

ORDINANCE NO. 16-P

AN ORDINANCE AMENDING CHAPTER 24, TRAFFIC, OF THE CODE OF ORDINANCES, CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING AND ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF §545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF ALVIN, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR A PENALTY, PROVIDING FOR A REPEALER CLAUSE AND SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION, AND EFFECTIVE DATE; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, § 545.356, Vernon's Texas Civil Statutes, provides that whenever the governing body of the city shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the city, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; **NOW, THEREFORE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALVIN, TEXAS:

Section 1. That the City Council hereby adopts the recitals and findings set forth in the preamble hereof.

Section 2. That Article I, In General, of Chapter 24, Traffic, of the Code of Ordinances of the City of Alvin, Texas is hereby amended, which said sections shall read as follows:

ARTICLE I. IN GENERAL

...

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of § 545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described and that Section 24-6, Traffic, In General,

of the Code of Ordinances, City of Alvin, Texas is hereby amended to read as follows:

“Sec. 24-6. Same – On specified streets and highways.

...

- (nn) Along State Highway 35 Bypass, east and west frontage roads, from the intersection of State Highway 6 to the 660 feet south of SH 6, a distance of approximately 0.125 mile, the speed limit shall be 40 MPH.
- (oo) Along State Highway 35 Bypass, two-way east and west frontage roads, from the 390 feet north of House road to the 565 feet south of House road, a distance of approximately 0.181 mile, the speed limit shall be 30 MPH.
- (pp) Along State Highway 35 Bypass, main lane, from the intersection of State Highway 6 to the 1314 feet north of South Street, a distance of approximately 0.772 mile, the speed limit shall be 55 MPH.
- (qq) Along State Highway 35 Bypass from the north city limit to the south city limit, 55 miles per hour, except for that portion along State Highway 35 Bypass, main lane, from the 1314 feet north of South Street to the 1980 feet south of intersection of FM 1462, a distance of approximately 1.591 miles, the speed limit shall be 45 MPH.

Section 2. That except as amended herein all other provisions of Chapter 24 of the Code of Ordinances, City of Alvin, Texas shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. **Severability.** Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. **Penalty Provision.** Any person, firm or corporation violating a provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine in accordance with the general penalty section 1-5 of the Code of Ordinances.

Section 5. **Publication.** The City Clerk of the City of Alvin is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the Charter of the City of Alvin, Texas.

Section 6. **Effective Date.** This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of *Chapt. 52, Tex. Loc. Gov't. Code* and

the *City of Alvin Charter*.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code*.

PASSED AND APPROVED on this _____ day of _____, 2016.

ATTEST:

CITY OF ALVIN, TEXAS

By: _____
Dixie Roberts, City Clerk

By: _____
Paul A. Horn, Mayor