

ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF HEWITT, MCLENNAN COUNTY, TEXAS, ADOPTING A TEMPORARY CONSTRUCTION SPEED ZONE OF 45 MILES PER HOUR ON FARM TO MARKET 2113 (SPRING VALLEY ROAD) FROM FARM TO MARKET 2063 (SUN VALLEY) TO FARM TO MARKET 1695 (HEWITT DRIVE) DURING THE CONSTRUCTION OF THE SPRING VALLEY PROJECT (PROJECT CSJ 2060-01-037); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BYLAW.

WHEREAS, Section 545.352 of the Texas Transportation Code establishes prima facie reasonable and prudent speed limits for streets and highways situated in the State of Texas; and

WHEREAS, Section 545.356(b) of the Texas Transportation Code gives the governing body of a municipality the same authority as the Texas Transportation Commission to alter prima facie speed limits when a highway is under repair, construction, or maintenance; and

WHEREAS, Chapter 2, Section 3 of the *Procedures for Establishing Speed Zones* adopted by the Texas Transportation Commission states that normal speed studies are not required on sections of a highway under construction; and

WHEREAS, construction will soon commence on the as part of the Spring Valley project ((Project CSJ 2060-01-037).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

Section 1. A temporary construction speed zone is being established during construction of the Spring Valley project (Project CSJ 2060-01-037). The temporary speed limit shall be 45 miles per hour on the Farm to Market 2113 (Spring Valley Road) to Farm to Market 1695 (Hewitt Drive). This temporary speed limit shall expire upon completion of the Project. It shall be unlawful for any person to drive a motor vehicle at a speed in excess of the speed so declared in this section when signs are in place giving notice thereof.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That 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 4. That a violation of this ordinance shall be a misdemeanor for which the punishment shall be a fine of any sum not exceeding \$200.00.

Section 5. That this ordinance shall take effect upon the posting of signs designating the speed limit set by this ordinance.

Section 6. That 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.

PASSED and APPROVED this 4th day of April 2022.

CITY OF HEWITT, TEXAS

Steve Fortenberry, Mayor

ATTEST:

Lydia Lopez, City Secretary

APPROVED AS TO FORM & LEGALITY:

Michael W. Dixon, City Attorney