

**ORDINANCE NO. 2023-**

**AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS TO AMEND CITY CODE OF ORDINANCES, SECTION 28-23 SAME-SCHOOL ZONES AND SECTION 28-24 ONE-WAY STREETS AND ALLEYS; PROVIDING TO ERECT AND MAINTAIN "SCHOOL SPEEDING ZONE" SIGNS; PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Aransas Pass, Texas (City) is a home rule city acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

**WHEREAS**, the City desires to provide for traffic safety adjacent to school locations;

**WHEREAS**, pursuant to Texas Local Government Code 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good of governments, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, the City Council finds that adopting this Ordinance is for the good government, peace and order of the City;

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

**SECTION 1.** Chapter 28, "Traffic," Art. II "Operation of Vehicles", "Section 28-23 "Same-School Zones" and "Section 28-24 One-Way Streets and Alleys" shall be amended as read as follows:

Sec. 28-23. - Same—School zones.

- (a) Within the power and authority which the city council, being the governing body of the city, has, including, but without limitation thereto, the power and authority expressly given to it by certain provisions of the general laws of the state, the city council, upon the basis of a traffic investigation which has been made, has determined and does hereby determined that the reasonable and safe prima facie speed limit of and for vehicles within the vicinity of schools, being upon the several parts and portions of the several streets hereinafter set forth, based upon the intersections, width and conditions of pavement and other conditions on such streets and highways, and the volume of pedestrian and vehicular traffic thereon, is, except as hereinafter provided, twenty (20) miles per hour between the hours of ~~7:30~~ 7:00 a.m. and 8:30 a.m. and between the hours of 3:00 p.m. and 4:30 p.m. from Monday through Friday of each week during the normal school year as may be scheduled by the applicable private or public school administrators, and there is hereby established a prima facie speed limit of twenty (20) miles per hour within the following speed zones which are hereby created within the city and such maximum prima facie speed limit is hereby designated for each speed zone and hereby declared to be the prima facie speed limit therein between the hours of ~~7:30~~ 7:00 a.m. and 8:30 a.m. and between the hours of 3:00 p.m. and 4:30 p.m. from Monday through Friday of each week during the normal school year as may be scheduled by the applicable private or public school administrators:

*Goodnight Avenue from Thirteenth Street southeasterly to Saunders Street.*

~~*Lamont Street from Yoakum Avenue northeasterly to Wheeler Avenue.*~~

*Nelson Avenue from ~~Tenth~~ Thirteenth Street southeasterly to Saunders Street.*

~~*Saunders Street from Goodnight Avenue northeasterly to Yoakum Avenue.*~~

*Wilson Avenue from Eighth Street southeasterly to Saunders Street.*

~~*Yoakum Street from Eighth Street southeasterly to Harrison Boulevard.*~~

*Seventh Street from Nelson Avenue northeasterly to Goodnight Avenue.*

*Eighth Street from Nelson Avenue northeasterly to Wilson Avenue.*

~~*Thirteenth Street northeasterly from Goodnight Avenue to Wilson Avenue.*~~

*South Avenue A from West Wheeler Street southwesterly to West Deberry Avenue.*

*Demory Lane from South Avenue A northwesterly to FM 1069.*

*McMullen Lane from South Avenue A northwesterly to the 2400 Block of McMullen Lane.*

The speed limit hereinabove stated of twenty (20) miles per hour is hereby fixed and established as the maximum speed limit for all vehicles within such portions of such several streets set forth above and it shall be unlawful for any person to operate or drive any motor vehicle or any other vehicle within any of such several portions of such several streets between the hours of ~~7:30~~ 8:30 a.m. and ~~4:30~~ 3:00 p.m. and between the hours of 3:00 p.m. and 4:30 p.m. from Mondays through Fridays of each week during the normal school year as may be scheduled by the applicable private or public school administrators at a speed in excess of twenty (20) miles per hour. The city traffic engineer shall install or cause to be installed appropriate speed limit signs at the boundaries of limits of the school speed zones hereinabove established indicating the legal speed limit within school zones.

~~(a-1) Within the power and authority which the city council, being the governing body of the city, has, including, but without limitation thereto, the power and authority expressly given to it by certain provisions of the general laws of the state, the city council, upon the basis of a traffic investigation which has been made, has determined and does hereby determined that the reasonable and safe prima facie speed limit of and for vehicles within the vicinity of schools, being upon the several parts and portions of the several streets hereinafter set forth, based upon the intersections, width and conditions of pavement and other conditions on such streets and highways, and the volume of pedestrian and vehicular traffic thereon, is, except as hereinafter provided, twenty five (25) miles per hour between the hours of 7:30 a.m. and 4:30 p.m. from Monday through Friday of each week during the normal school year as may be scheduled by the applicable private or public school administrators, and there is hereby established a prima facie speed limit of twenty five (25) miles per hour within the following speed zones which are hereby created within the city and such maximum prima facie speed limit is hereby designated for each speed zone and hereby declared to be the prima facie speed limit therein between the hours of 7:30 a.m. and 4:30 p.m. from Monday through Friday of each week during the normal school year as may be scheduled by the applicable private or public school administrators:~~

~~South Avenue A from West Wheeler Street southwesterly to West Deberry Avenue.~~

~~Demory Lane from South Avenue A northwesterly to FM 1069.~~

~~McMullen Lane from South Avenue A northwesterly to the 2400 Block of McMullen Lane.~~

- (b) ~~Provided, however, there is hereby established a prima facie speed limit of twenty five (25) miles per hour within the following speed zones:~~

~~Wheeler Avenue from the 1700 Block to 2000 Block (the same being a portion of State Highway No. 35 in the vicinity of the high school).~~

~~Such prima facie speed limit of twenty five (25) miles per hour shall apply only at the time the yellow lights signed~~

~~"SPEED LIMIT  
25 M.P.H.  
When Flashing"~~

~~are flashing between the hours of 7:30 a.m. and 4:30 p.m. from Mondays through Fridays of each week during the normal school year as may be scheduled by the applicable private or public school administrators, it being the intention of the city council that the yellow lights flash from 7:30 a.m. to 8:30 a.m.; from 11:30 a.m. to 1:00 p.m.; and from 3:00 p.m. to 4:30 p.m. on such days; and that on all other days the prima facie speed limit set out in subsection (a) is to apply in said speed zones.~~

- (c) ~~Further provided, there is hereby established a prima facie speed limit of twenty (20) miles per hour within the following speed zones:~~

~~Harrison Boulevard from the intersection of Wheeler Street southeast to Yoakum Avenue.~~

~~Such prima facie speed limits of twenty (20) miles per hour shall apply between the hours of 7:30 a.m. and 4:30 p.m. from Mondays through Fridays of each week during the normal school year as may be scheduled by the applicable private or public school administrators.~~

#### **Sec. 28-24. - One-way streets and alleys.**

- (a) The city by ordinance hereby designates from time to time streets and alleys in the city as one-way streets or alleys and hereby authorizes the proper city official in charge of traffic and traffic engineering of the city to place, and such authorized individual or his designee shall place, and maintain signs giving notice thereof and no such regulation or creation of one-way streets shall be effective unless such signs are in place as provided by this section. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- (b) Upon those streets and parts of streets and in those alleys or parts of alleys described hereinbelow, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. Such movement in the opposite direction shall be prohibited at all times unless otherwise set forth and designated hereinafter.

<del>Direction of Name of Street or Alley Traffic Movement</del>
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- (1) Alley, located between Saunders Street and Eighth Street immediately southeast of Kieberger School running parallel with Saunders Street during the school year from 7:~~30~~00 a.m. to 4:30 p.m., only South bound traffic flow permitted.
- (2) Nelson Street, between Seventh Street and Tenth Street during the school year from 7:~~30~~00 a.m. to 4:30 p.m., only Westbound traffic flow permitted.
- (3) Bayside Place, between its intersection with Hwy. 361 to its intersection with Beasley Avenue, Monday through Friday, from 3:00 p.m. to 6:00 p.m. South

**SECTION 2. Erect and Maintain Speed Limit Signs.**

The City Manager, or his designee, is hereby directed to ensure that appropriate signs are erected and maintained giving notice of the speed limits adopted in this Ordinance.

**SECTION 3. Penalty for Violation.**

Any person, firm or corporation who violates, disobeys, neglects, or refuses to comply with or who resist the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Hundred Dollars (\$200.00) per violation.

**SECTION 4. Repeal Conflicting Ordinances.**

All ordinances, orders or resolutions heretofore passed and adopted by the City Council of the City of Aransas Pass, Texas are hereby repealed to the extent that said ordinances, orders or resolutions or parts thereof, are in conflict herewith.

**SECTION 5. Savings Clause.**

This Ordinance, as amended, will remain in full force and effect, and save and except as amended by this Ordinance.

**SECTION 6. Severability Clause.**

Should any part, sentence or phrase of this Ordinance is determined to be unlawful, void, or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

**SECTION 7. Publication.**

The City Secretary is hereby directed to publish this Ordinance, or its caption and penalty clause, in the official newspaper as required by the Texas Local Government Code.

**SECTION 8. Effective Date.**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

**FINALLY ENACTED THIS** \_\_\_\_\_ day of \_\_\_\_\_, 2023 at a meeting of the Elective Council of the City of Aransas Pass, Texas at which a quorum was present and which was held in accordance with TEXAS GOVERNMENT CODE, TITLE 5, SUBTITLE A, CHAPTER 551.

CITY OF ARANSAS PASS, TEXAS

BY: \_\_\_\_\_  
Ramiro Gomez, Mayor

ATTEST:

\_\_\_\_\_  
Mary Juarez, City Secretary

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
Roxann Pais Cotroneo, City Attorney