

## **ORDINANCE NO. 2022-26**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON EAST FARM TO MARKET HIGHWAY NO. 544 OR PARTS THEREOF, WITHIN THE INCORPORATE LIMITS OF THE CITY OF WYLIE, AS SET OUT IN THIS ORDINANCE; AND PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, 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 street or highway within the City of Wylie, Texas, taking into consideration the width and condition of the 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 thereat or thereon 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**, the City Council of the City of Wylie, Texas ("Wylie") finds it is necessary for the protection and safety for the citizens of Wylie to declare a reasonable and prudent speed for East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road as set forth in the study attached hereto as Exhibit "A" and incorporated for all purposes as if fully set forth herein.

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

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2: Establishment of Prima Facie Speed.** Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, Section 545.356, the prima facie speed limit of forty-five (45) miles per hour is hereby established for East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road as reflected in the study attached hereto as Exhibit "A" and incorporated for all purposes as if fully set forth herein.

**SECTION 3: Placement of Signs.** The City Manager or his/her designated representative is hereby authorized and directed to cause the placement or replacement of signs on East Farm to Market Highway No. 544 proceeding from Stone Road to County Line Road indicating the maximum speed allowed. The signs shall be placed at the most advantageous points to be conspicuous to approaching vehicular traffic. The sign shall be permanently affixed to a stationery post or installed on permanent buildings or walls or as approved by the City Manager or his/her designated representative. The sign shall in no way be obstructed from view, and shall comply with applicable state laws.

**SECTION 4: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being

commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5: Severability.** Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6: Penalty Provision.** Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). Wylie retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 7: Effective Date.** This Ordinance shall be effective upon its passage and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS,**  
on this 8th day of March, 2022.

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Matthew Porter, Mayor

**ATTESTED TO AND AS TO FORM:**

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Stephanie Storm, City Secretary

Date of Publication: *March 16, 2022, in The Wylie News*

## **EXHIBIT “A”**