

ORDINANCE NO. 2013-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITE OAK, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, V.T.C.A., ON A PORTION OF THAT THOROUGHFARE KNOWN AS U.S. HIGHWAY 80 ROAD WITHIN THE BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF WHITE OAK, TEXAS, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR FORMAL DESIGNATION OF SPEED LIMITS BY SIGNAGE OR OTHER REQUIRED NOTICE IN CONFORMANCE WITH STATE LAW; REPEALING ORDINANCES INCONSISTENT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 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, taking into consideration the width and condition of the pavement and other circumstances of 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 thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice are erected at such intersection or other place or part of the street or highway; and,

WHEREAS, the City has determined based on factual information and investigation, the need for the revised speed limits during construction as set out herein; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHITE OAK, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of the transportation Code, other State laws and the City Code of Ordinances, the following prima facie speed limits hereinafter 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 upon the following named streets and highways, or parts thereof, during construction, beginning in February, 2013, described as follows:

The speed limit is reduced to 45 mph along U.S. Hwy 80 from its east City Limits to Hwy 42.

Section 3. That appropriate signs and other markers shall be erected or appropriately affixed to or adjacent to the roadway in accordance with state and local law and regulations designating and notifying the traveling public of said speed zone.

Section 4. That all ordinances or parts or ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency.

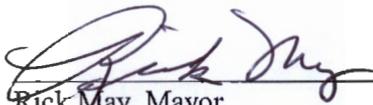
Section 5. That if any provision, section, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of this ordinance are hereby declared to be severable.

Section 6. That any person, firm, or corporation violating any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding \$200.00.

Section 7. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 8. That this ordinance shall be effective from and after its date of passage and publication as required by law.

PASSED AND APPROVED this 22nd day fo January, 2013.


Rick May, Mayor

ATTEST:


Sherry Roberts, City Secretary