

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF § 545.356, TEXAS TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS, OF PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF MONTGOMERY, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200 FOR VIOLATION OF THIS ORDINANCE; PROVIDING A REPEALING CLAUSE AND A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, § 545.356, Vernon's Texas Civil Statutes, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a pavement, and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and

WHEREAS, such an engineering and traffic investigation has been performed for portions of State Highway 105 within the City of Montgomery, Texas;

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

SECTION I.

Upon the basis of an engineering and traffic investigation conducted as authorized by the provisions of § 545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling within the City of Montgomery, Texas upon Farm-to-Market Road 149 described as follows:

Along SH 105, a school zone, from a point 300 feet west of Emma's Way to a point 200 feet east of the centerline of Old Dobbin-Plantersville Road, a distance of approximately 0.600 mile, 30 MPH WHEN FLASHING.

SECTION II.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200).

SECTION III.

Any ordinance or part of an ordinance that conflicts with this Ordinance is hereby repealed.

SECTION IV.

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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.

SECTION V.

This Ordinance shall be effective upon its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 25th day of October, 2022.

THE CITY OF MONTGOMERY, TEXAS

Byron Sanford, Mayor

ATTEST:

Nici Browe, TMRC, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney