

## **ORDINANCE NO. 789**

**AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE ZONING OF TRAFFIC AND RATE OF SPEED THEREIN, ON FM 973 IN THE CITY LIMITS OF MANOR; DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DEFINING USE OF WIRELESS COMMUNICATION DEVICES IN SCHOOL ZONES; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTION HEREUNDER; PROVIDING FOR AN EFFECTIVE DATE, SAVINGS, SEVERABILITY, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City of Manor, Texas (the “City”), is a Texas home rule municipality;

**WHEREAS**, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and rights-of-way constituting a speed zone within the City limits is essential and necessary to protect and to preserve the public safety of the City;

**WHEREAS**, the Texas Department of Transportation has made a traffic study and recommended the installation and erection of speed control signs and the designation of a school zone;

**WHEREAS**, the City Council of the City (the “City Council”) is authorized by the Texas Transportation Code to regulate speed limits and the use of wireless communication devices within school zones; and

**WHEREAS**, the City Council has found the speed control signs hereinafter set forth and listed in this Ordinance are reasonable and necessary for the public safety.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**Section 2. Speed Zone Determination.** It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on those portions of FM 973 routed in the City of Manor. The prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the maximum speed limit as set forth below.

**Section 3. Speed Zone.** The following has been declared the speed zone determination:

- Southbound on FM 973 from mile point 0.513 (671 feet North of Murchison Street) to mile point 0.765 (at the Southern Manor city limit – 650 feet South of Murchison Street), a distance of 0.252 miles, a prima facie maximum speed limit of 35 miles per hour when flashing.

- Northbound on FM 973 from mile point 0.765 (at the Southern Manor city limit – 650 feet South of Murchison Street) to mile point 0.513 (671 feet North of Murchison Street), a distance of 0.252 miles, a prima facie maximum speed limit of 35 miles per hour when flashing.

**Section 4. Use of Wireless Communication Devices in School Zones.** The use of a wireless communication device by the operator of a motor vehicle is prohibited while operating the vehicle within a designated school crossing zone, unless the vehicle is stopped or the device is used with a hands-free device, as defined by state law. This prohibition also applies to the operator of a passenger bus when a minor passenger is present, unless the bus is stopped. The City shall ensure that appropriate signs are posted at each entrance to a school crossing zone, in compliance with state law.

**Section 5. Violation and Penalties.** It shall be unlawful for any person to drive or operate a motor vehicle that enters the speed zone described in this Ordinance 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. Such person 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). Further, it shall be unlawful for any person to tamper with, alter, remove, destroy, cover, or hinder the visibility of any traffic device control device erected by this Ordinance in a manner which is inconsistent with its use as a traffic control device. In prosecution 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”.

It shall also be unlawful for any person to use a wireless communication device while operating a vehicle within a designated school crossing zone. Exceptions apply for emergency vehicle operators acting in an official capacity and for the use of a wireless communication device to make an emergency call to law enforcement, fire, or emergency medical services. A violation of this Ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed two hundred dollars (\$200.00), but if state law sets a higher fine, or a higher maximum fine, state law shall govern and control.

**Section 6. Amendment of Conflicting Ordinances.** All ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted herein are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall control.

**Section 7. Savings Clause.** All rights and remedies of the City are expressly saved as to any and all violations of the provisions of any ordinances affecting fees or charges which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**Section 8. Severability.** If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**Section 9. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was considered and 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, Texas Government Code.

**Section 10. Effective Date.** This Ordinance shall be in force and effect from and after its passage on the date shown below.

**PASSED AND APPROVED** on this the 4<sup>th</sup> day of June 2025.

**THE CITY OF MANOR, TEXAS**

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Dr. Christopher Harvey, Mayor

**ATTEST:**

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Lluvia T. Almaraz, City Secretary