

ORDINANCE NO. 61

**AN ORDINANCE SETTING A SPEED LIMIT OF 65 MILES PER HOUR ON FM 362; APPROVING ENGINEERING AND TRAFFIC INVESTIGATION; MAKING FINDINGS REGARDING A REASONABLE AND SAFE PRIMA FACIE SPEED LIMIT ON FM 362; PROVIDING FOR THE ERECTION AND MAINTENANCE OF SPEED LIMIT SIGNS; PROVIDING FOR A FINE OF NOT MORE THAN \$200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.**

WHEREAS, § 545.356, 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 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;

WHEREAS, an engineering and traffic investigation has been completed by the Texas Department of Transportation

The City Council accepts this investigation and finds and declares that the study results are correct and recommended speed limits shall be implemented.

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

- Section 1. The findings hereinabove are found to be true and accepted.
  
- Section 2. Upon the basis of an engineering and traffic investigation heretofore made 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 upon the named streets and highways, or parts thereof, described as follows:
  - (A) Along FM 362 from the North boundary line of the City of Pattison to the South boundary line of the City of Pattison, a distance of approximately 0.720 miles, 65 MPH.

## II.

The Mayor, Department of Public Works, and the Department of Transportation are authorized and instructed to coordinate the acquisition, purchase, install, post and maintain the traffic control devices provided by law and this ordinance and all amendments thereto displaying the speed limits provided by this Ordinance to vehicular traffic traveling along such highways post and maintain speed limit signs along highways within the City of Pattison. Texas displaying the speeds provided by this Ordinance to vehicular traffic traveling such highways.

## III.

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than \$200.00 upon conviction of such violation; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

## IV.

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances hereto fore passed in conflict with the terms hereof are specifically repealed.

## V.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the

intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

**VI.**

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 10<sup>th</sup> day of July, 2001.

**THE CITY OF PATTISON, TEXAS**

By: *Linda A. Anderson*  
**Linda Anderson,**  
Mayor

ATTEST:

By: *Lynda L. Fairchild*  
**Lynda Fairchild**  
City Secretary

ALDERMAN VOTING:

|               |            |
|---------------|------------|
| Ted Krenek    | <u>yes</u> |
| Bill Matthews | <u>yes</u> |
| Mikel Leff    | <u>yes</u> |
| Lynn Bell     | <u>yes</u> |
| Roy Taylor    | <u>yes</u> |