

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS, AMENDING CHAPTER 42 ARTICLE II, DIVISION 2, SECTION 42-54 (SPEED LIMIT SCHEDULE) OF THE CITY OF VAN ALSTYNE CODE OF ORDINANCES, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES AND DESIGNATING A SCHOOL ZONE UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY 5, NEWPORT DRIVE, WILLIAMS WAY, CARUTH DRIVE AND COLLIN MCKINNEY PARKWAY. OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE CITY OF VAN ALSTYNE, AS SET OUT IN THIS ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH VIOLATION; PROVIDING FOR SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City of Van Alstyne ("City") is a Home Rule Municipality located in Grayson and Collin Counties created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS:**

**SECTION 1. RECITALS INCORPORATED.** The findings recited above are incorporated as if fully set forth in the body of this Ordinance.

**SECTION 2. REQUIREMENTS MET.** Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, Section 545.356, the prima facie speed limits, hereafter indicated for vehicles, in Section 3 below are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highway.

**SECTION 3. AMENDMENT.** Chapter 42, Article II, "Traffic Schedules," Section 42-54, entitled "Speed limit schedule." of the City of Van Alstyne Code of Ordinances is hereby amended to read as follows (with deletions being struck through, additions being underlined, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby ratified and affirmed):

|   |   |  |                                |
|---|---|--|--------------------------------|
| <del>"School Zones—Only on school days between the hours of 7:00 a.m. and 9:00 a.m. and the hours of 2:00 p.m. to 4:00 p.m. All of the below-stated school speed zones shall be effective in the areas</del><br><u>between the school zone signage and in effect on days when school is in session for the periods beginning 30 minutes before the start of school and ending 30 minutes after the start of school; starting again 30 minutes before the end of school and ending 30 minutes after school ends for the day.</u> |   |  |                                |
| State Highway 5   | From mile point 6.661 to mile point 6.922 |  | 35 mph Ord. No. 633, 4-13-2010 |
|   | From mile point 7.125 to mile point 7.446 |  | 35 mph Ord. No. 633, 4-13-2010 |

|                         |  |        |   |
|-------------------------|--|--------|---|
|                         | From mile point 8.967 to mile point 9.211  |        | 30 mph Ord. No. 633, 4-13-2010, up to <del>\$200.00</del> \$500.00 fine |
| Newport Drive           | <del>From highway 5 to a point 300 feet west of the Caruth Drive and Newport Drive intersection</del>  | 20 mph | 20 mph Ord. No. 503, 9-11-2001, up to <del>\$200.00</del> \$500.00 fine |
| Williams Way            | <del>Both directions of traffic on Williams Way from the intersection of Williams Way and Waco Street through to the intersecting of Williams Way and Mosby Drive</del>        | 20 mph | Ord. No. 1022; up to \$500.00 fine                                      |
| Caruth Drive            | <del>Both directions of traffic on Caruth Drive from the intersection of Caruth Drive and Newport Drive through to the intersection of Caruth Drive and Providence Drive</del> | 20 mph | Ord. No. 1022; up to \$500.00 fine                                      |
| Collin McKinney Parkway | <del>Both directions of traffic on Collin McKinney Parkway from the intersection of Van Alstyne Parkway through to the intersection of Cartwright Road</del>                   | 20 mph | Ord. No. 1022; up to \$500.00 fine”                                     |

**SECTION 4. SIGNS AUTHORIZED.** The City Manager of the City of Van Alstyne is hereby authorized to cause to be erected appropriate signs indicating such speed zones.

**SECTION 5. PENALTY.** Any person, firm, corporation, or entity violating the Ordinance, or any provision of Van Alstyne’s Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$ 500.00). Each continuing day’s violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 6. SAVINGS/REPEALING CLAUSE.** This ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 7. SEVERABILITY.** Should any section, 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. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 8. STATUTORY REFERENCES.** Any reference in this Ordinance to state law or a state statute refers to that law or statute as it presently exists or may subsequently be amended.

**SECTION 9. PUBLICATION.** The City Secretary is hereby directed to publish the caption of this ordinance, which summarizes its purpose and penalty, in accordance with Texas Local Government Code Section 52.013 and the City of Van Alstyne, Texas Charter, Chapter 10.02.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS  
ON THIS 13<sup>TH</sup> DAY OF AUGUST, 2024.**

APPROVED:

ATTEST:

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**Jim Atchison, Mayor**

**Susan Coffey, City Secretary**

PUBLISHED IN THE HERALD DEMOCRAT ON \_\_\_\_\_