

ORDINANCE NO. 2015-11

AN ORDINANCE AMENDING SECTIONS 12.301(b) AND 12.302(b) OF THE CODE OF ORDINANCES TO REVISE AND CLARIFY THE PRIMA FACIE SPEED LIMITS IN URBAN DISTRICTS OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport is a type A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Sections 12.301(b) and 12.302(b) of the Code of Ordinances appear to establish a prima facie speed limit of 25 miles per hour on urban streets of the City unless otherwise altered by the City Council; and

WHEREAS, Section 545.352 of the Texas Transportation Code establishes 30 miles per hour as the prima facie speed limit in urban districts; and

WHEREAS, the City Council determines that a 30 miles per hour speed limit is appropriate as the prima facie speed limit in the urban districts of the City, unless special conditions or hazards exist justifying a reduction in the speed limit which the City Council can determine as needed pursuant to Section 545.356 of the Texas Transportation Code.

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

SECTION 1

The Section 12.301(b) of Article 12.300 "Speed Limits" is hereby amended to read as follows:

ARTICLE 12.300 SPEED LIMITS

Sec. 12.301 Generally

"(b) If any person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the city on any street or highway at a greater speed than thirty (30) miles per hour, it shall be prima facie evidence of violation of this section, unless a special speed limit has been established and signs are erected designating another speed limit."

The remaining provisions of Section 12.301 are unchanged and remain in full force and effect.

SECTION 2

The Section 12.302(b) of Article 12.300 "Speed Limits" is hereby amended to read as follows:

ARTICLE 12.300 SPEED LIMITS

Sec. 12.302 Procedure for Establishing Special Speed Limit

...

"(b) 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 any street or highway, the city administrator or his designee shall, upon authorization by the city council by appropriate ordinance, establish such special 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 said highway or street."

...

The remaining provisions of Section 12.302 are unchanged and remain in full force and effect.

SECTION 3

This ordinance shall be cumulative of all provisions of ordinances of the City of Bridgeport, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4

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

SECTION 5

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance

shall be fined not more than Two Hundred Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6

All rights and remedies of the City of Bridgeport are expressly saved as to any and all violations of the provisions of the Bridgeport City Code or any other ordinances affecting speed limits which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7

The City Secretary is hereby directed to publish this ordinance, or its caption and penalty clause, in the official newspaper as required by the Texas Local Government Code.

SECTION 8

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

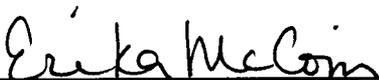
DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 4 TO 1, ON THIS THE 21 DAY OF July, 2015.

APPROVED:



Corey Lane, Mayor

ATTEST:



Erika McComis, City Secretary

