

CHAPTER 70: GENERAL PROVISIONS

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GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Cockrell Hill - Traffic Code

ALLEY. A public way in the city extending either partly or through any city block in the rear of city lots and in a direction generally from avenue to avenue, not more than 20 feet in width and capable of being traversed by a vehicle.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department (fire patrol), police vehicles, public and private ambulances for which permits have been issued by the State Board of Health, the emergency vehicles of municipal departments or public service corporations as are designated or authorized by the City Council and private vehicles operated by volunteer firefighters while answering a fire alarm.

BUSINESS DISTRICT. The territory contiguous to and including a roadway when, within any 600 feet along the roadway, there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

CROSSWALK. That part of a roadway at any intersection included within the connection of the lateral lines of the sidewalks on opposite sides of the street, whether marked or not, measured from the curbs or in the absence of curbs, from the edges of the traversable roadway. The word **CROSSWALK** also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrians crossing by lines or other markings on the surface.

DRIVER. Every person who drives or is in actual physical control of the movements of a vehicle.

DRIVEWAY, PRIVATE. Any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property, or the entrance or exit of any private garage into or from any alley.

DRIVEWAY, PUBLIC. Any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any public property.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curblines, or if none, then the lateral boundary lines of the roadways of two streets which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of the divided street by an intersecting street shall be regarded as a separate intersection. In the event the intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of the streets shall be regarded as a separate intersection.

LANED ROADWAY. A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

LIMITED-ACCESS OR CONTROLLED-ACCESS HIGHWAY. Every highway, street or roadway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway.

MOTORCYCLE. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

MOTOR VEHICLE. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

NOISE. Any harsh or discordant sound.

OFFICIAL TRAFFIC-CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OWNER. A person who holds the legal title of a vehicle or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this title.

PARK or PARKING. The standing of a vehicle, whether occupied or not, otherwise than a temporary stopping of the vehicle for the purpose of and while actually engaged in loading or unloading passengers, merchandise or other cargo; except an involuntary stopping of the vehicle by reason of mechanical failure or direction of a police officer.

PARKING STALL or PARKING SPACE. That portion or section of a roadway adjacent to the curbing or edge, set apart, marked and bounded by lines painted or marked upon the surface of the roadway and extending into the roadway for the use of parking vehicles or that portion of any alley marked by official signs showing such space to be a parking zone.

PEDESTRIAN. Any person afoot.

POLICE OFFICER. Any member of the Police Department of the city authorized by law to make arrests in traffic offenses.

RESIDENCE DISTRICT. The territory contiguous to and including a street not comprising a business district, when the property on the street for a distance of 300 feet or more is, in the main, improved with residences or residences and buildings in use for business.

RIGHT-OF-WAY. The privilege of immediate use of the roadway.

ROADWAY. That portion of a street improved, designed or ordinarily used for vehicular travel. If a street includes two or more separate roadways, the term **ROADWAY** shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SCHOOL BUS. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

SIDEWALK. That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

STOP, WHEN REQUIRED. Complete cessation of movement.

STOP, STOPPING OR STANDING, WHEN PROHIBITED. Any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

STREET or HIGHWAY. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

TIRE. Any pneumatic tire in which compressed air is used to support the load.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

TRAFFIC-CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

TRUCK. A motor vehicle designed, used or maintained primarily for the transportation of property.

U-TURN. The turning or causing the turning of a vehicle so that when such turn is completed the vehicle will be headed in the opposite direction from that in which it was headed before the turning was begun, whether or not the vehicle is pulled into a driveway or any space beyond the curbline of the street.

VEHICLE. Any device in, upon or by which any person or property may be or is transported upon any street within the corporate limits of the city, except devices moved by human power or used exclusively upon stationary rails or tracks.

(`97 Code, § 15-1)

Statutory reference:

Similar provisions, see Tex. Transp. Code, Chapter 541

§ 70.02 CODE DOES NOT AFFECT ORDINANCES REGULATING TRAFFIC ON SPECIFIC STREETS.

Nothing in this code or the ordinance adopting this code shall be construed as repealing or otherwise affecting any ordinance of the city prescribing traffic regulations on specific streets or highways in the city, such as, but not limited to, ordinances prescribing speed limits, establishing areas or spaces where parking is prohibited or limited or designating one-way streets or alleys or intersections for the control of traffic by signs or signals, and all such ordinances are recognized as continuing in full force and effect to the same extent as if set out at length herein.

(`97 Code, § 15-2)

§ 70.03 AUTHORITY OF POLICE OFFICERS TO DIRECT TRAFFIC.

Officers of the Police Department or such officers as are assigned by the Chief of Police are authorized to direct all traffic by voice, hand or signal in conformance with this chapter and other traffic laws. In the event of fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of this chapter and other traffic laws.

(`97 Code, § 15-3)

Statutory reference:

Authority of city to regulate traffic by means of police officers, see Tex. Transp. Code, Chapter 311

§ 70.04 AUTHORITY OF OFFICERS OF FIRE DEPARTMENT TO DIRECT TRAFFIC.

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

(`97 Code, § 15-4)

§ 70.05 VEHICLE EQUIPMENT.

It shall be unlawful for any person to operate any vehicle on any street, alley or other public way in the city, unless the vehicle is equipped in accord with all state laws governing vehicles, particularly Tex. Transp. Code, Chapter 547, to fail to use the equipment as required by the laws or to use any equipment contrary to the laws.

(`97 Code, § 15-5) Penalty, see § 70.99

§ 70.06 OBEDIENCE TO TRAFFIC OFFICERS.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or Fire Department official given to direct or control traffic as authorized in this chapter.

(`97 Code, § 15-6) Penalty, see § 70.99

Statutory reference:

Similar provisions, see Tex. Transp. Code, § 542.501

§ 70.07 REMOVING OR DAMAGING TRAFFIC BARRIERS.

It shall be unlawful for any person other than a city employee to remove or damage any barriers erected under the direction of a duly authorized city official either closing a street or for the purpose of warning traffic of an obstruction in the street.

(`97 Code, § 15-10) Penalty, see § 70.99

§ 70.08 APPLICATION OF TITLE TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL DRAWN VEHICLES.

Every person riding any animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle under the provisions of this title, except those provisions which by their very nature can have no application.

(`97 Code, § 15-11)

Statutory reference:

Similar provisions, see Tex. Transp. Code, § 542.003

§ 70.09 APPLICATION OF TITLE TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state or any county, city, town, district or any other political

subdivision of the state, and it shall be unlawful for any such driver to violate any of the provisions of this title, except as otherwise permitted herein or by state statute.

(`97 Code, § 15-12) Penalty, see § 70.99

Statutory reference:

Similar provisions, see Tex. Transp. Code, § 542.002

TRAFFIC-CONTROL DEVICES

§ 70.20 CONFORMITY WITH MANUAL AND SPECIFICATIONS OF STATE HIGHWAY DEPARTMENT; UNIFORMITY.

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

(`97 Code, § 15-31)

Statutory reference:

Similar provisions, see Tex. Transp. Code, Chapter 544

§ 70.21 SUPERINTENDENT OF PUBLIC WORKS TO PLACE AND MAINTAIN TRAFFIC-CONTROL DEVICES.

The Superintendent of Public Works shall place and maintain traffic-control signs, signals and devices when and as required under this chapter to make effective the provisions of this chapter and may place and maintain the additional traffic-control devices as he or she may deem necessary to regulate traffic under this chapter or under state law or to guide or warn traffic. It shall be the duty of the Superintendent of Public Works to supervise the installation and proper timing and maintenance of traffic-control devices.

(`97 Code, § 15-32)

§ 70.22 DESIGNATION OF CROSSWALKS, SAFETY ZONES; MARKING TRAFFIC LANES.

The Superintendent of Public Works is authorized to:

(A) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at any intersection where in his or her opinion there is particular danger to pedestrians crossing the roadway and at such other places as he or she may deem necessary;

(B) Establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians;

(C) Mark lanes for traffic on street pavements at such places as he or she may deem advisable, consistent with this chapter and other traffic ordinances of the city.

(`97 Code, § 15-33)

§ 70.23 OBEDIENCE TO DEVICES.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with this chapter and other traffic ordinances of the city, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

(`97 Code, § 15-34)

Statutory reference:

Similar provisions, see Tex. Transp. Code, § 544.004

§ 70.24 NECESSITY OF SIGNS FOR ENFORCEMENT.

No provision of this chapter for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place.

(`97 Code, § 15-35)

§ 70.25 INSTALLATION OF TRAFFIC LIGHTS.

The Superintendent of Public Works, as authorized by the City Council from time to time, shall designate intersections at which traffic shall be controlled by electric traffic-control signals or lights and shall cause the signals or lights to be installed and maintained at the intersections.

(`97 Code, § 15-36)

§ 70.99 PENALTY.

(A) Whenever in this title an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this title the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is otherwise provided in the code of ordinances, the violation shall be punished by a fine not exceeding \$500; provided, however that no penalty shall be greater or less than the penalty provided for the same or a similar offense of the laws of the state.

(B) Each day a violation of this code or of any ordinance continues shall constitute a separate offense.

