

**ORDINANCE NO. 2021-008**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, TEXAS, REPEALING AND REPLACING ORDINANCES 2004-2, 2015-022, and 2018-006; ESTABLISHING PRIMA FACIE MAXIMUM SPEED LIMITS UPON CERTAIN STREETS AND HIGHWAYS, OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY; AND ESTABLISHING THE LOCATIONS OF TRAFFIC CONTROL DEVICES, TO INCLUDE STOP AND YIELD SIGNS, AT DESIGNATED INTERSECTIONS WITHIN THE CORPORATE LIMITS OF THE CITY; AND PROVIDING A PENALTY OF A FINE IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR ANY VIOLATION OF THIS ORDINANCE.**

**WHEREAS**, the Texas Transportation Code provides that the governing body of a City may determine reasonable and safe prima facie maximum speed limits upon any part of a street or highway within the City, by the passage of an Ordinance; and

**WHEREAS**, The Texas Transportation Code provides that the governing body of a City may lower a speed limit without a traffic study, to as low as 25 miles per hour, if the road is in an urban district, is less than four lanes, and is not a state highway; and

**WHEREAS**, the Texas Transportation Code provides that if the governing body of a City with a population of 2000 or less determines that the prima facie speed limit of a road within the City is unreasonable or unsafe, the governing body of the City may declare a lower speed limit of not less than 10 miles per hour if the road is not an officially designated or marked highway or road of the state highway system and is a one-lane road used for two-way access; and

**WHEREAS**, the Texas Transportation Code provides that a prima facie speed limit that is altered by the governing body of a City shall be, in certain circumstances, effective when appropriate signs giving notice thereof are erected; and

**WHEREAS**, as of the date of this Ordinance, the City of Santa Clara Texas has a population of less than 2000; and

**WHEREAS**, the governing body of the City has taken into consideration the width and condition of the pavement, the types of use and other circumstances of potential hazards of the roads within the City; and

**WHEREAS**, the Texas Transportation Code provides that the governing body of a City shall determine traffic control devices, to include stop and yield signs, by the passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected; and

**WHEREAS**, the Texas Transportation Code provides that a violation of an Ordinance establishing maximum prima fascia speed limits or establishing traffic control devices shall be fined by the governing body of a City in an amount not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00); and

**WHEREAS**, on the 28 day August, 2004 the City Council of the City of Santa Clara, Texas adopted Ordinance 2004-2 Additional Placement of Speed Limit Signs; and

**WHEREAS**, on the 22 day June, 2015 the City Council of the City of Santa Clara, Texas adopted Ordinance 2015-022 Traffic Control Ordinance; and

**WHEREAS**, on the 24 day August, 2018 the City Council of the City of Santa Clara, Texas adopted Ordinance 2018-006 A Four-Way Stop at Intersection Youngsford Rd and Marion Rd; and

**WHEREAS**, in order to promote the health, safety, and general welfare of the municipality the City Council of the City of Santa Clara, Texas desires to repeal Ordinances 2004-2, 2015-022, and 2018-006, as adopted and amended, and replace them as set forth herein; and

**NOW, THEREFOR, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS:**

**SECTION 1. FINDINGS AND SHORT TITLE.**

The forgoing recitals are hereby adopted and incorporated into the text of this Ordinance as facts. This Ordinance shall be known as the "TRAFFIC CONTROL ORDINANCE."

**SECTION 2. SPEED LIMITS.**

**a. *Maximum Prima Facie Speed Limits.***

The following prima facie maximum speed limits hereafter indicated for the streets and highways within the City of Santa Clara, Texas are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated upon the named streets and highways, or parts thereof, described as follows:

EXHIBIT "A"

**b. *Report Authorized.***

The City Marshall shall, not later than February 1 of each year, provide a report to the City Secretary as required by Section 545.356(d) of the Texas Transportation Code; and, the City Secretary shall submit such report to the Texas Department of Transportation and cause such report to be posted on the city website.

**SECTION 3. TRAFFIC CONTROL DEVICES.**

The following traffic control devices hereafter indicated for the intersections within the corporate limits of the City of Santa Clara, Texas are hereby determined and declared to be reasonable and safe; and such traffic control devices are hereby fixed for the designated intersections, described as follows:

EXHIBIT "A"

**SECTION 4. PENALTY.**

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00).

**SECTION 5. CONFLICT.**

All Ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 6. SEVERABILITY.**

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of such illegal, invalid, or unenforceable

provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to the ordinance, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 7. SAVINGS CLAUSE.**

This Ordinance shall remain in full force and effect, save and except as amended.

**SECTION 8. MEETING OPEN TO PUBLIC.**

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

**SECTION 9. EFFECTIVE DATE.**

This Ordinance shall be effective upon passage and approval.

PASSED AND APPROVED this 26th day of April, 2021.



CITY OF SANTA CLARA

BY:  \_\_\_\_\_

Jeff Hunt, Mayor

ATTEST:



Donna L White, City Secretary



# Santa Clara City

