

## ORDINANCE NO. 950

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 71: TRAFFIC RULES, SECTION 71.01 STOP INTERSECTIONS TO SPECIFY THE PROCEDURE OF PLACING TRAFFIC CONTROL DEVICES WITHIN THE CITY LIMITS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of Commissioners finds that it is in the best interest of the citizens of Burkburnett to adopt regulations and procedures regarding the placement of traffic control devices within the City; NOW THEREFORE,

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS AS FOLLOWS:**

### **Part I: Enacted**

THAT the Code of Ordinances for the City of Burkburnett is hereby amended by amending CHAPTER 71: TRAFFIC RULES Section 71.01 Stop Intersections which shall read as follows:

#### §71.01 TRAFFIC CONTROL DEVICES

A). Preexisting devices. All traffic control signs, signals, devices and markings placed or erected prior to the adoption of this section and in use for the purpose of regulating, warning or guiding vehicles or pedestrian traffic are hereby affirmed, ratified and declared to be official traffic control devices, provided such traffic control devices are not inconsistent with the provisions of this Chapter or state law.

B) Prima facia evidence. Evidence that any traffic control sign, signal, device, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed pursuant to the authority of this section and of the ordinance directing the placement or installation of such sign, signal, device or marking.

C) Installation.

(1) Board of Commissioners to authorize by ordinance. The Board of Commissioners hereby authorizes the Public Works Director to install upon, over, along or beside any highway, street or alley, all necessary signs, signals, devices and markings based on information deemed necessary by the Public Works Director, including consultation with the Texas Manual on Uniform Traffic Control Devices.

(2) Report to be filed with City Clerk. Whenever the city has placed, erected or installed any official traffic control sign, signal, device, or marking at any location in the city or has caused

the same to be done in obedience to this section, the Director of Public Works shall thereafter file a report with the City clerk in writing stating the type of traffic control sign, signal, device or marking and when and where the same was erected and installed. The City clerk shall file and maintain such report among the official papers of the office of the City clerk.

D) Traffic Control Device Inventory. A list of traffic control devices shall be maintained by the City clerk and shall be referred to as the Traffic Control Device Inventory.

### **Part II: Repealer**

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

### **Part III: Severability**

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs and sections of this ordinance be 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 or sections of this ordinance, and the remainder of this Ordinance shall be enforced as written.

### **Part IV: Compliance with Texas Open Meetings Act**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

### **Part V: Effective Date**

This Ordinance shall be in force and effect from and after its adoption.

**PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF AUGUST 2019.**

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**Carl Law, Mayor**  
**City of Burkburnett, Texas**

**ATTEST:**

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**Margie Poole, City Clerk**