

ORDINANCE NO. 2019-22

AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS, EXTENDING TRAFFIC REGULATIONS TO STREETS IN STERLING LAKES SUBDIVISION, INCLUDING PRIVATE STREETS; SETTING SPEED LIMITS ON CERTAIN STREETS AS SPECIFIED IN THIS ORDINANCE; AUTHORIZING SPEED LIMIT SIGNS, STOP SIGNS, AND OTHER TRAFFIC CONTROL SIGNS, DEVICES, AND MARKINGS; RATIFYING PLACEMENT OF SUCH ITEMS; REQUIRING OPERATORS OF VEHICLES TO COMPLY WITH THESE TRAFFIC REGULATIONS; PROVIDING OFFENSES AND PENALTIES UP TO \$200 FOR A VIOLATION OF THIS ORDINANCE; AND PROVIDING A SEVERANCE CLAUSE AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY, TEXAS:

**PART ONE-EXTENSION
OF TRAFFIC REGULATIONS TO
STERLING LAKES**

1.1 Definitions

a. The terms “road”, “street”, and “highway” in this ordinance shall mean the same thing.

b. The term “the Subdivision” in this ordinance means all sections and parts of Sterling Lakes Subdivision.

c. The term “traffic” in this ordinance has the same meaning as in Section 541.301 of the Texas Transportation Code:

“In this subtitle “traffic” means pedestrians, ridden or herded animals, and conveyances, including vehicles and streetcars, singly or together while using a highway for the purposes of travel.”

However, the definition of “traffic” in this ordinance is not restricted to any particular subtitle of the Texas Transportation Code and applies to all uses of the term “traffic” herein.

d. The terms “traffic rules” or “traffic regulations” in this ordinance shall mean the same thing and shall mean all provisions of Titles 6 and 7 of the Texas Transportation Code and all laws applicable to traffic. The terms “traffic rules” and “traffic regulations” herein shall be construed as broadly as possible.

e. The term “sign” herein shall mean all types of signs, markings, and devices for traffic control.

1.2 Findings of Fact

The City Council finds and declares that the following facts are true:

a. The Board of Directors of Sterling Lakes Property Association has made and filed with the City the Petition on Traffic Regulations and the Resolution of Board of Directors attached hereto as Exhibit “A” and incorporated herein in full.

b. Sterling Lakes Property Owners Association (“the Association”) is the entity that maintains the private roads in all sections of Sterling Lakes Subdivision.

c. The Board of Directors is the governing body of the Association.

d. The Subdivision is located in the City of Iowa Colony, Texas (“the City”), and the City has a population of more than 300.

e. This ordinance is authorized by Section 542.008 of the Texas Transportation Code and all applicable law.

f. All requirements of law have been satisfied concerning this ordinance and all traffic regulations hereby adopted or made applicable to streets in the Subdivision.

g. This ordinance promotes the public health, safety, and welfare and helps alleviate traffic hazards.

1.3 Extension of Traffic Regulations to the Subdivision. The City Council of the City of Iowa Colony, Texas hereby extends any and all traffic rules that apply to a road owned by the City, or owned by Brazoria County, to all roads in the Subdivision, also including private roads, so that the roads of or in the Subdivision are under those same traffic rules.

1.4 Geographic Scope. This ordinance applies to all roads, whether public or private, in all sections and parts of the Subdivision.

1.5 Costs. The City shall bear no cost of providing, installing, or maintaining signs, or removing vegetation or other obstructions around signs, rather the Association shall be responsible for those costs.

1.6 Responsibilities of the Association. Sterling Lakes Property Owners Association shall be responsible for trimming vegetation and removing obstructions around traffic control signs in the Subdivision, as directed by the Police Chief or Mayor, or as otherwise necessary to provide visibility of traffic control signs.

PART TWO - SPEED LIMITS

2.1. Findings of Fact

The City Council finds and declares that the following facts are true:

- a. Each portion of a street for which this ordinance sets a speed limit is:
 - i. Within the city limits of the City;
 - ii. Subject to traffic regulations the same as a city street, pursuant to this ordinance;
 - iii. Not an officially designated or marked road of the state highway system;
and
 - iv. A two lane, undivided road.
- b. The prima facie speed limit, which would apply in the absence of this ordinance on each portion of a street for which this ordinance sets a speed limit, is unreasonable and unsafe.
- c. This ordinance is authorized by Texas Transportation Code sections 542.008 and 545.356 and all applicable law.

2.2 Definitions. The term "speed limit" or "prima facie speed limit" herein shall mean the maximum prima facie reasonable and prudent speed set by this ordinance for a location.

2.3 Speed Limits. The prima facie speed limits indicated on Exhibit "B", which is attached hereto and incorporated herein in full, are hereby determined and declared to be the maximum prima facie reasonable, prudent, and safe speeds for vehicles at the locations stated on Exhibit "B"; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, as stated on Exhibit "B". Speeds greater than those stated on Exhibit "B", at the locations stated on Exhibit "B," are hereby found to be unreasonable and unsafe. No person shall operate a vehicle at a location described on Exhibit "B" hereto at a speed greater than the speed limit stated on Exhibit "B" for that location.

2.4. Speed Limit Signs. Speed limit signs are hereby authorized and shall be placed at the locations for which this ordinance sets speed limits.

2.5. Existing Signs. Any previous order by the Police Chief authorizing such signs is hereby ratified. Any previous placement of such signs is hereby ratified.

2.6. Street Names and Numbers. The phrase "Former County Road" may be used in this ordinance, because the roads for which that term is used were County Roads before the city

limits of Iowa Colony included those roads. Those roads still exist and may still be designated by the same numbers or by a new name within the Iowa Colony city limits.

PART THREE – TRAFFIC CONTROL SIGNS

3.1 Findings of Fact

The City Council finds and declares that the following facts are true:

a. Chapter 542 of the Texas Transportation Code authorizes cities to place signs on city streets.

b. All requirements of law have been satisfied concerning the signs authorized by this ordinance.

3.2 Signs Authorized. Stop signs and other traffic control signs of the types stated on Exhibit "C", which is attached hereto and incorporated herein in full are hereby authorized and shall be placed at the locations described on Exhibit "C".

3.3 Existing Signs. Any previous order by the Police Chief authorizing such signs is hereby ratified. Any previous placement of said signs is hereby ratified.

3.4 Compliance Required. The operator of a vehicle approaching any traffic control sign authorized by this ordinance shall comply with that sign.

PART FOUR – GENERAL

4.1 Scope of Provisions of Ordinance. All definitions, findings of fact, and all other provisions in any part of this ordinance shall apply to all parts of this ordinance.

4.2 Violations and Penalties. A violation of this ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed \$200.00.

4.3 Conflicting Ordinances. To the extent of any conflict between the terms of this ordinance and any prior ordinance, this ordinance shall govern and control.

4.4 Severance Clause. If any part of this ordinance, of whatever size, is ever declared invalid or unenforceable for any reason, the remainder of this ordinance shall remain in full force and effect.

4.5 Effective Date. A traffic regulation under this ordinance shall be effective as to a portion of a street: (a) immediately upon the passage and approval of this ordinance as to any traffic regulation and location where a sign for that traffic regulation already exists at that time; and (b) as to any other traffic regulation and location, immediately upon the placement of signs authorized or ratified by this ordinance for that portion of a street, provided, however, that this

authorization shall be retroactive to the date of any previous order by the Police Chief authorizing any speed limit or signs described herein.

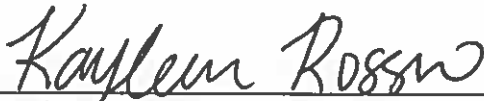
4.6 Right to Repeal. The City reserves the right to repeal or any part of this ordinance, either in full or as applied to any particular street or location, or otherwise.

READ, PASSED, and APPROVED this 17th day of June, 2019.



Michael Byrum-Bratsen, Mayor
City of Iowa Colony, Texas

ATTEST:



Kayleen Rosser, City Secretary
City of Iowa Colony, Texas



**EXHIBIT "A" TO STERLING LAKES TRAFFIC ORDINANCE -
PETITION ON TRAFFIC REGULATIONS WITH
RESOLUTION OF BOARD OF DIRECTORS**

RESOLUTION OF BOARD OF DIRECTORS
OF STERLING LAKES PROPERTY OWNERS ASSOCIATION
ON PETITION ON TRAFFIC REGULATIONS

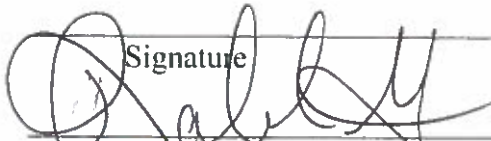

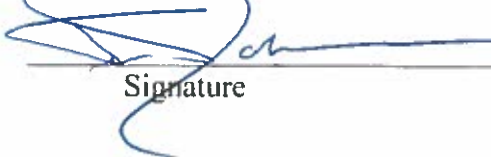
I hereby certify that I am the duly elected, qualified and serving Secretary of Sterling Lakes Property Owners Association ("the Association"). The Association is a corporation organized and existing under the laws of the State of Texas. This resolution was duly adopted at a meeting of the Board of Directors of the Association, held on the 12 day of June, 2019, at which a quorum was present and acting throughout. That meeting and the actions taken at the meeting were duly authorized by the governing documents of the Association and were done in full compliance with the governing documents of the Association. Said resolution is now in full force and effect and has not been modified or amended.

IT IS HEREBY RESOLVED that the Board of Directors of Sterling Lakes Property Owners Association hereby approves the attached Petition on Traffic Regulations and directs the signatory named thereon to sign that Petition and deliver it to the City of Iowa Colony, Texas, together with an original of this resolution.

I hereby further certify that the persons named below have been duly elected to the offices set opposite their respective names, that they continue to hold these offices at this time, and that the signatures appearing hereon are the genuine, original signatures of each, respectively.

BY OUR SIGNATURES HEREON, WE JOIN IN THIS RESOLUTION AND CERTIFICATION.

So certified this 12 day of June, 2019.

	_____, Daniel Carreon, Secretary
Signature	
	_____, Rachel Gwin, President
Signature	
	<u>Tim Johnson</u> , Director
Signature	Name

ATTACHMENT:
PETITION ON TRAFFIC REGULATIONS

RESOLUTION OF BOARD OF DIRECTORS
OF STERLING LAKES PROPERTY OWNERS ASSOCIATION
ON PETITION ON TRAFFIC REGULATIONS

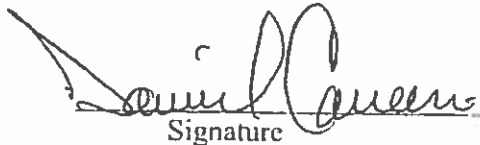
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BY OUR SIGNATURES HEREON, WE JOIN IN THIS RESOLUTION AND CERTIFICATION.

So certified this 12 day of June, 2019.

, Daniel Carreon, Secretary
Signature

_____, Rachel Gwin, President
Signature

_____, _____, Director
Signature Name

ATTACHMENT:
PETITION ON TRAFFIC REGULATIONS

PETITION ON TRAFFIC REGULATIONS

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2. The Board of Directors is the governing body of the Association.

3. The term "the Subdivision" herein means all sections and parts of Sterling Lakes Subdivision.

4. The Subdivision is located in the City of Iowa Colony, Texas ("the City"), and the City has a population of more than 300.

5. The terms "road", "street", and "highway" herein shall mean the same thing.

6. The term "traffic" herein has the same meaning as in Section 541.301 of the Texas Transportation Code:

"In this subtitle "traffic" means pedestrians, ridden or herded animals, and conveyances, including vehicles and streetcars, singly or together while using a highway for the purposes of travel."

7. However, the definition of "traffic" in this ordinance is not restricted to any particular subtitle of the Texas Transportation Code and applies to all uses of the term "traffic" herein.

8. The terms "traffic rules" or "traffic regulations" herein shall mean the same thing and shall mean all provisions of Titles 6 and 7 of the Texas Transportation Code and all laws applicable to traffic. The terms "traffic rules" and "traffic regulations" herein shall be construed as broadly as possible.

9. This petition is made under the authority of Section 542.008 of the Texas Transportation Code.

10. On behalf of Sterling Lakes Property Owners Association, its Board of Directors hereby requests that the City Council of the City of Iowa Colony, Texas extend by ordinance(s) any or all traffic rules that apply to a road owned by the City, or owned by Brazoria County, to all roads in the Subdivision, also including private roads, so that the roads of or in the Subdivision are under those same traffic rules.

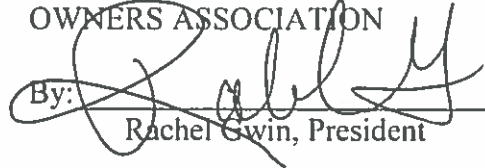
11. This petition applies to all roads, whether public or private, in all sections and parts of Sterling Lakes Subdivision.

12. The Association hereby authorizes the City to grant this petition either entirely or partially as to some geographic areas, streets, laws, or otherwise.

13. This petition is continuing, and the City may act upon it on one or more occasions and at any time.

DATE: June 12, 2019

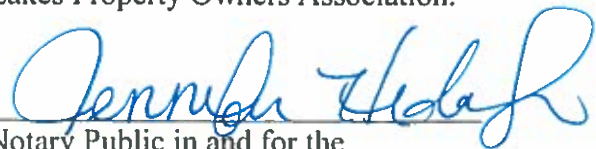
STERLING LAKES PROPERTY
OWNERS ASSOCIATION

By: 
Rachel Gwin, President

THE STATE OF TEXAS §

COUNTY OF Brazoria §

This instrument was acknowledged before me, on the 12 day of June, 2019,
by Rachel Gwin, as President, on behalf of Sterling Lakes Property Owners Association.


Notary Public in and for the
State of Texas

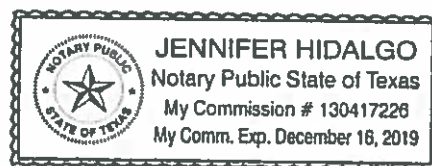


EXHIBIT "B" TO STERLING LAKES TRAFFIC ORDINANCE

Speed limits on streets in Sterling Lakes Subdivision shall be at the speeds and for the locations as currently set, until amended.

CITY OF IQWA COLONY, TEXAS

By: 
Michael Byrum-Bratsen, Mayor

ATTEST:


Kaylen Rosser, City Secretary



EXHIBIT "C" TO STERLING LAKES TRAFFIC ORDINANCE –
TRAFFIC CONTROL SIGNS

Traffic control signs in Sterling Lake Subdivision shall be of the types and at the locations currently existing, until amended.

CITY OF IOWA COLONY, TEXAS

By: 
Michael Byrum-Bratsen, Mayor

ATTEST:


Kayleen Rosser, City Secretary

