

**CITY OF SANGER, TEXAS**

**ORDINANCE 08-20-22**

**AN ORDINANCE OF THE CITY OF SANGER, TEXAS, CREATING A CONSTRUCTION WORK ZONE AND TEMPORARILY REDUCING THE RATE OF SPEED TO 45 MILES PER HOUR FOR VEHICLES FARM TO MARKET HIGHWAY 455, WITHIN THE CORPORATE LIMITS OF THE CITY OF SANGER, AS SET OUT IN THIS ORDINANCE; TEMPORARILY AMENDING CHAPTER 12 TRAFFIC AND VEHICLES, ARTICLE 12.500 SPEED LIMITS, SECTION 12.505 SPECIAL SPEED ZONES, CONCURRING WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REDUCE THE SPEED LIMIT IN TWO CONSTRUCTION ZONES; DEFINING THE SPEED LIMIT; REQUIRING THE PLACEMENT OF SIGNS; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTION HEREUNDER; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE IN ACCORDANCE WITH SECTION 1.109 OF THE CODE OF ORDINANCE FOR VIOLATIONS; AND PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanger received a request from TxDOT to lower the speed limit in a construction zone located along FM 455 from FM 2450 east to N Tejas Dr and from 400 feet west of Sable Creek Blvd to 813 feet east of Marion Rd, hereinafter described in Exhibit "A" attached hereto and made a part hereto for all purposes; and

**WHEREAS**, the City Council has determined that FM 455 within the corporate limits of the City of Sanger is currently under construction by the Texas Department of Public Safety (TXDOT) and TXDOT has recommended to reduce the speed limit from 55 miles per hour to a speed limit of 45 miles per hour for the duration of the construction project; and

**WHEREAS**, the City Council has further determined the 45 miles per hour speed limit would provide for and would be in the best interest of the health, safety, and general welfare of the City of Sanger; and

**WHEREAS**, the City Council has further determined that it is necessary to reduce the prima facie speed limit, as set by ARTICLE 12.500 SPEED LIMITS and SECTION 12.505 SPECIAL SPEED ZONES, during such construction period, and that the increased penalties provided by State Law for the violation of such speed limits should be imposed to more effectively enforce such speed limits; and

**WHEREAS**, the City Council finds that the passage of this Ordinance is in the best interest of the citizens of Sanger.

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

**SECTION 1.** That the above findings are hereby found to be true and correct and are incorporated as if fully set forth herein.

**SECTION 2.** That a construction work zone is hereby established in accordance with Section 472.022 of the Texas Transportation Code for all lanes of traffic on FM 455 by temporarily amending Section 12.505 Special Speed Zones to add the following:

(25) FM 455 Construction Zone,

(A) FM 2450 east to N Tejas Drive – 45 mph

(B) 400 feet west of Sable Creek to 813 feet east of Marion Road – 45 mph

**SECTION 3.** That from the date of passage of this speed zone ordinance, a prima facie maximum speed limit of 45 miles per hour is hereby established.

**SECTION 4.** Such speed limits will be effective for a period of three (3) years or until the construction work zone and speed limit signs erected by TXDOT are removed, whichever is sooner. Thereafter, the speed limit on FM 455 within the City corporate limits will revert to a speed limit of 55 miles per hour, as provided in ARTICLE 12.500 SPEED LIMITS and SECTION 12.505 SPECIAL SPEED ZONES.

**SECTION 5.** That ARTICLE 12.500 SPEED LIMITS, SECTION 12.505 SPECIAL SPEED ZONES of the City of Sanger Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

**SECTION 6.** That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of ARTICLE 12.500 SPEED LIMITS, SECTION 12.505 SPECIAL SPEED ZONES of the City of Sanger Code of Ordinances, and the remaining portions shall remain in full force and effect. Section 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**SECTION 7.** Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in the Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

**SECTION 8.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

**SECTION 9.** Any person, firm or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in The Code of Ordinances, Section 1.109 General Penalty for Violations of Code.

**SECTION 10.** This ordinance will take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

**PASSED AND APPROVED** by the City Council of the City of Sanger, Texas, on this 1st day of August, 2022.

**APPROVED:**

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**Thomas E. Muir, Mayor**

**ATTEST:**

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**Kelly Edwards, City Secretary**

**APPROVED TO FORM:**

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**Hugh Coleman, City Attorney**

EXHIBIT A

