

ORDINANCE

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT ALONG HEMPHILL STREET BETWEEN NE ALSBURY BOULEVARD AND THE CITY LIMITS FROM 35 MILES PER HOUR TO 45 MILES PER HOUR; DIRECTING THE CITY MANAGER OR DESIGNEE TO ERECT THE APPROPRIATE SIGNAGE; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A CUMULATIVE CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas, is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 545.356 of the Transportation Code authorizes cities to alter prima facie speed limits and establishes procedures for a city to set up speed zones and post speed limit signs; and

WHEREAS, upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Section 545.356 of the Transportation Code, the City Council hereby finds and determines that the increased speed limit set forth herein is reasonable and safe, in the best interest of the public, and is adopted in furtherance of the public health, safety, morals, and general welfare; and

WHEREAS, the City Council may consider and approve certain ordinances or ordinance amendments at only one meeting in accordance with Section 2-4 of the Code of Ordinances of the City of Burleson; and

WHEREAS, the City Council finds that this ordinance may be considered and approved in only one meeting because it is an ordinance setting or changing the applicable speed limit.

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

Section 1.

The certain portion of Hemphill Street beginning at the intersection of the centerline of NE Alsbury Boulevard and Hemphill Street to the terminus at the city limits in the City of Burleson, Texas, is hereby designated a 45 MPH (miles per hour) speed zone. It shall be unlawful for any person to drive or operate any vehicle at a rate in excess of forty-five (45) miles per hour in the location described above.

Section 2.

The City Manager or designee is hereby directed to erect or cause to be erected appropriate signage giving notice of the speed limits established herein and the provisions of this ordinance shall not be effective until such signs or markings are erected.

Section 3.

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

Section 4.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

Section 5.

This ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

Section 6.

The terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 7.

An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for that purpose.

Section 8.

A violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a fine not exceeding \$200.00.

Section 9.

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED:

First and Final Reading: the _____ day of _____, 20_____.

Chris Fletcher, Mayor
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney