

**CITY OF DRIPPING SPRINGS**

**ORDINANCE No. 2023-\_\_\_\_\_**

AN ORDINANCE OF THE CITY DRIPPING SPRINGS, TEXAS, ZONING FOR TRAFFIC AND TO ESTABLISH THE PRIMA FACIE MAXIMUM RATE OF SPEED THEREIN, ON RM 12 IN THE CITY LIMITS OF THE CITY OF DRIPPING SPRINGS; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; WITH A SAVING CLAUSE REPEALING CONFLICTING LAWS AND DECLARING AN EMERGENCY.

**WHEREAS,** The Texas Department of Transportation (TxDOT) performed a speed study of RM 12 North of Hwy 290 and determined that the speed limit should be reduced; and

**WHEREAS,** In 2020, the City entered into a Municipal Maintenance Agreement with TxDOT to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through the corporate limits of the City; and

**WHEREAS,** The agreement states that traffic regulations, including speed limits, will be established only after traffic and engineering studies have been completed by the State and/or City and approved by the State; and

**WHEREAS,** TxDOT has requested the City approve an Ordinance that authorizes the change in speed limit within the City’s corporate limits; and

**WHEREAS,** pursuant to Texas Transportation Code Section 311.002, the City of Dripping Springs has exclusive control over and under the public highways, streets, and alleys of the city; and

**WHEREAS,** Texas Transportation Code Section 545.356 authorizes the city council to alter prima facie speed limits on a street based on an engineering investigation for a part of a street in the city, including a highway of the state highway system; and

**WHEREAS,** the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City of Dripping Springs to establish the speed limit on the aforementioned street as provided herein below; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Dripping Springs:

**I. FINDINGS OF FACT**

It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on those portions of RM 12 routed in the City of Dripping Springs, 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.

## **II. SPEED ZONE**

### *FOR NORTHBOUND TRAFFIC*

Beginning under Control-Section 0683-05 starting from milepoint 55.934 (755 feet South of Springlake Dr./Goodnight Trail) to milepoint 5.585 (216 feet North of Cortaro Dr.), a distance of 0.349 miles, a prima facie maximum speed limit of 50 miles per hour.

### *FOR SOUTHBOUND TRAFFIC*

Beginning under Control-Section 0683-05 starting from milepoint 5.585 (216 feet North of Cortaro Dr.) to milepoint 5.934 (755 feet South of Springlake Dr./Goodnight Trail), a distance of 0.349 miles, a prima facie maximum speed limit of 50 miles per hour.

## **III. SEVERABILITY**

It is hereby declared to be the intention of the City Council 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".

## **IV. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

## **V. PROPER NOTICE AND MEETING**

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, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED this, the 18<sup>th</sup> day of July 2023, by a vote of \_\_\_(ayes) to \_\_\_(nays) to \_\_\_(abstentions) of the City Council of the City of Dripping Springs, Texas.**

**CITY OF DRIPPING SPRINGS:**

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Bill Foulds, Jr., Mayor

**ATTEST:**

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Andrea Cunningham, City Secretary