

ORDINANCE NO. O-2012-021

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, AMENDING CHAPTER 90 "TRAFFIC AND
VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF
MAGNOLIA, TEXAS BY ADDING ADDITIONAL SECTIONS 90-166
THROUGH 90-170 TO ARTICLE VII "TRAFFIC CONTROL DEVICES"
INCLUDING TOWING OF UNINSURED VEHICLES; PROVIDING A
SEVERABILITY CLAUSE; AND MAKING OTHER PROVISION
RELATED THERETO.**

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WHEREAS, it is deemed in the best interest of the City of Magnolia, Texas for the health, safety and welfare of its citizens that an ordinance be established to authorize, adopt and ratify the towing of uninsured vehicles, regulations concerning driving and compliance with traffic control devices within the City of Magnolia, Texas; and

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

Section 1. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

Section 2. The Code of Ordinances of the City of Magnolia, Texas, is hereby amended by adding the following Sections numbered 90-166 through 90-170 to Article VII "Traffic Control Devices" of Chapter 90:

Sec. 90-166. – Driving on Private Property to Avoid Traffic-Control Device.

No driver of any vehicle shall enter upon or drive across any private property in order to avoid obedience to any traffic-control device.

Sec. 90-167. – Obedience Required.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle provided by law.

Sec. 90-168. – Authority of Police Officers.

Police officers are hereby authorized to direct all traffic or pedestrians by voice, hand or signal in the enforcement of the laws of the state and the city, but whenever and wherever any police officer shall find it necessary to the safeguarding of pedestrians or the expeditious handling of traffic, or in the safety of persons or property, police officers shall direct traffic and pedestrians as conditions may require notwithstanding other provisions of the traffic laws.

Sec. 90-169. – Compliance with Lawful Orders of Police Officers.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer, pertaining to the movement of traffic or pedestrians on the public streets, whether given in person or by means of visible or audible signals.

Sec. 90-170. –Towing of Uninsured Vehicles.

(A) When a vehicle is stopped by a police officer for an alleged violation of a city or state traffic law or other law applicable to the operation of a vehicle on the roadway and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code, as amended the Magnolia Police Department Officers are hereby authorized to remove or impound any vehicle where the operator has failed to maintain, or cannot present proof of, the required financial responsibility.

(B) The Police Department is also authorized to develop and require a financial responsibility verification form for any operator to obtain release of any vehicle removed or impounded pursuant to this section and Magnolia Police Department policy that is hereinafter established. The fee for the financial responsibility verification form shall be \$5. The fee shall be in addition to any applicable towing or storage charges.

(C) The Magnolia Police Department is hereby authorized to adopt a city-wide policy for towing motor vehicles when the operator of the vehicle either fails to maintain, or cannot present proof of, financial responsibility required by the State.

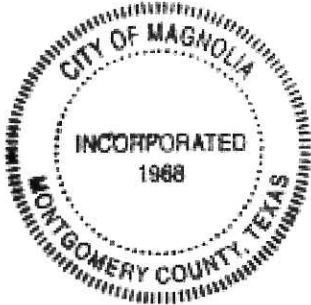
Secs. 90-171---90-180. Reserved.”

Section 3. SEVERABILITY CLAUSE That if any provision, word, sentence, paragraph, clause, phrase or section of this Ordinance or its application to any person or circumstances is adjudged or held invalid, void or unconstitutional, the invalid, void or unconstitutional portion shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

Section 4. All provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. PUBLICATION This ordinance shall take effect when published in the official newspaper of the City of Magnolia as required by Section 52.011 of the Local Government The City Secretary is directed to publish the caption of this ordinance in the official City newspaper and to have it incorporated into the City Code of Ordinances.


PASSED AND APPROVED THIS 10th day of July, 2012.



THE CITY OF MAGNOLIA


By: 
Todd Kana, Mayor

ATTEST:



Lynne George, TRMC, CPM, City Secretary

APPROVED:



Leonard Schneider, City Attorney