

AN ORDINANCE OF THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS, AMENDING CHAPTER 42, ARTICLE II, SECTION 42-54 "SPEED LIMIT SCHEDULE" TO ESTABLISH THE MAXIMUM REASONABLE AND PRUDENT RATES OF SPEED ON PORTIONS OF FARM TO MARKET 121 IN THE CITY LIMITS OF VAN ALSTYNE, TX ; PROVIDING FOR A PENALTY OF NOT MORE THAN FIVE-HUNDRED DOLLARS (\$500) FOR EACH VIOLATION UNLESS OTHERWISE DESIGNATED BY STATE OR FEDERAL LAW ; PROVIDING FOR PUBLISHING IN THE CITY'S OFFICIAL NEWSPAPER; PROVIDING FOR SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Van Alstyne ("City") is a Home Rule Municipality located in Grayson and Collin Counties created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, by the authority and direction of the City Council of the City of Van Alstyne, Texas, an engineering and traffic study and a survey have been made by the Transportation Operations Office of the Texas Department of Transportation to determine the maximum reasonable and prudent speeds for vehicles traveling upon specific streets and highways and parts thereof; and

WHEREAS, the City Council of the City of Van Alstyne, Texas has determined that such study and survey establishes that these rates of speed are the maximum reasonable and prudent rates of speed for vehicular traffic upon said streets and highways and parts thereof; and

WHEREAS, the City Council of the City of Van Alstyne, Texas has determined that these rates of speed will facilitate the most effective use of said streets and highways and the safe and effective movement of vehicular traffic thereon, and finds it in the best interest of the City and its citizens to implement speed limit changes on portions of Farm to Market (FM) 121

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS:

SECTION 1. RECITALS INCORPORATED. The findings recited above are incorporated as if fully set forth in the body of this Ordinance.

SECTION 2. AMENDMENTS. Chapter 42 "Traffic and Vehicles", Article II "Traffic Schedules" Division 2 "Speed", Sections 42-52 through 42-81 of the City of Van Alstyne Code of Ordinances is hereby amended to read as follows (with deletions being struck through, additions being underlined, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby ratified and affirmed):

"Sec. 42-52. Obedience to posted limits; reasonable and prudent speed required.

(a) Except when a special hazard exists that requires lower speeds, no person shall drive a vehicle on any street in the city limits at a speed greater than the maximum speed limit posted. Any speed in excess of posted speed limits shall constitute prima facie evidence that such speed is unlawful, unreasonable, and not prudent.

(b) Regardless of posted speed limits, drivers shall operate vehicles at speeds less than the maximum speed posted as necessary to ensure that vehicle speed is reasonable and prudent under the conditions, considering actual and potential hazards then existing.

(c) In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highways in compliance with legal requirements. It is the duty of all persons to use due care in determining reasonable and prudent speed.

Sec. 42-53. Exception for emergency vehicles.

The speed limitations of this article shall not apply to emergency vehicles to the extent such vehicles are exempt under V.T.C.A., Transportation Code § 545.365.

Sec. 42-54. Speed limit schedule.

The speed limits provided in the schedule below shall apply within the city:

City Streets, Alleys and Other Public Ways		
Streets	All streets within the city not otherwise specifically designated in this table	30 mph
Alleys	All alleys within the city not otherwise specifically designated in this table	15 mph
City parks	All park areas	20 mph
Main Drive	Both directions of traffic on Main Drive from the intersection of Van Alstyne Parkway and E. Jefferson Street.	15 mph
US Highways		
US Highway Frontage Road	Southerly from the north city limits to the south city limits, a distance of approximately 4.891 miles	55 mph
US Highway 75	Southerly from 1.945 miles south of TRM 222 a distance of approximately 5.289 miles to 0.0656 miles south of TRM 218	55 mph
State Highways		
State Highway 5	Southerly from the north city limits for a distance of approximately 1.069 miles	65 mph
	Southerly from a point 1.069 miles south from the north city limits for a distance of approximately 0.515 miles	60 mph
	Southerly from a point 1.584 miles south from the north city limits for a distance of approximately 0.985 miles except in school zones.	50 mph
	Southerly from a point 2.569 miles from the north city limits for a distance of approximately 1.858 miles except in school zones	40 mph
	Southerly from a point 4.427 miles from the north city limits for a distance of 0.456 miles to the south city limits at the Collin County line	55 mph
FM Highway 121	Easterly from the west city limits for a distance of approximately 1.540 1.001 miles	55 mph
	Easterly from a point 1.540 1.001 miles east from the west city limits for a distance of approximately 0.200 .492 miles	45 50 mph
	<u>Easterly from a point 1.493 miles east from the west city limits for a distance of approximately .217 miles.</u>	<u>35 mph</u>
	Easterly from a point 1.71 miles east from the west city limits for a distance of approximately 0.538 miles	35 mph
	Easterly from a point 2.248 miles east from west city limits for a distance of approximately 0.175 miles	30 mph
	Easterly from a point 2.423 miles east from the west city limits for a distance of approximately 0.125 miles (to the centerline of State Highway 5)	40 mph
	Easterly from the center line of State Highway 5 for a distance of approximately 0.322 miles	30 mph
	Easterly from a point 0.322 miles from the centerline of State Highway 5 to the eastern edge of Lincoln Park Road, a distance of approximately 0.444 miles	40 mph
	Easterly from a point 0.444 miles from the eastern edge of Lincoln Park Road for a distance of approximately 0.680 miles	50 mph
	Easterly from a point 0.766 miles from the eastern edge of Lincoln Park Road for a distance of approximately 0.680 miles	

	Easterly from a point 1.446 miles from the eastern edge of Lincoln Park Road to the eastern city limits, a distance of approximately 1.119 miles	55 mph	
FM Highway 3133	Easterly from the centerline of State Highway 5 to the eastern city limits, a distance of approximately 1.905 miles	55 mph	
School Zones—All of the below-stated school speed zones shall be effective in the areas between the school zone signage and in effect on days when school is in session for the periods beginning 30 minutes before the start of school and ending 30 minutes after the start of school; starting again 30 minutes before the end of school and ending 30 minutes after school ends for the day.			
State Highway 5	From mile point 6.661 to mile point 6.922	35 mph	35 mph Ord. No. 633, 4-13-2010
	From mile point 7.125 to mile point 7.446	35 mph	35 mph Ord. No. 633, 4-13-2010
	From mile point 8.967 to mile point 9.211	30 mph	30 mph Ord. No. 633, 4-13-2010; up to \$500.00 fine
FM Highway 121	From approximate highway mile point 21.050 to mile point 21.220	25 mph	
Newport Drive		20 mph	20 mph Ord. No. 503, 9-11-2001; up to \$500.00 fine
Williams Way		20 mph	Ord. No. 1022; up to \$500.00 fine
Caruth Drive		20 mph	Ord. No. 1022; up to \$500.00 fine
Collin McKinney Parkway		20 mph	Ord. No. 1022; up to \$500.00 fine

Secs. 42-55—42-81. Reserved.”

SECTION 3. PENALTY. Any person, firm, corporation, or entity violating the Ordinance, or any provision of Van Alstyne’s Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$ 500.00) unless otherwise designated by state or federal law. Each continuing day’s violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 4. SIGNS AUTHORIZED. The City Manager of the City of Van Alstyne is hereby authorized to cause to be erected appropriate signage indicating such speed zones.

SECTION 5. SAVINGS/REPEALING CLAUSE. This ordinance, as amended, shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 6. SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 7. STATUTORY REFERENCES. Any reference in this Ordinance to state law or a state statute refers to that law or statute as it presently exists or may subsequently be amended.

SECTION 8. PUBLICATION. The City Secretary is hereby directed to publish the caption of this ordinance, which summarizes its purpose and penalty, in accordance with Texas Local Government Code Section 52.013 and the City of Van Alstyne, Texas Charter, Chapter 10.02.

SECTION 9. EFFECTIVE DATE. This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS
ON THIS 23RD DAY OF AUG 2024.**

APPROVED:

ATTEST:

Jim Atchison, Mayor

Susan Coffey, City Secretary

PUBLISHED IN THE HERALD DEMOCRAT ON AUGUST 29, 2024.