

ORDINANCE NUMBER 642-2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, ON CERTAIN STREETS AND HIGHWAYS OR PARTS THEREOF WITHIN THE CORPORATE LIMITS OF THE CITY OF DICKINSON, AS SET OUT IN THIS ORDINANCE, TO WIT: ESTABLISHING A SCHOOL ZONE ON FM 517 FROM A POINT 343 FEET WEST OF GEORGIA STREET TO 581 FEET EAST OF WHISPERING ROAD TO REDUCE THE SPEED LIMIT TO THIRTY (30) MILES PER HOUR WHEN THE TRAFFIC CONTROL DEVICE INSTALLED AT THAT LOCATION IS FLASHING; AUTHORIZING THE INSTALLATION OF SIGNAGE IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Texas Transportation Code 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 conditions found to exist at any intersection or other place 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;

WHEREAS, the Texas Department of Transportation has conducted a school speed zone study along FM 517 near the new Barber Middle School within the City of Dickinson and, as a result of such speed zone study, has recommended to the City Council that a school zone be established for such area since the new Barber Middle School will open in August of 2008; and

WHEREAS, the City Council of the City of Dickinson, Texas, finds that establishment of the requested school zone is in the best interest of the health, safety and welfare of the citizens; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. 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 as follows:

- a. Along FM 517 a school zone from a point 343 feet west of Georgia Street to 581 feet east of Whispering Road, a distance of approximately 0.780 miles, the speed limit shall be "30 MPH" WHEN FLASHING.

Section 3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200.00).

Section 4. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This Ordinance shall be in full force and effect from and after its date of passage, in accordance with the law.

DULY PASSED AND APPROVED on first reading this 10th day of June, 2008.

DULY PASSED AND APPROVED on second and final reading this 24th day of June, 2008.

DULY PASSED, APPROVED AND ADOPTED on third and final reading this _____ day of _____ 2008 (Third reading suspended).

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

Carol L. McLemore, City Secretary
City of Dickinson, Texas

APPROVED AS TO FORM AND CONTENT:

Loren B. Smith, City Attorney
City of Dickinson, Texas