

ORDINANCE NO.02021-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS, AMENDING CHAPTER 10 " TRAFFIC CONTROL," ARTICLE X " SPEED REGULATIONS," SECTION 10-1003 " REGULATING SPEED ON STATE MAINTAINED HIGHWAYS," OF THE CODE OF ORDINANCES, CITY OF DAYTON, TEXAS, TO ESTABLISH A CONSTRUCTION SPEED LIMIT ALONG THE GRAND PARKWAY WITHIN CITY LIMITS OF DAYTON; AUTHORIZING AND DIRECTING THE PLACEMENT OF SIGNS BY THE DIRECTOR OF PUBLIC WORKS; REPEALING CONFLICTING ORDINANCES; CONTAINING A SAVINGS CLAUSE; PRESCRIBING A MAXIMUM PENALTY OF FOUR HUNDRED AND NO/ 100 DOLLARS (\$ 400.00) FOR EACH VIOLATION THEREOF, AND PROVIDING FOR THE PUBLICATION AND EFFECTIVE DATE THEREOF.

WHEREAS, Section 545. 356 of the Texas Transportation Code, authorizes alteration of maximum prima facie speed limits with respect to highways or portions thereof within the corporate limits of the City of Dayton based upon engineering and traffic investigations; and

WHEREAS, for sections of a highway under construction, 43 T.A.C. § 25.22 dispenses with the speed studies and other studies normally made to determine speeds to be posted for a regulatory speed zone; and

WHEREAS, in selecting the speed for the construction speed limit along the Grand Parkway within the City limits, consideration was given to (i) safe stopping sight distances; (ii) construction equipment crossings; (iii) the nature of the construction project; and (iv) any other factors which affect the safety of the traveling public and construction workers; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAYTON, TEXAS:

Section 1: That Chapter 94 " Traffic and Vehicles," Article IV "Specific Street Regulations," Section 94- 121 " Schedules enumerated," Schedule V "Designation -- Speed Limit Zones" of the Code of Ordinances, City of Dayton, Texas, is hereby amended by establishing a maximum prima facie speed limit for the following construction zone until construction activities in the zone are complete:

Street	Maximum Prima Facie Speed Limit
FM 1960 between CR 609 to CR 611 at Grand Parkway (SH 99)	55 miles per hour

Section 2: The Director of Public Works is authorized and directed to place and install appropriate signs for the speed limit established in Section 1.

Section 3: It shall be unlawful for a driver of a vehicle to disobey the instructions of a sign placed in accordance with the provisions of this ordinance unless at the time otherwise directed by a police officer.

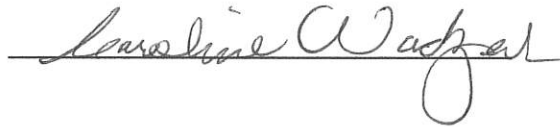
Section 4: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 5: If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this ordinance or the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void, or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances, and to this end, all provisions of this ordinance are declared to be severable.

Section 6: Any person who shall violate any provision of this ordinance when workers are present in the construction zone herein established shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than TWO AND NO/100 DOLLARS (\$2.00) nor more than FOUR HUNDRED AND NO/100 DOLLARS (\$400.00).

Section 7: This ordinance shall take effect from and after ten (10) days from its passage by the City Council of the City of Dayton. The City Clerk is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Dayton at least twice within ten (10) days after passage of this ordinance.

INTRODUCED, READ, and PASSED by the affirmative vote of the City Council of the City of Dayton this 20 day of Sept. 2021.



CAROLYN WAZECK, MAYOR

ATTEST:



JENNIFER BILLINGS, CITY CLERK

APPROVED AS TO FORM:



BRANDON DAVIS., CITY ATTORNEY