

ORDINANCE No. 2010-81

AN ORDINANCE OF THE CITY OF SHOREACRES, TEXAS, CREATING A CONSTRUCTION WORK ZONE FOR TRAFFIC AND TEMPORARILY REDUCING THE RATE OF SPEED THEREIN, ON STATE HIGHWAY 146 IN THE CITY LIMITS OF THE CITY OF SHOREACRES; DEFINING THE SPEED LIMIT, REQUIRING THE PLACEMENT OF SIGNS; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER AND FIXING A PENALTY THEREFOR; WITH A SAVING CLAUSE AND EFFECTIVE DATE.

IT IS HEREBY DETERMINED by the City Council of the City of Shoreacres, that construction, other than mobile operations as defined by the Texas Manual on Uniform Traffic Control Devices, is being undertaken on or near the section of highway hereinafter defined, and that in order to protect the traveling public and the workers during the construction of the intersections of Shoreacres Blvd / Choate Road and State Highway 146, it is necessary to reduce the maximum permitted speed limit during such construction period, and that the increased penalties provided by State Law for the violation of such limits should be imposed to more effectively enforce such limits; and,

THAT the speed reduction is necessary for the safe operation of traffic and protection of construction personnel, and

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHOREACRES THAT:

The Shoreacres City Code is hereby amended by adding a section, to be numbered 62-127, which section reads as follows:

Sec. 62-127. Construction work zone speed limit.

- (1) A construction work zone is hereby established in accordance with Section 472.022 of the Transportation Code of the State of Texas for all lanes of traffic (northbound and southbound) along State Highway 146 inside the city limits from Milepoint 2.740 (Control Point 0389 Section 05 Job 105) to Milepoint 5.360 (Control Point 0389 Section 05 Job 105) covering 2.62 miles.
- (2) For the above described zone the prima facie maximum speed limit of 45 miles per hour is hereby established.
- (3) Such speed limit will be effective for a period of two years ending October 31, 2012, or until the signs which are to be erected pursuant to this section are removed by the Traffic Sign Program Coordinator of the City of Shoreacres, whichever is sooner. Thereafter, the speed limit in the said construction zones will revert to the pre-construction speed limit of 55 miles per hour.
- (4) The Texas Department of Transportation or its designee, is hereby directed to erect signs marking the above described construction zones to indicate that the area is a construction work zone, to indicate where the zone begins and ends, and which state "fines double when workers present."

- (5) The driving or operating of any motor vehicle on or along any portion of the above designated construction zone at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named "The Offense of Speeding" and that the said offense is punishable by a fine in any sum not to exceed the amount established by Section 472.022 (d) (1) of the Transportation Code of the State of Texas as the same may be amended from time to time. The citation or notice to appear issued for such offense shall state on its face that workers were present when the offense was committed.

That, the City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof; and,

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

This ordinance shall become effective upon its passage and publication in accordance with law.

PASSED AND APPROVED this the _____ day of October, 2010.

ATTEST:



David K. Stall, City Secretary



Dolly Arons, Mayor