

**ORDINANCE NO. 0- 2009-35**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 17, "TRAFFIC", ARTICLE III., "SPEED REGULATIONS", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, ESTABLISHING A SPEED LIMIT OF 40 MPH ON A PORTION OF OLD OMEN ROAD FROM THE SOUTH CURB OF EAST FIFTH STREET SOUTH TO THE NORTH CURB OF OLD BASCOM ROAD; ESTABLISHING 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 of a 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 17-62 provides that the Traffic Engineer shall post the maximum and minimum speeds, 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 it deems necessary; and

**WHEREAS**, the Traffic Safety Board discussed the need for an ordinance amending the speed limits on Old Omen Road on April 2, 2009 and the Board voted to recommend adoption of this ordinance; and

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

**PART 1:** That City Code Chapter 17, "Traffic", Article III., "Speed Regulations", is hereby amended by adding the following speed limit in Section 17-63 to read as follows:

**Sec. 17-63. Designated speed limits on specific streets.**

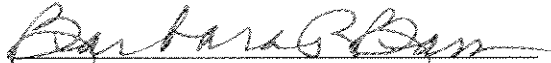
In accordance with the terms of this Chapter and when signs are erected giving notice thereof, the prima facie speed limit shall be as set forth in this schedule upon those streets or portions of streets named herein and at all times unless otherwise specifically provided:

<u>Street</u>	<u>Speed (miles per hour)</u>	<u>Extent</u>
Old Omen Rd.	40	From the south curb of East Fifth St (SH 64) to the north curb of Old Bascom Rd. (Ord. 0-2009-35 4/8/09)

**PART 2:** 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 3.** 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 become effective upon 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 10, 2009.


**PASSED AND APPROVED** this 8th day of April, A. D., 2009.

  
BARBARA BASS, MAYOR  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK

APPROVED:

  
GARY LANDERS, CITY ATTORNEY

