

ORDINANCE NO. 2001-47

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 SOUTH SHORE HARBOUR SUBDIVISION, REQUIRING THE PROPERTY OWNERS IN THAT SUBDIVISION TO PAY THE COST OF REPLACING TRAFFIC CONTROL SIGNS IN THE SUBDIVISION, AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICE OF THE ORDINANCE UPON ITS ADOPTION.

WHEREAS, Senate Bill 217, which became effective in the state of Texas on September 1, 2001, 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, under Senate Bill 217, 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; and

WHEREAS, Senate Bill 217 explains that the purpose of such an ordinance is to place the private roads in the subdivision under the same traffic rules as the public roads in the municipality, provided that the governing body of the municipality in which the roads are located finds the ordinance in the interest of the municipality generally; and

WHEREAS, pursuant to subsection (c) of Senate Bill 217, 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 any necessary official traffic control devices; and

WHEREAS, under subsection (d) of Senate Bill 217, 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 streets" for purposes of the application and enforcement of the specified traffic rules; and

WHEREAS, Senate Bill 217 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 October 22, 2001, the Board of Directors of the South Shore Homeowners Association made a written request to the City Council of the City of League City, Texas (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 South Shore Harbour subdivision; and

WHEREAS, the Board of Directors of the South Shore Homeowners Association further informed the City Council that it would pay some of the costs of extending and enforcing the traffic rules in South Shore Harbour subdivision, to wit, \$8,429.00, which the City has determined is the

amount necessary 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 finds it is advisable and in the best interests 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 South Shore Harbour subdivision.

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

Section 1. The facts, findings and opinions set for the 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 located in the South Shore Harbour subdivision in the City.

Section 3. As a condition of extending traffic rules to the private streets in the South Shore Harbour subdivision, the City Council hereby requires that the property owners in that subdivision, through the South Shore Harbour Community Association, pay the sum of \$8,429.00, which the City stipulates is the fair and reasonable cost of installing new official traffic control signs at the present time to allow for the enforcement of traffic laws in that subdivision. Such amount shall be paid to the City, by the homeowners association for the subdivision, within fourteen days after the date the City Council adopts this ordinance.

Section 4. The City Secretary is hereby directed to publish this ordinance in one issue of the official newspaper of the City, within fourteen days after its adoption by the City Council.

Section 5. This ordinance shall become effective on the sixtieth (60<sup>th</sup>) day after its date of adoption.

Section 6. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

APPROVED first reading the 19<sup>th</sup> day of November, 2001.

APPROVED second reading the 11<sup>th</sup> day of December, 2001.

PASSED AND ADOPTED the 11<sup>th</sup> day of December, 2001.