

ORDINANCE NO. 1242-06-21

AN ORDINANCE OF THE CITY OF HONDO, TEXAS ADOPTING A SPEED STRIP MAP FOR CERTAIN PORTIONS OF US HWY 90; DECLARING A PUBLIC PURPOSE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER; PROVIDING A PENALTY; REQUIRING PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, § 545.356, Texas Transportation Code, provides that whenever the City Council 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 upon any part of a highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said highway, as well as the usual traffic thereon, said Council may determine and declare a reasonable and safe *prima facie* speed limit; and

WHEREAS, an engineering and traffic investigation has been conducted to determine the maximum, reasonable and prudent speeds on the section of US 90, from approximately 998 feet west of FM 1250 (CS 24-05, MP 2.448) to the western city limit (MP 6.899), for a distance of approximately 4.451 miles; and

WHEREAS, the attached strip map reflects reducing the existing 55 mph speed zone, in the vicinity of FM 1250, to 50 mph; and reducing the 50 mph zone, from Avenue E to the eastern city limit, to 40 mph; and

WHEREAS, the City Council of the City of Hondo are of the opinion that the amended speed limits are necessary to help protect the health, safety and welfare of the citizens of Hondo;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO:

SECTION 1. ADOPTION OF SPEED STRIP MAP. The recommendations of the TXDOT study are herein adopted. The speed zones provided herein shall be applicable within the City and constitute proof of the *prima facie* reasonable speed as identified in the TXDOT study to wit:

- US 90, from approximately 998 feet west of FM 1250 (CS 24-05, MP 2.448) to the western city limit (MP 6.899), for a distance of approximately 4.451 miles
- Reducing the existing 55 mph speed zone, in the vicinity of FM 1250, to 50 mph; and
- Reducing the 50 mph zone, from Avenue E to the eastern city limit, to 40 mph.

The City shall add the speed limits provided for herein to Section 12.04.192 of the City of Hondo Code of Ordinances. TXDOT shall be responsible for the placement and maintenance of all speed limit signs located on US Highway 90.

SECTION 2. PUBLIC PURPOSE. The City Council declares that the Ordinance is in the public interest and is necessary for the good government, peace, and order of the municipality.

SECTION 3. INCORPORATION OF RECITALS. The City Council finds the recitals contained in the preamble to this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council 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 or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

SECTION 5. REPEALER. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. PENALTY. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in no to exceed \$500 in accordance with the general penalty provision found in [section 1.01.009](#) of the City of Hondo Code of Ordinances for each offense. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

SECTION 7. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is 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, Local Government Code.

SECTION 8. Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

ATTEST:

Megan Rodriguez
Interim City Secretary




JAMES W. DANNER SR., MAYOR