

**CITY OF LUMBERTON, TEXAS**  
**ORDINANCE NO. 24-1281**

AN ORDINANCE OF THE CITY OF LUMBERTON, TEXAS AMENDING CHAPTER 48 (TRAFFIC AND VEHICLES), SECTION 48-3 OF THE CODE OF ORDINANCES TO INCORPORATE THE TEXAS DEPARTMENT OF PUBLIC SAFETY'S SPEED ZONE SURVEY DATED 03/27/24 IMPLEMENTING REDUCED SPEED OF 55 MPH ALONG US HWY 96, MILE POINTS 10.005 – 10.800; PROVIDING A SEVERABILITY, SAVING CLAUSE, CONFLICTING ORDINANCES CLAUSE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the city previously adopted Chapter 48, Section 3 which provides for the regulation of vehicle speed along state-maintained highways;

WHEREAS, the city secretary has on file a speed zone strip map which is periodically updated pursuant to surveys conducted by the Texas Department of Transportation;

WHEREAS, the Texas Department of Transportation conducted a survey dated March 27, 2024 of US Hwy 96, mile points 10.005 – 10.800 (0.795 mi) concluding the existing speed limit of 65 mph should be reduced to 55 mph based on eighty-five percentile speed and traffic and engineering investigations, See *Exhibit A attached hereto and incorporated herein for all purposes*;

WHEREAS, it is the desire of the City Council to include the March 27, 2024 survey of the Texas Department of Transportation under Chapter 48, Section 3 and to update the city's speed zone strip map accordingly.

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

**Section 1.**     Finding of Fact. The above and forgoing recitals are hereby found to be true and correct and are incorporated herein as finding of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

**Section 2.**     Chapter 48 –Traffic and Vehicles, Article I. – Section 48-3 should be amended to read as follows:

**Sec. 48-3. Regulating speed on state-maintained highways.**

- (a) The maximum legal speed limits of all vehicles, in the city limits of Lumberton on the following highways shall be as set forth in each zone as shown on the speed zone strip map on file in the office of the city secretary/treasurer, based on 85 percentile speed, and traffic and engineering investigations made by the Texas Department of Transportation. Said speed zone strip map is hereby made a part of this chapter and is as follows:

Highway	Survey date
FM 3513	May 2, 2000
US 96 at boardwalk	July 5, 2005
US 96 (south city limits to north city limits)	December 1, 2019
FM 421 (US Hwy 69 at mile point 13.225 to US Hwy 96 at mile point 14.115)	May 14, 2020
US 69 (mile point 12.530 to 12.151)	October 27, 2021
US 69 (mile point 12.151 to 10.947)	October 27, 2021
Feeder Road between US 69 & US 96	November 8, 2021
<u>US 96 (mile point 10.005-10.800)</u>	<u>March 27, 2024</u>

- (b) Any person who violates any provision of this section or who shall neglect to comply with the terms hereof shall be deemed guilty of a class C misdemeanor, and upon conviction, shall be fined in the amount prescribed by state law and the violation of the posted maximum speed in each zone of the speed zone strip map and each time each maximum speed in each zone is violated, constitutes a separate offense.

(Ord. No. 00-1149, §§ I, II, 6-26-2000; Ord. No. 06-1167, §§ I, II, 1-23-2006; Ord. No. 20-1243, §§ I, II, 5-26-2020; Ord. No. 20-1245, § I, 8-24-2020; Ord. No. 22-1260, § I, 2-14-2022)

**Section 3.** Savings Clause. All rights and remedies of the City of Lumberton are expressly saved as to any and all violations of the provisions of any ordinances affecting the adopted ordinances within the City which have accrued at the time of the effective date of these ordinance amendments; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by these ordinance amendments but may be prosecuted until final disposition by the courts.

**Section 4.** Severability. Should any section or part of these ordinances be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

**Section 5.** Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of

such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**Section 6.**     Effective Date. The City Secretary of the City of Lumberton is hereby directed to publish the caption, the penalty and effective date in the official newspaper at least once within ten (10) days after the passage of this ordinance. This ordinance shall take effect upon adoption and publication as required by law.

**Section 7.**     Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

CERTIFICATE

I hereby certify that the foregoing was presented to the City Council for the City of Lumberton, Texas during a meeting on the 10th day of June, 2024 for a first reading and again on the 24th day of June, 2024 for a second reading. A quorum of the City Council being then present at both readings, it was then duly moved and seconded that the foregoing be adopted, and such was then adopted.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL FOR THE CITY OF LUMBERTON, TEXAS, on the 24th day of June, 2024.

By: \_\_\_\_\_  
Don Surratt, Mayor  
City of Lumberton, Texas

ATTEST:

\_\_\_\_\_  
Darla Harrington, City Secretary

## EXHIBIT A:

US 96 Zone #	Mile Points	Length(mi)	Existing Speed (mph)	Proposed Speed (mph)	City	
4	10.005-10.800	0.795	65	55	Lumberton	

