

**ORDINANCE NO. 0-2010-16**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "TRAFFIC", ARTICLE III, "SPEED REGULATIONS", BY ADDING THE LIMITS OF A SCHOOL SPEED ZONE FOR GARY ELEMENTARY ALONG PORTIONS OF CHILTON AVENUE, BOIS D'ARC AVENUE, PHILLIPS STREET AND RUSK STREET; AND DIRECTING THE RELOCATION 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 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 17-64 establishes specific school speed zones; 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

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

**CITY OF TYLER, TEXAS:**

**PART 1:** That Tyler City Code Chapter 17, "Traffic", Article III., "Speed Regulations", is hereby amended by adding the following school speed limits to Section 17-64 in the appropriate alphabetical order to read as follows:

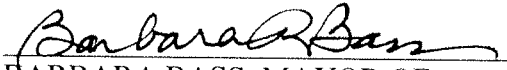
Gary Elementary	25	Bois D'Arc Avenue	From the north curb line of Rusk Street to 160 feet south of the south curb line of Rusk Street. ( <i>Ord.# 0-2010-16, 2/24/2010</i> )
Gary Elementary	25	Chilton Avenue	From 170 feet north of the north curb line of Phillips Street to 160 feet south of the south curb line of Rusk Street. ( <i>Ord.# 0-2010-16, 2/24/2010</i> )
Gary Elementary	25	Phillips Street	From 60 feet west of the west curb line of Bois D'Arc Avenue to 135 feet west of the west curb line of Chilton Avenue. ( <i>Ord.# 0-2010-16, 2/24/2010</i> )
Gary Elementary	25	Rusk Street	From 55 feet east of the east curb line of Bois D'Arc Avenue to 135 feet west of the west curb line of Chilton Avenue. ( <i>Ord.# 0-2010-16, 2/24/2010</i> )

**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 zone 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 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 February 26, 2010.

PASSED AND APPROVED this 24<sup>th</sup> day of February, A. D., 2010.

  
BARBARA BASS, MAYOR OF  
THE CITY OF TYLER, TEXAS

ATTEST:

  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
GARY C. SANDERS, CITY ATTORNEY