

Ordinance No. 3478

Consideration, discussion, and possible adoption of Ordinance No. 3478, an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article I, In General, Section 23-2. - Authority of City Manager to promulgate traffic regulations, specifically amending to grant the City Manager the authority to appoint a designee; amending Article II, Operation of vehicles generally, Section 23-79. - Driving on sidewalks; specifically allowing police motorcycles to operate on sidewalks; amending Article III, Traffic-Control Devices, Section 23-106. - Installation and maintenance generally, specifically amending to grant the City Manager the authority to appoint a designee; amending Section 23-107. - Conformity with state manual and specifications; uniformity; presumption of legality, specifically amending to include reference to the Broken Arrow Code of Ordinances; amending Section 23-118. - Adoption of the manual of uniform traffic control devices; specifically amending to remove the requirement of filing three copies of the uniform traffic control manual with the City Clerk; repealing all ordinances to the contrary; and declaring an emergency

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:

SECTION I. That Chapter 23, Traffic, Article I, In General, Section 23-2. – Authority of city manager to promulgate traffic regulations, is hereby amended to read as follows:

Sec. 23-2. - Authority of city manager to promulgate traffic regulations.

The city manager or his designee, subject to any directions which the council may give by motion or resolution, is hereby empowered to make regulations necessary to make effective the provisions of this chapter and other traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than 90 days.

SECTION II. That Chapter 23, Traffic, Article II, Operation of vehicles generally, Section 23-79. – Driving on sidewalks, is hereby amended to read as follows:

Sec. 23-79. - Driving on sidewalks.

A driver of a motor vehicle propelled by gas or electric power shall not drive upon a sidewalk or within any sidewalk area except at a permanent or temporary driveway. For purposes of this section, sidewalk shall include jogging trails or similar permanent pathways. "Low speed electrical vehicles" shall be allowed to operate on designated paths at golf facilities. Police Officers operating police motorcycles shall be exempt from this section and may operate on sidewalks.

SECTION III. That Chapter 23, Traffic, Article III, Traffic-Control Devices, Section 23-106. – Installation and maintenance generally, is hereby amended to read as follows:

Sec. 23-106. - Installation and maintenance generally.

The city manager or his designee, subject to any directions which the council may give by motion or resolution, shall have placed and maintained traffic-control signs, signals and devices when and as required under this chapter and other traffic ordinances of this city to make effective the provisions thereof, and may have placed and maintained such additional traffic-control signs, signals and devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

SECTION IV. That Chapter 23, Traffic, Article III, Traffic-Control Devices, Section 23-107. – Conformity with state manual and specifications; uniformity; presumption of legality, is hereby amended to read as follows:

Sec. 23-107. - Conformity with state manual and specifications; uniformity; presumption of legality.

- (a) All traffic-control signs, signals and devices shall conform to specifications as may be either approved by state highway authority, by resolution of the city council, or by the Broken Arrow Code of Ordinances.
- (b) All signs, signals and other devices required by this chapter shall, so far as practicable, be uniform as to type and location throughout the city and erected so as to be consistent with the provisions of this chapter or state law.
- (c) Whenever traffic control devices are placed approximately conforming to the requirements of this chapter, such devices shall be presumed to have been placed by the official act or direction of the city manager or police department, unless the contrary shall be established by competent evidence.
- (d) Any traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

SECTION V. That Chapter 23, Traffic, Article III, Traffic-Control Devices, Section 23-118. – Adoption of the manual on uniform traffic control devices, is hereby amended to read as follows:

Sec. 23-118. - Adoption of the manual on uniform traffic control devices.

Except as otherwise provided in this article, the current edition of the manual on uniform traffic control devices (hereinafter referred to as the uniform traffic control manual) is hereby incorporated into the code of the City of Broken Arrow with the same force and effect as if fully set out in this subsection.

SECTION VI. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION VII. An emergency exists for the preservation of the public health, peace and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 21st day of March, 2017.

ATTEST:

MAYOR

(Seal) CITY CLERK

APPROVED:

ASSISTANT CITY ATTORNEY