

ORDINANCE NO. 2024-1461

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, REPEALING AND REPLACING ORDINANCE NO. 2023-1429, ESTABLISHING OR ALTERING A REGULATORY SPEED ZONE ON VARIOUS STREETS OR PORTIONS OF STREETS WITHIN THE CITY; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL AND PROVIDING FOR AN EFFECTIVE DATE.

* * * * *

WHEREAS, Transportation Code section 545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways; and

WHEREAS, Transportation Code section 545.356 empowers the City of Fulshear, Texas, to alter those prima facie limits on public roads, streets, and highways in the City as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the Texas Transportation Commission; and

WHEREAS, the City has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for those portions of those certain public roads, streets, and highways described in the exhibits attached hereto; and

WHEREAS, the exhibits attached hereto describe speed zones for sections of public roads, streets, and highways where engineering and traffic investigations justify the need to alter the speeds; and

WHEREAS, the City previously adopted Ordinance No. 2023-1429, and desires to repeal and replace said ordinances with this ordinance;

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

Section 1. Ordinance 2023-1429 is hereby repealed.

Section 2. The reasonable and prudent prima facie maximum speed limits set forth in Exhibits A, B, C, D, E, F, & G which are incorporated herein by this reference, are declared as tabulated in said exhibits and, subject to section 545.356(c), Transportation Code, are in effect at the times set forth in said exhibits.

Section 3. The City Manager or his designee is hereby authorized to proceed with the erection of appropriate signs and other traffic control devices to effect this ordinance.

Section 4. **Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00), provided that if such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00), and further provided that if such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

Section 5. **Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. **Repeal.** All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 7. **Effective date.** This Ordinance shall be effective and in full force when published as required by law.

The remainder of this page is intentionally left blank

PASSED, APPROVED, and ADOPTED this, _____ day of _____, 2024.

Don McCoy
Mayor

ATTEST:

Mariela Rodriguez
City Secretary