

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE ZONING OF TRAFFIC AND RATE OF SPEED ON KOHLERS CROSSING IN THE CITY LIMITS OF THE CITY OF KYLE; AFFIRMING THE DEFINITION OF SPEEDING AND FIXING A PENALTY THEREFORE; REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and right-of-ways within the City limits of the City of Kyle (the “City”) is essential and necessary to protect the traveling public and to preserve and protect the public safety of the City; and

**WHEREAS**, the: City Engineer; Police Chief; Director of Public Works; Assistant City Manager and City Manager have reviewed the situation and issues that are the subject matter of this Ordinance; and

**WHEREAS**, City staff find that the safety and welfare of the citizens of the City requires that regulatory signs be provided at such points within the City;

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

**SECTION 1: Findings.** The recitals are hereby found to be true and correct and are hereby incorporated as part of this Ordinance.

**SECTION 2: Confirmation.** It is hereby determined upon the basis of an engineering and traffic investigation that the prima facie maximum speed limit on those portions of Kohlers Crossing routed in the City, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie speed limit so declared as follows:

Kohlers Crossing - Beginning at the Union Pacific Railroad Crossing to the intersection of IH35 Frontage Road a distance of approximately 0.95 miles – **45 MPH** (miles per hour) in both east and west directions.

**SECTION 3: Traffic Control Speed Signs.** The City Council hereby supports and acknowledges that traffic speed zone signs hereinafter set forth will be placed, installed and erected at designated locations, and that each such sign be hereafter enforced by the City. It shall be unlawful for any person to willfully deface, injure, move, remove, obstruct or interfere with any speed limit sign under the provisions of this ordinance.

**SECTION 4: Violation and Penalties.** Any person violating any provisions of this Ordinance shall be subject to the penalty provided in Section 1-14 of the Code of Ordinances.

**SECTION 5. Repeal of Conflicting Resolutions or Ordinances.** All resolutions or ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby repealed to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other resolution, code or ordinance of the City, or parts thereof, the terms and provisions of this ordinance shall govern.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

**SECTION 7. Open Meetings.** That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Local Government Code.

**SECTION 8. Effective Date.** This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

**PASSED AND APPROVED** on first reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

**FINALLY PASSED AND APPROVED** on this \_\_\_\_ day of \_\_\_\_\_, 2018.

**THE CITY OF KYLE, TEXAS**

\_\_\_\_\_  
Travis Mitchell, Mayor

**ATTEST:**

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Jennifer A. Vetrano, City Secretary