

ORDINANCE _17-192

AN ORDINANCE OF THE CITY OF GARRETT, TEXAS, REPEALING IN ITS ENTIRETY ORDINANCE NO. 90-05-2 ESTABLISHING SPEEDS ON SPECIFIC STREETS WITHIN THE TERRITORIAL LIMITS OF THE CITY OF GARRETT, TEXAS AS SET FORTH IN THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE PROVIDING A PENALTY CLAUSE ESTABLISHING A FINE NOT TO EXCEED \$200.00 FOR VIOLATION OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council ("Council") of the City of Garrett, on or about May 21, 1990, passed Ordinance No. 90-05-2; and

WHEREAS, the 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; and

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); and

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;

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

ARTICLE I – SPEED REGULATIONS

SECTION 1: GENERAL SPEED LIMITS

- a) Maximum Speed Limit. No person shall operate or drive any vehicle on any street within the City at a speed greater than thirty (30) miles per hour, unless signs which designate a different speed are erected in accordance with this Ordinance.
- b) Reasonable and Prudent Speed Limit. Notwithstanding any other provisions of this Ordinance, no person shall drive a vehicle on a street at a speed that is greater than is reasonable and prudent under existing conditions, having regard for the actual and potential hazards then existing. In every event, speeds shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on, or entering upon, the street in compliance with legal requirements, and it shall be the duty of all persons to use such care.

c) Reduction of Speed. The driver of every vehicle shall, consistent with the requirements of Subsection 1-b of this Section, drive at an appropriate reduced speed when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when a special hazard exists with respect to pedestrians or other traffic, or by reason of weather or street or highway conditions.

SECTION 2: SPECIFIC SPEED LIMITS.

a) Authority to Establish. The City Council may alter the maximum speed limit on any street, roadway, or highway, or any portion thereof, as established by this Ordinance within the City in accordance with the provisions of Article 6701d, Section 169, of VERNON’S ANNOTATED CIVIL STATUTES. Whenever signs are posted giving notice of the maximum legal speed limit so established for a particular street, roadway, or highway, or portion thereof, it shall be unlawful for any person to drive or operate any vehicle at a rate of speed in excess of such limit.

b) Speed Limits Established. Pursuant to the provisions of the proceeding Subsection, the following speed limits are hereby established for the streets, roadways, highways, or portions thereof, enumerated below:

<u>Location</u>	<u>Speed Limit</u>
Gibson St. from West City Limits to Boyce Road	30 mph
Garrett Ave from North City Limits to South City Limits	30 mph
Boyce Rd. from South City Limits to Gibson St.	20 mph
Ferris St. from Gibson St. to West Patrick St.	20 mph
Templeton St. from Dunn St. to West Patrick St.	20 mph
Nash St. from Conner St. to West Patrick St.	20 mph
Nash St. from Wyatt St. to end of Nash St.	20 mph
Williams St. from Boyce Rd. to end of Williams St.	20 mph
Merritt Ave. from Boyce Rd. to end of Merritt Ave.	20 mph
Conner St. from Boyce Rd. to Nash St.	20 mph
West Patrick St. from Boyce Rd. to Nash St.	20 mph
East Patrick St. from Garrett Ave. to end of West Patrick	20 mph
Margurite Lane from Garrett Ave. to end of Margurite Lane	20 mph
Hart St. from Boyce Rd. to Garrett Ave.	20 mph
Pecan Hollow St.	20 mph
All streets within the addition known as “Hill Glenn”: including, but not limited to the following: Beverly Dr., Christy Cr., and Holly Loop	20 mph

Wyatt, from Boyce Rd. to Prachyl Rd.	20 mph
Sleepy Hollow, from Prachyl Rd. to Ennis Line	30 mph

SECTION 3: RACING PROHIBITED.

Any person who shall drive a vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, and any person that shall participate in any such race, competition, contest, test or exhibition, shall be guilty of a misdemeanor.

- a) Drag race is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing the relative speeds or power of acceleration of such vehicle or vehicles within a certain distance or time limit.
- b) Racing is defined as the use of one or more vehicles in an attempt to outgain, outdistance, or prevent another vehicle from passing, to arrive at a given destination ahead of another vehicle or vehicles, or to test the physical stamina or endurance of drivers over long distance driving routes.

The fact that the actual speed attained by any vehicle engaged in racing or in contest for speed is less than the prima facie legal limit shall be no defense to a complaint of racing or engaging in a contest for speed in violation of this Section.

SECTION 4: MINIMUM LIMITS. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or compliance with law.

SECTION 5: EXEMPTIONS. The provision of this Ordinance and other ordinances of the City regulating the speed of vehicles shall not apply to vehicles of the Fire Department when responding to calls, nor to police patrol vehicles, nor to physicians and/or ambulances responding to emergency calls; provided, however, that this Section shall not authorize any driver of any ambulance or emergency medical services vehicle to exceed the speed of forty-five (45) miles per hour, or the speed limit, whichever is greater.

ARTICLE II – TRAFFIC CONTROL DEVICES

SECTION 1: CONFORITY WITH MANUAL AND SPECIFICATIONS OF STATE HIGHWAY DEPARTMENT. All traffic-control signs, signals, and devices shall conform to the manual and specifications approved by the State Highway Department. All signs, signals, and devices required under this Ordinance for a particular purpose shall, so far as practical, be uniform as to type and location throughout the City. All traffic –control devices so erected and not inconsistent with the provisions of State Law or this Ordinance, shall be official traffic-control devices.

SECTION 2: POWERS AND DUTIES OF POLICE CHIEF WITH REGARDS TO TRAFFIC-CONTROL DEVICES. The Chief of Police shall have the power and duty to determine where to place and maintain traffic-control signs, signals, and devices when, and as, required under this Ordinance to make effective the provisions of this Ordinance, and he may cause to be placed and require to maintain such additional traffic-control devices as are deemed necessary to regulate traffic under this Ordinance or under State Law or to guide or warn traffic.

SECTION 3: OBEDIENCE TO DEVICES. The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto which has been placed in accordance with this Ordinance and other traffic ordinances of the City, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

SECTION 4: NECESSITY OF SIGNS. No provisions of this Ordinance which require the placing of signs shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such sections shall be effective even though no signs are erected or in place.

SECTION 5: RATIFICATION OF EXISTING DEVICES. All traffic-control signs, signals, devices and markings placed and erected prior to the adoption of this Ordinance and in use for the purpose of regulating, warning, or guiding traffic are hereby affirmed, ratified, and declared to be official traffic-control devices; provided such traffic-control devices are not inconsistent with the provisions of this Ordinance or State Law.

SECTION 6: UNAUTHORIZED SIGNS, SIGNALS, MARKINGS OR DEVICES.

a. Prohibited or Restricted No person shall place, maintain, or display upon or in view of any road, street, or highway any unauthorized sign, signal, marking or device which purports to be, is an imitation of, or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad signal or sign; and no person shall place or maintain, nor shall any public authority permit upon any highway or street, any traffic signal or sign bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection, upon private property adjacent to streets or highways, of signs giving useful directional information and of a type that cannot be mistaken for official signs.

b. Removal. Every such prohibited sign, signal, marking, or device is hereby declared to be a public nuisance and the City is hereby empowered to remove the same or cause it to be removed without notice.

SECTION 7: ALTERING, DAMAGING, ETC, OF DEVICES. No person shall, without lawful authority, attempt to – or in fact – alter, deface, injure, knock down, or remove any official traffic-control device or any inscription, shield, or insignia thereon, or any part thereof.

SECTION 8: RAILROAD CROSSING. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this Section, the driver of such vehicle shall stop within fifty feet (50'), but no less than fifteen feet (15'), from the nearest rail and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- a. A Clearly visible electrical or mechanical sign or device gives warning of an immediate approach of a railroad train;
- b. A crossing gate is lowered or a human flagman gives, or continues to give, a signal of the approach of, or passage of, a railroad train;
- c. A railroad train approaching within approximately fifteen-hundred (1500') feet of the highway crossing emits a signal audible from a distance, and such railroad train by reason of its speed or nearness to such crossing is an immediate hazard;
- d. An approaching railroad train is plainly visible and is in hazardous proximity of such crossing.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed, or is being opened or closed.

SECTION 9: TRUCK ROUTES

a. Authority to Establish. The Police Chief, as authorized from time to time by the City Council, may designate such truck routes within the City as may be necessary for the proper flow of traffic through the City.

b. Compliance Required. It shall be unlawful for any truck with the gross vehicular weight rating of over eighteen-thousand (18,000) pounds [or eighteen-thousand (18,000) pounds gross cargo weigh rating in the case of a truck trailer or tractor trailer unit] to use, travel upon, or be driven over any street, avenue, or highway within the City not designated as a truck route (see Subsection “A” of this Section); provided, however, that if the point of destination (for commercial purposes only) for any such truck shall be off such truck route, then such truck may proceed by the shortest possible route to the nearest truck route.

c. Designated Truck Route. The designated truck route for the above described trucks traveling through the City shall be as follows:

Gibson Street/ FM 879, East City Limits to Boyce Road

ARTICLE IV – PENALTY AND SEVERABILITY AND RECITALS.

SECTION 1: PENALTY. Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than two-hundred dollars (\$200), with the exception of any conviction for the violation of Article III, Section 7, which shall carry a fine of two-hundred (\$200), unless it is shown on the trial for said violation of Article III, Section 7, that the person had been previously convicted for a violation of said Section, at which time the fine for subsequent convictions shall be five-hundred (\$500) dollars.

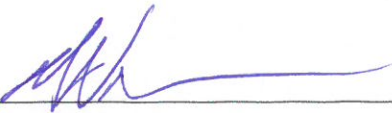
SECTION 2: SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality of invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 3: RECITALS. The Council hereby adopts the Recitals and finding set forth in the preamble hereof as if fully incorporated.

PUBLICATION. The City Secretary of the City of Garrett is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the laws of the State of Texas.

EFFECTIVE DATE. This ordinance shall become effective immediately from and after its passage and publication in accordance with Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS 25th DAY OF October, 2017



Matthew Newsom, Mayor

ATTEST:

Judy Braddock, City Secretary