

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MONTGOMERY, TEXAS, ESTABLISHING A MAXIMUM PRIMA FACIE SPEED LIMIT ALONG FM 1097 (ALL LANES) FROM THE EASTERN RIGHT-OF-WAY OF FM 149 TO THE NORTHEAST CITY LIMIT OF THE CITY; AT 45 MILES PER HOUR; PROVIDING A PENALTY OF AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, under the provisions of Section 545.356, Texas Transportation Code, the City Council of the City of Montgomery, Texas ("City") has determined, based upon an engineering and traffic investigation, the necessity for an ordinance altering the prima facie speed limits established for motor vehicles upon certain streets and highways within the City, in order to preserve the health, safety, and well-being of the residents, citizens, and inhabitants; and

WHEREAS, it has been determined by an engineering study and traffic investigation that the reasonable and prudent prima facie maximum speed for motor vehicles along the herein below mentioned street in the City should be as set out in this Ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS:

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

Section 2. The following prima facie speed limit hereafter indicated for motor vehicles is hereby determined and declared to be reasonable, prudent and safe; and such speed limit is hereby determined and declared to be reasonable, prudent and safe; and such speed limit is hereby fixed at the rate of speed indicated for motor vehicles traveling upon the named highway described as follows:

Along FM 1097 (all lanes) from the eastern right-of-way of FM 149 to the northeast city limit of the City; at 45 miles per hour;

Section 3. The Code of Ordinances of the City of Montgomery, Texas, is hereby amended to add the double underlined provision as follows:

CHAPTER 86 – TRAFFIC AND VEHICLES

ARTICLE III. OPERATION OF VEHICLES

Sec. 86-135. – Speed zones.

(a) Upon the basis of an engineering and traffic investigation made as authorized by the provisions of V.T.C.A., Transportation Code § 545.356, the following prima facie speed limits indicated in this section for vehicles are hereby determined and declared to be reasonable and safe, and such speed limits are hereby fixed as the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, as such speed is posted on a schedule on file in the office of the City Secretary.

“Along FM 1097 (all lanes) from the eastern right-of-way of FM 149 to the northeast city limit of the City; at 45 miles per hour.”

Section 4. The City Secretary shall give notice of the enactment of this Ordinance its descriptive caption and penalty at least one time within ten (10) days after final passage in the official newspaper of the City; the Ordinance is to take effect upon publication and the installation of appropriate signs giving notice of the prima facie speed limit. The City Secretary shall also mail a copy of this Ordinance to the Texas Department of Transportation.

Section 5. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount of not less than One Dollar (\$1.00) or more than Two Hundred Dollars (\$200.00).

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Montgomery, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this _____ day of December 2021.

THE CITY OF MONTGOMERY, TEXAS

Sara Countryman, Mayor

ATTEST

Susan Hensley, City Secretary

APPROVED AS TO FORM:

Alan Petrov, City Attorney