

ORDINANCE NO. 2017-05

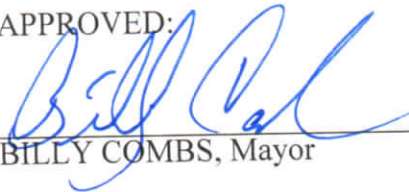
AN ORDINANCE OF THE CITY OF BEACH CITY, TEXAS, BY CREATING SPEED LIMITS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That the City of Beach City, Texas, hereby adopts speed limits for all city streets as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council.

PASSED, ADOPTED and APPROVED this 24th day of October, 2017.

APPROVED:


BILLY COMBS, Mayor

ATTEST:


EVONNE DONNELLY, City Secretary

APPROVED:


DANIEL R. JACKSON, City Attorney

EXHIBIT "A"

That the City of Beach City, Texas, hereby adopts the following in its entirety as hereinafter set out to read as follows:

A. NO PERSON TO DRIVE VEHICLE ON ANY STREET AT A SPEED GREATER THAN IS REASONABLE AND PRUDENT

No person shall drive a vehicle on any street in the city limits of Beach City at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and it shall be the duty of all persons to use due care. No person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the City of Beach City on any street at a greater speed than thirty (30) miles per hour, unless signs are erected designating another speed limit, or in any alley at a greater speed than fifteen (15) miles per hour.

B. SPEEDS GREATER OR LESS THAN THIRTY MILES PER HOUR TO BE DETERMINED BY ENGINEERING AND/OR TRAFFIC INVESTIGATION

Whenever the city shall determine upon the basis of an engineering and/or traffic investigation that the thirty (30) miles per hour speed limit hereinbefore 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 the street or highway, the city shall, upon authorization by the City Council by appropriate ordinance, establish such speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of the highway or street.

C. NO PERSON TO DRIVE AT SUCH SLOW SPEED AS TO IMPEDE NORMAL MOVEMENT OF TRAFFIC

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a police officer. Police officers are hereby authorized to enforce this provision by directions to drivers and, in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith, the continued slow operation by a driver shall be a misdemeanor.

D. SPEED LIMITATIONS NOT APPLICABLE TO EMERGENCY VEHICLE RESPONDING TO EMERGENCY CALL

Speed limitations set forth in this section shall not apply to an authorized emergency vehicle when responding to an emergency call or when used in pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, and the driver thereof sounds audible signal by bell, siren, or exhaust whistle, and/or when such emergency vehicle is equipped with at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any such vehicle from the consequence of a reckless disregard of the safety of others.

E. SPEED LIMITS ESTABLISHED FOR CERTAIN DESCRIBED STREETS

- (1) No person shall operate or drive a motor vehicle or other vehicle upon the following described streets at a greater speed than the speed designated for that street or portion of that street as set forth herein, or for streets and highways not designated herein when speeds have been determined and properly posted in accordance with the provisions of this section. Any speed in excess of the limits set forth in this section, or when limits are properly posted in accordance with the provisions of this section, shall be prima facie evidence that such speed is neither reasonable nor prudent and is unlawful.
- (2) The following are certain designated areas in which a specific rate of speed is hereby designated:
 - (a) McCollum Road, for traffic moving east and west, the speed limit shall be Thirty-Five (35) miles per hour from the intersection of McCollum Road and FM 2354.