

**ORDINANCE NO. 5339**

**AN ORDINANCE OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 25 "TRAFFIC", ARTICLE IV "SPEED REGULATIONS", SECTION 25-107.3 "SPEED LIMITS ON CERTAIN HIGHWAYS" OF THE CITY OF DENISON CODE OF ORDINANCES, TO TEMPORARILY LOWER THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TRANSPORTATION CODE, CHAPTER 545, SECTION 545.353(K), TO ADDRESS ROAD CONSTRUCTION ON US HWY 75 AND THE ADJACENT FRONTAGE ROAD FROM FARM TO MARKET ROAD 691 TO N. LOY LAKE ROAD, OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE CITY OF DENISON, AS SET OUT IN THIS ORDINANCE; PROVIDING A PENALTY; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City of Denison, Texas (the "**City**") is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 26 of the Texas Local Government Code; and

**WHEREAS**, the City Council of the City (the "**City Council**") adopted Chapter 25 of its Code of Ordinances, which governs traffic in and around the City; and

**WHEREAS**, Chapter 545, Section 545.353(k) of the Texas Transportation Code, provides for the temporary lowering of a prima facie speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic; and

**WHEREAS**, the City Council finds and determines, based upon information received from the Texas Department of Transportation, that the prima facie speed limits on portions of US Highway 75 and adjacent frontage road from Farm to Market Road 691 ("FM 691") to N. Loy Lake Road located within City limits, would be safer if temporarily lowered during and until the completion of Texas Department of Transportation Project No. F 2B23(048) to address road construction that affects the safe and orderly movement of traffic; and

**WHEREAS**, the City Council now desires to amend Chapter 25 "Traffic," Article IV "Speed Regulations," Section 25-107.3 "Speed Limits on Certain Highways" to temporarily lower the prima facie speed limits on said streets, highways or portions thereof to better protect the convenience, health, safety and welfare of the residents of the City and the motoring public; and

**WHEREAS**, the City Council of the City of Denison, Texas finds that all prerequisites to the adoption of this Ordinance have been met.

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

**Section 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**Section 2. Amendment to Chapter 25 “Traffic,” Article IV “Speed Regulations,” Section 25-107.3 “Speed Limits on Certain Highways.”** Chapter 25 “Traffic,” Article IV “Speed Regulations,” Section 25-107.3 “Speed Limits on Certain Highways” the paragraph regarding U.S. 75 is hereby amended to add the following (additions shown underlined):

*On U.S. 75 frontage roads from their beginning at approximate mile point 10.672 on the northbound frontage road and mile point 10.680 on the southbound frontage road to approximate mile point 6.444 in southerly direction a distance of approximately 4.321 miles on the northbound frontage road and approximately 4.313 miles on the southbound frontage road, a speed limit of 55 (fifty-five) miles per hour at all times; thence southerly on both the northbound and southbound frontage roads from the approximate mile point 6.634 to the intersection of FM 120, for a distance of approximately 0.526 miles, a speed limit of 55 (fifty-five) miles per hour at all times as evidenced by the attached plan is hereby approved and made a part thereof. Notwithstanding the foregoing, U.S. 75 main lanes from approximately the northern point of FM 691 to the southern point of N. Loy Lake Road, a speed limit of sixty-five (65) miles per hour and on the US 75 frontage roads, both northbound and southbound lanes from approximately the northern point of FM 691 to the southern point of N. Loy Lake Road, a speed limit of forty-five (45) miles per hour and at all times until the completion of Texas Department of Transportation Project No. F 2B23(048), to address road construction that affects the safe and orderly movement of traffic, which is hereby approved by the Texas Department of Transportation.*

**Section 3. Speed Limit Signs to be Posted.** The City Manager is hereby authorized to cause to be completed, any processes or procedures necessary to facilitate the installation of the appropriate signs at the proper locations.

**Section 4. Penalty.** Any person violating this Ordinance or the requirements to obey traffic control devices contained in the Texas Transportation Code and other applicable law shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with penalties prescribed by the Texas Transportation Code and the City’s Code of Ordinances. Each occurrence in violation of this Ordinance shall constitute a separate and distinct offense.

**Section 5. Repealing/Savings Clause.** 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.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

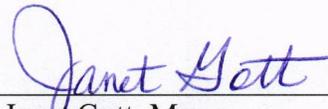
**Section 7. Open Meetings.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that public notice

of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Texas Government Code.

**Section 8. Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by law.

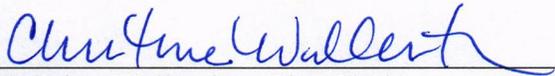
**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ON THIS 4<sup>TH</sup> DAY OF MARCH 2024.**

**SIGNED:**



Janet Gott, Mayor

**ATTEST:**



Christine Wallentine, City Clerk

