

## **Chapter 18**

### **TRAFFIC**

#### **Sec.18-1 State traffic regulations in force.**

Upon all streets and other public roadways within the City, the Act entitled "Uniform Act Regulating Traffic on Highways" contained in Article 6701d, V.A.C.S., and the rules for safe driving issued by the State Department of Public Safety, shall be in full force and effect in the City.

#### **Sec.18-2 Authority of officials and officers--Enforcement by Police Department; direction of traffic by police and fire officers.**

It shall be the duty of the Police Department to enforce the provisions of this Chapter. Officers of the Police Department are authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of this Chapter; provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this Chapter.

#### **Sec.18-3 Same--Making and enforcing regulations, permanent and temporary.**

The Chief of Police and/or the Mayor are empowered to make and enforce regulations necessary to make effective the provisions of this Chapter and to make and enforce temporary regulations to cover emergencies or special conditions.

#### **Sec.18-4 Vehicles prohibited on beach; official vehicles excepted.**

All motorized vehicular traffic, including, but not limited to, cars, pickup trucks, four-wheel drive vehicles, dune buggies, motor bikes and motorcycles and any propelled vehicle or device of any kind, including, but not limited to, vehicles or devices propelled by wind or other forms of energy, except for bicycles that are powered by pedaling only, are expressly forbidden to use, pass through or come onto the public beaches. This prohibition does not include police vehicles or emergency vehicles while in the performance of their functions, vehicles used for refuse collection, or any other vehicle authorized by permit. (Ord. No. 4, 6-20-73; Ord. No. 4C, 5-18-83)

#### **Sec.18-5 Speed limits--Generally.**

No person shall operate or drive any vehicle on any street within the City at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed in accordance with this Chapter. (Ord. No. 9, 7-18-73)

#### **Sec.18-6 Same--Reasonable and prudent speed required.**

Notwithstanding any other provisions of this Chapter, no person shall drive a vehicle on a street at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the street in compliance with legal requirements and the duty of all persons to use due care. (Ord. 9, 7-18-73)

#### **Sec.18-7 Same--Reduced speed required for special hazards.**

The driver of every vehicle shall, consistent with the requirements of Section 18-6, drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or street or highway conditions. (Ord. No. 9, 7-18-73)

**Sec.18-8      Same--City Council may alter limits, violations unlawful.**

The Board may alter the maximum speed limits on any street or portion thereof within the City in accordance with the provisions of Article 6701d, Section 169, V.A.C.S. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit. (Ord. No. 9, 7-18-73)

**Sec.18-9      Same--Specific limits established. [amended by Ord 10-11, 15-10]**

The following maximum speed limits on Padre Boulevard (Park Road 100), shall be as follows:

(A) Beginning at a point on said Padre Boulevard (Park Road 100) 317 feet south of Shore Drive to 818 feet north of Wharf Street the maximum speed limit shall be 50 miles per hour;

(B) Beginning at a point on said Padre Boulevard (Park Road 100) approximately 655 feet north of the center line of Cameron County Beach Access #3 from said point to 965 feet North of the center line of the entrance to Orca Circle, the maximum speed limit shall be 45 miles per hour;

(C) From said point to south to 355 feet North of the centerline of King's Court Drive, the maximum vehicular speed limit shall be 40 miles per hour;

(D) From said point South to a point 120 feet south of the center line of Retama Street the maximum vehicular speed limit shall be 35 miles per hour;

(E) From the point 150 feet south of center line of Retama Street to the South City limit line and also South thence West to a point 490 feet east of the West City limit line, the maximum speed limit shall be 30 miles per hour.

**Sec. 18-9.1    Specific Speed Limits**

All other speed limits, except for what is established in Sec. 18-9, shall have a maximum speed limit of 30 mph, unless otherwise posted. (Ord. No. 13-06)

**Sec.18-10      Traffic control devices--Generally.**

All traffic control devices, including signs, signals and markings (pavement and/or curb), installed or used for the purpose of directing and controlling traffic within the City, shall conform to the Texas Manual on Uniform Traffic Control Devices for Streets and Highways (hereafter called the "Manual"). All signs, signals and markings erected or used within the City shall be uniform and be located so far as practicable according to the directions shown in the Manual. (Ord.90,7-1-81)

**Sec.18-11      Same--Drivers required to obey.**

The driver of any vehicle or animal shall obey the instructions of any official traffic control devices, signs, signals or markings applicable thereto placed in accordance with this Chapter, the Manual, and any Ordinance directing that such traffic control device, sign or signal shall be installed or erected unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle permitted by this Chapter.

(Ord. No. 90, 7-1-81)

**Sec.18-12      Same--Emergency vehicles excepted.**

(A) The driver of any authorized emergency vehicle, as the term "authorized emergency vehicle" is defined by State law, when responding to any emergency call or when in the pursuit of an actual or suspected violator of the law, or when

responding to, but not upon returning from, a fire alarm, may exercise the privileges set forth in this Section, but subject to the conditions herein stated.

(B) The driver of an authorized emergency vehicle may:

- (1) Park or stand, irrespective of the provision of this Chapter or any other ordinance;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the *prima facie* speed limits so long as he does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions.

(Ord. No. 90, 7-1-81)

(C) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of Section 124 V.A.C.S. 6701d, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from the front of the vehicle.

(D) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. (Ord. No. 90, 7-1-81)

**Sec.18-13      Same--Applicable to all governmental vehicles.**

The provisions of this Chapter applicable to drivers upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, the State of Texas, or any county, city, City, district or any other political subdivision of the State, subject to such specific exceptions as are set forth in this Chapter with reference to authorized emergency vehicles.

(Ord. No. 90, 7-1-81)

**Sec.18-14      Same--Unauthorized devices prohibited.**

(A) No person shall place, maintain or display upon or in view of any highway, street or alley any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official control device or any railroad sign or signal.

(B) No person shall place or maintain nor shall any public authority permit upon any highway, street or alley, any traffic sign or signal bearing thereon any commercial advertising.

(C) This Section shall not be deemed to prohibit the erection upon private property adjacent to highways, streets or alleys, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(D) Every such sign, signal or marking prohibited by this Section is hereby declared to be a public nuisance, and the Chief of Police is empowered to remove the same or cause it to be removed without notice. (Ord. No. 90, 7-1-81)

**Sec.18-15      Same--Defacing, etc. prohibited.**

No person shall without lawful authority, attempt to or in fact, alter, deface, injure, knock down or remove any official traffic control device, sign or signal, or any railroad sign or signal of any description, shield, or insignia thereon, or any part thereof.

(Ord. No. 90, 7-1-81)

**Sec.18-16      Same-- Public Works Department responsible.**

The Public Works Department-Service Division shall have the duty of erecting or installing upon, over, along or beside any highway, street or alley, signs, signals and markings, or cause the same to be erected, installed or placed in accordance with this Chapter and consistent with the Manual.

(Ord. No. 90, 7-1-81)

**Sec.18-17      Same--Report required by Public Works official.**

Whenever the Public Works Department-Service Division, has erected and installed any official traffic control device, signal or sign at any location in the City, or has caused the same to be done under its direction in obedience to this Chapter, the Manual, or another ordinance directing the erection of such device, signal or sign, a report shall thereafter be filed with the City Secretary in writing and signed officially by the supervisor of the Public Works Department-Service Division, stating the type of traffic control device, sign or signal and when and where the same was erected or installed. The City Secretary shall file and maintain such report of the Public Works Department-Service Division among the official papers of the office of the City Secretary. (Ord. No. 90, 7-1-81)

**Sec.18-18      Same--Proof in prosecution for violation.**

It being unlawful for any person other than the supervisor of the Public Works Department-Service Division, acting pursuant to authority of the City, to install or cause to be installed any signal, sign or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles or animals, proof, in any prosecution for a violation of this Chapter or any traffic law of the City or State that any traffic control, device, sign, signal or marking was actually in place on any street, shall constitute *prima facie* evidence that the same was installed by the Public Works Department-Service Division, pursuant to the authority of this Chapter. (Ord. No. 90, 7-1-81)

**Sec.18-19      Parking--Generally.**

- (A) No person shall stop, stand or park a vehicle in any of the following places:
  - (1) At any place where authorized signs or markings prohibit stopping.
  - (2) On any sidewalk.
  - (3) In front of a public or private driveway.
  - (4) Within an intersection.
  - (5) On a crosswalk or within twenty (20) feet of a crosswalk where signs are posted or markings indicate this prohibition.
  - (6) In a safety zone.
  - (7) Within thirty (30) feet of the approach to any flashing beacon, stop sign or traffic-control signal located at the side of the roadway.
  - (8) Within fifty (50) feet of the nearest rail of a railroad crossing.
  - (9) Within fifteen (15) feet of a fire hydrant.
  - (10) Within twenty (20) feet of the driveway entrance to any fire station.
  - (11) Upon any bridge or other elevated structure.

- (12) In any tunnel or underpass unless signs or markings designate the place and type of permissible parking.
- (13) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (14) On the roadway side of any vehicle stopped or parked at the edge of the curb or roadway.
- (15) In any alley or alleyway in such a manner or under such conditions as to block the alley or leave insufficient width for free movement of vehicular traffic. Under no condition is this width to be less than ten (10) feet.
- (16) In any other place or manner so as to restrict the free flow of traffic.
- (17) On or in the area of the unpaved portion of the street right-of-way after the end of the paved street west of the west rights-of-way line of Laguna Boulevard and bordering the Laguna Madre.
- (18) Within 30 feet of the intersection where the side streets (east west) of the City intersect with either Gulf Blvd or Laguna Blvd.
- (19) A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or to provide for safe travel or an emergency. The driver of a motor vehicle shall yield to any bicycle in the lane at all times. As used in this section, the term "designated bicycle lane" shall mean a portion of the roadway or highway that has been designated by the City by striping with signage or striping with pavement markings provided in the Texas Manual on Uniform Traffic Control Devices (TMUTCD) for the preferential or exclusive use of bicycles.

(B) A person shall not be deemed guilty of violating this Section if such standing, stopping or parking is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, or for a shuttle bus that is picking up or discharging passengers at any place where authorized signs or markings have designated said area or space as a bus stop.

(Ord. No. 8A, 6-20-79)

#### **Sec. 18-19.1 Restricted Parking on Residential Streets.**

- (A) No person shall stop, stand or park a vehicle in or on the street Right-of-way of the streets east 200 feet from the east Right-of-way line of Padre Boulevard to the West Right-of-way line of Gulf Boulevard between the hours of 8:00 A.M. and 9:00 P.M. from March 1<sup>st</sup> to September 15<sup>th</sup> of each year unless said vehicle has affixed in the upper left portion of their windshield and displays a hurricane return sticker issued by the City of South Padre Island.
- (B) Residents holding a driver's license indicating a South Padre Island address or a utility bill for a South Padre Island address or a rental contract of 30 days or longer for property located on one of the side streets east of Padre Boulevard may obtain a visitors permit from City Hall that will be valid for a specified date to allow for gatherings at private homes. Such visitor's permit must be hung on the rear view mirror that will be dated and will be discarded after the date of use.
- (C) Service vehicles (i.e. air conditioning company vehicles, plumbing vehicles, etc) as well as delivery vehicles may park on said streets for a maximum of two (2) hours

without displaying or obtaining a permit. Such service or delivery vehicles must contain markings on the vehicle indicating their business.

- (D) A person shall not be deemed guilty of violating this Section if such standing, stopping or parking is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, or for a shuttle bus that is picking up or discharging passengers.
- (E) The City Council may approve rules, regulation or procedures for the issuance of visitor permits pursuant to this Sec. 18-19.1.
- (F) Streets that are excluded include those streets in a residential zone that are 32 feet wide with curb and gutter and a sidewalk on one side. The following streets that are currently excluded from the application of Sec. 18-19.1 are East Haas, East Mezquite and East Esperanza.

**Sec. 18-19.2 Over Night Parking Prohibited on Cul-de-Sacs east of Gulf Blvd.**

No person shall stop, stand or park a vehicle in or on a cul-de-sac east of the east Right-of-way line of Gulf Boulevard from March 1 to September 15 between the hours of 12:01 A.M. and 6:00 A.M., except Aurora Circle, Surf Circle and Harbor Circle the prohibited hours are between 2:01 A.M. and 6:00 A.M. (Ord 13-03, 13-03A)

**Sec. 18-19.3 Restricted Parking on Residential Streets in “E” District West of Laguna Boulevard.**

- (A) No person shall stop, stand or park a vehicle in or on the street Right-of-way of the bay-ending streets in the “E” District that are west of the Right-of-way line of Laguna Boulevard unless said vehicle has affixed in the upper left portion of their windshield and displays a hurricane return sticker issued by the City of South Padre Island.
- (B) Residents holding a driver’s license indicating a South Padre Island address or a utility bill for a South Padre Island address or a rental contract of 30 days or longer for property located on any of these bay-ending streets in the “E” District that are west of Laguna Boulevard may obtain a visitors permit from City Hall that will be valid for a specified date to allow for gatherings at private homes. Such visitor’s permit must be hung on the rear view mirror that will be dated and will be discarded after the date of use.
- (C) Service vehicles (i.e. air conditioning company vehicles, plumbing vehicles, etc) as well as delivery vehicles may park on said streets for a maximum of two (2) hours without displaying or obtaining a permit. Such service or delivery vehicles must contain markings on the vehicle indicating their business.
- (D) A person shall not be deemed guilty of violating this Section if such standing, stopping or parking is necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, or for a shuttle bus that is picking up or discharging passengers.
- (E) The City Council may approve rules, regulation or procedures for the issuance of visitor and landscaping permits pursuant to this Sec. 18-19.3.
- (F) City Hall may issue landscaping permits to landowners to landscape the unpaved portions of the rights-of-way located on bay ending streets, west of Laguna Boulevard and located in the “E” District if their property is adjacent to or abuts the rights-of-way.

(G) The City will post appropriate signage to indicate that these bay-ending streets in this district are not a public thoroughfare and that parking is restricted to residents or individuals with permits. (Ord 14-08)

**Sec. 18-19.4. Paid Parking in or on a cul-de-sac east of the east right-of-way line of Gulf Boulevard and Gulf Boulevard from March 1 to September 15**

(A) No person shall stop, stand or park a vehicle in or on Gulf Blvd or a cul-de-sac east of Gulf Blvd with out paying a parking fee as herein provided:

(1) \$6.00 for six hours from the hours of 8:00 am to 8:00 pm; except parking is prohibited in the cul-de-sacs east of the east Right-of-way line of Gulf Boulevard between the hours of 12:01 A.M. and 6:00 A.M., except Aurora Circle, Surf Circle and Harbor Circle the prohibited hours are between 2:01 A.M. and 6:00 A.M. When permitted, parking is restricted to designated spaces on the westerly side of Gulf Boulevard and at Beach access cul-de-sacs on the easterly side of Gulf Boulevard; during the hours that parking is permitted at cul-de-sacs Harbor, Surf, and Aurora it shall be without a parking fee (free).

(2) A \$50.00 season pass will be available for purchase at the Police Station in City Hall;

(3) Vehicles are limited to remaining in one parking space for a maximum twenty-four hour period.

(4) Payment can be made by credit card by contacting the phone number on the sign by cell phone or other mobile device, as this is an internet based parking system and at the locations where season passes are made available.

(B) Over night parking is still prohibited in the Cul-de-sacs per Sec. 18-19.2 of the Code of Ordinances.

(C) In compliance with Chapter 681 of the Texas Transportation Code persons with disabilities are exempt from the payment of any fees if the vehicle is displaying an appropriate license plate or disabled parking placard. This does not permit parking at a time when or a place where parking is prohibited.

**Sec.18-20      Same--Padre Boulevard (Park Road 100)**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, at any time upon or within the boundaries of Padre Boulevard, also known as Park Road 100. (Ord. No. 91)

**Sec. 18-21      Presumption.**

Any offense under subchapter G of Chapter 545 of the Transportation Code of the State of Texas or this Code of Ordinances in a prosecution of offenses involving the stopping, standing, or parking of an unattended motor vehicle it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.

**Sec. 18-22 Through Truck Traffic Prohibited on Laguna Boulevard and Gulf Boulevard.**

No truck over one (1) ton may travel on Gulf Boulevard and/or Laguna Boulevard as a through route, and any truck over one (1) ton that travels more than two (2) blocks on Gulf Boulevard or Laguna Boulevard shall be in violation of this Section, except for trucks stopping at successive addresses on said streets. Trucks over one (1) ton shall go to an address on Gulf or Laguna Boulevard from Padre Boulevard via the closest side street (east or west streets) to the address and return to Padre Boulevard via the closest side street.

[Sec. 18-23 -18-29 reserved]

### Sec. 18-30. GOLF CARTS..

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

Driver: means the person driving and having physical control over the motorized cart.

Motorized cart: means those electric and gasoline powered carts, commonly referred to as golf carts, but which must have a minimum of four (4) wheels and which have an attainable top speed not greater than twenty-five (25) miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, four-wheelers, mules, and gators.

Owner: means the person holding title to the motorized cart.

Parking area: means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Street: means the public roadways of the City of South Padre Island by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- (1) Has a posted speed limit of thirty-five (35) miles per hour or less; or
- (2) Provides for no more than two (2) lanes of vehicular traffic per direction.

(B) Electric and gasoline motorized cart required equipment.

Every motorized cart must be equipped as mandated by the Texas Transportation Code, Section 551.404(a) and/or required by the City of South Padre Island the following:

- (1) Operational headlamps;
- (2) Operational tail lamps;
- (3) Side reflectors;
- (4) Operational parking brake; and
- (5) Rearview mirror(s).

(6) A reflective triangle shaped slow-moving sign attached and facing to the rear;

(7) Owners of motorized cart must carry valid liability insurance for said cart in the minimum amount required by State law for the operators of a motor vehicle or the driver must carry proof that he/she has such liability insurance.

(8) ~~Driven during daylight hours only.~~ [Deleted per Ordinance 13-11 August 2013]

(9) Be permitted thru the city and display a current (annual) sticker permit or license plate at the cost of \$50 per cart (annual fee) and a \$25 replacement fee.

(10) Seatbelts for all passengers or occupants.

(C). Gasoline carts.

Every motorized cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meeting the following specifications:

- (1) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or including any and all parts specified by the manufacturer.
- (2) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening motorized cart exhaust systems.
- (3) The engine and powered mechanism of every motorized cart shall be so equipped, adjusted and tuned so that the exhaust is the amount of a motorized cart in good working order.
- (4) It shall be unlawful for the owner of any motorized cart to operate or permit the operation of such cart on which any device controlling or abating atmospheric emissions which is placed on a cart by the manufacturer is rendered unserviceable by removal, alteration or which interferes with its operation.

(D) Operation regulations.

- (1) All drivers of motorized carts shall hold a valid Texas driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.
- (2) Motorized carts shall not be operated on sidewalks at any time.
- (3) All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (4) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (5) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (6) The occupancy of the motorized cart may not exceed the manufacturer's maximum rating for number of passengers or occupants.
- (7) Motorized carts may only be operated on streets that have a posted speed limit of thirty-five (35) miles per hour or less.

(E) Liability.

Nothing in this Section shall be construed as an assumption of liability by the City of South Padre Island for any injuries to persons, pets or property which may result from the operation of a motorized cart by an authorized driver.

Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers who are minors under the age of twenty-one (21) with or without a current and valid Texas drivers license.

(F). Penalties.

Any person who violates the terms of this Section shall be penalized as provided by Sec. 21-1 of the Code of Ordinances.