  
Houston (Milam to Burleson)  
Houston (Milam to Burleson)  
Fulton (Milam to Burleson)  
Fulton (Milam to Burleson)  
Camelia (Harris Park Entrance to Bailey)  
Bailey (Outlar to N. Spanish Camp)  
CR 154 (Old Lane City Rd to 500')  
Kelving Way (1600 Block)  
Old Lane City Rd (Hwy 60 to City Limits)  
First St (Fulton St to Richmond Rd)  
Lily Lane (Culdesac/Deadend)  
West (Croom to Circle Dr.)  
Stavena (Old Lane City Rd to Dead End)  
Stavena (Extension from Dead End to Hwy 60)  
Emily (Richmond Rd to Fulton St)

; and

**WHEREAS,** the Wharton City Council wishes to authorize the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2010 Street Improvement Program; and

**WHEREAS,** funding for the temporary construction crew and street improvements will be allocated from the Capital Improvement Program for 2010 in the amount of \$125,000 and from the 2009 Bond Program in the amount of \$160,000.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS THAT:**

- Section I:** The Wharton City Council hereby authorizing the improvements to the list of streets above mentioned.
- Section II:** The Wharton City Council hereby authorizes the City Manager to create a temporary construction crew to conduct the certain street improvements to the aforementioned streets under the 2010 Street Improvement Program.
- Section III:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 12<sup>th</sup> day of April 2010.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA OLMEDA**

City Secretary

Councilmember Terry David Lynch seconded the motion. All voted in favor.

The thirteenth item on the agenda was to review and consider a resolution of the Wharton City Council approving supplemental agreement to the professional engineering services agreement between the City of Wharton and BEFCO Engineering, Inc. for the Ahldag Addition Sanitary Sewer System Improvement Project, TxCDBG Contract No. 728459 and authorizing the Mayor of the City of Wharton to execute the agreement. Finance Director Joyce Vasut stated that during the March 22, 2010 City Council approved Resolution No. 2010-12 approving the addition of the additional lines to be improved under the Ahldag Addition Sanitary Sewer Improvement Project, TxCDBG Contract No. 728459. She said that with the addition of the lines to the construction contract there would be additional engineering fees. She said that BEFCO Engineering indicated that the company would be willing to provide the additional engineering on an hourly basis and submitted the supplemental agreement for professional engineering services. She then presented

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a draft resolution approving the agreement. After some discussion, Councilmember Jeff Gubbels made a motion to approve Resolution No. 2010-15, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2010-15**

**A RESOLUTION OF THE WHARTON CITY COUNCIL APPROVING A SUPPLEMENTAL AGREEMENT TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF WHARTON AND BEFCO ENGINEERING, INC. FOR THE CITY OF WHARTON AHLDAG ADDITION SANITARY SEWER IMPROVEMENT PROJECT, TXCDBG CONTRACT NO. 728459 AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** On November 24, 2008 the City of Wharton approved Resolution No. 2008-72 approving a professional engineering services agreement between the City of Wharton and BEFCO Engineering for the Ahldag Addition Sanitary Sewer Improvement Project, Office of Rural Community Affairs, Texas Community Development Block Grant Program, TxCDBG Contract No. 728459; and

**WHEREAS,** On March 22, 2010, the Wharton City Council approved Resolution No. 2010-12 approving the addition of lines to be improved under the Ahldag Addition Sanitary Sewer Improvement Project, Office of Rural Community Affairs, Texas Community Development Block Grant Program, TxCDBG Contract No. 728459;; and

**WHEREAS,** The additional professional engineering services for the project will be conducted on an hourly basis as outlined in the agreement; and

**WHEREAS,** The Wharton City Council wishes to approve the amendment to the professional engineering services supplemental agreement between the City of Wharton and BEFCO Engineering, Inc.; and

**WHEREAS,** The City of Wharton and BEFCO Engineering, Inc. wishes to be bound the conditions outlined in the contract; and

**WHEREAS,** The Wharton City Council wishes to authorize the Mayor of the City of Wharton to execute the agreement.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS THAT:**

**Section I:** The Wharton City Council hereby approves the supplemental agreement to the professional engineering services agreement between the City of Wharton and BEFCO Engineering, Inc. for the Ahldag Addition Sanitary Sewer Improvement

Project, Office of Rural Community Affairs, Texas Community Development  
Block Grant Program, TxCDBG Contract No. 728459.

**Section II:** The Wharton City Council hereby authorizes the Mayor of the City of Wharton to execute the agreement.

**Section III:** This resolution will become effective immediately upon its passage.

**Passed, Approved and Adopted this 12<sup>th</sup> day of April 2010.**

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA OLMEDA**  
City Secretary

Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The fourteenth item on the agenda was to review and consider the City of Wharton Utility System:

- A. Water Plant Control Modifications:
1. Bid Tabulation.
  2. **Resolution:** A resolution awarding a contract for the City of Wharton Water Plant Control Modifications and authorizing the Mayor of the City of Wharton to execute the agreement.

Finance Director Joyce Vasut presented a copy of the letter dated March 10, 2010 from Mr. Carlos Cotton, P.E. regarding the Water Plant Controls Modifications. She also presented a copy of the bids, which were received December 2, 2009. She said that Mr. Cotton was recommending the City of Wharton award the contract to Industrial Control Manufacturing in the amount of \$25,921.00. Mr. Carlos Cotton with Jones & Carter stated that it would eliminate the phone line having a radio control system. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2010-16, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2010-16**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A  
CONTRACT TO INDUSTRIAL CONTROL MANUFACTURING FOR THE CITY  
OF WHARTON WATER PLANT CONTROL MODIFICTIONS AND  
AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE  
THE AGREEMENT.**

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**WHEREAS,** bids were received on December 2, 2009 by Jones & Carter, Inc. for the City of Wharton Water Plant Control Modification Project; and

**WHEREAS,** Industrial Control Manufacturing was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$25,921.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to Industrial Control Manufacturing for the Water Plant Control Modification Project; and

**WHEREAS,** the City of Wharton and Industrial Control Manufacturing wishes to be bound by the conditions outlined in the agreement; and

**WHEREAS,** this resolution is passed in accordance with this bid.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** as follows:

**Section I.** That the Wharton City Council hereby awards the bid for the Industrial Control Manufacturing to Industrial Control Manufacturing in the amount of \$25,291.00 as per bid specifications.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to sign all documents relating to the agreement.

**Section III.** That this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of April 2010.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_  
**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_  
**LISA OLMEDA**

City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

B. Cloud Street Water Plant Control Modifications:

1. Bid Tabulation.
2. **Resolution:** A resolution awarding a contract for the City of Wharton Water Plant Control Modifications and authorizing the Mayor of the City of Wharton to execute the agreement.

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Mr. Cotton stated that the 2 towers for the connection would be at Business 59 and Cloud Street. After some discussion, Councilmember Domingo Montalvo, Jr. made a motion to approve Resolution No. 2010-17, which read as follows:

**CITY OF WHARTON  
RESOLUTION NO. 2010-17**

**A RESOLUTION OF THE WHARTON CITY COUNCIL AWARDING A CONTRACT TO NEIL TECHNICAL SERVICES, CORP. FOR THE CITY OF WHARTON CLOUD STREET WATER PLANT CONTROL MODIFICATIONS AND AUTHORIZING THE MAYOR OF THE CITY OF WHARTON TO EXECUTE THE AGREEMENT.**

**WHEREAS,** bids were received on April 9, 2010 by Jones & Carter, Inc. for the City of Wharton Cloud Street Water Plant Control Modification Project; and

**WHEREAS,** Neil Technical Services, Corp was deemed to be the lowest and best qualified bidder as per bid specifications in the amount of \$19,300.00; and

**WHEREAS,** the Wharton City Council wishes to award the bid to Neil Technical Services, Corp. for the Cloud Street Water Plant Control Modification Project; and

**WHEREAS,** the City of Wharton and Neil Technical Services, Corp wishes to be bound by the conditions outlined in the agreement; and

**WHEREAS,** this resolution is passed in accordance with this bid.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHARTON, TEXAS** as follows:

**Section I.** That the Wharton City Council hereby awards the bid for the Neil Technical Services, Corp. for the City of Wharton Cloud Street Water Plant Controls Modification in the amount of \$19,300.00 as per bid specifications.

**Section II.** That the Mayor of the City of Wharton is hereby authorized to sign all documents relating to the agreement.

**Section III.** That this resolution shall become effective immediately upon its passage.

**Passed, Approved, and Adopted** this 12<sup>th</sup> day of April 2010.

**CITY OF WHARTON, TEXAS**

By: \_\_\_\_\_

**DAVID W. SAMUELSON**  
Mayor

**ATTEST:**

\_\_\_\_\_

City of Wharton  
Regular City Council Meeting  
April 12, 2010

**LISA OLMEDA**

City Secretary

Councilmember Don Mueller seconded the motion. All voted in favor.

The fifteenth item on the agenda was to review and consider the City of Wharton 2010 – 2011 Fiscal Year Budget Calendar. Finance Director Joyce Vasut presented a copy of the proposed Budget Calendar for the City of Wharton 2010 – 2011 fiscal year budget preparation. She said that the City Council Finance Committee met April 1, 2010 and voted to recommend the City Council approve the budget calendar. After some discussion, Councilmember Don Mueller made a motion to approve the City of Wharton 2010 – 2011 Fiscal Year Budget Calendar. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The sixteenth item on the agenda was to review and consider the City Council, Committee, Commissions, and Boards Reports:

- A. City Council Finance Committee meeting held April 1, 2010.
- B. City Council Public Works Committee meeting held April 6, 2010.
- C. Wharton Regional Airport Board meeting held April 6, 2010.
- D. City Council Public Health Committee meeting held April 8, 2010.

Finance Director Joyce Vasut presented the reports to the City Council. No action was taken.

The seventeenth item on the agenda was adjournment. After some discussion, Councilmember Don Mueller made a motion to adjourn. Councilmember Lewis Fortenberry, Jr. seconded the motion. All voted in favor.

The meeting adjourned at 8:13 p.m.

CITY OF WHARTON, TEXAS

By: \_\_\_\_\_  
DAVID W. SAMUELSON  
Mayor

ATTEST:

\_\_\_\_\_  
LISA OLMEDA  
City Secretary