

ORDINANCE NO. 2007-41

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING CHAPTER 110 (TRAFFIC AND VEHICLES), ARTICLE III (OPERATION OF VEHICLES) TO ADD SECTION 110-114 (TRAFFIC REGULATIONS IN PRIVATE SUBDIVISIONS) OF THE WYLIE CODE OF ORDINANCES NO. 2005-07; PROVIDING FOR THE ENFORCEMENT OF CERTAIN TRAFFIC RULES AND REGULATIONS TO CERTAIN PRIVATE ROADS OWNED AND MAINTAINED BY THE RIVERCHASE HOMEOWNERS' ASSOCIATION AND CONTAINED WITHIN THE RIVERCHASE SUBDIVISION, CITY OF WYLIE, TEXAS; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Wylie ("City Council") has investigated and determined that it would be advantageous and beneficial to the citizens of the Riverchase Subdivision of the City of Wylie, Texas ("City") to amend Chapter 110 (Traffic and Vehicles), Article III (Operation of Vehicles) for the purpose of adding Section 110-114 (Traffic Regulations in Private Subdivisions) of the Wylie Code of Ordinances No. 2005-07, as set forth below.

WHEREAS, Texas Transportation Code §542.008 provides, among other things, that traffic rules may be extended by a municipality with a population of 300 or more to privately owned or maintained roads within certain private subdivisions upon the request of certain individuals or entities; and

WHEREAS, the governing body of the Riverchase Homeowners' Association, a Texas non-profit property owners' association, which owns or maintains those roads within the Riverchase Subdivision, an addition in Collin County, Texas, located wholly within the territorial limits of the City, has requested the City, pursuant to the Texas Transportation Code §542.008, to enforce certain traffic rules on said private roads; and

WHEREAS, the City Council has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City, and specifically the Riverchase Subdivision, to establish certain traffic rules and regulations to be enforced on roads owned and maintained by the Riverchase Homeowners' Association, and should be amended as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 110 (Traffic and Vehicles), Article III (Operation of Vehicles) of the Wylie Code of Ordinances No. 2005-07. Chapter 110 (Traffic and Vehicles), Article III (Operation of Vehicles) of the Wylie Code of Ordinances No. 2005-07 is hereby amended to add Section 110-114 (Traffic Regulations in Private Subdivision) as follows:

§ 110.114 Traffic Regulations in Private Subdivisions

Pursuant to the requirements of Chapter 542, Texas Transportation Code, as amended, City may extend all, or a part, of its traffic regulations, as set forth in Wylie's Code of Ordinances No. 2005-07, as amended, and the Texas Transportation Code, as amended, to subdivisions located in the City of Wylie in which the roads are privately owned or maintained. The City of Wylie extends all, or a part, of its traffic regulations to the following subdivisions in accordance with the delineated regulations:

(a) *Subdivision/Requested Enforcement.*

(1) *Riverchase Subdivision.* The governing body of the Riverchase Homeowners' Association has requested in writing that the City enforce, and the City hereby adopts for enforcement, the following titles, subtitles, chapters and sections of the Texas Transportation Code and other specified regulations, as they exist or may be amended, upon the private roads of the Riverchase Subdivision:

- A. Title 7, Subtitle A, Chapters 501, 502, 503 and 520;
- B. Title 7, Subtitle B, Chapters 521, 522, 523, 524 and 525;
- C. Title 7, Subtitle C, Chapters 541, 542, 543, 544, 545, 546, 547, 548, 550, 551, 552, 553 and 600;
- D. Title 7, Subtitle D, Chapter 601;
- E. Title 7, Subtitle G, Chapters 661 and 663;
- F. Title 7, Subtitle H, Chapters 683, 684 and 685;
- G. Title 7, Subtitle I, Chapter 706;
- H. The maximum speed as posted on traffic control devices as they exist on the date of the adoption of this Ordinance by City; and
- I. Requiring motor vehicles in the Riverchase Subdivision to be licensed and driven by a licensed driver.

(b) *Traffic Control Devices.* All traffic control signs, signals and other traffic control devices purporting to govern the movement, operation, stopping, standing, parking or location of vehicles shall be presumed to be valid, official, authorized and properly situated, and in any proceeding brought to enforce the provisions of this Ordinance, the burden shall be on the person

contesting such presumption to rebut it with the presence of competent and admissible evidence.

(c) *Enforcement/Associated Costs.*

- (1) Any police officer of the City or any officer of any law enforcement agency authorized to enforce an Ordinance of the City of City may enforce this Ordinance. For purposes of this Ordinance, “police officer” or “any officer of any law enforcement agency authorized to enforce an Ordinance of the City” means an officer authorized to direct traffic or arrest persons who violate traffic regulations. “Law enforcement agency” means any law enforcement agency authorized to enforce any laws within the territorial limits of the City.
- (2) Pursuant to Chapter 542, Texas Transportation Code, as amended, the owners of the property in the above-listed subdivisions shall pay all of the costs of extending and enforcing the traffic rules in the particular subdivision, including, without limitation, the costs associated with the placement of necessary official traffic control devices in the subdivision.”

SECTION 3. Administration. Any violation of this Ordinance shall be prosecuted pursuant to the Texas Code of Criminal Procedures in the Municipal Court of Wylie, Texas, or any other court of competent jurisdiction.


SECTION 4: Penalty Provision. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing Clause. Wylie’s Code of Ordinances No. 2005-07 shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6: Severability. Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

SECTION 7: Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 27th day of November, 2007.



TIM MONDY, Mayor

ATTESTED AND CORRECTLY RECORDED:



CAROLE EHRLICH, City Secretary



Date of publication in *The Wylie News* – December 5, 2007