

ORDINANCE NO. 2024-17

SPEED LIMIT ON SH 304

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE CODE OF ORDINANCES RELATED TO CHAPTER 12 TITLED "TRAFFIC AND VEHICLES", ARTICLE 12.05 TITLED "SPEED LIMITS", AMENDING SECTION 12.05.009 TITLED "SH 304 SPEED LIMITS." ZONING FOR TRAFFIC AND RATE OF SPEED THEREIN, ON SH 304 IN THE CITY LIMITS OF THE CITY OF BASTROP; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; REPEALING ALL PRIOR ORDINANCES THAT ARE IN CONFLICT HERewith; AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, CODIFICATION, EFFECTIVE DATE, REPEALER SEVERABILITY, PROPER NOTICE AND MEETING.

WHEREAS, the Texas Department of Transportation has determined upon the basis of engineering and traffic investigation that the prima facie maximum speed limit for that portion of SH 304 as shown on the attached Exhibit A, shall be stated and described hereinafter; and

WHEREAS, the City of Bastrop desires to protect and ensure the public health, safety, and welfare of its residents and business by regulating and guiding the general traveling public; and

WHEREAS, the City Council desires to change the current prima facie speed limits on SH 304 in the city limits of the City of Bastrop, as provided herein, to 50 mph pursuant to Section 12.05.003 of the Code of Ordinances to better protect the convenience, health, safety, and welfare of the residents of the City and of the motoring public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, THAT:

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

Section 2. It is hereby determined upon the basis of an engineering and Traffic investigation that the prima facie maximum speed limit on those portions of SH 304 routed in the City of Bastrop, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit.

FOR NORTHBOUND TRAFFIC

Beginning at Control Section 0573-01 at milepoint 0.670 (Bastrop Southern City Limit - 417 feet South of Hunters Point Dr.) to milepoint 0.000 (SH 21-SH71), a distance of 0.670 miles, a prima facie maximum speed limit of 50 miles per hour.

FOR SOUTHBOUND TRAFFIC

Beginning at Control Section 0573-01 at milepoint 0.000 (SH 21-SH71) to milepoint 0.670 (Bastrop Southern City Limit - 417 feet South of Hunters Point Dr.), a distance of 0.670 miles, a prima facie maximum speed limit of 50 miles per hour.

Section 3. That all of the streets of this city, and all portions of any such streets, are hereby declared to be public streets and that the driving or operating of any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named “ The Offense of Speeding “ and that the said offense is punishable by a fine in any sum not to exceed Two Hundred dollars (\$200.00). That the use of the word “Speeding” shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by City Ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

That in prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it in substance alleges that the defendant did while driving a motor vehicle in said city commit the offense of “Speeding”.

Section 4. Amendment to the City Code. The City of Bastrop Code of Ordinances Chapter 12 “Traffic and Vehicles”, Article 12.05 “Speed Limits”, Section 12.05.009 “SH 304 Speed Limits” of the Code of Ordinances is hereby amended to lower the speed limit on those portions of SH 304 routed in the City of Bastrop per section 2 of this ordinance, and shall read in accordance with Exhibit B.

Section 5. Passage. The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City’s Code of Ordinances as authorized by section 52.001 of the Texas Local Government Code.

Section 6. Severability. If any clause or provision of this Ordinance shall be deemed to

be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

Section 7. Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.

Section 8. Effective Date. This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ & ACKNOWLEDGED on First Reading by the City Council of the City of Bastrop, on this, the 28th day of May 2024.

PASSED & APPROVED on Second Reading by the City Council of the City of Bastrop, on this, the 11th day of June 2024.

APPROVED:

by: _____
Lyle Nelson, Mayor

ATTEST:

Ann Franklin, City Secretary

APPROVED AS TO FORM:

Alan Bojorquez, City Attorney

Exhibit A - Speed Study

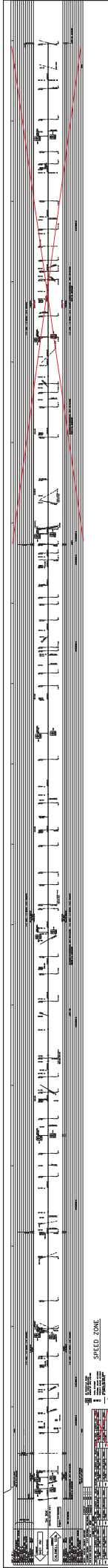


Exhibit B – Amendment to;

City of Bastrop Code of Ordinances Chapter 12; Traffic And Vehicles

Article 12.05; Speed Limits - Section 12.05.009; Sh 304 Speed Limits.

Sec. 12.05.009 - SH 304 speed limits.

- (a) Due to an imminent threat to public health and safety, the speed limits on SH 304 within the city shall be as follows:
- (1) ~~Northbound toward State Highway 71. On SH 304 from mile point 0.688 (at the Bastrop city limit) to mile point 0.000 (at the intersection of SH 304 and SH 71), a distance of 0.688 miles, shall hereby be a maximum speed limit of sixty (60) miles per hour. Beginning at Control Section 0573-01 at milepoint 0.670 (Bastrop Southern City Limit - 417 feet South of Hunters Point Dr.) to milepoint 0.000 (SH 21-SH71), a distance of 0.670 miles, a prima facie maximum speed limit of 50 miles per hour.~~
 - (2) ~~Southbound toward Gonzales, Tx. On SH 304 from mile point 0.000 (at the intersection of SH 71 and SH 304) to mile point 0.688 (at the Bastrop city limit), a distance of 0.688 miles, shall hereby be a maximum speed limit of sixty (60) miles per hour. Beginning at Control Section 0573-01 at milepoint 0.000 (SH 21-SH71) to milepoint 0.670 (Bastrop Southern City Limit - 417 feet South of Hunters Point Dr.), a distance of 0.670 miles, a prima facie maximum speed limit of 50 miles per hour.~~
- (b) (b) The director of public works shall cause SH 304 speed limit signs and other traffic-control devices to be erected at such locations deemed necessary to provide reasonable notice of the above speed limits to those traveling on SH 304 within the city.
- (c) (c) Violators shall be cited and subject to a fine for the offense of speeding as set forth in [section 12.05.008](#).