

ORDINANCE NO. 19-E

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 24 OF THE CODE OF ORDINANCES FOR THE PURPOSE OF AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE RATE OF SPEED IN FOREST HEIGHTS SUBDIVISION; ESTABLISHING A PENALTY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and right-of-ways constituting a speed zone within the City limits is essential and necessary to protect and to preserve the public safety of the City of Alvin, Texas (the “City”); and

WHEREAS, Section 545.356 of the Texas Transportation Code provides that a governing body of a city may 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; and

WHEREAS, an Engineer for the City conducted an engineering and traffic study and recommended the installation and erection of speed control signs; and

WHEREAS, after review, inquiry, and the opportunity for citizen participation at a public meeting, the City Council has found the speed control signs hereinafter set forth and listed in this ordinance are reasonable and necessary for the public safety and are supported by sound and accepted public safety and traffic engineering criteria;

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. That Section 24-6 of the Code of Ordinances, City of Alvin, Texas is hereby amended to read as follows:

“Sec. 24-6. Same - On specified streets and highways.

...

(rr) All streets in the Forest Heights Subdivision shall be 20 miles per hour.

Section 3. Ratification and Confirmation. The installation, placement, erection and enforcement of the traffic and speed control signs as set forth are hereby confirmed and ratified by the City Council. Each speed control location shall require traffic or motor vehicles in the designated locations to be in effect at all times and signs will be erected giving notice of the prima facie speed limit so declared to be as indicated above unless otherwise changed by another traffic control device duly placed, such as a school speed zone.

Section 4. Traffic Control Speed Signs. The City Council hereby orders and directs that the traffic speed zone signs hereinafter set forth above be placed, installed and erected at the locations designated, and that each such sign and device be hereafter maintained and enforced by the City. The signs indicate the prima facie speed limit in the direction facing the sign.

Section 5. Violation and Penalties. It shall be unlawful for any person to drive or operate a motor vehicle that enters the speed zone identified above without observing the prima facie maximum speed limit which shall remain in effect at all times unless changed by another traffic control device duly placed. It shall be unlawful for any person to drive or operate a motor vehicle upon any roadway constituting an urban district being unmarked with a speed control sign at a speed of greater than 30 miles per hour or upon any alley being unmarked with a speed control sign at a speed of greater than 15 miles per hour. Further, it shall be unlawful for any person to tamper with, alter, remove, destroy, cover or hinder the visibility, of any traffic device control device erected by this ordinance in a manner which is inconsistent with its use as a traffic control device. Any person who violates this ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine as determined in Section 1-5 of the City of Alvin Code of Ordinances.

Section 6. Repeal of Conflicting Ordinances. That except as amended herein, all other provisions of Chapter 24 of the Code of Ordinances, City of Alvin, Texas shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this ordinance and any other ordinance, the provisions of this ordinance shall control.

Section 7. Severability. Should any section or part of this ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 8. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of Chapter 52 of the Texas Local Government Code, and the City of Alvin Charter.

Section 9. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND APPROVED on this the 7th day of March 2019.

CITY OF ALVIN, TEXAS:

ATTEST:

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary