

Motion was made by Sue Petrick, seconded by  
Alfred Theriot, that the following Ordinance be passed:

NO. 22

AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS,  
ROADWAYS AND OTHER THOROUGHFARES IN THE TOWN OF WHISPERING  
OAKS, TEXAS; DESIGNATING THE LOCATION OF "STOP" SIGNS;  
"NO PARKING ANYTIME"; "NO TRUCK PARKING ANYTIME"; SPEED  
OF VEHICLES; PROVIDING VIOLATION FOR DAMAGES TO SIGNS;  
USING STREETS FOR STORAGE AREA; OPERATION OF VEHICLES;  
MISCELLANEOUS PROVISIONS; FIXING PENALTY FOR VIOLATIONS;  
PROVIDING PRIMA FACIE RESPONSIBILITY FOR ILLEGAL PARKING;  
AND PROVIDING FOR SAVINGS CLAUSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHISPERING  
OAKS, TEXAS:

ARTICLE I.

WORDS AND PHRASES DEFINED

Section 1. Wherever in this Ordinance the following  
terms are used, they shall have the meanings respectively  
ascribed to them in this section:

STREET OR HIGHWAY. Every way set apart for public  
travel, except foot paths.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway  
not open to the use of the public for purposes of vehicular  
travel.

ROADWAY. That portion of a street or highway be-  
tween the regularly established boundary lines or that part  
devoted to vehicular traffic.

INTERSECTION. The area embraced with the prolonga-  
tion of the lateral curb lines or, if none, then the lateral  
boundary lines of two or more streets or highways which join  
one another at an angle whether or not one such street or  
highway crosses the other.

VEHICLE. Every device in, upon or by which any  
person or property is or may be transported or drawn upon a  
public highway, excepting devices moved by human power or  
used exclusively upon stationary rails or tracks.

MOTOR VEHICLE. Every vehicle, as herein described,  
which is self-propelled.

RIGHT OF WAY. The privilege of the immediate use of the street or roadway.

PARKING. The standing of a vehicle, whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience of traffic regulations or traffic signs and signals.

OFFICIAL TRAFFIC SIGNS. All signs, markings and devices, other than signals, not inconsistent with this Ordinance, placed or erected by the Town of Whispering Oaks, Texas, for the purpose of guiding, directing, warning or regulating traffic.

OFFICIAL TRAFFIC SIGNALS. All signals, not inconsistent with the Ordinance, placed or erected by the Town of Whispering Oaks, Texas, for the purpose of directing, warning or regulating traffic.

OPERATOR. Any person who is in actual physical control of a vehicle.

PEDESTRIAN. Any person afoot.

SIGNALS:

(1) HAND SIGNALS. All signals made by the operator by use of the hand and forearm for the purpose of indicating his intentions of turning, stopping, or changing the course of the vehicle.

(2) MECHANICAL SIGNALS. All signal equipment installed on/in vehicles and used to indicate the changing of directional travel of same.

SIDEWALK. That portion of a street between the curb lines and the adjacent property lines.

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances either singularly or together while using any street for the purpose of travel.

OFFICER. Every officer of the Municipality or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

ARTICLE II.

AUTHORITY OF MARSHAL

Section 1. MARSHAL TO DIRECT TRAFFIC. It shall be the duty of the Town Marshal of this Town to enforce the provisions of this Ordinance. The Marshal and his assistants are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this Ordinance, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, he may direct traffic, as conditions may require, notwithstanding the provisions of this Ordinance.

Section 2. THE TOWN COUNCIL AUTHORIZED TO ADOPT EMERGENCY REGULATIONS. The Town Council is hereby empowered to make and enforce regulations necessary to make effective the provisions of this Ordinance and to make and enforce temporary regulations to cover emergencies or special conditions.

Section 3. OBEDIENCE TO OFFICERS. It shall be unlawful for any person to refuse to or fail to comply with any lawful order, signal or direction of a Town Officer.

Section 4. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS. The provisions of this Ordinance shall apply to the operator of any vehicle owned by or used in the service of the U. S. Government, State of Texas, County of Montgomery, or Town of Whispering Oaks, and it shall be unlawful for any said operator to violate any of the provisions of this Ordinance, except as otherwise permitted in this Ordinance.

Section 5. EXEMPTIONS TO AUTHORIZED EMERGENCY VEHICLES. The provisions of this Ordinance regulating the movement, parking and standing of vehicles shall not apply to fire department or enforcement department vehicles, or to ambulances, while the operator of such vehicle is operating the same in an emergency in the necessary performance of public duties. This exemption shall not, however, protect

447

the driver of any such vehicle from the consequences of reckless disregard for the safety of others, or of the property of others.

Section 6. MARSHAL AUTHORIZED TO TOW CARS TO POUND.  
The Town Marshal of the Town of Whispering Oaks, Texas, or any of his assistants, are hereby given authority to tow or cause to be towed to the Town pound or other place designated as a pound any vehicle which is parked in violation of any of the provisions of this Ordinance.

### ARTICLE III.

#### TRAFFIC SIGNS, AND LOCATION UPON STREETS

Section 1. COUNCIL TO DETERMINE CHARACTER AND LOCATION OF SIGNS.

(a) The Town Council shall, by Resolution, determine and designate the character or type of all official traffic signs and signals, and shall designate the location where same shall be installed.

(b) Subject to this selection, the Town Marshal is hereby authorized, and as to those signs and signals required hereunder, it shall be his duty, to place and maintain or cause to be placed and maintained all official traffic signs and signals. All Signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location through the Town.

#### Section 2.

(a) The Town Council hereby selects, determines, and designates that "Stop" signs be placed at the intersection of the following streets, roadways and/or avenues, to-wit:

At the intersection of Whispering Oaks Lane with Needham Road, and to be located:

Five (5') feet East of the intersection on South side of Whispering Oaks Lane next to South boundary line of Lot No. 22, Block 2, and facing East.

Five (5') feet East of the intersection on South side of Whispering Oaks Lane next to South boundary line of Lot No. 1, Block 1, and facing East.

(b) No provision of this Ordinance for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the sign herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(c) Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

Section 3. It shall be unlawful for any operator or driver of any motor vehicle or vehicle of any kind to disobey the instruction of any official traffic sign or signal placed in accordance with the provisions of this Ordinance, unless otherwise directed by the Town Marshal or his assistants.

Section 4. DAMAGING SIGNS. It shall be unlawful for any operator, driver or person to remove, mutilate, deface, damage or injure any traffic signs or markers placed upon the

streets and roadways of the Town of Whispering Oaks, by order of the Town Council.

Section 5. CROSSWALKS. The Town Council shall establish, designate, and thereafter maintain or cause to be maintained, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in its opinion there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary.

Section 6. SAFETY ZONES AND LANES FOR TRAFFIC.

- (a) The Town Council shall establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.
- (b) The Town Council shall establish and mark lanes for traffic on street pavements at such places as it may deem advisable consistent with the provisions of this Ordinance.

ARTICLE IV.

NO PARKING

Section 1. TIME NO PARKING.

- (a) The Town Council shall have the right to establish the hours in the Town of Whispering Oaks, Texas, in which there shall be no parking on the streets, and maintain or cause to be maintained appropriate signs indicating the same.
- (b) The Town Council hereby selects, determines and designates that appropriate signs for no parking at any time shall be placed on either side of the following streets:

ARTICLE V.

NO PARKING OVER 24 HOURS ON ALL STREETS WITHIN  
TOWN LIMITS

Section 1. NO PARKING IN TOWN LIMITS OVER 24 HOURS.

(a) The Town Council shall have the right to establish no parking over 24 hours on streets within the Town of Whispering Oaks, Texas.

(b) It shall be unlawful for any operator to park a vehicle over 24 hours on any street or streets so designated in the Town of Whispering Oaks, Texas.

(c) The Town Council hereby selects, determines and designates the following streets, whereby no parking over 24 hours shall be allowed, to-wit:

- (1) All of the streets located within the Town Limits of the Town of Whispering Oaks, Texas.

ARTICLE VI.

STANDING, PARKING AND STOPPING

Section 1. STOPPING PROHIBITED IN SPECIFIED PLACES.

It shall be unlawful for the operator of a vehicle to stop, stand, or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of the Town Marshal or his assistants, or traffic control sign or signal:

- (a) In the center of the street.
- (b) Within a street intersection.
- (c) On a crosswalk.
- (d) Upon a bridge, and the approach thereto.
- (e) Within twenty-five (25) feet from the intersection of curb lines, or, if none, then within fifteen (15) feet of the intersections of property lines at an intersection, except at alleys.
- (f) Within ten (10) feet of any fire hydrant.
- (g) In front of any private driveway, except with the consent of the owner, or directly across the street from a private driveway in a manner that prohibits or limits access to that driveway.

- (h) On a sidewalk.
- (i) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (j) At any places where official traffic signs have been erected prohibiting standing and parking.
- (k) On the roadway beside any vehicle stopped or parked at the right hand edge or curb of a street. It is the intention of this paragraph to prohibit what is commonly known as double parking.
- (l) Within reserved zones.
- (m) Within Fifteen (15) feet of the two curves on the East end of Whispering Oaks.

Section 2. STANDING OR PARKING CLOSE TO CURB OR EDGE OF STREET.

- (a) Except when necessary in obedience to traffic regulations or traffic signs, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of the traffic, and with the street-side wheels of the vehicle off the pavement, unless consent of owner of adjacent property is first obtained.
- (b) The Town Council shall determine by Resolution upon what street angle parking shall be permitted and shall, at the time of such determining, provide for the marking or signing of such streets.

ARTICLE VII.

SPEED ZONE

Section 1. SPEED.

- (a) The Town Council shall have the right to establish speed zones in the Town of Whispering Oaks, Texas, and maintain or cause to be maintained appropriate signs indicating the same.

- (b) It shall be unlawful for any operator to travel at a rate of speed in excess of Twenty (20) miles per hour on any street or streets in the Town of Whispering Oaks, Texas,



unless posted signs are installed on specific streets changing said speed.

(c) The Town Council hereby selects, determines and designates the following streets to be in the Speed Zone, to-wit:

(1) All of the streets, roadways and/or avenues located in the Town of Whispering Oaks, Texas.

and that appropriate signs be erected in proper places in the Town to notify people of such speed limit and zone.

#### ARTICLE VIII.

##### USING STREETS FOR STORAGE AREA

It shall be unlawful for any operator, individual, person or concern to use any street, alleyway or other property owned or controlled by Town of Whispering Oaks, Texas, for storage purposes.

#### ARTICLE IX.

##### OPERATION OF VEHICLES

Section 1. DRIVE ON RIGHT SIDE OF STREET. Upon all streets, and other public roadways, the operator of a vehicle shall drive the same upon the right half of such street or roadway, and the operator of a slowly moving vehicle shall drive the same as close as possible to the right hand edge or curb of the roadway unless it is impracticable to travel on such side of the roadway, and except when overtaking and passing another vehicle.

Section 2. OVERTAKING OTHER VEHICLES. Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right of the roadway until the roadway is reasonably clear of such overtaken vehicle. The operator shall also sound an audible horn and give suitable signals before passing a vehicle proceeding in the same direction. It is the duty of

the operator of any vehicle about to be overtaken and passed to give way to the right in favor of the overtaking vehicle on suitable and audible signals, given by or on behalf of the operator of such overtaking vehicle.

Section 3. TURNING AT INTERSECTIONS AND OTHER PLACES.

(a) Right turns. The operator of a vehicle intending to turn to the right at the intersection or into an alley or driveway shall approach the point of turning on that portion of the roadway nearest the right hand edge or curb of the roadway.

(b) Turning left. The operator of a vehicle intending to turn to the left at an intersection or into a driveway shall approach the point of turning on that part of the roadway next to the center thereof, and, unless otherwise directed by "turning markers" the operator of a vehicle in turning left at an intersection shall pass to the right of the center of the intersection before turning left.

Section 4. STOPPING VEHICLE AT INTERSECTION. It shall be unlawful for any operator of a vehicle to approach any street intersection without bringing such vehicle to a full stop within a distance of five (5) feet from the line of intersection and before crossing such line of intersection when and where a "stop" sign shall be displayed by being plainly marked or painted and displayed in the street in full view of such operator or operators of vehicles at such street intersections. Such stop sign locations shall be designated by Resolution of the Town Council.

Section 5. RIGHT OF WAY.

(a) Except where traffic is controlled by official sign or signal, or by officers, the operator of a vehicle approaching an intersection shall yield the right of way to any vehicle approaching from his right when such vehicle is within fifty (50) feet of the intersection.

(b) The operator of a vehicle entering a public street from a private road or driveway shall yield the right of way to all vehicles approaching on such public roadway.

(c) The operator of a vehicle on a roadway shall yield the right of way to authorized emergency vehicles when the latter are operated upon official business and the operators thereof sound an audible signal by bell, siren, or exhaust whistle.

Section 6. PASSING ON HILLS AND CURVES. Every vehicle, when moving along such portions of the roadway where the curvature of the roadway prevents a clear view for a distance ahead of one hundred yards, shall be held under control.

#### ARTICLE X.

##### MISCELLANEOUS PROVISIONS

Section 1. MOTOR VEHICLES LEFT UNATTENDED, BRAKES TO BE SET AND ENGINE STOPPED. No person having control or charge of any motor vehicle shall allow such vehicle to stand on any street unattended without first setting the brakes thereon and stopping the motor of said vehicle, and when standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or the side of the street or highway.

Section 2. INTOXICATED OPERATORS. It shall be unlawful for any person while in an intoxicated condition or under the influence of narcotic drugs to operate or attempt to operate any vehicle.

Section 3. TRAFFIC NOT TO BE OBSTRUCTED. No vehicle shall be operated or allowed to remain upon any street in such manner as to form an unreasonable obstruction to the traffic thereon.

Section 4. UNNECESSARY NOISE. It shall be unlawful to operate a vehicle that makes unusually loud or unnecessary noises.

Section 5. MUFFLER REQUIRED. No vehicle shall be operated upon any street or roadway unless the same is provided with a muffler which is in efficient and actual working condition, and the use of a cut-out is prohibited.

Section 6. SPEED, RECKLESS DRIVING.

(a) Any operator of a vehicle on a roadway shall operate the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the roadway and of any other conditions existing, and no operator shall drive any vehicle upon a roadway at such speed as to endanger the life, limb or property of any person. Rates of speed in excess of the following are "prima facie" evidence of violation of this section:

- (1) In the area and boundaries of the Town of Whispering Oaks, Texas, 20 miles per hour, unless otherwise changed.
- (b) It shall be unlawful for any person to drive any vehicle upon a roadway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution or circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property.

Section 7. LIGHTS. All motor vehicles with the exception of motorcycles shall be provided with at least two suitable lights for the front and one for the rear of said vehicles. All other vehicles shall be provided with at least one light in the front and rear, when being operated or moved along the road after dark. All such lights shall be lighted during the period of one-half hour after sunset to one-half hour before sunrise.


Section 8. LIGHTS ON PARKED VEHICLES. Whenever a vehicle is parked or stopped on a street during the times between one-half hour after sunset and one-half hour before sunrise or at any other time when there is not sufficient light to render clearly discernible any vehicle upon the street

operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

Section 3. CONSTITUTIONALITY. If any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

PASSED AND APPROVED this the 6th day of

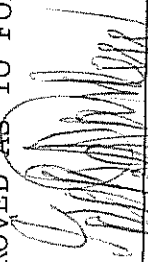
July, A. D. 1977.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Town Secretary

APPROVED AS TO FORM AND CONTENT:

  
\_\_\_\_\_  
Geo. B. Darden, Town Attorney

AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS, ROADWAYS AND OTHER THOROUGHFARES IN THE TOWN OF WHISPERING OAKS, TEXAS; DESIGNATING THE LOCATION OF "STOP" SIGNS; "NO PARKING ANYTIME"; "NO TRUCK PARKING ANYTIME"; SPEED OF VEHICLES; PROVIDING VIOLATION FOR DAMAGES TO SIGNS; USING STREETS FOR STORAGE AREA; OPERATION OF VEHICLES; MISCELLANEOUS PROVISIONS; FIXING PENALTY FOR VIOLATIONS; PROVIDING PRIMA FACIE RESPONSIBILITY FOR ILLEGAL PARKING; AND PROVIDING FOR SAVINGS CLAUSE.

THE STATE OF TEXAS           X  
COUNTY OF MONTGOMERY       X  
TOWN OF WHISPERING OAKS     X

I, Brenda S. Theriot, Town Secretary of the Town of Whispering Oaks, Texas, do hereby certify that the above and foregoing is a true and exact copy of the caption of an Ordinance duly passed and approved by the Town Council of the Town of Whispering Oaks, Texas, on July 6, 1977.

WITNESS MY HAND AND SIGNATURE at Whispering Oaks, Texas- this 6 day of July, 1977.

Brenda S. Theriot  
Town Secretary