

ORDINANCE # 1303-2021

AN ORDINANCE AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" SUBSECTION (s) "OTHER SPECIAL STOPPING INTERSECTIONS" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2020) DESIGNATING A 4-WAY STOP INTERSECTION ON YALE STREET AT DARTMOUTH AVENUE AND ALSO ON YALE STREET AT BAYLOR AVENUE AS RECOMMENDED BY THE POLICE CHIEF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks is a home rule City acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the police chief upon investigation determined that there is a potential traffic hazard caused by there not being a 4- way stop intersection at the intersection of Yale and Dartmouth Avenue and at Yale and Tulane Avenue that have not been previously established by ordinance in order to protect the safety of pedestrians and motorists; and

WHEREAS, in accordance to Sec. 12.03.001 "General powers and duties of chief of police", the chief of police 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 such additional traffic-control devices as he may deem necessary to regulate traffic under this chapter or under state law, or to guide or warn traffic.

WHEREAS, the Police Chief recommends that a "Special Stopping Intersection" be designated on Yale Street where it intersects with Dartmouth Avenue and where it intersects with Baylor Avenue; and

WHEREAS, the Police Chief has determined that stop signs will be placed in accordance to the Transportation Code within 18 inches of the prevailing edge of the street as provided for in this ordinance; and

WHEREAS, pursuant to Texas Transportation Code Section 542.202, the City of River Oaks, Texas has the authority to establish prohibited parking, standing or stopping zones within its corporate boundaries for vehicles on streets and highways.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

Section 12.05.012, Special Stop Intersections

That Article 12.05, "Stopping, Standing and Parking" of the City of River Oaks Code of Ordinances (2006) with the adoption of this ordinance, Section 12.05.012 "Special Stop Intersections" is amended by amending **Section 12.05.012 (s) "Other special stopping intersections"** by adding **Section 12.05.012 (s).17 "Yale Street"** of the City of River Oaks Code of Ordinances (2006) designating special stop intersections as herein provided for in this ordinance to now read as follows:

"Section 12.05.012 (s) "Other special stopping intersections"

(17) Special stopping intersections on Yale Street: In accordance with this chapter, police chief hereby directs that the city public works department install a stop sign at the following locations:

(1) On Yale Street at its intersection with Dartmouth Avenue thereby creating a 4-way Stop Intersection in order to protect the safety of pedestrians and motorist from motorists speeding down Yale Street without a stopping deterrent to cause them to reduce their speed.

(A) A stop sign will be placed on the southeast corner of Yale Street where it intersects with Dartmouth Avenue within the dedicated public right-of-way all under the control of the City of River Oaks as indicated on Exhibit "A" of this ordinance; and

(B) A stop sign will be placed on the northwest corner of Yale Street where it intersects with Dartmouth Avenue within the dedicated public right-of-way all under the control of the City of River Oaks as indicated on Exhibit "A" of this Ordinance; and

(C) In accordance to the Transportation Code, the stop signs will be placed within 18 inches of the prevailing edge of the street on both the southeast corner and on the northwest corner of Yale Street at its intersection Dartmouth Avenue.

(2) On Yale Street at its intersection with Baylor Avenue thereby creating a 4-way Stop Intersection in order to protect the safety of pedestrians and motorist from motorists speeding down Yale Street without a stopping deterrent to cause them to reduce their speed.

(A) A stop sign will be placed on the southeast corner of Yale Street where it intersects with Baylor Avenue within the dedicated public right-of-way all under the control of the City of River Oaks as indicated on Exhibit "A" of this ordinance; and

(B) A stop sign will be placed on the northwest corner of Yale Street where it intersects with Baylor Avenue within the dedicated public right-of-way all under the control of the City of River Oaks as indicated on Exhibit "A" of this Ordinance; and

(C) In accordance to the Transportation Code, the stop sign will be placed within 18 inches of the prevailing edge of the street on both the southeast corner and on the northwest corner of Yale Street at its intersection Baylor Avenue."

**SECTION 2.
CUMULATIVE**

This Ordinance shall be cumulative of all provisions of Ordinances of the city, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of

the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.
SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2006) or any other ordinances affecting Stopping, Standing and Parking which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5.
PENALTY**

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2006) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 6.
PUBLICATION**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

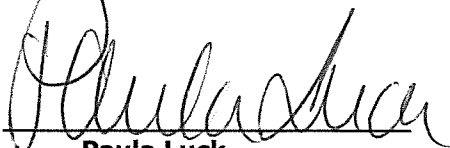
**SECTION 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 9th DAY OF FEBRUARY 2021.



Mayor Joe Ashton

ATTEST: 

**Paula Luck
City Secretary
City of River Oaks**