

ORDINANCE NO.

19-02-21-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE TEXAS TRANSPORTATION CODE SECTION 545.356 UPON HIGHWAY FM 2499 WITHIN THE CORPORATE LIMITS OF THE CITY OF CORINTH; AMENDING CHAPTER 70, SECTION 70.01 "SPEED LIMITS," OF THE CITY OF CORINTH CODE OF ORDINANCES; PROVIDING A PENALTY UP TO \$200 FOR EACH VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Corinth, Texas ("City") is a home rule city operating pursuant to the laws of its Charter and of the State and Texas, by and through its duly elected City Council ("Council") members;

WHEREAS, the Texas Department of Transportation ("TxDOT") has completed a speed zone study on FM 2499 (the "study") on the road designated as FM 2499 within the City limits showing speeds which are reasonable or safe under the conditions found to exist there;

WHEREAS, to proceed with changing the speed limits in conformance with the results of the TxDOT study, the City must prepare an ordinance matching the zones on the speed study;

WHEREAS, the Texas Transportation Code Section 545.356 provides that whenever the City's governing body determines on the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than reasonable and safe under the conditions found to exist at on 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 then determine and declare a reasonable and safe prima facie speed limit by the passage of an ordinance effective when signs giving notice thereof are erected on the street or highway;

WHEREAS, the City previously adopted Ordinances No. 84-2-21-4, Ord. 12-10-18-21, and 18-09-20-29 to regulate the speed limits on streets and highways within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Corinth, Texas that the City's speed limit schedule be amended pursuant to the results of the TxDOT study.

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

SECTION 1: Findings Incorporated

That the findings above are incorporated herein in their entirety.

SECTION 2: Code of Ordinances Amended

Chapter 42, Article II, Division 2 is hereby amended by revising the following (with additions

being reflected as underscored removals being reflected as ~~strikethrough~~):

Section 70.01 - Speed Limits.

Street	Description	MPH	Ord No.	Date
FM 2499	From FM 2181 to the city's northern limits	50 <u>45</u>	19-02-21-08	2-21-18

The speed limit set by existing ordinance governing FM 2499 to the city's southern limits remains in full force and effect.

SECTION 3: Authorization to Erect Signs

The Mayor of Corinth is hereby authorized to cause to be erected appropriate signs indicating the amended speed zones, such signs to be furnished and installed by TxDOT.

SECTION 4: Penalty

Any person violating this 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 Two Hundred Dollars (\$200.00). Corinth retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: 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. Corinth 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 6: Continuation

That nothing in this ordinance (or any code adopted herein) shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance and such prior law is continued in effect for purposes of such pending matter.

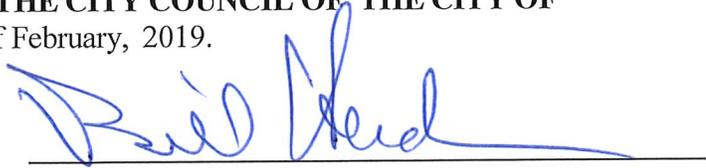
SECTION 7: Savings/Repealing Clause

Provided that Corinth's Code of Ordinances, Chapter 70, 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 or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 8: Effective Date

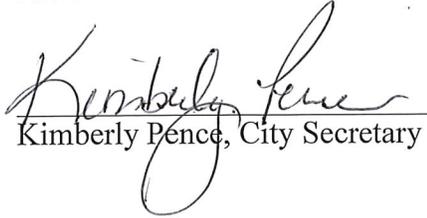
This Ordinance shall take effect immediately upon and after its passage as provided by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
CORINTH, TEXAS on this 21 day of February, 2019.



Bill Heidemann, Mayor

Attest:


Kimberly Pence, City Secretary