

ORDINANCE # 1429-2024

AN ORDINANCE AMENDING ARTICLE 12.05, "STOPPING, STANDING AND PARKING", OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2020) BY INCORPORATING INTO SECTION 12.05.012 "SPECIAL STOP INTERSECTIONS" SPECIFICALLY IN SUBSECTION (a) "MILLER DRIVE" CREATING A 3-WAY STOP INTERSECTION AT THE INTERSECTION OF MILLER DRIVE AND YALE STREET AS RECOMMENDED BY THE POLICE CHIEF IN ORDER TO PROTECT THE HEALTH AND SAFETY OF THE MOTORISTS WHEN TURNING ON TO YALE STREET FROM MILLER DRIVE; 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 affecting the safety and visibility 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; and

WHEREAS, the Police Chief recommends that a "Special Stopping Intersection" be designated where Yale Street intersects with Miller by placing stop signs on the southeast corner of Yale and on the northwest corner of Yale that will cause the traffic on Yale to have to stop in both directions where Yale Street interconnects with Miller Drive that has currently a stop sign on Miller Drive that stops motorist when entering on to Yale Street as provided for in Exhibit A "Yale at Miller Drive" that with the two new stop signs on Yale will make the intersection of Yale Street and Miller Drive to become a 3-way stop intersection; and

WHEREAS, the Police Chief has determined that stop signs will be placed in accordance with 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 (2020) with the adoption of this ordinance, Section 12.05.012 "Special Stop Intersections" is amended by revising Section **12.05.012 (a) "Miller Drive"** designating a 3-way special stop intersection as herein provided for in this Ordinance to now read as follows:

"(a) "Miller Drive": In accordance with this chapter, police chief hereby directs that the city public works department install a stop sign at the following locations:

- (1) At station 0.00 at the intersection of Yale Street and Miller Drive the city council has designated this intersection as a stop intersection upon which vehicles shall stop before entering onto Yale Street.
- (2) At Station 0.00 at the intersection of Yale Street and Miller Drive has designated the traffic flow from north to south on Yale shall be required to stop before turning right onto Miller Drive or continuing down Yale.
- (3) At Station 0.00 at the intersection of Yale Street and Miller Drive has designated the traffic flow from south to north on Yale shall likewise be required to stop before turning left onto Miller Drive or continuing down Yale.
- (4) In accordance with this chapter, police chief hereby directs that the city public works department install stop signs at the following locations:

(A) A stop sign will be placed on Miller Drive in accordance with the Transportation Code within 18 inches of the prevailing edge of the street on the southwest corner of Miller Drive at the Miller Drive and Yale Street intersection at the point which vehicles enter onto Yale Street; and

(B) A stop sign will be placed on Yale Street to stop the traffic flow for motorists traveling from the south to the north on Yale Street; Stop Sign shall be placed in accordance with the Transportation Code within 18 inches off the prevailing edge of the street on the southeast corner of Yale St at the point where Yale Street would intersect with Miller Drive; and

(C) A stop sign will be placed on Yale Street to stop the traffic flow for motorists traveling from the north to the south on Yale Street; Stop Sign shall be placed in accordance with the Transportation Code within 18 inches off the prevailing edge of the street on the northwest corner of Yale St at the point where Yale Street would intersect with Miller Drive, thereby creating a 3-way stop intersection at Yale Street and Miller Drive (see attached Exhibit A).”

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 6.
PENALTY**

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). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); Provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

**SECTION 7.
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 8.
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 18th DAY OF JUNE 2024.



Darren Houk, Mayor

ATTEST: 

**City Secretary
City of River Oaks**