

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING TRAFFIC, AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SIGNALS FOR THE TRAFFIC CONTROL AT THE INTERSECTIONS OF PHILOMENA DRIVE AND BUNTON CREEK ROAD, AND PHILOMENA DRIVE AND KYLE PARKWAY IN THE CITY LIMITS OF KYLE; REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and right-of-ways within the City limits of the City of Kyle (the “City”) is essential and necessary to protect the traveling public and to preserve and protect the public safety of the City; and

**WHEREAS**, traffic engineering studies were performed for the intersections of Philomena Drive and Bunton Creek Road And Philomena Drive and Kyle Parkway; and, said studies determined traffic signal warrant(s) were meant and therefore justified the placement of a traffic signals at these intersections; and

**WHEREAS**, the City Council of the City find the safety and welfare of the citizens of the City requires that drivers obey the signal direction for the orderly movement of traffic;

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, TEXAS:**

**SECTION 1:** Findings. The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2:** That all vehicles proceeding along the following streets shall obey the traffic signal direction before proceeding through the intersections;

- AT THE INTERSECTION OF PHILOMENA DRIVE AND BUNTON CREEK ROAD.
- AT THE INTERSECTION OF PHILOMENA DRIVE AND KYLE PARKWAY.

**SECTION 3:** That at each place designated in Section 2 of this ordinance, for vehicles to follow the direction of the signal before proceeding through the intersection, there shall be placed a signal, either in the surface of the street or above the street, directing traffic to continue and or stop before proceeding through the intersection, and no provisions of this ordinance for which signals are required shall be enforceable against an alleged violator, if at the time and place of the alleged violation the signal(s) herein required is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

**SECTION 4:** That it shall be unlawful for the operator of any vehicle to disobey the instructions of the Signals placed in accordance with the provisions of this ordinance.

**SECTION 5:** That it shall be unlawful for any person to willfully deface, injure, move, remove, obstruct or interfere with any signal under the provisions of this ordinance.

**SECTION 6:** Any person violating any provisions of this Ordinance shall be subject to the penalty provided in Section 1-14 of the Code of Ordinances.

**SECTION 7. Conflicting Ordinances or Resolutions.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby REPEALED to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 9. Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2017.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2017.

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Travis Mitchell, Mayor

**ATTEST:**

\_\_\_\_\_  
Jennifer A. Vetrano, City Secretary