



AGENDA

TOWN OF BARTONVILLE TRAFFIC COMMITTEE MEETING

August 29, 2022
Bartonville Town Hall
1941 E. Jeter Road, Bartonville, Texas 76226
6:30 PM

A. CALL MEETING TO ORDER

B. PLEDGE OF ALLEGIANCE

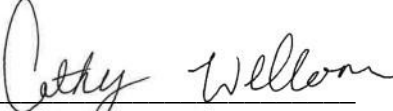
C. PUBLIC PARTICIPATION

D. ITEMS

1. Consider approval of August 15, 2022, meeting minutes.
2. Discussion on Town's Code of Ordinances, Chapter 8 "Offenses and Nuisances."
3. Discussion on Town's Code of Ordinances, Chapter 12 "Traffic and Vehicles."
4. Discussion on Town and Denton County Thoroughfare Plan designations of roadways.
5. Discussion on potential traffic and speed mitigation measures for major roadways and intersections, including Jeter, McMakin, Porter, Gibbons, Frenchtown, Broome.

E. ADJOURNMENT

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the Town Website, and on the bulletin board, at Town Hall of the Town of Bartonville, Texas, a place convenient and readily accessible to the public at all times. Said Notice was posted on the following date and time; and remained posted continuously prior to the scheduled time of said meeting and shall remain posted until meeting is adjourned.


Cathy Welborn, Deputy Town Secretary



08/29/2022/4:15 PM

Date/Time Posted

The Bartonville Traffic Committee held a meeting on the 15th day of August, 2022, at 7:00 p.m., in the Council Chambers of Bartonville Town Hall, 1941 East Jeter Road, Bartonville, Texas.

Present:

Jaclyn Carrington, Mayor
Clay Sams, Town Council Place
Keith Crandall, Town Council Place
Randy VanAlstine
Stacey Smith
Dwain Skrobarcek, Alternate 1
Melissa Masten, Alternate 2

With the following member absent: Jim Lieber

Also present: Thad Chambers, Town Administrator; Ed Voss, Town Attorney; Chris Hartke, Town Engineer.

There constituting a quorum, the following business took place:

Town Attorney Ed Voss explained that Mayor Carrington should chair the meeting until officers were elected under Items.

A. CALL TO ORDER

Mayor Carrington called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Mayor Carrington led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

There was none.

D. ITEMS

1. Discuss and consider nominations and election of Chair.

Committee Member Skrobarcek moved to elect Mayor Carrington as Chair. Council Member Crandall seconded the motion. The motion carried by a vote of 6 to 0.

2. Discuss and consider nominations and election of Vice Chair.

Committee Member VanAlstine moved to elect Dwain Skrobarcek as Vice Chair. Council Member Crandall seconded the motion. The motion carried by a vote of 6 to 0.

3. Discuss role of committee.

Following discussion, the committee concurred the role of the committee was to review and find options to improve road safety for the residents of Bartonville with respect to cut through traffic and speeding while taking into account emergency services needs.

4. Discussion on traffic issues.

The committee discussed the following traffic issues and possible recommendations:

- Potential stop sign locations, including the major thoroughfares and intersections including Jeter, Porter, Gibbons, McMakin, Broome, Frenchtown;
- Changing certain areas to “no passing zones” and restriping the roadways;
- Adding radar speed signs;
- Utilizing physical deterrents such as rumble strips, speed tables;
- Possible amending an ordinance to require “hands free” use of mobile devices.

G. ADJOURNMENT

Chair adjourned the meeting at 8:19 p.m.

APPROVED this the 29th day of August 2022.

Approved:

Jaclyn Carrington, Mayor/Chair

Attest:

Tammy Dixon, Town Secretary

Bartonville Code of Ordinances

**Chapter 8
Offenses and Nuisances**

ARTICLE 8.03 ABANDONED OR JUNKED VEHICLES

Division 1. Generally

Secs. 8.03.001–8.03.030 Reserved

Division 2. Abandoned Vehicles

Sec. 8.03.031 Definitions

Abandoned motor vehicle. For the purposes of this division, a motor vehicle is abandoned if the motor vehicle:

- (1) Is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;
- (2) Has remained illegally on public property for more than 48 hours;
- (3) Has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;
- (4) Has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or
- (5) Is considered an abandoned motor vehicle under section 644.153(r) of the Transportation Code.

Abandoned nuisance vehicle. A motor vehicle that is at least 10 years old and is of a condition only to be junked, crushed, or dismantled.

Garagekeeper. An owner or operator of a storage facility.

Law enforcement agency.

- (1) The department of public safety;
- (2) The police department of a municipality;
- (3) The police department of an institution of higher education; or
- (4) A sheriff or a constable.

Motor vehicle. A vehicle that is subject to registration under chapter 501 of the Transportation Code.

Motor vehicle demolisher. A person in the business of:

- (1) Converting motor vehicles into processed scrap or scrap metal; or
- (2) Wrecking or dismantling motor vehicles.

Outboard motor. An outboard motor subject to registration under chapter 31, Parks and Wildlife Code.

Storage facility. Includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

Vehicle storage facility. A vehicle storage facility, as defined by section 2303.002, Occupations Code, that is operated by a person who holds a license issued under chapter 2303 of that code to operate that vehicle storage facility.

Watercraft. A vessel subject to registration under chapter 31, Parks and Wildlife Code.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.101)

Sec. 8.03.032 Authority to take into custody

(a) A law enforcement agency may take into custody an abandoned motor vehicle, watercraft, or outboard motor found on public or private property.

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, watercraft, or outboard motor taken into custody by the agency under this division.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.102)

Sec. 8.03.033 Notice requirements

(a) A law enforcement agency shall send notice of abandonment to:

(1) The last known registered owner of each motor vehicle, watercraft, or outboard motor taken into custody by the agency or for which a report is received under section 683.031 of the Transportation Code; and

(2) Each lienholder recorded under chapter 501 of the Transportation Code for the motor vehicle or under chapter 31, Parks and Wildlife Code, for the watercraft or outboard motor.

(b) The notice under subsection (a) must:

(1) Be sent by certified mail not later than the 10th day after the date the agency:

(A) Takes the abandoned motor vehicle, watercraft, or outboard motor into custody; or

(B) Receives the report under section 683.031 of the Transportation Code;

(2) Specify the year, make, model, and identification number of the item;

(3) Give the location of the facility where the item is being held;

(4) Inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:

(A) Towing, preservation, and storage charges; or

(B) Garagekeeper's charges and fees under section 683.032 of the Transportation Code and, if the vehicle is a commercial motor vehicle impounded under section 644.153(q) of the Transportation Code, the delinquent administrative penalty and costs;

(5) State that failure of the owner or lienholder to claim the item during the period specified by subsection (4) is:

(A) A waiver by that person of all right, title, and interest in the item; and

(B) Consent to the sale of the item at a public auction.

(c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, watercraft, or outboard motor was abandoned is sufficient notice under this section if:

(1) The identity of the last registered owner cannot be determined;

(2) The registration has no address for the owner; or

(3) The determination with reasonable certainty of the identity and address of all lienholders is impossible.

(d) Notice by publication:

(1) Must be published in the same period that is required by subsection (b) for notice by certified mail and contain all of the information required by that subsection; and

(2) May contain a list of more than one abandoned motor vehicle, watercraft, or outboard motor.

(e) A law enforcement agency is not required to send a notice, as otherwise required by subsection (a), if the agency has received notice from a vehicle storage facility that an application has or will be submitted to the department for the disposal of the vehicle.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.103)

Sec. 8.03.034 Storage fees

A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, watercraft, or outboard motor is entitled to reasonable storage fees:

(1) For not more than 10 days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and

(2) Beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, watercraft, or outboard motor is removed.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.104)

Sec. 8.03.035 Auction or use of unclaimed items; waiver of rights

(a) If an abandoned motor vehicle, watercraft, or outboard motor is not claimed under section 8.03.033:

(1) The owner or lienholder:

(A) Waives all rights and interests in the item; and

(B) Consents to the sale of the item by public auction or the transfer of the item, if a watercraft, as provided by subsection (d); and

(2) The law enforcement agency may sell the item at a public auction, transfer the item, if a watercraft, as provided by subsection (d), or use the item as provided by section 8.03.037.

(b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.

(c) The purchaser of a motor vehicle, watercraft, or outboard motor:

(1) Takes title free and clear of all liens and claims of ownership;

(2) Shall receive a sales receipt from the law enforcement agency; and

(3) Is entitled to register the motor vehicle, watercraft, or outboard motor and receive a certificate of title.

(d) On consent of the parks and wildlife department, the law enforcement agency may transfer a watercraft that is not claimed under section 683.012 [section 8.03.033] to the parks and wildlife department for use as part of an artificial reef under chapter 89, Parks and Wildlife Code, or for other use by the parks and wildlife department permitted under the Parks and Wildlife Code. On transfer of the watercraft, the parks and wildlife department:

(1) Takes title free and clear of all liens and claims of ownership; and

(2) Is entitled to register the watercraft and receive a certificate of title.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.105)

Sec. 8.03.036 Disposition of auction proceeds

(a) A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, watercraft, or outboard motor for:

(1) The cost of the auction;

(2) Towing, preservation, and storage fees resulting from the taking into custody; and

(3) The cost of notice or publication as required by section 683.012 [section 8.03.033].

(b) After deducting the reimbursement allowed under subsection (a), the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.

(c) After the period provided by subsection (b), proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking other vehicles, watercraft, or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.

(d) A municipality or county may transfer funds in excess of \$1,000.00 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency.

(e) If the vehicle is a commercial motor vehicle impounded under section 644.153(q) [of the Transportation Code], the department of public safety is entitled from the proceeds of the sale to an amount equal to the amount of the delinquent administrative penalty and costs.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.106)

Sec. 8.03.037 Law enforcement agency use of certain vehicles

- (a) The law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under section 8.03.033 may use the vehicle for agency purposes.
- (b) The law enforcement agency shall auction the vehicle as provided by this division if the agency discontinues use of the vehicle.
- (c) This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien.
- (d) This section does not apply to a vehicle that is:
 - (1) Taken into custody by a law enforcement agency located in a county with a population of 2.4 million or more; and
 - (2) Removed to a privately owned storage facility.

(Ordinance 427-07, sec. 2, adopted 6/19/07; 2004 Code, sec. 8.107)

Secs. 8.03.038–8.03.060 Reserved

Division 3. Junked Vehicles

Sec. 8.03.061 Definition

Junked vehicle. A vehicle that is self-propelled and is:

- (1) Wrecked, dismantled or partially dismantled, or discarded; or
- (2) Inoperable and has remained inoperable for more than:
 - (A) 72 consecutive hours, if the vehicle is on public property; or
 - (B) 30 consecutive days, if the vehicle is on private property.

(Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.301; Ordinance 577-15 adopted 3/17/15)

Sec. 8.03.062 Declaration of nuisance

A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way:

- (1) Is detrimental to the safety and welfare of the public;
- (2) Tends to reduce the value of private property;

- (3) Invites vandalism;
- (4) Creates a fire hazard;
- (5) Is an attractive nuisance creating a hazard to the health and safety of minors;
- (6) Produces urban blight adverse to the maintenance and continuing development of municipalities; and
- (7) Is a public nuisance.

(Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.302)

Sec. 8.03.063 Violations; penalty

- (a) A person commits an offense if the person maintains a public nuisance described by section 8.03.062.
- (b) An offense under this division is a misdemeanor punishable by a fine not to exceed \$200.00.
- (c) The court shall order abatement and removal of the nuisance on conviction.

(Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.303)

Sec. 8.03.064 Authority and enforcement

The following procedures for the abatement and removal of junked vehicles contained within this section shall be administered by a regularly salaried, full-time employees of the town.

- (1) The municipal court judge may issue necessary orders to enforce the procedures contained herein.
- (2) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.304)

Sec. 8.03.065 Notice requirements

(a) Upon determination that a public nuisance exists, the town must provide not less than 10 days' notice of the nature of the nuisance. The notice must be personally delivered or sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service, to:

- (1) The last known registered owner of the nuisance;

- (2) Each lienholder of record of the nuisance; and
 - (3) The owner or occupant of:
 - (A) The property on which the nuisance is located; or
 - (B) If the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.
- (b) The notice must state that:
- (1) The nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and
 - (2) Any request for a hearing must be made before that 10-day period expires.
- (c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.
- (d) If notice is returned undelivered, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.
- (e) Prior to the removal of the junked vehicle, a hearing must be held in accordance with section 8.03.066.
(Ordinance 427-07, sec. 3, adopted 6/19/07; Ordinance 495-10, sec. 2, adopted 7/20/10; 2004 Code, sec. 8.305)

Sec. 8.03.066 Hearing

- (a) The town council hereby designates the board of adjustments to hear any requests for hearings under the procedures adopted under this division.
- (b) If a hearing is requested by a person for whom notice is required under section 8.03.065(a)(3), the hearing shall be held not earlier than the 11th day after the date of the service of notice.
- (c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.
- (d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include the vehicle's:
 - (1) Description;
 - (2) Vehicle identification number; and

- (3) License plate number.

(Ordinance 427-07, sec. 3, adopted 6/19/07; Ordinance 495-10, sec. 2, adopted 7/20/10; 2004 Code, sec. 8.306)

Sec. 8.03.067 Exemptions

- (a) The following vehicles or vehicle parts are exempt from the requirements of section 8.03.064:

- (1) A vehicle or vehicle part that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

- (2) A vehicle or vehicle part that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

- (A) Maintained in an orderly manner;

- (B) Not a health hazard; and

- (C) Screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

- (b) In this section:

- (1) Antique vehicle means a passenger car or truck that is at least 25 years old.

- (2) Motor vehicle collector means a person who:

- (A) Owns one or more antique or special interest vehicles; and

- (B) Acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

- (3) Special interest vehicle means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

(Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.307)

Sec. 8.03.068 Disposal

- (a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.
- (b) The town must provide the state department of transportation notice identifying the junked vehicle, including a part of a junked vehicle, not later than the fifth day after the date of the removal. Upon receipt, the state department of transportation will immediately cancel the certificate of title issued for the vehicle.
- (c) A junked vehicle may not be reconstructed or made operable after removal or disposal.
- (d) The relocation of a junked vehicle that is a public nuisance to another location in the town after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location. (Ordinance 427-07, sec. 3, adopted 6/19/07; 2004 Code, sec. 8.308)

ARTICLE 8.04 SPECIAL EVENTS, CARNIVALS OR PARADES

Sec. 8.04.001 Permit required

No person may cause, permit, offer or allow a special event, carnival or parade to be conducted unless first having obtained a permit as provided in this article.

- (1) Submit a traffic plan that will provide for safe and orderly movement of normal traffic. Traffic shall not be substantially interrupted.
- (2) All applications for a permit shall be made no less than ten (10) days prior to the date of such special event, carnival or parade.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.002 Issuance of permit; conditions

- (a) A permit for a special event, carnival, or parade may be issued by the town administrator, or his or her duly appointed representative subject to such conditions as are reasonably necessary to ensure public safety and compatibility with adjacent land uses.
- (b) The special event permit application shall contain the following:
 - (1) Name, address and telephone number of the person, organization or company conducting the event.
 - (2) Date or dates of the special event, carnival or parade.

- (3) Two (2) copies of a site plan showing in detail the different component parts of the temporary special event, circus or parade, including all shows, concessions, amusements, businesses and the location of each on the property.
- (4) A written lease or agreement from the owner of such property stating permission to the applicant to operate a temporary special event, circus or carnival on said property. This document must be properly notarized.
- (5) Proposed location and size of parking area. Indicate if parking area is paved or unpaved. Indicate all drive approaches. Curb jumping or on-street parking is prohibited.
- (6) Location, type and quantity of sanitary facilities.
- (7) If a tent is to be erected, the fire marshal shall inspect and approve for fire safety and approve evacuation places/plans.
- (8) Electrical permit is required for all proposed electrical work. All electrical work shall be performed by a licensed master electrician and shall comply with the adopted building code.
- (9) Plumbing permit is required for all proposed work. All plumbing work shall be performed by a licensed master plumber and shall comply with the adopted building code.
- (10) The appropriate number of persons who are expected to be in attendance and, if applicable, the number and types of animals and vehicles that will constitute such event.
- (11) The location and orientation of loud speakers or sound amplification devices, if any.
- (12) Proof of public liability insurance with minimum combined limits of one million dollars (\$1,000,000.00). Local religious organizations, nonprofit organizations and public/private schools are exempt from providing proof of liability insurance.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.003 Exception

A sidewalk sale or a religious program or presentation that is contained entirely upon or entirely within the confines of private property and does not require the temporary use of or closing off of public streets, fire lanes, or public property; and, that lasts or runs for no more than six (6) hours on any one day; and, which is planned, presented, performed, offered or sponsored by and for the sole benefit of a nonprofit entity shall not be required to obtain a special event permit. (Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.004 Fee

The fee for such permit shall be in accordance with the adopted town fee schedule. Nonprofit organizations and school districts shall be exempt from paying said fee.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.005 Animal waste

Waste from animals, if any, shall be removed daily from the premises. Animals shall not be kept closer than three hundred feet (300') to any residence or commercial establishment during nonoperating hours of such event.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.006 Review and approval

The application shall be reviewed and approved by the police department, fire department, and the town administrator, or his/her duly appointed representative, for traffic control, security, and fire along with other health and safety related issues.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.007 Permit term

The permit may be issued for a period no greater than fourteen (14) calendar days from the date of issuance.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.008 Minimum days between special events

A minimum of sixty (60) days shall separate each special event on a particular site, excluding properties containing institutional uses.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.009 Maximum permits per year

A maximum of six special event permits may be issued per year to the same address, property owner, and/or business owner.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.010 Temporary closure costs

The permit holder shall be responsible for the costs associated with the temporary closure of streets and traffic control related to the special events.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.011 Revocation

The town reserves the right to revoke a special event, carnival or parade permit if:

- (1) The applicant fails to comply with, or the special event, carnival or parade, is in violation of a condition or a provision of the permit or the site plan and any amended site plan, an ordinance of the town, or any other applicable law;

(2) The permit holder made a false statement of material fact on an application for a special event, carnival, or parade; or

(3) The special event, carnival or parade unduly burdens town services or unreasonably disrupts the public health, safety, welfare, and unreasonably poses a risk to the public health, safety and welfare.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.012 Enforcement; violation

A person commits a class C misdemeanor offense if he/she:

(1) Commences or conducts a special event, carnival or parade without the appropriate permits or fails to comply with any requirement, condition of a permit or this article;

(2) Participates in a special event, carnival or parade for which a permit has not been granted, or for which a permit has been revoked; or

(3) Sets up or operates a special event in a manner inconsistent with the approved site plan, permit or condition to any permit.

(Ordinance 583-15 adopted 6/16/15)

Sec. 8.04.013 Penalty

Any person, firm or corporation in violation of any of the provisions of this article or of this code, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the town, shall be subject to a fine not to exceed the sum of two thousand (\$2,000.00) dollars for each offense, and each and every day said violation is continued shall constitute a separate offense.

(Ordinance 583-15 adopted 6/16/15)

Bartonville Code of Ordinances

**Chapter 12
Traffic and Vehicles**

ARTICLE 12.01 GENERAL PROVISIONS

(Reserved)

ARTICLE 12.02 TRAFFIC-CONTROL DEVICES

Sec. 12.02.001 Authorization for placement

The town administrator is hereby directed and authorized to erect, or cause to be erected, such stop signs and other cautionary signs as he or she deems necessary to protect the citizens of the town and the traveling public from the dangers of uncontrolled intersections.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.301)

Sec. 12.02.002 Penalty

Any person or corporation who violates any of the provisions or terms of this article within the corporate limits of the town shall be guilty of a misdemeanor, and upon conviction in the municipal court shall be subject to a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) in accordance with the general penalty provision as set forth in section 542.401 of the Texas Transportation Code.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.304)

State law reference—General penalty for violation of rules of the road, V.T.C.A., Transportation Code, sec. 542.401.

Sec. 12.02.003 Stop signs

(a) Locations. Stop signs are authorized and shall be erected and maintained by the town at the following locations:

- (1) East Jeter/FM 407.
- (2) Wolf Run Road/East Jeter.
- (3) East Jeter/McMakin 4-way.
- (4) Green Oaks/East Jeter.
- (5) Porter Road/E. Jeter.
- (6) Country Court/E. Jeter.

- (7) South Gibbons/E. Jeter.
- (8) Hunter Court/W. Jeter.
- (9) Glenview Lane/W. Jeter.
- (10) Badminton Drive/Frenchtown Road.
- (11) Dyer Road/Frenchtown Road.
- (12) Dove Creek/South Gibbons.
- (13) Hidden Oaks/South Gibbons.
- (14) Brasher Drive/South Gibbons.
- (15) Stoney Ridge/South Gibbons.
- (16) Maple Drive/South Gibbons.
- (17) Seals Road/South Gibbons.
- (18) Stonewood Blvd./Porter.
- (19) Broome Road/Porter.
- (20) Rockgate/Porter.
- (21) Latigo/Bridal Bit.
- (22) Barrington Hills Blvd./McMakin.
- (23) Broome Rd./McMakin.
- (24) Landfall Circle/McMakin.
- (25) McMakin/FM 407.
- (26) Post Oak Lane/McMakin.
- (27) Bartonville Town Center/FM 407 x 2.
- (28) Hilltop/FM 407.
- (29) Saddlebrook Drive/Saddlebrook Way.

- (30) Dove Creek/Noble Champions.
- (31) Appaloosa Drive/Noble Champions x 2.
- (32) Palomino/Nobile Champions.
- (33) Fox Run/Noble Champions.
- (34) Show Master/Fox Run.
- (35) Lakeside Court/Noble Champions.
- (36) Noble Champions/Kentucky Derby.
- (37) Triple Crown Court/Kentucky Derby.
- (38) Saddlebrook Drive/FM 407.
- (39) Fox Run/Dove Creek Road.
- (40) IT Neely Road/FM 407.
- (41) Dove Creek Road/Hat Creek Drive.
- (42) Hat Creek Drive/Hat Creek Circle.

(b) Stop at stop sign. Except when directed to proceed by a police officer, every driver of a motor vehicle approaching a stop intersection indicated by a stop sign shall come to a complete stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(c) Standards. All stop signs shall conform to the manual and specifications for uniform traffic-control devices as adopted by the state department of transportation. Every stop or yield sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.302; Ordinance adopting 2015 Code; Ordinance 626-17 adopted 12/12/17)

State law references—Authority to designate stop intersections, V.T.C.A., Transportation Code, secs. 542.202, 544.003; manner of stopping at stop sign, V.T.C.A., Transportation Code, sec. 544.010; vehicle entering stop intersection, V.T.C.A., Transportation Code, sec. 545.153.

Sec. 12.02.004 Yield signs

Yield signs are authorized and shall be erected and maintained by the town at the following locations:

- (1) Northbound Country Court at its intersection with Jeter Road.
- (2) Northbound Hunter Court at its intersection with Jeter Road.
- (3) Northbound James Price at its intersection with Broome Road.
- (4) Northbound Gene Perry at its intersection with Broome Road.
- (5) Eastbound Blenheim Circle at its intersection with Badminton Drive.
- (6) Eastbound Burghley Circle at its intersection with Badminton Drive.
- (7) Southbound Lakeside at its intersection with Noble Champions.
- (8) Northbound Paddock at its intersection with Noble Champions.
- (9) Westbound Show Master at its intersection with Fox Run.
- (10) Westbound Roadrunner at its intersection with Fox Run.
- (11) Southbound Palomino at its intersection with Noble Champions.
- (12) Northbound Appaloosa Court at its intersection with Noble Champions.
- (13) Southbound Appaloosa Circle at its intersection with Noble Champions.
- (14) Northbound Cardinal at its intersection with Dove Creek.
- (15) Northbound Briarwood Circle at its intersection with Stonewood Blvd.
- (16) Northbound Ridgewood Circle at its intersection with Stonewood.
- (17) Northbound Timberidge at its intersection with Stonewood.
- (18) Southbound Rustic at its intersection with Stonewood.
- (19) Northbound Shiloh Road at its intersection with Timberidge.
- (20) Northbound Green Oaks at its intersection with Post Oak Lane.
- (21) Northbound Pin Oak at its intersection with Post Oak Lane.

- (22) Northbound Timber Oaks at its intersection with Post Oak.
- (23) Southbound Saddlebrook Way at its intersection with Saddlebrook Drive.
- (24) Northbound Saddlebrook Way at its intersection with Saddlebrook Drive.
- (25) Westbound Stoney Ridge at its intersection with Gibbons Road.
- (26) Northbound Seals at its intersection with Stoney Ridge.
- (27) Westbound Coyote Court at its intersection with Wolf Run.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.303)

State law references—Authority to designate yield intersections, V.T.C.A., Transportation Code, secs. 542.202, 544.003; manner of stopping at yield sign, V.T.C.A., Transportation Code, sec. 544.010; vehicle entering yield intersection, V.T.C.A., Transportation Code, sec. 545.153.

ARTICLE 12.03 OPERATION OF VEHICLES

Division 1. Generally

Sec. 12.03.001 No parking zones

(a) When signs are erected in the following locations reading substantially, “no stopping, standing or parking, tow away zone,” it shall hereafter be unlawful for any person to stop, stand or park any motor vehicle on the following parts of streets at any time:

Street	Location
IT Neely	The south side for the entire length of the street as well as the first 235 feet west from FM 407 on the northside of the street, and these areas are declared a tow-away zone.

(b) The town administrator or his designee is directed to cause to be towed away any motor vehicle found stopped, standing or parked in violation of this section; and the owner of such motor vehicle shall be civilly liable to the person doing such towing for the reasonable cost thereof.

(Ordinance 636-18 adopted 6/19/18)

Sec. 12.03.002 Presumption

In a prosecution for an offense under this division involving the stopping, standing, or parking of an unattended motor vehicle, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred. A computer-generated record of the Texas Department of Transportation's files showing the current registered vehicle owner is prima facie evidence of the contents of the record and vehicle ownership.

(Ordinance 636-18 adopted 6/19/18)

Secs. 12.03.003–12.03.030 Reserved

Division 2. Speed Limits

Sec. 12.03.031 Established

(a) General speed limit on improved roads. The prima facie maximum speed limit of thirty (30) mph for all motor vehicles traveling on improved roads (concrete or asphalt driving surface) is hereby determined and declared to be reasonable and safe, and such maximum speed limit is hereby fixed as the rate of speed for motor vehicles traveling on improved road surfaces of concrete or asphalt within the corporate limits of the town, and no motor vehicle shall be operated along or upon any such improved roads and streets within the corporate limits of the town in excess of 30 mph.

(b) McMakin Road. The prima facie maximum speed limit for motor vehicles traveling on McMakin Road shall be 40 mph.

(c) Brasher Estates. The prima facie maximum speed limit for motor vehicles traveling within Brasher Estates shall be 20 mph.

(d) F.M. 407. The prima facie maximum speed limit on Farm-to-Market Road 407 in its entirety from the eastern town limits westward to the western town limit shall be fifty (50) miles per hour.

(e) Saddlebrook Estates Addition. The prima facie maximum speed limit for motor vehicles traveling on the streets within the Saddlebrook Estates Addition, an addition to the town, shall be 25 mph.

(Ordinance 463-08 adopted 10/21/08; Ordinance 473-09 adopted 4/21/09; Ordinance 488-10 adopted 1/19/10; 2004 Code, sec. 12.201; Ordinance 575-14 adopted 12/16/14)

Sec. 12.03.032 Signs

The appropriate administrative officials of the town are directed to procure and erect such speed limit signs as are necessary to post on the streets and roads of the town the speed limits set herein. Every sign shall conform to the manual and specifications for uniform traffic-control devices adopted by the state department of transportation.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.202)

Sec. 12.03.033 Penalty

Any person who violates any of the provisions or terms of this division within the corporate limits of the town shall be guilty of a misdemeanor, and upon conviction in the municipal court shall be subject to a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) in accordance with the general penalty provision as set forth in section 542.401 of the Texas Transportation Code.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.203)

State law reference—General penalty for violation of rules of the road, V.T.C.A., Transportation Code, sec. 542.401.

ARTICLE 12.04 COMMERCIAL VEHICLES

Sec. 12.04.001 Definitions

For purposes of this article, the following words and phrases shall have the meanings set forth below:

Commercial motor vehicle. A motor vehicle, other than a motorcycle, designed or used for:

- (1) The transportation of property; or
- (2) Delivery purposes.

Manufactured house. An industrialized building as defined by V.T.C.A., Occupations Code, ch. 1202, or a manufactured home as defined by the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code, chapter 1201, as amended). The term includes a temporary chassis system or returnable undercarriage used for the transportation of a manufactured house and a transportable section of a manufactured house that is transported on a chassis system or returnable undercarriage that is constructed so that it cannot, without dismantling or destruction, be transported within the legal size limits for a motor vehicle.

Motor vehicle. A vehicle that is self-propelled.

mph. Miles per hour.

Pole-trailer. A vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads, such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connection.

Semitrailer. A vehicle without motive power that is designed or used with a motor vehicle so that some of its weight and the weight of its load rests on or is carried by the motor vehicle.

State of Texas. The state department of transportation.

Trailer. A vehicle without motive power that is:

- (1) Designed or used to carry property or passengers on its own structure exclusively; and
- (2) Drawn by a motor vehicle.

Truck-tractor. A motor vehicle designed or used primarily for drawing another vehicle:

- (1) That is not constructed to carry a load other than a part of the weight of the vehicle and a load being drawn; or
- (2) That is engaged with a semitrailer in the transportation of automobiles or boats and that transports the automobiles or boats on part of the truck-tractor.

Vehicle. A mechanical device, other than a device moved by human power, or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported on a public highway. The term includes a motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semitrailer but does not include manufactured housing as defined by the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code, chapter 1201, as amended). (Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.101)

Sec. 12.04.002 Penalty

Any person who violates any of the provisions or terms of this article within the corporate limits of the town shall be guilty of a misdemeanor, and upon conviction in the municipal court shall be subject to a fine in accordance with the general penalty provision set forth in section 1.01.009 of this code.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.108)

Sec. 12.04.003 Truck routes designated

- (a) The following streets and parts of streets are designated truck routes under this article:

<u>Street</u>	<u>Extent</u>
F.M. Road 407	Throughout the town

- (b) Whenever any street designated as a truck route is being repaired or is otherwise temporarily out of use, the town administrator shall be authorized to designate alternate truck routes for such period as may be necessary.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.102)

Sec. 12.04.004 Operation on town streets restricted

- (a) Except as otherwise provided herein, no person shall operate or cause to be operated, without a duly issued truck permit, any commercial motor vehicle, truck-tractor, trailer, semitrailer, pole-trailer, or any combination thereof having four (4) or more axles upon any public street or highway in the corporate limits of the town, except upon such streets or highways as are designated as a truck route herein.

- (b) Any commercial motor vehicle, truck-tractor, trailer, semitrailer, pole-trailer, or any combination thereof which does not have a point of origin or destination within the corporate limits

of the town shall be prohibited from using the streets and roads of the town. For the purposes of this section, a truck is defined as any motor vehicle which has four (4) or more axles. (Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.103)

Sec. 12.04.005 Permit for operation on town streets

(a) The operator or owner of a commercial motor vehicle, as defined by state law, with four (4) or more axles, may not operate on any town street or roadway, other than a designated truck route, without first having obtained a permit from the town.

(b) The town secretary shall issue a permit to an operator or owner of a commercial motor vehicle under this section to operate or otherwise use town streets or roadways, which shall designate the route, time and duration of use. Such permit shall be issued to a particular commercial motor vehicle as acknowledged on such permit. The town secretary shall issue such permit upon the payment of a reasonable fee as set forth in the fee schedule in appendix A of this code. In addition, the town secretary may require a roadway bond for continuous use extending for any three (3) consecutive days or four (4) or more days within a thirty-day period. The town council may, by resolution, establish such reasonable bond amounts upon a finding that such amount is necessary to protect the integrity of the roadway infrastructure.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.104)

Sec. 12.04.006 Exceptions

The provisions of this article shall not apply to any of the following:

- (1) A commercial motor vehicle (i.e., moving van) being used to move in or out household effects or property within the jurisdiction of the town.
- (2) An emergency vehicle operating in response to any emergency call.
- (3) Vehicles operated by a public utility while traveling in an assigned area for the purpose of inspecting the facilities of the public utility and/or providing maintenance service to the facilities.
- (4) Vehicles operated by a solid waste collection company franchised to conduct business within the corporate limits of the town while traveling for the purposes of collecting solid waste and/or recycling materials from residential and business properties.
- (5) Vehicles operated by a gas well drilling and production company servicing a duly permitted gas well located within the corporate town limits and only when traveling along the vehicle route approved by the town.
- (6) A tow truck and another vehicle or vehicle combination if:

(A) The nature of the service provided by the tow truck is to remove disabled, abandoned, or accident-damaged vehicles; and

(B) The tow truck is towing the other vehicle or vehicle combination directly to the nearest authorized place of repair, terminal, or vehicle storage facility.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.105)

Sec. 12.04.007 Moving a manufactured house

(a) A manufactured house in excess of legal size limits for a motor vehicle may not be moved over a highway, road, or street in this town, except in accordance with a permit issued by the state.

(b) The town does not require a permit, bond, fee, or license in addition to that required by the state for the movement of a manufactured house.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.106)

Sec. 12.04.008 Signs

The appropriate administrative officials of the town are directed to procure and erect such signs as are necessary to notice the prohibitions and limitations adopted herein. Every sign shall conform to the manual and specifications for uniform traffic-control devices adopted by the state department of transportation.

(Ordinance 463-08 adopted 10/21/08; 2004 Code, sec. 12.107)

ARTICLE 12.05 RACE AND RALLY EVENTS

Division 1. Generally

Sec. 12.05.001 Definitions

The following words and phrases, when used in this article, shall, for the purpose of this article, have the meanings respectively ascribed to them in this section:

Applicant. A person who has filed a written application for an event permit.

Event. A race or rally as defined herein.

Event coordinator. The town chief of police or designee. The chief of police will act as the event permit coordinator and be responsible for reviewing the initial event permit application, coordinating meetings between the applicant/promoter and town representatives as needed, issuing permits, collecting event permit fees, and enforcing the provisions of this article.

Event permit. Approval from the town or its designated representative for a race or rally to be held on town streets, roads and/or rights-of-way.

Permit. The town's agreement giving the applicant/promoter permission to hold the event on the terms and conditions stated in the permit and subject to the rules, regulations, and requirements of this article.

Permit holder. The applicant/promoter or person to whom the event permit has been issued.

Person. Any individual, assumed name entity, partnership, association, corporation or other organization.

Promoter. The person seeking to hold the event, including the promoter's employees, agents, affiliates, successors, permitted assigns, and other persons controlled by the promoter.

Race. A contest of speed, as in running, riding, or driving, including training with 10 or more participants.

Rally. A competition in which motorists, runners or bicyclists traverse public roads and/or rights-of-way under normal traffic regulations but with specified rules as to speed, time, and/or route, including training with 10 or more participants.

Reimbursable costs. All costs and expenses incurred by the town for activities associated with staging of the event, including, without limitation, the following:

- (1) Barricades and cones;
- (2) Event parking;
- (3) Food services inspection;
- (4) Repair, maintenance and removal of facilities in the event of a failure of the applicant/promoter;
- (5) Repair of streets, alleys, sidewalks, parks and other public property;
- (6) Police protection;
- (7) Fire protection;
- (8) Emergency medical service;
- (9) Garbage disposal and cleanup;
- (10) Traffic control; and
- (11) Other direct costs associated with the event.

Sidewalk. That portion of a street intended for the primary use of pedestrians that is located between the curblines, or lateral lines of a roadway, and the adjacent property lines.

Street. The entire width between the boundary lines of every roadway publicly owned or maintained, when any part is open to the use of the public for purposes of vehicular travel.

Town sponsored event. An event that the town council, by resolution, has:

- (1) Declared the town a sponsor or cosponsor of the event; and/or
- (2) Committed the town to significantly sharing in planning, initiating, financing, supporting, and conducting the event.

(Ordinance 484-09 adopted 10/20/09; Ordinance 494-10 adopted 6/15/10; 2004 Code, sec. 12.401)

Sec. 12.05.002 Operating procedures

- (a) An event shall not substantially interrupt the safe and orderly movement of traffic near the event.
- (b) The town has the right (but not the obligation) to postpone, cancel or close early the event because of hazardous weather or other acts of God or for public safety and welfare. The town shall have no liability for such postponement, cancellation, or closure. Further, the town shall have no liability from the failure to postpone, cancel, or close early the event under such conditions.
- (c) An event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the event, or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the town.
- (d) A permit holder shall comply with all directions and conditions contained within the permit and with all town ordinances and other applicable laws.
- (e) The town, when reasonably necessary, may prohibit or restrict the parking of vehicles along a street or highway or part thereof on a route or part thereof or on the approach to an event. The town shall post notice to such effect, and it shall thereafter be unlawful for any person to park, leave, or stand any unattended vehicle in violation thereof.
- (f) The town, when reasonably necessary, may temporarily close or restrict the use of town streets or other public property for an event. The town may install temporary traffic-control devices for the temporary closure or restriction of town streets and/or public property for events. It shall be unlawful for any person to disregard or disobey any such temporary traffic-control device.
- (g) The driver of any vehicle or other participant shall obey the instruction of any traffic-control device applicable thereto placed in accordance with the town code or the Texas Transportation Code, unless otherwise directed by a law enforcement officer.

(h) Operators of specialized vehicles or performance-enhanced vehicles shall be mindful of Texas Transportation Code section 545.420(a)(5): “a person may not participate in any manner in an exhibition of vehicle speed or acceleration.” Any operator of a vehicle participating in an exhibition of acceleration will be cited by law enforcement officers and immediately removed from the event.

(i) The throwing or tossing of water bottles, cups, food wrappers, or other material onto public or private property is specifically prohibited.

(j) Temporary or permanent markings on the surface of a public roadway are specifically prohibited.

(k) Temporary signs indicating routes or giving instructions to participants may be placed in the right-of-way. Event signs may not exceed four (4) square feet in effective area and shall not be placed on utility poles, traffic-control signs or devices or fences. Event signs may be placed in the right-of-way twelve (12) hours prior to the beginning of the event and shall be removed within two (2) hours after the event has ended.

(l) In the event that traffic direction or redirection is deemed necessary, the chief of police may require the applicant to remit payment for such traffic-control officers as may be necessary to direct traffic throughout the race event. Off-duty police officers shall serve as traffic-control officers. The chief of police will determine the location and number of officers necessary for the safe conduct of the event. Said officers will each be paid in accordance with area rates and standards. A cash bond to insure payment to the officers may be required prior to the beginning of the event.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.408)

Sec. 12.05.003 Indemnification of town; liability insurance

(a) An applicant/promoter for an event permit must execute a written agreement to indemnify the town and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the event. This indemnification shall include the following statement:

PERMIT HOLDER shall defend, protect and keep TOWN forever harmless and indemnified against and from any penalty, or any damage, or charge, imposed for any violation of any law, ordinance, rule or regulations arising out of the use of the property by the PERMIT HOLDER, whether occasioned by the neglect of PERMIT HOLDER, its employees, officers, agents, contractors, or assigns or those holding under PERMIT HOLDER. PERMIT HOLDER shall at all times defend, protect, and indemnify and it is the intention of the parties hereto that PERMIT HOLDER hold TOWN harmless against and from any and all loss, cost, damage, or expense, including attorney's fees, arising out of or from any accident or other occurrence on or about the property causing personal injury, death or

property damage resulting from use of property by PERMIT HOLDER, its agents, employees, customers and invitees, except when caused by the negligence or willful misconduct of TOWN, its officers, employees or agents, and only then to the extent of the proportion of any fault determined against TOWN for its willful misconduct. PERMIT HOLDER shall at all times defend, protect, indemnify and hold TOWN harmless against and from any and all loss, cost, damage, or expense, including attorney's fees, arising out of or from any and all claims or causes of action resulting from any failure of PERMIT HOLDER, its officers, employees, agents, contractors or assigns in any respect to comply with and perform all the requirements and provisions hereof.

(b) An applicant for an event shall secure and obtain liability insurance coverage in an amount of not less than one million dollars (\$1,000,000.00) to insure against personal injury, death and property damage arising from the conduct of the event. The town shall be named as an additional insured on said policy and shall be furnished, in conjunction with the permit application, a certificate of insurance showing the foregoing coverage.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.409)

Sec. 12.05.004 Offenses

A person commits an offense if he knowingly:

- (1) Commences or conducts an event without the appropriate permits or fails to comply with any requirement or condition of a permit or any provision of this article.
- (2) Participates in an event for which a permit has not been granted.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.410)

Secs. 12.05.005–12.05.030 Reserved

Division 2. Permit

Sec. 12.05.031 Required; exceptions

(a) No event may be held on a public street, highway or alley without an approved event permit. All persons or organizations conducting any form of race or rally shall apply for an event permit from the chief of police of the town. The chief may waive any or all of the requirements imposed by this article, or may impose additional requirements, as may be deemed necessary for public safety under conditions then existing.

(b) A person commits an offense if he engages in, participates in, aids, or commences an event permit [sic] within the town without first making written application for and receiving a permit from the town.

(c) No permits shall be required under this article for the following:

- (1) The armed forces of the United States of America, the military forces of the state, political subdivisions of the state and the Argyle volunteer fire department acting within the scope of their duties;
- (2) A town sponsored event;
- (3) A funeral procession proceeding by a vehicle under the most reasonable route from a funeral home, church, or residence to the place of service or place of interment;
- (4) A peaceful demonstration at a fixed location which is not a street; or
- (5) A sidewalk procession which observes and complies with the traffic regulations and traffic-control devices, using that portion of a sidewalk nearest the street, but at no time using more than one-half of the sidewalk.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.402)

Sec. 12.05.032 Application

(a) Filing; fee. A person desiring to hold an event shall apply for a permit by filing with the event coordinator a written application upon a form provided by the town for that purpose. Each event permit application shall be accompanied by a fee in the amount of fifty dollars (\$50.00). An application for an event regulated under this article shall be made not less than forty-five (45) days prior to the date and time of the commencement of the event. The event coordinator may waive the forty-five (45) day filing requirement for an event if the event coordinator determines that the application can be processed in less than forty-five (45) days, taking into consideration the type, size and route of the event.

(b) Contents of application. An application for which a permit is required must contain the following information:

- (1) The name, address, telephone number, e-mail address, date of birth, and driver's license number of the applicant/promoter, and of any other persons responsible for the conduct of the event;
- (2) A description of the event and the requested dates and hours of the event;
- (3) The estimated number of persons participating in the event and three sets of detailed plans showing the area or route to be used during the event, including proposed structures, tents, fences, barricades, signs, banners, and restroom facilities;
- (4) The time and location of street closings, if any;
- (5) Details of the offer, if any, of merchandise, or serving of food or beverages, at the event;

- (6) Details of how the applicant/promoter will clean up the area used after the event;
- (7) The event's commencement and termination time, the specific route to be traveled, and the starting and termination points;
- (8) Application fees required by the town;
- (9) A copy of contract, agreement, or details outlining the arrangement between the applicant and the promoter, if any;
- (10) Map of the route, staging areas, stops and/or water stations.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.403)

Sec. 12.05.033 Approval of plans

(a) When considering approval of an application, the event coordinator may consider, without limitation, the following factors:

- (1) Whether the application allows for ample opportunity to properly plan and prepare for the event;
- (2) Whether law enforcement, emergency services and other town services will be unduly burdened or adversely affected by the event; and
- (3) Whether the event is reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance.

(b) No person shall be discriminated against on the grounds of race, color, national origin or disability.

(c) The permit shall be subject to the applicant/promoter receiving approval from the event coordinator prior to the start of the event.

(d) The town, by approving such plans, assumes no liability or responsibility therefor.

(e) In addition to the application, each applicant shall submit the following detailed plans:

- (1) Facilities. A comprehensive set of plans and specifications relating to all temporary facilities to be constructed or utilized for the event.
- (2) Food and beverage service. A comprehensive plan to provide food and beverage concessions, if any. The appropriate town personnel shall approve the plan. Food and beverage concessions shall be subject to the provisions of the town health code and any required inspections.

- (3) Emergency medical services. A comprehensive plan to provide adequate emergency medical services at the event. The plan shall be coordinated through the office of the Argyle volunteer fire department.
- (4) Parking, assembly or disassembly of event participants. A comprehensive plan to provide adequate parking for the proposed event, including written notarized statements giving permission by all of the owners of land to be used for the event.
- (5) Police protection. A comprehensive plan providing for adequate safety, security, traffic and crowd control in connection with the event.
- (6) Promotional materials. If applicable, a comprehensive plan to promote, market, and advertise the event. Signs and banners shall be permitted through the building inspection department.
- (7) Sanitation plan. A comprehensive plan to insure that the highest standards of cleanliness and sanitation are maintained at the special event, including adequate restroom facilities and appropriate refuse containers to accommodate refuse generated by its patrons and operations and a plan to empty the containers frequently so as to prevent overflow.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.404)

Sec. 12.05.034 Issuance or denial; revocation; payment of costs for town services

- (a) Should the application for an event permit reveal that the route requested would interfere with the orderly flow of vehicular and pedestrian traffic, the event coordinator shall have the authority to establish a reasonable alternate route and regulate the occupancy area within the public right-of-way or town owned property.
- (b) The event coordinator shall determine whether or not to issue a event permit when said event for which the permit is requested would:
 - (1) Take place at the same location and/or time as a previously approved event;
 - (2) Unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available; or
 - (3) Begin and/or end outside the town limits, unless or until the applicant/promoter receives approval from the adjacent town where the event begins or ends.
- (c) In addition, the event coordinator may deny an event permit if:
 - (1) The applicant/promoter fails to adequately provide for:
 - (A) The protection of event participants;

- (B) Maintenance of public order in and around the event location;
- (C) Crowd security, taking into consideration the size and character of the event;
- (D) Emergency vehicle access; or
- (E) Safe, sanitary conditions for preparation or operation of food concessions, if applicable;

(2) The applicant/promoter fails to comply with or the proposed event will violate a town ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this article;

(3) The applicant/promoter makes a false statement of material fact on an application for an event permit;

(4) The applicant/promoter fails to provide proof that he possesses or is able to obtain all licenses and/or permits required by this code or other town ordinances or by other applicable law for the conduct of all activities included as part of the event;

(5) The applicant/promoter fails to notify the businesses affected by the event, in writing, of street closures ten (10) days prior to the event;

(6) The applicant/promoter has had an event permit revoked within the preceding twelve (12) months or the applicant/promoter has committed two or more violations of a condition or provision of an event permit or of this article within the preceding twelve (12) months;

(7) The applicant/promoter fails to pay any outstanding costs owed to the town for past event permits;

(8) The applicant/promoter fails to submit the required fees and agree in writing to reimburse the town for the estimated costs for the proposed event; or

(9) The proposed event would unduly burden town services.

(d) The town may revoke an event permit if:

(1) The permit holder made a false statement of material fact on an application for an event permit;

(2) The applicant/promoter has had an event permit revoked within the preceding twelve (12) months or the applicant/promoter has committed two or more violations of a condition or provision of an event permit or of this article within the preceding twelve (12) months;

(3) The applicant/promoter fails to comply with or the event is in violation of a condition or a provision of the event permit, an ordinance of the town, or any other applicable law;

(4) The applicant/promoter failed to provide a certificate of liability insurance and endorsement agreement naming the town as additional insured in the amount designated ten (10) days prior to the event;

(5) The applicant/promoter failed to pay any outstanding fees or estimated costs owed to the town for the event permit;

(6) The event fails to begin in a timely manner as determined by the event coordinator or their designates; or

(7) If the permit holder otherwise violates this article or does not comply with the conditions contained in such permit.

(e) Events shall be limited to no more than four (4) per organization per year.

(f) The event coordinator may review licenses and permits required by other town ordinances, or applicable law, restrictions, regulations, cost for town services, safeguards, and other conditions necessary for the safe and orderly conduct of an event, to be incorporated into the permit before issuance.

(g) The event coordinator will prepare and provide the applicant/promoter with an invoice detailing these estimated costs. Payment will be required not less than five (5) days prior to the date of the event. If the actual costs for town services are less than estimated, the town will issue a refund to the event applicant/promoter no less than two weeks after the event.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.405)

Sec. 12.05.035 Appeals

If the event coordinator denies the issuance or revokes a permit, the event coordinator shall send to the applicant/promoter or permit holder, by certified mail, return receipt requested, written notice of the denial or revocation, and of the right to an appeal. The decision of the event coordinator is final unless the applicant/promoter or permit holder appeals the decision within three (3) business days of receipt of the notification to the mayor, in writing. The town council shall, within twenty-one (21) days after the appeal is filed, consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the town council shall be final.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.406)

Sec. 12.05.036 Contents

Each permit issued shall state the date(s), starting time, ending time, location, and other special conditions or requirements necessary for the safe and orderly conduct of the event.

(Ordinance 484-09 adopted 10/20/09; 2004 Code, sec. 12.407)

The following is the relevant information from both the Town of Bartonville and Denton County adopted plans for McMakin Road within the limits of the Town of Bartonville.

Denton County Thoroughfare 2017 Plan:

/Users/Stacey/Downloads/FullReport Denton-County-Thoroughfare-Plan-Final-Report-41917-with-Appendix-AB.pdf

Designates McMakin Road as a Principal Arterial and the definitions of the roads are as follows:

- Principal and Major Arterials - Principal and major arterials are ideally designed to allow large volumes of traffic to operate at a high level of mobility. They are designed for longer distance trips within the region and provide access to major activity centers and adjacent cities within the county and region. The roadways should only connect to other principal arterials or freeways and should have a limited number of driveways directly accessing them. A principal arterial is often longer and has a more regional context than a major arterial and may include considerations for grade separations at major intersections.
- Minor Arterials - Minor arterials connect traffic from collectors to arterials or between arterial roadways. They are designed to accommodate moderate traffic volume at relatively low speeds, and they often connect growth areas. In certain situations, minor arterials may accommodate on-street parking.
- Collectors - Collector roads are designed for short trips and low speeds along their segments. They serve primarily to connect trips to higher functional class facilities, collecting traffic from local streets and taking it to the arterial street network, and the reverse.

Recommended Roadway Design Standards: Each city has its own definition of arterial and collector roadways, how much pavement and median is provided, and how much right-of-way is required to install the roadway and associated roadside treatments and utilities. Design typical sections for the county thoroughfare plan were developed for each of the non-freeway roadway classifications that would best prepare the county corridors to be compatible to the city roadways when extended into the county. The county standards would not override the requirements of the city standards, but rather complement their future extensions. Table 3-3 lists the county typical design sections intended to align with the range of comparable existing city typical street standards. Table 3-3. Recommended County Roadway Typical Sections

Attachment 1: Table 2-2 Variation of Design Within Functional Classifications – See Copied Page 13. This shows the road classifications, the ROW, # of lanes and median for main cities in Denton County

Attachment 2 & 2a: Table 3-1 Planning Level Estimates of Typical Daily Vehicular Capacities for Roadways- See Copied page 35-36.

Attachment 3: Table 3-3 Transportation System plan. See copied page 37.

Town of Bartonville 2037 Comprehensive Plan – adopted in June 2017 (and used 2012) designates McMakin Road as a rural collector with the following information:

<https://www.townofbartonville.com/DocumentCenter/View/582/Land-Use-Plan-Text-P-and-Z-672017-Approved>

- **Rural Collector Rural Collector streets are moderate volume facilities whose primary purpose is to collect traffic from smaller streets within an area and to convey it to the Highways. The average daily traffic volume for this type of street is approximately 5,000 to 15,000 trips per day. The Rural Collector street is a two-lane undivided facility that may serve both residential and nonresidential uses. This type of roadway contains a street cross-section that consists of two 12' travel lanes with a minimum width of 70 feet.**
- **Minor Collector Minor Collector streets are two-lane roadways that are intended primarily to collect residential traffic and distribute it efficiently to the higher-level roadways. Minor Collector streets require 60 feet of right-of-way, with a minimum paving width of 22 feet. These roadways are intended to accommodate up to 5,000 trips per day. Illustration 4.2 shows a typical section for the Minor Collector.**

See Attachment 4 Bartonville roadway classification.

See Attachment 5 Bartonville Traffic study

Request: The Town of Bartonville would like to request Denton County to amend their 2017 Thoroughfare plan to match The Town of Bartonville's 2037 Comprehensive Plan which includes the Thoroughfare plan from June 2017 for McMakin Road to be classified as a Rural Collector. The current conflicting designations for McMakin Road between the two official plans does not serve the best interest of the citizens of the Town of Bartonville or the citizens of Denton County.

McMakin Rd in the Town of Bartonville city limits is approximately 1 mile long and has over 26 private driveways, 4 side street entrances and 5 business driveways. The ADT, the length of the road and the number of private driveways does not and would not ever meet the criteria to be transitioned to a Principal Arterial as represented in the county's 2017 plan without substantial land use changes to the corridor and a tremendous amount of rights-of-way acquisition, McMakin Road also does not meet the definition of Minor or Principal Arterial but does meet the criteria for a rural collector. If desired, adding 4ft safety shoulders and improving the ditch drainage could occur to improve safety on McMakin Road, while continuing to meet the designation of a Rural Collector.