

**ORDINANCE No. 2016-201
CITY OF SHOREACRES, TEXAS**

AN ORDINANCE AMENDING SHOREACRES CITY CODE SECTION 62-121 DEFINATIONS; AMENDING SECTION 62-126 PROVIDING FOR SPECIAL SPEED ZONES UPON CERTAIN STREETS AND HIGHWAYS OR PARTS THEREOF WITHIN THE CORPORATE LIMITS OF THE CITY OF SHOREACRES, TEXAS; REPEALING SECTION 62-127 PROVIDING FOR A CONSTRUCTION WORK ZONE SPEED LIMIT IN ITS ENTIRETY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING AN EFFECTIVE DATE HEREOF.

* * * *

Whereas, the city council of the City of Shoreacres has determined that the 30 mile per hour prima facie speed limit on the city's non-thoroughfare residential streets is unreasonable or unsafe; and,

Whereas, the city council has determined that a residential speed limit of 20 miles per mile is reasonable and safe in the City of Shoreacres for non-major thoroughfare streets; and,

Whereas, the city council has the authority under Texas Transportation Code section 545.356(b-1) to declare a residential speed limit of 25 miles per hour; and,

Whereas, the county commissioner's court has the authority under Texas Transportation Code section 545.355(b)(2) to declare a speed limit of 20 miles per hour in a residential district, where the roadway has not been designated as a major thoroughfare by a city planning commission;

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

That, the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct; and,

That section 62-121 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 62-121. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Major thoroughfare, means a roadway designated as a major thoroughfare by the city planning commission.

[*Official time standards*, whenever named, means standard time or daylight saving time as may be in current use in this city.]

[*School days* means those days when pupils are in regular attendance at public or private schools.]

Traffic sign program coordinator means the director of public works for the city.

That section 62-126 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 62-126. Special speed zones.

The maximum rates of speed as prescribed in this section are the maximum, prima facie, reasonable and prudent speeds for motor vehicles operating in the special speed zones as described herein:

(a) Residential [Twenty-mile-per-hour] special speed zones.

1. Except as provided by subsection (a)(2) the speed limit on residential streets shall be 25 miles-per-hour.
2. If commissioner's court of Harris County declares the speed limit in the residential district of the City of Shoreacres as 20 miles-per-hour, the speed limit on non-major thoroughfare residential streets shall be 20 miles-per-hour.

- [1. Miramar from Fairfield to Baywood.]
- [2. North Country Club.]
- [3. Park Lane fronting on Circle Park.]
- [4. Bayou Forest Drive.]
- [5. Windleaf Drive.]

(b) *Forty-mile-per-hour special speed zones.*

1. On [Shoreacres] Shore Acres Boulevard from its intersection with State Highway 146 to its intersection with Spur 501.
2. On Spur 501 from the north city limits to the south city limits.

(c) *Forty-five-mile-per-hour special speed zones.*

1. On SH 146 direct connectors (on and off ramps).

(d) *Sixty-mile-per-hour special speed zone.* Along SH 146 from the northern limits of the City of Shoreacres to the southern limits of the City of Shoreacres, a distance of approximately 0.578 mile.

(e) Not later than February 1 of each year, the city shall publish on its Internet website and submit to the Texas Department of Transportation a report that compares for each of the two previous calendar years:

- (1) the number of traffic citations issued by peace officers of the city and the alleged speed of the vehicles, for speed limit violations on streets with a twenty five mile per hour speed zone;
- (2) the number of warning citations issued by peace officers of the city on streets with a twenty five mile per hour speed zone; and

- (3) the number of vehicular accidents that resulted in injury or death and were attributable to speed limit violations on streets with a twenty five mile per hour speed zone.

That section 62-127 of the Shoreacres City Code is hereby repealed in its entirety:

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

[(1) A construction work zone is hereby established in accordance with § 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 preconstruction 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 § 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.]

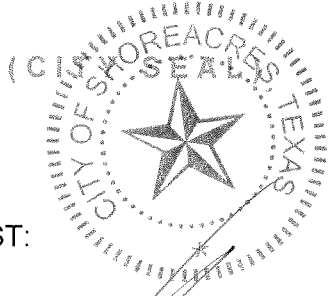
That if any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

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,

This Ordinance shall be effective upon its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of Shoreacres at least once after the passage of this ordinance.

PASSED AND APPROVED this the 11th day of April 2016.



[Signature]
Rick Moses, Mayor

ATTEST:

[Signature]
David K. Stall, CFM, TEM
City Secretary

M/2		Yea	Nay	N/V	Absent
	R. Moses	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	R. Adams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	D. Jennings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. McKown	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>M</i>	N. Schnell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Z</i>	M. Wheeler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Passed / Failed *[Signature]* 04.11.16
David Stall, City Secretary - Date

APPROVED AS TO FORM:

City Attorney