

ORDINANCE NO. O-1409

AN ORDINANCE OF THE CITY OF FATE, TEXAS, CREATING A CONSTRUCTION WORK ZONE AND TEMPORARILY REDUCING THE RATE OF SPEED TO 65 MILES PER HOUR FOR VEHICLES UPON INTERSTATE HIGHWAY 30, WITHIN THE CORPORATE LIMITS OF THE CITY OF FATE, AS SET OUT IN THIS ORDINANCE; DEFINING THE SPEED LIMIT; REQUIRING THE PLACEMENT OF SIGNS; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTION HEREUNDER; PROVIDING A PENALTY; AND PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council has determined Interstate Highway 30 within the corporate limits of the City of Fate is currently under construction by the Texas Department of Public Safety (TXDOT) and TXDOT has recommended a speed limit of 65 miles per hour for the duration of the construction project; and

WHEREAS, the City Council has further determined that it is necessary to reduce the prima facie speed limit of 70 miles per hour, as set by Ordinance No. O-1408, during such construction period, and that the increased penalties provided by State Law for the violation of such speed limits should be imposed to more effectively enforce such speed limits; and

WHEREAS, the City Council has further determined the 65 miles per hour speed limit would provide for and would be in the best interest of the health, safety, and general welfare of the City of Fate.

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

Section 1. That the above findings are hereby found to be true and correct and are incorporated as if fully set forth herein.

Section 2. A construction work zone is hereby established in accordance with Section 472.022 of the Texas Transportation Code for all lanes of traffic on Interstate Highway 30 from the eastern city limits to the western city limits.

Section 3. That from the date of passage of this speed zone ordinance, a prima facie maximum speed limit of 65 miles per hour is hereby established.

Section 4. Such speed limits will be effective for a period of two (2) years or until the construction work zone and speed limit signs erected by TXDOT are removed, whichever is sooner. Thereafter, the speed limit on Interstate 30 within the City corporate limits will revert to a speed limit of 70 miles per hour, as provided by Ordinance No. O-1408.

Section 5. That the Texas Department of Transportation has previously erected appropriate construction work zone and speed limit signs indicating such speed zones and it is not necessary for the City to erect such signs.

Section 6. That a conviction of a violation of the terms of this ordinance shall be a misdemeanor punishable in accordance with Section 28-40 of the Fate Code of Ordinances, as amended.

Section 7. That Chapter 28, Traffic and Vehicle Ordinance of the City of Fate Code of Ordinances, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 8. That if any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or its application to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect, for any reason, the validity of the remaining portions of Chapter 28, Traffic and Vehicle Ordinance of the City of Fate Code of Ordinances, and the remaining portions shall remain in full force and effect.

Section 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FATE, TEXAS on this 1st day of June, 2015.

APPROVED:

Lorne Megyesi, Mayor

ATTEST:

Victoria Raduechel, City Secretary

APPROVED AS TO FORM:

Brenda N. McDonald, City Attorney