

**ORDINANCE NO. O-2017-34**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "STREETS AND TRAFFIC", ARTICLE III., "SPEED REGULATIONS", BY INCREASING THE SPEED LIMIT ON TWO SECTIONS OF OLD NOONDAY ROAD, FROM 1<sup>ST</sup> STREET TO STATE HIGHWAY 155, AND FROM STATE HIGHWAY 155 TO LAKE PLACID ROAD; AND DIRECTING THE LOCATION OF APPROPRIATE SIGNAGE; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, it is the intent of the City Council to protect the public health, safety, and welfare; and

**WHEREAS**, Texas Transportation Code Section 545.356 provides that the governing body of a municipality, for a highway or part of a highway in the municipality, has the authority to alter by ordinance prima facie speed limits from the results of an engineering and traffic investigation; and

**WHEREAS**, Texas Transportation Code Section 545.356 states that a prima facie speed limit that is altered by the governing body of a municipality is effective when the governing body erects signs giving notice of the new limit and at all times or at other times as determined; and

**WHEREAS**, Tyler City Code Section 17-61.a. provides that the Traffic Engineer shall determine on the basis of engineering and traffic surveys, the reasonable and safe maximum speed limits for each City street and submit recommendations based on such investigation to the City Council; and

**WHEREAS**, Tyler City Code Section 17-61.b. provides that on the basis of recommendations of the Traffic Engineer, the City Council may alter speed limits deemed necessary; and

**WHEREAS**, Tyler City Code Section 17-63 establishes speed limits on specific streets; and

**WHEREAS**, Tyler City Code Section 17-62 provides that the Traffic Engineer shall post the maximum and minimum speed limits, if any, by appropriate signs in conspicuous places so that every motorist may be aware of the speed limits; and

**WHEREAS**, Tyler City Code Section 17-30.c. states that the Traffic Safety Board shall make recommendations through the Traffic Engineer regarding traffic safety as the Board deems necessary; and

**WHEREAS**, on 12/1/16, the Traffic Safety Board recommended to approve the proposed speed limit changes;

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

**PART 1:** That Tyler City Code Chapter 17, "Streets and Traffic", Article III., "Speed Regulations", is hereby amended by adding the following specific speed limits to Section 17-63,

in the appropriate alphabetical order, and adding a citation to the Ordinance, to read as follows with no other changes to Section 17-63:

Old Noonday Road                      40      From the south curbline of 1<sup>st</sup> Street to the north curbline of State Highway 155 (Frankston Highway) (Ord. No. 0-2017-34; 4/12/17)

Old Noonday Road                      40      From the south curbline of State Highway 155 (Frankston Highway) to the north curbline of Lake Placid Road (Frankston Highway) (Ord. No. 0-2017-34; 4/12/17)

**PART 2:** That the Traffic Engineer is hereby directed to remove any existing signage that is no longer necessary and to post all appropriate new signage, as required by Tyler City Code Section 17-62, so that every motorist will be aware of the altered speed limit limits.

**PART 3:** That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

**PART 4:** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be Friday, April 14, 2017.

**PASSED AND APPROVED** this 12<sup>th</sup> day of April, A. D., 2017.



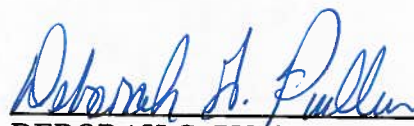
MARTIN HEIMES, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
DEBORAH G. PULLUM,  
CITY ATTORNEY