

ORDINANCE NO. 2016-\_\_

AN ORDINANCE AUTHORIZING THE ENFORCEMENT IN THE CITY OF LEAGUE CITY, TEXAS, OF ALL STATE AND MUNICIPAL TRAFFIC REGULATIONS APPLICABLE TO THE PUBLIC STREETS OF THE CITY, TO THE PRIVATE STREETS LOCATED IN THE WATERFORD HARBOR SUBDIVISION, AND REQUIRING THE PROPERTY OWNERS IN THAT SUBDIVISION TO PAY THE COST OF REPLACING TRAFFIC CONTROL SIGNS IN THE SUBDIVISION

WHEREAS, Section 542.008 of the Texas Transportation Code allows municipalities, under certain circumstances, to enforce those traffic regulations that apply to the public streets in the municipality to streets that are privately owned or maintained in a subdivision in the municipality; and

WHEREAS, pursuant to Section 542.008 of the Texas Transportation Code, the governing body of the municipality may so extend traffic regulations to private roads in a subdivision either upon receiving a petition of 25 percent of the property owners residing in the subdivision or upon the request of the governing body of the entity that maintains the roads for the subdivision;

WHEREAS, pursuant Section 542.008(c) of the Texas Transportation Code, the governing body of a municipality may, as a condition of extending traffic rules to the private streets in a subdivision, require that the property owners in the subdivision pay all or part of the cost of extending and enforcing the traffic rules in the subdivision, including the costs associated with installing and necessary and official traffic control devices; and

WHEREAS, pursuant to Section 542.008(d) of the Texas Transportation Code, once the governing body of a municipality adopts an ordinance extending traffic laws and rules to private streets in a subdivision, the private roads in that subdivision are considered to be “public highways or street” for the purpose of the application and enforcement of the specified traffic rules; and

WHEREAS, Section 542.008(d) of the Texas Transportation Code also authorizes a municipality to install traffic control devices on property abutting the private roads either with the consent of the property owner or an easement; and

WHEREAS, on or about April 13, 2015, the Board of Directors of the Waterford Harbor Master Association, made a written request to the City of League City (the “City”) that the City Council adopt an ordinance providing that the traffic regulations applicable to public roadways in the City be extended to the private roads in the Waterford Harbor Subdivision; and

WHEREAS, the Board of Directors of the Waterford Harbor Master Association, further informed the City that the costs of extending and enforcing the traffic rules in the Waterford Harbor Subdivision had been paid by the purchase of traffic signs compliant with applicable law, which the City has determined is sufficient to replace existing traffic control signs with new traffic control signs that comply with state standards; and

WHEREAS, the City Council of the City of League City, Texas finds it advisable and in the best interest of the citizens of the City, generally, to extend state and municipal traffic laws, regulations, and rules, which now apply, or are hereafter adopted or amended, to the public roads in the City, to the private roads in the Waterford Harbor Subdivision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City's Director of Public Safety is hereby authorized and instructed to enforce all state and municipal traffic laws, regulations and rules, which now or hereafter apply to the public roads in the City, to the private roads in the Waterford Harbor Subdivision in the City.

Section 3. This ordinance shall become effective after its approval and adoption by the City Council of the City of League City.

Section 4. All other ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

PASSED on first reading the \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED on second reading the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED AND ADOPTED on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
PAT HALLISEY,  
Mayor

ATTEST:

\_\_\_\_\_  
DIANA M. STAPP,  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
NGHIEM V. DOAN,  
City Attorney