

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSENBERG, TEXAS, ESTABLISHING SPEED LIMITS DURING CONSTRUCTION ALONG A PORTION OF IH-69 (US 59) WITHIN THE CORPORATE LIMITS OF THE CITY OF ROSENBERG, TEXAS; AND, PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN FOUR HUNDRED DOLLARS (\$400.00) FOR VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Rosenberg, Texas is authorized by Section 545.356 of the Texas Transportation Code to regulate speed limits on certain city streets in order to facilitate the reasonable movement of traffic; and,

WHEREAS, the Texas Department of Transportation has made it known to the City of Rosenberg that operations will begin in the near future to upgrade IH 69 (US 59) (the "Construction Project"); and,

WHEREAS, in the interest of safety, it is desirable to maintain a construction speed zone during the Construction Project; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. A construction speed zone is hereby established along the named highway or parts thereof described as follows:

Along IH 69 from Mile Point 21.398 to Mile Point 14.111, a distance of approximately 7.35 miles, fifty-five miles per hour (55 MPH), when so signed.

Section 3. The signs necessary for posting said speed zone will be furnished, installed, and maintained by the direction of the Texas Department of Transportation engineer in charge of the Construction Project.

Section 4. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a class C misdemeanor and, upon conviction, shall be fined in an amount not less than one dollar (\$1.00) or more than four hundred dollars (\$400.00).

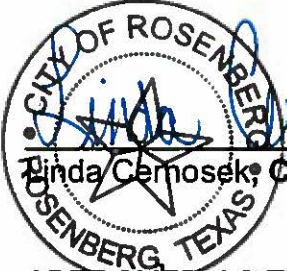
Section 5. The speed limits established by this Ordinance shall be effective upon ten (10) days following passage of this Ordinance and shall be published in a

newspaper of general circulation in compliance with Section 3.10 of the City Charter. This Ordinance shall be in effect only during the period of construction and, upon completion of the Construction Project, the speed zone established hereby shall be automatically cancelled.

Section 6. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 5th day of April 2016.


ATTEST:


Linda Cernosek
Linda Cernosek, City Secretary

APPROVED:


Cynthia A. McConathy, Mayor

APPROVED AS TO FORM:



Scott M. Tschirhart, City Attorney
Denton Navarro Rocha Bernal Hyde & Zech, P.C.