

## **ORDINANCE NO. 2248**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING SECTION 118-55, "SCHEDULE OF MAXIMUM SPEED LIMITS," OF THE CITY OF BRYAN CODE OF ORDINANCES, BY REVISING SPEED ZONES ON GROESBECK STREET, LEONARD ROAD, AND ON FARM TO MARKET ROAD 1688; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of a 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 of 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 by the passage of an ordinance, which shall be effective when appropriate signs giving notice are erected at such intersection or other place or part of the street or highway; and

**WHEREAS**, the City of Bryan has adopted Chapter 118, "Traffic and Vehicles," of the City of Bryan Code of Ordinances, which controls and regulates the movement of vehicles within the City which includes Section 118-55, "Schedule of Maximum Speed Limits," which establishes speed limits for certain urban streets; and

**WHEREAS**, the City Council has determined, based on traffic studies conducted by staff, that there is a need to modify the speed limit along Groesbeck Street from North Harvey Mitchell Parkway (FM 2818) to Finfeather Road; and

**WHEREAS**, there is a need to modify the current ordinance governing the speed limit along Leonard Road (FM 1688) to reflect the present location of the western City Limit;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:**

1.

Section 118-55 of the City of Bryan Code of Ordinances is amended as follows:

*Farm to Market Road 1688 (Leonard Road):* The following are specifically designated areas in which the following rates of speed are authorized:

- (1) For traffic moving in both directions, from the western City Limits to the intersection of North Harvey Mitchell Parkway (Farm to Market Road 2818), the speed limit shall be 50 miles per hour.

*Leonard Road:* The following are specifically designated areas in which the following rates of speed are authorized:

- (1) For traffic moving in both directions, from the intersection of North Harvey Mitchell Parkway (Farm to Market Road 2818) to the intersection of Bittle Lane, the speed limit shall be 40 miles per hour.

*Groesbeck Street:* The following are specifically designated areas in which the following rates of speed are authorized:

- (1) For traffic moving in both directions, from the intersection of Bittle Lane to the intersection of Finfeather Road, the speed limit shall be 40 miles per hour.

2.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

3.

That all rights or remedies of the City of Bryan, Texas are expressly saved as to any and all violations of the provisions of Chapter 118 of the City Code and of any other ordinances affecting motor vehicles and traffic which have accrued at the time of the effective date of this ordinance; and, as to all such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

4.

That 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 shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

5.

That it is the intention for the city council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

6.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for a violation thereof, and the effective date of the ordinance.

7.

A violation of this ordinance shall be a misdemeanor punishable by a fine as established by Title 7 of the Texas Transportation Code, which is an amount not less than \$1 and not more than \$200 or as may be amended.

8.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

9.

This ordinance shall go into effect immediately after its second and final reading, publication in a newspaper of general circulation, and after the city erects signs in accordance with state law posting notice of the new speed limits.

PRESENTED AND GIVEN first reading the 10<sup>th</sup> day of October, 2017 at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, PASSED AND APPROVED on the 16<sup>th</sup> day of October, 2017 by a vote of \_6\_ yeses and \_0\_ noes at a special meeting of the City Council of Bryan, Texas.

**ATTEST:**

**CITY OF BRYAN, TEXAS:**

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Mary Lynne Stratta, City Secretary

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Andrew Nelson, Mayor

**APPROVED AS TO FORM:**

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Janis K. Hampton, City Attorney