

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTIONS OF CHAPTER 126 "TRAFFIC AND VEHICLES" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO AUTHORIZE THE CITY ENGINEER TO INSTALL SPECIFIED TRAFFIC CONTROL DEVICES.**

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WHEREAS, to meet the transportation and traffic needs of the citizens of the City of New Braunfels in a timely manner; and

WHEREAS, to update the Traffic and Vehicles ordinance to reflect actual practices and to allow the City Engineer the authority to install specified traffic control devices; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety and general welfare of its citizens.

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

**I.**

THAT Chapter 126 of the City of New Braunfels Code of Ordinances is hereby amended as follows:

Sec. 126-61. – Authority to install.

- (a) The Public Works Department shall place and maintain traffic control signs, signals, and devices when and as required under this Code and other traffic ordinances of this city to make effective the provisions thereof and may place and maintain such additional traffic control devices as deemed necessary to regulate traffic under this Code and other traffic ordinances of this city or under state law, or to guide or warn traffic.
- (b) The city engineer shall have the authority to install the following traffic control devices:
  - (1) Stop signs, yield signs, and multi-way stop signs and signals;
  - (2) Parking restrictions delegated to the chief of police or city engineer as set out under this chapter;
  - (3) Prohibited turns or lane uses;
  - (4) Crosswalks;
  - (5) Speed zone schedules;
  - (6) Traffic lanes and pavement markings;
  - (7) Loading zones or bus stop zones; and

- (8) Truck routes through the city.
- (c) The installation of the following traffic control devices shall require approval from the city council by ordinance:
  - (1) Traffic signals;
  - (2) One-way streets;
  - (3) Speed limits;
  - (4) Speed zone locations;
  - (5) All parking regulations not specifically delegated to the chief of police or city engineer under this chapter; and
  - (6) All other regulatory signs where the authority to install is not specifically delegated to the chief of police or city engineer in subsection (a) of this section.
- (d) The city engineer shall maintain records of all regulatory traffic control devices authorized under his authority.

Sec. 126-70. – Crosswalks, safety zones, lanes; establishing and marking.

The chief of police or city engineer is hereby authorized to:

- (1) *Crosswalks*. Designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.
- (2) *Safety zones*. Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- (3) *Traffic lanes*. Mark lanes for traffic on street pavement at such places as he may deem advisable, consistent with this Code and other traffic ordinances of this city.

Sec. 126-91. – One-way streets; signs indicating direction, obedience to.

- (a) Whenever any ordinance of this city designates any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

Sec. 126-131. – Regulation at traffic signals.

The city engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.

Sec. 126-136. – Speed zones – Twenty miles per hour on school days – Thirty miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 30 miles per hour at every other time:

*Guenther Avenue* between Business 35 and Butcher Street;  
*Butcher Street* between Magazine Avenue and Santa Clara Avenue;  
*Magazine Avenue* between Butcher Street and Business 35;  
*Nacogdoches Street* between Magazine Avenue and Santa Clara Avenue;  
*Church Hill Drive* between 0.225/10<sup>th</sup> of a mile north or Ridgewood Avenue and one-tenth of a mile southeast of the intersection of Post Road;  
*Loop 337 Frontage Road* between Loop 337 and Church Hill Drive;  
*Oak Run Point* between State Highway 46 to dead end;  
*Ohio Avenue* between 200 feet east of Brentwood Drive and its end southwest of Kentucky Boulevard;  
*Guenther Avenue* between Butcher Street and W. Coll Street;  
*Magazine Avenue* between Butcher Street and W. Coll Street;  
*W. Coll Street* between Magazine Avenue and Santa Clara Avenue;  
*Howard Street* between Fredericksburg Road and 190 feet east of N. Walnut Avenue;  
*Fredericksburg Road* between 150 feet north of Wood Road and 50 feet south of Oakcrest Drive;  
*Bell Street* between 180 feet west of Rosemary Drive and Fredericksburg Road;  
*Rosemary Drive* between Howard Street and Starcrest Drive;  
*Parkview Drive* between Oakcrest Drive and Bell Street;  
*Avery Parkway* between 0.1 mile south of Whispering Way and 0.1 mile north of Conner Drive;  
*Goodwin Lane* between 0.1 mile north of Orion Drive and 0.1 mile north of Dove Hollow Drive;  
*Settler's Crossing* between S. Walnut Avenue and Savannah Hill Circle;  
*Klein Way* between Klein Road and Settler's Crossing;  
*Hidalgo Avenue* between W. San Antonio Street and Spur No. 3;  
*Lone Star Avenue* between W. San Antonio Street and IH 35 Frontage Road;

*W. San Antonio Street* between Grape Avenue and Lone Star Avenue;  
*Zamora Street* between Hidalgo Avenue and Lone Star Avenue;  
*Main Street* between Houston Avenue and Veramendi Avenue;  
*Commerce Street* between Houston Avenue and Veramendi Avenue;  
*Veramendi Avenue* between Common Street and Camp Street;  
*Houston Avenue* between Common Street and Camp Street;  
*Central Avenue* between Common Street and Main Street and between  
Commerce Street and Camp Street;  
*W. Bridge Street* between N. Seguin Avenue and Academy Avenue;  
*Castell Avenue* between W. Mill Street and Zink Street;  
*Cross Street* between Guenther Avenue and Santa Clara Avenue;  
*Santa Clara Avenue* between Cross Street and W. San Antonio Street;  
*Kerlick Lane* from the intersection of Mission Hills Drive easterly for a distance  
of 1,500 feet;  
*Mission Hills Drive* from the intersection of Kerlick Lane southwesterly for a  
distance of 1,500 feet;  
*Old Austin Road* between Loop 337 and Post Road;  
*Broadway* between Post Road and dead end; and  
*Hanz Drive* from the intersection of East Common Street westerly for a  
distance of 610 feet.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

Sec. 126-137. – Same – Same – Thirty-five miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 35 miles per hour at every other time:

*S. Walnut Avenue* between County Line Road and 230 feet north of Rolling Path;  
*S. Walnut Avenue* between County Line Road and 110 feet north of Frances Street;  
*County Line Road* between 50 feet west of Palace Drive and 260 feet east of Sungate Drive; and  
*E. Common Street* between 380 feet north of Gruene Park Drive and 300 feet north of Hanz Drive.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable of a fine not to exceed \$200.00.

Sec. 126-138. – Same – Same – Forty miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 20 miles per hour; and 40 miles per hour at every other time:

*Morningside Drive* from two-tenths of a mile north of the main entrance to Morningside Elementary to two-tenths of a mile south of the main entrance of Morningside Elementary; and  
*FM 1863* from a point of 850 feet west from the intersection of State Highway 46 West for a distance of 1,625 feet.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

Sec. 126-139. – Speed limits on Liberty Avenue.

No person shall drive any vehicle on Liberty Avenue, from the intersection of Liberty Avenue and East San Antonio Street to the intersection of Liberty Avenue and West Torrey Street, in excess of 20 miles per hour.

Sec. 126-142. – Speed limits on IH 35 Business and Loop 337.

- (a) *IH 35 Business*. Beginning at Hidalgo Street northeast along IH 35 Business to Castell Street, there shall be no speed greater than 45 miles per hour.

Beginning from the intersection of IH 35 Business and Guenther Avenue northeast along IH 35 Business for a distance of 0.200 mile, there shall be no speed greater than 30 miles per hour during those periods when school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on scheduled school days, and a speed of no greater than 45 miles per hour at other times.

Beginning at the intersection of IH 35 Business and Castell Street northeast along IH 35 Business to the SB IH 35 Frontage Road, there shall be no speed limit greater than 40 miles per hour.

Beginning at a point approximately .057 of a mile from the intersection of IH 35 Business and State Highway 46 northeast along IH 35 Business for a distance of 0.550 mile, there shall be no speed greater than 25 miles per hour during those periods when school zone flashing lights are operating from 7:00

a.m. to 5:00 p.m. on scheduled school days, and a speed of no greater than 40 miles per hour at other times.

Sec. 126-146. – Speed zones – Thirty-five miles per hour on school days – Forty-five miles per hour at other times.

- (a) No person shall drive any vehicle on the following streets within the areas designated in this subsection during the posted hours or when the school zone flashing lights are operating from 7:00 a.m. to 5:00 p.m. on each scheduled school day during every authorized school term, in excess of 35 miles per hour; and 45 miles per hour at every other time:

*FM 1101* from the intersection 0.42 miles northeast of State Highway 46 to 0.514 miles northeast of Kowald Lane.

- (b) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$200.00.

Sec. 126-157. – Intersection lane traffic control devices.

- (a) The Public Works Department is authorized to place pavement markings, markers, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- (b) When authorized pavement markings, markers, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

Sec. 126-158. – Signs indicating prohibited or restricted places.

- (a) The chief of police or city engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event such information shall be plainly indicated on the signs or the signs may be removed when such turns are permitted.

Sec. 126-171. – Authority to designate.

The chief of police or city engineer is hereby authorized to determine and designate intersections where particular hazard exists and to determine whether vehicles shall stop at one or more entrances to any such stop intersection, and shall erect a stop sign at every place where a stop sign is required.

Sec. 126-137. – Angle parking – Where authorized.

- (a) The chief of police or city engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets, but angle parking shall not be indicated upon any federal-aid or state highway within this city unless the director of the state department of transportation has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

Sec. 126-328. – Same – Compliance where marked.

Upon those streets which have been signed or marked by the chief of police or city engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

Sec. 126-349. – Adjacent to schools.

- (a) The chief of police or city engineer is hereby authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

Sec. 126-350. – Narrow streets.

- (a) The chief of police or city engineer is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

Sec. 126.351. – One-way streets.

The chief of police or city engineer is authorized to erect signs upon the lefthand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such lefthand side in violation of any such sign.

Sec. 126-353. – Near hazardous or congested places.

- (a) The chief of police or city engineer is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

Sec. 126-366. – Authority to designate.

The chief of police or city engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain Appropriate signs indicating such loading zones and stating the hours during which the provisions of sections 126-367 and 126-369 are applicable.

**II.**

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

**III.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

**IV.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This



Ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this the 23<sup>rd</sup> day of January, 2017.

PASSED AND APPROVED: Second reading this the 13<sup>th</sup> day of February, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

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*VALERIA M. ACEVEDO, CITY ATTORNEY*