

ORDINANCE 20-026

AN ORDINANCE OF THE CITY OF GALVESTON TEXAS AMENDING THE CITY CODE OF THE CITY OF GALVESTON 1982, AS AMENDED, CHAPTER 34 “TRAFFIC”, ARTICLE III, “VEHICLE OPERATION” SECTION 34-59; ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UTILIZING FM 3005 WITHIN THE CITY OF GALVESTON PURSUANT TO THE PROVISIONS OF TEXAS TRANSPORTATION CODE §545.356, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION STUDY, UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY OF GALVESTON AS SET OUT IN THIS ORDINANCE; AMENDING CITY CODE; PROVIDING FOR FINDINGS OF FACT RELATED THERETO; PROVIDING A PENALTY OF A FINE FOR THE VIOLATION OF THIS ORDINANCE IN AN AMOUNT NOT TO EXCEED THAT ALLOWED BY STATE LAW, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation is the designated agency within the State given authority to set speed limits on state roads and highways in Texas; and,

WHEREAS, FM 3005 is a state road or highway under the primary jurisdiction of the Texas Department of Transportation, hereinafter referred to as “TxDOT”; and,

WHEREAS, pursuant to Texas Transportation Code 545.352 speed limits on various state roads and highways have been imposed at a level that is reasonable and prudent, and is referred to as the “presumptive speed limit”; and,

WHEREAS, a municipality in Texas is given authority to alter the presumptive speed limit pursuant to Texas Transportation Code § 545.356; and,

WHEREAS, Texas Transportation Code § 545.356 provides that whenever the governing body 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 at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and,

WHEREAS, an engineering and traffic investigation study has been conducted by TxDOT pursuant to Texas Transportation Code 545.356 and the results presented to the City of Galveston; and,

WHEREAS, the City Council of the City of Galveston finds it to be in the best interests of the citizens of the City of Galveston to avail itself of the results of that study by adopting the recommendations set forth herein.

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

SECTION 1. The findings and recitations set fort in the preamble to this Ordinance are fund to be true and correct and they are adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Texas Transportation Code § 545.356, 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:

Along FM 3005 from the intersection of the Spur 342 (61st Street) to the intersection of 7 Mile Rd. a distance of approximately 3.253 mile, the speed limit shall be 40 miles per hour.

Along FM 3005 from the intersection of 7 Mile Rd. to Sunbather Ln. a distance of approximately 2.049 mile, the speed limit shall be 50 miles per hour.

Along FM 3005 from the intersection of Sunbather Ln. to the intersection of 11 Mile Rd. a distance approximately 1.957 mile, the speed limit shall be 55 miles per hour.

Along FM 3005 from the intersection of 11 Mile Rd. to a point approximately 3749 feet west of the intersection of Park Rd. a distance of approximately 2.741 mile, the speed limit shall be 50 miles per hour.

Along FM 3005 from a point approximately 3749 feet west of the intersection of Park Rd. to the east city limit of the City of Jamaica Beach, a distance of approximately 0.491 mile, the speed limit shall be 45 miles per hour.

Along FM 3005 from the west city limit of the City of Jamaica Beach to a point approximately 370 feet west of the intersection of 16 Mile Rd. a distance of approximately 0.415 miles, the speed limit shall be 40 mile per hour.

Along FM 3005 from a point approximately 370 feet west of the intersection of 16 Mile Rd. to a point approximately 1320 feet west of the intersection of Bay Water Dr/Jetty Dr., a distance of approximately 9.284 mile, the speed limit shall be 50 mile per hour.

Along FM 3005 from a point approximately 1320 feet west of the intersection of Bay Water Dr/Jetty Dr. to the west city limit of the City of Galveston, a distance of approximately 0.409 mile, the speed limit shall be 45 miles per hour.

SECTION 3. In conformity with the adoption of the speed zones set forth in the preceding Section 2, the City Code of the City of Galveston 1982, as amended, Chapter 34, “Traffic”, Article III. “Vehicle Operation”, Section 34-59 is amended to provide and read as follows:

Sec. 34-59. - Decrease of state law maximum speed.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law outside of business and residence districts as applicable upon the following streets, is greater than is reasonable or safe under the conditions found to exist upon such streets, and the maximum speed shall be as set forth below:

(b) *limit 45 miles per hour:*

- (1) Harborside Drive from I.H. Frontage Road to five hundred seventy (570) feet west of 33rd Street.
- (2) Seawolf Parkway from Bradner to Seawolf Park.
- (3) Bradner Street.
- (4) Seawall Boulevard from Ferry Road easterly.
- (5) Stewart Road from 85th Street to the westerly city limits.
- (6) ~~Reserved.~~
- (7) 7½ Mile Road from Stewart Road to Termini Road (F.M. 3005).
- (8) 8 Mile Road (Anderson Ways) from a point twenty-five-hundredths (0.25) mile south of Sportsman Road to Termini Road (F.M. 3005).
- (9) 9 Mile Road from Homrighaus Road to Stewart Road.
- (10) 10 Mile Road (Auzston Road) from Homrighaus Road to Stewart Road.
- (11) 13 Mile Road from Stewart Road to a point twenty-five hundredths (0.25) mile north of Termini Road (F.M. 3005).
- (12) FM 3005 from Spur 342 (61st Street) to a point approximately seven hundred thirty-nine (739) feet west of 7 Mile Road, a distance of approximately 3.390 miles.
- (13) FM 3005 from a point approximately four thousand one hundred seventy-one (4,171) feet west of three thousand seven hundred forty nine feet west of the intersection of Park Road to the east city limits of Jamaica Beach, a distance of approximately 0.400 0.491 miles.
- (14) FM 3005 from a point approximately 1320 feet west of the intersection of Bay Water/Jetty Drive to the west city limit of the City of Galveston, a distance of approximately 0.409 miles.
- (15) Ferry Road to the U.S. Marine Corps Training Center, a distance of 0.884 miles.

(16) — Reserved.

(17) — Reserved.

(18) — Reserved.

(c) *Speed limit 50 miles per hour:*

(1) IH 45 Main Lane from centerline of 59th Street to the centerline of 67th Street a distance of 0.771 miles.

(2) Reserved.

(3) — FM 3005 from a point approximately seven hundred thirty-nine (739) feet west of 7 Mile Road to a point approximately one thousand two hundred sixty-seven (1,267) feet west of Sunbather Lane, a distance of approximately 1.652 miles.

(4) FM 3005 from a point approximately three thousand one hundred sixty-eight (3,168) feet west of Pabst Road to a point approximately four thousand one hundred seventy-one (4,171) feet west of Park Road, a distance of approximately 3.069 miles.

(5) — FM 3005 from to a point approximately three hundred seventy (370) feet west of 16 Mile Road to a point approximately 1.320 mile west of Indian Beach Drive, a distance of approximately 0.960 mile.

(6) — FM 3005 from a point approximately five thousand sixty-nine (5,069) feet west of Sausalito Drive to the San Luis Pass Toll Bridge, a distance of approximately 0.300 miles.

(7) FM 3005 from the intersection of 7 Mile Road to the intersection of Sunbather Lane, a distance of approximately 2.049 miles.

(8) FM 3005 from the intersection of 11 Mile Road to a point approximately 3749 feet west of the intersection of Park Road to the east city limit of the City of Jamaica Beach a distance of approximately 2.741 miles.

(9) FM 3005 from a point approximately 370 feet west of the intersection of 16 Mile Road to a point approximately 1320 feet west of the intersection of Bay Water Drive/Jetty Drive a distance of approximately 9.284 miles.

(d) ***

(e) *Speed limit 55 miles per hour:*

(1) FM 3005 from the intersection of Sunbather Lane to the intersection of 11 Mile Road, a distance of approximately 1.957 miles.

Reserved.

(2) FM 3005 from a point approximately one thousand two hundred sixty-seven (1,267) feet west of Sunbather Lane to a point approximately three thousand one

hundred sixty-eight (3,168) feet west of Pabst Road, a distance of approximately 1.980 miles.

(3) FM 3005 from a point approximately 1,320 mile west of Indian Beach Drive to a point approximately five thousand sixty-nine (5,069) feet west of Sausalito Drive, a distance of approximately 8.242 miles.

(f) ***

(h) *Speed limit 40 miles per hour:*

(1) Apffel Park Road from Lakeside Drive to the entrance to R.A. Apffel Park.

(2) FM 3005 from the Jamaica Beach west city limits to a point approximately three hundred seventy (370) feet west of 16 Mile Road, a distance of approximately 0.698 0.415 miles.

(3) FM 3005 from Spur 342 (61st Street) to the intersection of 7 Mile Road, a distance of approximately 3.253 miles.

SECTION 4. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount as authorized by State law.

SECTION 5. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 6. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD S. GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on March 24, 2020, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2020.

Secretary for the City Council
of the City of Galveston