

ORDINANCE NO. 0-2014-34

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "STREETS AND TRAFFIC", ARTICLE III., "SPEED REGULATIONS", BY TEMPORARILY DECREASING THE SPEED LIMIT ON A PORTION OF U.S. HIGHWAY 69 SOUTH (SOUTH BROADWAY) FROM 55 M.P.H. TO 45 M.P.H.; DIRECTING THE LOCATION OF APPROPRIATE SIGNAGE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety, and welfare; and

WHEREAS, Texas Transportation Code Section 545.356 provides that the governing body of a municipality, for a highway or part of a highway in the municipality, has the authority to alter by ordinance *prima facie* speed limits from the results of an engineering and traffic investigation; and

WHEREAS, Texas Transportation Code Section 545.356 states that a *prima facie* speed limit that is altered by the governing body of a municipality is effective when the governing body erects signs giving notice of the new limit and at all times or at other times as determined; and

WHEREAS, Texas Transportation Code Section 311.001(a) provides that a home-rule municipality has exclusive control over and under the public highways, streets and alleys of the municipality; and

WHEREAS, Tyler City Code Section 17-61.a. provides that the Traffic Engineer shall determine on the basis of engineering and traffic surveys, the reasonable and safe maximum speed limits for each City street and submit recommendations based on such investigation to the City Council; and

WHEREAS, Tyler City Code Section 17-61.b. provides that on the basis of recommendations of the Traffic Engineer, the City Council may alter speed limits deemed necessary; and

WHEREAS, Tyler City Code Section 17-62 provides that the Traffic Engineer shall post the maximum and minimum speed limits, if any, by appropriate signs in conspicuous places so that every motorist may be aware of the speed limits; and

WHEREAS, it is important to amend the Temporary Construction Speed Limits in City Code Section 17-66 to reflect the recommended temporary change in speed limits; and

WHEREAS, Tyler City Code Section 17-30.c. states that the Traffic Safety Board shall make recommendations through the Traffic Engineer regarding traffic safety as the Board deems necessary;

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

PART 1: That Tyler City Code Chapter 17, "Streets and Traffic", Article III., "Speed Regulations", is hereby amended by modifying the following speed limits by adopting a temporary speed limit in Section 17-66 in the appropriate alphabetical order to read as follows:

<i>Street</i>	<i>Speed (miles per hour)</i>	<i>Extent</i>	<i>Time Period</i>
U.S. Highway 69 South (South Broadway)	45	From the north curbline of Cumberland Road to a point 6.497 miles south of the south curb of S.H. 64, said point being the south City limit. (Ord. 0-2010-81, 8/11/10). (Ord. No. 0-2014-36; 04/23/14)	April 25, 2014, to September 01, 2014

PART 2: That the Traffic Engineer is hereby directed to remove any existing signage that is no longer necessary and to post all appropriate new signage, as required by Tyler City Code Section 17-62, so that every motorist will be aware of the altered speed zone limits.

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be Friday, April 25, 2014.

PASSED AND APPROVED this 23rd day of April, A. D., 2014.



BARBARA BASS, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK APPROVED:
DEBORAH G. PULLUM, CITY ATTORNEY

