

**ORDINANCE # 34  
DECLARING MOVING RR CARS W/O  
OPERATOR**

**REAFFIRMED BY # 36**

ORDINANCE NO. 341

AN ORDINANCE OF THE CITY OF DANBURY, TEXAS, DECLARING THAT MOVING RAILROAD TRAIN CARS WITHOUT AN OPERATOR IN POSITION TO APPLY THE BRAKES AND/OR WITHOUT A SOURCE OF LOCOMOTION ARE A NUISANCE AND A HAZARD, PROHIBITING THE MOVEMENT OF RAILROAD TRAIN CARS ON RAILROAD TRACKS WITHIN THE CITY LIMITS OF THE CITY OF DANBURY, UNLESS SAID RAILROAD CARS HAVE AN OPERATOR IN POSITION TO APPLY THE BRAKES AND/OR A SOURCE OF LOCOMOTION, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, DECLARING AN EMERGENCY, AND OTHER THINGS.

WHEREAS, the railroad track and all of its side tracks running through the City of Danbury, Texas, are located in a populated area, and the school children living in the north portion of town must cross said railroad track twice a day in order to reach the schools and the other citizens of town must continuously cross said railroad track, both on foot and in automobiles and other vehicles, in order to go about their daily business in the City of Danbury; and,

WHEREAS, it has been the practice of the railroad in the past when engaged in moving the railroad train cars from place to place on the railroad track and side tracks within the city limits, to loosen a railroad train car or a series of railroad train cars and allow them to move along the tracks with no operator to apply the brakes and with no form of locomotion, said cars continuing to move along said tracks and across the intersection of the railroad tracks with the roads, streets and highways within the city limits of the City of Danbury until said cars stop of their own accord; and,

WHEREAS, it is the opinion of the City Council of the City of Danbury that this creates a nuisance and dangerous condition that in great measure can be corrected by requiring the engine or other modes of locomotion to remain hooked and connected by any railroad train car which is allowed to be moved within the city limits of the City of Danbury, Texas, and/or by requiring that each moving railroad train car have an operator in position to apply the brakes if necessary; and,

FURTHERMORE, it is the opinion of the City Council that to continue to allow said railroad train cars to move along the tracks without an operator in position to apply the brakes and/or method of locomotion poses a constant threat of accident to pedestrians and automobiles alike, all to the detriment of the inhabitants of said city, and affecting the peace, health, safety and welfare of said inhabitants;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Danbury, Brazoria County, Texas, duly assembled at a regularly called special meeting, with a quorum present, as follows, to-wit:

I.

From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, partnership, group, corporation or governmental agency to operate, move, or propel, or cause to be operated, moved or propelled, a railroad train car at any point within the city limits of the City of Danbury, Brazoria County, Texas, unless said railroad train car is equipped with brakes capable of stopping said railroad train car within a reasonable distance unless said railroad train car has an operator in position to apply the brakes, and/or unless said railroad train car has a method of propulsion.

II.

For the purposes of this Ordinance, the word "railroad train car" shall mean any vehicle, engine, or series of vehicles, or series of engines, and regardless of how many may be involved in a series, which is caused to be moved on a railroad track.

III.

For the purposes of this Ordinance, the words "operate, move or propel" shall apply to the person who is actually present and in charge of the train in question in each offense.

IV.

For the purposes of this ordinance, the term "cause to be operated, moved and propelled" shall refer to the person, firm, partnership, group,

corporation or governmental agency who owns, rents, leases or otherwise has control and exercises color of ownership of the "train" in question in each offense.

V.

Any person, firm, partnership, group, corporation or governmental agency who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not exceeding TWO HUNDRED (\$200.00) DOLLARS, and in every case where the violator shall be a corporation, and shall violate any provisions of this ordinance, the president, vice president, secretary and treasurer of any such organization, or any manager, agent or employee of such corporation shall be also severally liable for the penalty herein provided.

VI.

That if any part of this Ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall be in full force and effect.

VII.

WHEREAS, railroad train cars without brakes and/or mode of locomotion are constantly moving on the railroad tracks located within the city limits of the City of Danbury, Texas, and have and do create a nuisance, and adversely affect the public health, comfort, safety and welfare of the citizens of said town, thereby creating an emergency, all necessitating that the Ordinance become effective at once, it is accordingly Ordained that this Ordinance become effective immediately upon its passage and shall take effect and be in force from its passage.

SIGNED AND APPROVED AND ATTESTED this 25 day of March, 1968.

Mayor

*Paul D. Harvey*

ATTEST:

*Betty R. Williams*  
Secretary