



ORDINANCE NO. 438-2016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS, AMENDING VENUS CODE OF ORDINANCES CHAPTER 30 TRAFFIC AND VEHICLES, ARTICLE II. SPEED, SECTION 30-31 TO EXPAND THE EXISTING SCHOOL CROSSING ZONES NEAR THE VENUS INDEPENDENT SCHOOL DISTRICT SCHOOL BUILDINGS AND TO REPEAL SECTION 30-33 AS CONFLICTING WITH OTHER PROVISIONS OF CHAPTER 30 TRAFFIC AND VEHICLES, ORDERING PUBLICATION, CONFIRMING OPEN MEETINGS ACT COMPLIANCE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING A REPEALER CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas ("City"), is a Type A general law city operating pursuant to the laws of the State of Texas, by and through its duly elected council members;

WHEREAS, the City Council ("Council") of the City serves as the elected governing body of the City directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants;

WHEREAS, the City is authorized and empowered to adopt and enforce ordinances, not inconsistent with state law, that are necessary to protect the safety of its inhabitants (TEXAS LOCAL GOVERNMENT CODE § 51.012);

WHEREAS, the City is authorized by TEXAS TRANSPORTATION CODE Section 545.356 and TEXAS ADMINISTRATIVE CODE Title 43, Part 1, Chapter 25, Subchapter B, Rule Section 25.24 to alter the prima facie speed limits on an officially designated or marked highway of the state highway system within its municipal boundaries;

WHEREAS, the City is authorized to establish a school crossing zone on a street near a public or private elementary or secondary school during times when children are going to the school or leaving the school to facilitate safe crossing of the children;

WHEREAS, the City, the TEXAS TRANSPORTATION COMMISSION and the Texas Department of Transportation ("TxDOT") have conducted previous traffic studies of the street and highways of the City to help determine speed limits less than the prima facie speed limits set by the TEXAS TRANSPORTATION CODE;

WHEREAS, the City adopted Ordinances 84, 2-21-1983, 151-91, 11-12-1991, 333-2007 and 8-12-2007, 359-2009, 7-13-2009, 360-2009 and 399-2015 to regulate the speed limits on city streets and highways within the City;

WHEREAS, police and citizen concerns have arisen over the increased number of children walking from developed subdivision areas to the several Venus Independent School District (“VISD”) schools, oftentimes with the students’ path being over congested, narrow roadways where sidewalks are not available and no designated area exists for crossing safely at times;

WHEREAS, the police department has reviewed and monitored the areas around the school properties, namely Farm to Market (F.M.) 157, Bulldog Drive, Locust Street, East County Road 109, Oak Street and Walnut Street to determine how to create a safe way for children to make their way to school without inhibiting travel through the area by motorists;

WHEREAS, police presence, public education and traffic enforcement in the area have not removed the unsafe conditions for children crossing these roadways;

WHEREAS, the city administration team met recently with VISD leadership to review the police department findings and created a comprehensive plan to address the issue which includes the addition crosswalk markings on roadways, employing crossing guards and expanding the already existing school crossing zone to support reduced speed limits during certain hours when children are coming and going from the VISD schools;

WHEREAS, the city administration team took their VISD approved plan for crosswalks and expanding the school crossing zone to TxDOT and earned their endorsement and approval of the plan¹;

WHEREAS, the city, with approval from TxDOT, is responsible for adopting an ordinance in order to alter the prima facie speed limit and expand a school crossing zone²;

WHEREAS, a review of the VENUS CODE OF ORDINANCES revealed that Section 30-33 first adopted in 1983 conflicts with Section 30-31 of Chapter 30, and as Section 30-31 is the controlling section, the City Council finds Section 30-33 should be repealed in its entirety;

WHEREAS, the Council has adopted the CITY OF VENUS CODE OF ORDINANCES, as is permitted by TEXAS LOCAL GOVERNMENT CODE Section 53; and

WHEREAS, the Council hereby finds that the recitals included herein justify the expansion of the school crossing zone on the streets and state highway located at and near the VISD schools as well as the creation of crosswalk(s) in the area to promote the safety of all children traveling to and from school.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS THAT THE CITY OF VENUS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

SECTION ONE. AMENDMENT OF CHAPTER 30 – TRAFFIC AND VEHICLES, ARTICLE II. – SPEED, SECTION 30-31. SPEED LIMITS GENERALLY.

Chapter 30 – Traffic and Vehicles, Article II. – Speed, Section 30-31. Speed Limits Generally, of the CITY OF VENUS CODE OF ORDINANCES shall be amended as follows:

¹ TEXAS ADMINISTRATIVE CODE Title 43, Part 1, Chapter 25, Subchapter B, Rule Section 25.21(a)(3)(B)(ii).

² TEXAS ADMINISTRATIVE CODE Title 43, Part 1, Chapter 25, Subchapter B, Rule Section 25.21(a)(3)(B)(i).

Sec. 30-31. – Speed limits – Generally.

No person shall operate a motor vehicle at a speed in excess of 20 miles per hour on any street or roadway within the city limits, except:

- (1) U.S. Highway 67, which speed limits are established by the state;
- (2) Farm to Market (F.M.) 157, which non-school crossing zone speed limits are established by the state;
- (3) School zones which have a maximum speed of 15 miles per hour from 7:00 a.m. to 8:00 a.m. and 3:00 p.m. to 4:00 p.m. on school days and are the following:
 - a. Third (3rd) Street from Locust Street to 300 feet west of Hickory Street.
 - b. Fourth (4th) Street from Locust Street to 300 feet west of Hickory Street.
 - c. Locust Street from Third (3rd) Street to 300 feet south of Bulldog Drive.
 - d. Hickory Street from 300 feet north of Third (3rd) Street to 300 feet south of Fourth (4th) Street.
 - e. Sixth (6th) Street from Oak Street to Locust Street.
 - f. Eighth (8th) Street from Farm to Market (F.M.) 157 to Locust Street.
 - g. Bulldog Drive from 300 feet north of Locust Street to Johnson County Road 214 and continuing on to 500 feet south of Johnson County Road 109.
 - h. Student Drive from Eighth (8th) Street to County Road 214.
 - i. Johnson County Road 109 to 500 feet west of Johnson County Road 214.
 - j. Farm to Market (F.M.) 157 from 300 feet north of Fifth (5th) Street to 300 feet east of Oak Street.
- (4) The following rural roads shall have a 30 mile per hour speed limit:
 - a. Johnson County Road 214 from Bulldog Drive to F.M. 1807;
 - b. Johnson County Road 109 from Johnson County Road 214 to Johnson County-Road 213; and
 - c. Johnson County Road 620 from F.M. 157 to the city limits.

SECTION TWO. REPEAL OF CHAPTER 30 – TRAFFIC AND VEHICLES, ARTICLE II. – SPEED, SECTION 30-33. SAME-RESTRICTIONS NEAR SCHOOLS.

Chapter 30 – Traffic and Vehicles, Article II. – Speed, of the CITY OF VENUS CODE OF ORDINANCES shall be amended to repeal Section 30-33 in its entirety as follows:

Sec. 30-33. Repealed.

SECTION THREE. PUBLICATION

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the City, the caption, publication clause and effective date clause of this ordinance in one issue of the

official newspaper of the City, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed to incorporate the provisions of this Ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to www.municode.com for incorporation and online publication.

SECTION FOUR. OPEN MEETINGS ACT COMPLIANCE

The Council and Mayor are committed to open government and are strong supporters of The TEXAS OPEN MEETINGS ACT. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

SECTION FIVE. SEVERABILITY

Should any article, section, clause, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The Council hereby declares that it would have passed this Ordinance, and each article, section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.

SECTION SIX. REPEALER

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION SEVEN. EFFECTIVE DATE

This Ordinance shall become effective immediately from and after its passage by Council.

PASSED AND APPROVED by the City Council of the City of Venus, Texas, on this the 12th day of September, 2016.


JAMES BURGESS – MAYOR

9-17-16
DATE

ATTEST:


RANA GAMEL – CITY SECRETARY

9-12-16
DATE

APPROVED AS TO FORM:


CASS ROBERT CALLAWAY – CITY ATTORNEY

9/12/2016
DATE