

City of Houston Ordinance No. 2009- 1023

AN ORDINANCE ALTERING AND ESTABLISHING PRIMA FACIE SPEED LIMITS IN CERTAIN ZONES IN THE CITY OF HOUSTON; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING A REPEALER; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on September 10, 2008, City Council passed Ordinance No. 2008-805 establishing the maximum speed limits on City streets; and

WHEREAS, upon the basis of an engineering and traffic investigation, the City Council has determined that speed limits established on certain City streets by Ordinance 2008-805 should be changed; and

WHEREAS, upon the basis of an engineering and traffic investigation, the City Council has determined that the maximum and minimum speed limits set forth hereinafter in the zones indicated are reasonable and safe; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That the maximum prima facie speed limits in the zones set out on pages 1 through 75 and 77-78 in Exhibit A, attached, are hereby altered, and the speeds set out opposite each such zone are hereby established as maximum prima facie speed limits. Any speed in excess of such speed limits upon the streets, highways and other thoroughfares so designated and within such respective zones shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances then existing.

Section 2. That the minimum prima facie speed limit in the zones set out on page 76 in Exhibit A, attached, is hereby altered, and the speed set out opposite each zone is hereby established as the minimum prima facie speed limit. Any speed less than such speed limit upon the designated street, highway or other thoroughfare so designated and within such respective zone shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed less than that which is reasonable and prudent under the circumstances then existing.

Section 3. That Exhibit A, attached, is hereby incorporated by reference into this Ordinance for all purposes. The speed limit established by this Ordinance for any street, highway or other thoroughfare in any specified zone, and in the direction(s) indicated in the near right-hand column immediately opposite such zone and headed by the term "DIR", shall be that which appears opposite such zone in the far right-hand column headed by the term "MPH".

Section 4. That the foregoing speed limits shall be effective in the said respective zones and for the designated directions when appropriate signs giving notice thereof shall have been erected by the City of Houston Department of Public Works and Engineering, the Texas Department of Transportation or another governmental agency acting under authority of law.

Section 5. That every person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00).

Section 6. That Ordinance No. 2008-805 is hereby repealed to the extent that it conflicts with this Ordinance, except as provided in Section 7, below.

Section 7. That this Ordinance is subject to the operation of Section 1-5 of the Code of Ordinances, Houston, Texas, and the provisions of Ordinance No. 2008-805 that

are in conflict with this Ordinance are expressly saved from repeal for the limited purpose of the trial and punishment of all offenses arising thereunder prior to the repeal of those provisions by this Ordinance.

Section 8. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 21st day of October, 2009.

APPROVED this ___ day of _____, 2009.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is OCT 27 2009.



City Secretary

Prepared by Legal Dept.

MFC:asw 10/7/09

Assistant City Attorney

Requested by Michael S. Marcotte, P.E., Director, Department of Public Works and Engineering

L.D. Number: 0630900184001

AYE	NO	
	ABSENT	MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
✓		GONZALEZ
✓		RODRIGUEZ
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
✓		JONES
CAPTION	ADOPTED	