

CITY OF STARBASE, TEXAS

ORDINANCE NO. 2025-05-29-M08-OR

AN ORDINANCE OF THE CITY OF STARBASE, TEXAS, ESTABLISHING A PROCESS FOR ACCEPTING AND APPROVING REQUESTS FOR CONTROLLED ACCESS DEVICES ON PUBLIC AND PRIVATE STREETS; PROVIDING FOR NOTICE; ESTABLISHING CONTROLLED ACCESS DEVICES; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Starbase, Texas (the “City”), is a Type C general-law municipality, incorporated pursuant to Chapter 8 of the Texas Local Government Code; and

WHEREAS, Section 311.002 of the Texas Transportation Code provides that a general-law municipality has exclusive control over highways, streets, and alleys of the municipality; and

WHEREAS, Section 311.002(b)(2) of the Texas Transportation Code provides that a general-law municipality, such as the City of Starbase (“City”), may, *inter alia*, regulate and improve a street; and

WHEREAS, Section 51.001 of the Texas Local Government Code provides that “[t]he governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule, or policy regulation that . . . is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality”; and

WHEREAS, many of the residents of the City are individuals who have unique needs with regard to security and public safety; and

WHEREAS, the City is a unique municipality in the State of Texas which is likely to attract many interested non-residents to its jurisdictional limits; and

WHEREAS, the increase in traffic on public and private streets of the City poses a threat not only to the individual security of residents but also is likely to create a dramatic increase in the dangers ordinarily associated with increased traffic, which the City’s streets are not designed to accommodate; and

WHEREAS, in order to address this concern on a street-by-street manner, the City Commission wishes to create a process for the City Administrator or abutting property owners to request a controlled access device on public and private streets to limit access to residents, their guests, delivery vehicles, government officers (*e.g.*, first responders, United States Postal Service), service and utility providers, and other appropriate persons; and

WHEREAS, the procedure herein will provide the City Commission the final legislative determination on the issuance of any regulation limiting the access to any street and the erection of any controlled-access gate and will retain its ability to craft appropriate regulations for each affected street in conformance with the grant of authority the Transportation Code provides.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARBASE, TEXAS THAT:

SECTION 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Findings. After due deliberations the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Starbase, Texas, and of the public health, safety and welfare.

SECTION 3. Request for Controlled Access Device on Public Street. A request to the City Commission to erect or remove a controlled-access device, including but not limited to electric gates, limiting access to streets within the City may be presented to the City Commission pursuant to one or more of the following procedures:

(a) City Administrator Recommendation. A written recommendation from the City Administrator, or designee, to the City Commission to erect or remove controlled-access devices(s) on a public or private street specifying one or more of the following factors as the basis for such request:

- (i) safety of the residents, including children, living in the neighborhood;
- (ii) privacy and security of the neighborhood;
- (iii) proximity of the neighborhood to high traffic areas;
- (iv) number of vehicles utilizing the neighborhood street as a pass through;
- (v) safety of the general public;
- (vi) traffic or anticipated traffic utilizing the roadway;
- (vii) the types of vehicles which may attempt to utilize the street;
- (viii) the potential damage to the street caused by increased traffic;
- (ix) traffic patterns which may be interrupted by excess traffic on the street; and
- (x) the health, safety, and welfare of the community and residents and property owners of the street.

In making a determination on the request from the City Administrator under subpart (a), the City Commission may consider any of the factors identified in the request from the City Administrator, consult with the appropriate law enforcement authority, and such other factors the City Commission deems appropriate to consider when making such determination for the benefit of the public safety and welfare and in the interest of the City generally.

(b) Property Owner Request. A majority of the owner(s) in value according to the most recent municipal tax rolloff of the real property abutting a street may request the installation or removal of a controlled access device by filing a written request with the City Clerk requesting the installation or removal of a controlled access device for the privacy and protection of a street upon which such persons reside or own property. The majority of landowners must specify one or more of the following factors as the basis for such request:

- (i) safety of the residents, including children, living in the neighborhood;
- (ii) privacy and security of the neighborhood;
- (iii) proximity of the neighborhood to high traffic areas;
- (iv) number of vehicles utilizing the neighborhood street as a pass through;
- (v) safety of the general public;
- (vi) traffic or anticipated traffic utilizing the roadway;
- (vii) the types of vehicles which may attempt to utilize the street;
- (viii) the potential damage to the street caused by increased traffic; and
- (ix) traffic patterns which may be interrupted by excess traffic on the street.

Upon receipt of the written request and verification by the City Clerk of the ownership of real property, the City Administrator shall place the request on a City Commission meeting agenda. In making a determination on the request from the majority of owners in value under subpart (b), the City Commission may consider any of the factors identified in the request from the owners, consult with the appropriate law enforcement authority, and such other factors the City Commission deems appropriate to consider when making such determination for the benefit of the public safety and welfare and in the interest of the City generally.

SECTION 4. Factors. In making a determination on the request from the City Administrator or property owner, the City Commission may consider any of the factors identified in the request from the City Administrator or identified in the petition, or such other factors the City Commissioners deem appropriate to consider when making such determination for the benefit of the public safety and welfare and in the interest of the City generally.

SECTION 5. Notice.

- (a) Prior to the City Commission erecting or removing controlled-access devices on a street, whether pursuant to the City Administrator request or property owner request, written notice of the meeting at which the City Commissioners will consider erecting or removing such controlled-access devices will be mailed to each property owner abutting the street. Notice shall be mailed to each property owner identified on the most recent municipal tax roll.
- (b) The notice shall be mailed no later than fifteen (15) days before the date of the meeting at which the City Commissioners will consider the request to erect or remove a controlled access device.
- (c) A notice required by this section shall be effective when deposited in the United States Postal Service mail and addressed for delivery to the property owners. Notices returned as "refused" or "unclaimed" shall be considered delivered.

SECTION 6. Action of City Commissioners.

- (a) At a meeting of the City Commissioners, the City Commissioners shall consider a request for the installation or removal of a controlled access device upon a street. The public shall have a right to address the City Commission on the topic of the installation or removal of the controlled-access device as provided by Texas Government Code chapter 551, as amended. The City Commission may approve, deny, or modify the request for installation or removal of a controlled-access device by resolution. The City Commission may specify design requirements of the controlled access device.
- (b) If approved by the City Commission, a permit for construction or removal of a controlled access device shall be issued by the City Clerk upon the payment of any permit fee adopted by the City Commission.

SECTION 7. Controlled-Access Devices.

- (a) A controlled-access device, including an electric gate, installed in accordance with a resolution adopted by the City Commission shall be designed to provide controlled access for the following persons:
 - (i) residents who reside on property abutting the street;
 - (ii) owners of abutting property;
 - (iii) guests of residents;
 - (iv) delivery or service providers;
 - (v) local, state, or federal officers, officials, or employees;
 - (vi) first responders and utility providers—through the use of a Knoxbox® or similar device; and
 - (vii) other persons or categories of persons whose access may be deemed helpful or necessary by the City Administrator or designee.
- (b) The controlled-access device shall provide residents and property owners with the functionality to admit guests, service providers, and others through a controlled-access device.
- (c) The Director of Emergency Management of the City, the City's Emergency Management Coordinator, first responders, and utility providers shall be given the means by which to access any controlled-access street.

SECTION 8. Reservation of Authority.

- (a) Nothing in this Ordinance shall be construed to limit the authority of the City Commission to independently consider and determine that a controlled-access device should be erected or removed on any other street in the City.
- (b) Nothing in this Ordinance should be interpreted as a restriction on the authority of the City Commission to regulate streets in any other fashion as permitted by the Texas Transportation Code or other law.

SECTION 9. Reservations. The regulations permitted by this Ordinance are subject to all applicable deed restrictions.

SECTION 10. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

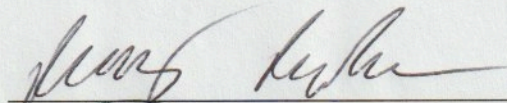
SECTION 11. Severability. It is hereby declared to be the intention of the City Commission that the phrases, clauses, and sentences of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 12. Engrossment/Enrollment. The City Clerk is hereby directed to enroll and engross this Ordinance by reflecting the passage of this Ordinance in the minutes of the City Commission and by filing this Ordinance in the Ordinance Records of the City.

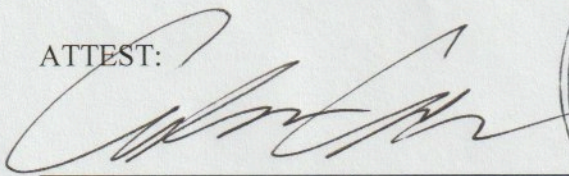
SECTION 13. Publication. The City Clerk is hereby directed to publish the caption, penalty clause, and effective date of this Ordinance as provided by law.

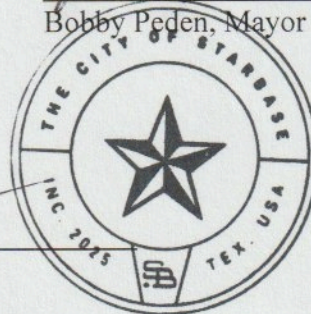
Section 14. Effective Date. This Ordinance shall become effective from and after its date of passage in accordance with law.

DULY PASSED AND APPROVED by the City Commissioners of the City of Starbase, Texas on the 29th day of May 2025.

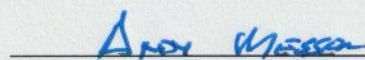

Bobby Peden, Mayor

ATTEST:


Caroline Cole, City Clerk



APPROVED AS TO FORM:


Wm. Andrew Messer, City Attorney