

ORDINANCE NO. 2024-082

AN ORDINANCE AMENDING SECTION 25-133.1 "TEMPORARY CONSTRUCTION SPEED ZONE" OF ARTICLE VI "SPEED REGULATIONS" IN CHAPTER 25 "TRAFFIC AND VEHICLES," OF THE CODE OF ORDINANCES OF THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, TO ADOPT A TEMPORARY CONSTRUCTION SPEED ZONE OF 45 MILES PER HOUR ON FARM-TO-MARKET ROAD 434 FROM U.S. HIGHWAY 77 BUSINESS ROUTE (LASALLE AVENUE) TO LOOP 340; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Section 545.352 of the Texas Transportation Code establishes prima facie reasonable and prudent speed limits for streets and highways situated in the State of Texas; and

WHEREAS, Section 545.356(b) of the Texas Transportation Code gives the governing body of a municipality the same authority as the Texas Transportation Commission to alter prima facie speed limits when a highway is under repair, construction, or maintenance; and

WHEREAS, Chapter 2, Section 3 of the *Procedures for Establishing Speed Zones* adopted by the Texas Transportation Commission states that normal speed studies are not required on sections of a highway under construction; and

WHEREAS, construction will soon commence on the Farm-to-Market Road 434 from U.S. Highway 77 Business Route (Lasalle Avenue) to Loop 340 as part of the FM 434 project (Project CSJ 0833-04-0422),

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

Section 1. That Section 25-133.1 "Temporary Construction Speed Zone" of Article VI "Speed Regulations" in Chapter 25 "Traffic and Vehicles," of the Code of Ordinances of the City of Waco, Texas, shall be and is hereby amended as follows (~~deletion~~/ addition):

Sec. 25-133.1. Temporary construction speed zone.

(a) During construction of the "Mall to Mall" project (Project CSJ 0258-09-142), ("Project"),

the temporary speed limit shall be 45 miles per hour on the State Highway 6 frontage roads from Beverly Dr to the Robinson City Limits. This temporary speed limit shall expire upon completion of the Project. It shall be unlawful for any person to drive a motor vehicle at a speed in excess of the speed so declared in this section when signs are in place giving notice thereof.

- (b) During construction of the FM 434 project (Project CSJ 0833-04-0422), ("Project"), the temporary speed limit shall be 45 miles per hour from U.S. Highway 77 Business Route (Lasalle Avenue) to Loop 340. This temporary speed limit shall expire upon completion of the Project. It shall be unlawful for any person to drive a motor vehicle at a speed in excess of the speed so declared in this section when signs are in place giving notice thereof.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

Section 5. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 6. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a fine of not less than \$1.00 or more than \$200.00.

Section 7. That this ordinance shall take effect upon its passage as provided by the City Charter of the City of Waco.

Section 8. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: the 16th day of January 2024.

Second Reading: the 6th day of February 2024.

Dillon Meek, Mayor,
City of Waco, Texas

ATTEST:

Michele Hicks, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney