

ORDINANCE 2020-27

AN ORDINANCE OF THE CITY OF FAIR OAKS RANCH, TEXAS AMENDING ORDINANCE 35.9 BY ESTABLISHING STOP SIGNS FOR THE INTERSECTION OF DIETZ ELKHORN RD AND ELKHORN RIDGE/SQUARE GATE IN FAIR OAKS RANCH, BEXAR COUNTY, TEXAS; PRESCRIBING FOR A PENALTY OF NOT LESS THAN \$25 NOR MORE THAN \$500; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

WHEREAS, for the safety and well-being of the citizens Fair Oaks Ranch, Ordinance 35.9 was passed and approved establishing and defining stop and yield signs within the City of Fair Oaks Ranch; and,

WHEREAS, all stop sign traffic control devices situated at the street intersections hereinafter designated conform to the manual and specifications for uniform traffic control devices as adopted by the Texas Transportation Commission; and,

WHEREAS, the governing body of a municipality may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation; and,

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and,

WHEREAS, the intersection of Dietz Elkhorn Rd and Elkhorn Ridge has been controlled by a cross-street stop sign since the intersection was first constructed circa 2015 and based on review of the existing and proposed condition, it is recommended to convert the existing side-street stop control to an all-way stop controlled intersection; and,

WHEREAS, the proposed all-way stop includes geometric modifications which will provide more direct marked crosswalks and will provide a safer crossing environment for children and all pedestrians; and,

WHEREAS, given the opposing left-turn conflict issue and the close proximity to Van Raub Elementary School, an all-way stop will provide a safe and efficient intersection for both vehicles and pedestrians in conformance with the published guidance of the *Texas Manual on Uniform Traffic Control Devices*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:

SECTION 1: Ordinance Number 35.9 shall be amended to include the following full stop - stop sign street location: Dietz Elkhorn Rd; Elkhorn Ridge / Square Gate where it shall now, therefore, be unlawful to operate a vehicle without bringing the vehicle to a full and complete stop before proceeding, and all vehicles shall remain stopped until the intersection is free and clear of all oncoming vehicles which might constitute a hazard to life or property under the condition then and there existing.

SECTION 2: Findings Incorporated. That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 3: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Fair Oaks Ranch hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 4: Cumulative and Savings. This Ordinance shall be cumulative of all provisions of ordinances of the City of Fair Oaks Ranch, Texas, except where the provisions of the ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

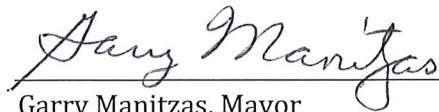
SECTION 5: Penalty Provision. Any violation this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than \$25 nor more than \$500. The sign designated in this Ordinance shall become property of the City and penalty for removing or having in possession any signs designated as property of the City shall be punishable by a fine not less than \$25 nor more than \$500. The City of Fair Oaks Ranch retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 7: Effective Date. This Ordinance shall be effective upon its passage and approval on two readings, and publication as required by law.


PASSED and APPROVED on first reading this the 17th day of September, 2020.

PASSED, APPROVED and ADOPTED on second reading this the 1st day of October, 2020.




Garry Manitzas, Mayor

ATTEST:



Christina Picioccio, City Secretary

APPROVED AS TO FORM:



Denton Navarro Rocha Bernal & Zech, P.C., City Attorney