

ORDINANCE NO. 2021-

AN ORDINANCE TO SET A 40 MPH SPEED LIMIT ALONG ERVIN AVENUE FROM THE INTERSECTION WITH CALDER DRIVE TO THE INTERSECTION WITH HOBBS ROAD, A DISTANCE OF APPROXIMATELY 0.61 MILES; PROVIDING FOR A PENALTY; REQUIRING PUBLICATION; AND ESTABLISHING 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 League City, 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 investigation to determine reasonable and safe prima facie maximum speed limit along Ervin Avenue from the intersection with Calder Drive to the intersection with Hobbs Road, approximately 0.61 miles; and

WHEREAS, the engineering and traffic investigations justify the need to alter the speed limit along Ervin Avenue from the intersection with Calder Drive to the intersection with Hobbs Road, approximately 0.61 miles;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of § 545.356, Texas Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof, described as follows:

- a. along Ervin Avenue from the intersection with Calder Drive to the intersection with Hobbs Road, approximately 0.61 miles, the speed limit shall be 40 MPH.

Section 2. The City Manager or designee is authorized and directed to place and install appropriate signs for the speed limit established in Section 1.

Section 3. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One and No/100 Dollar (\$1.00) nor more than Two Hundred and No/100 Dollars (\$200.00).

Section 4. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED second reading the \_\_\_\_ day of \_\_\_\_\_, 2021.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 2021.

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PAT HALLISEY  
Mayor

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney