

ORDINANCE NO. 3761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMIT OF CERTAIN PUBLIC STREETS WITHIN THE CORPORATE BOUNDARIES AND ESTABLISHING A CONSTRUCTION SPEED ZONE ALONG BEDFORD EULESS ROAD, EASTBOUND AND WESTBOUND LANES FROM BOOTH CALLOWAY DRIVE TO STRUMMER DRIVE, A DISTANCE OF APPROXIMATELY 2,688 FEET TO REDUCE THE SPEED LIMIT TO 30 MILES PER HOUR; AUTHORIZING THE INSTALLATION OF SIGNAGE IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING FOR THE SPEED LIMIT OF SAID STREET TO INCREASE TO 35 MILES PER HOUR UPON COMPLETION OF CONSTRUCTION; PROVIDING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas (“the City”) is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, As a result of a Traffic Control Plan provided by the project engineer as part of the Bedford Euless Road Construction Project, along Bedford Euless Road, Eastbound and Westbound lanes from Booth Calloway Drive to Strummer Drive, a distance of approximately 2,688 feet (the “Construction Area”), the City’s engineer has determined that a reduced speed zone is necessary for the safe operation of traffic and protection of construction personnel on the said portions of certain city streets; and

WHEREAS, Pursuant to the Texas Transportation Code, Subchapter H, Section 545.351, et seq., the City Council has the authority to alter prima facie speed limits within its boundaries to create reasonable and safe driving conditions; and

WHEREAS, City Code of Ordinances Chapter 54, Article III, Division 3, Section 54-102, line 2, established the prima facie speed limit for certain areas of Bedford Euless Road and other public streets within the city at 35 miles per hour; and

WHEREAS, The City Council finds that the establishment of a temporary construction speed zone encompassing the Construction Area within the city is in the best interest of the health, safety and welfare of the travelling public and persons working in the Construction Area.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

SECTION 1: The City Council hereby finds the recitals above to be true and correct, and such recitals are hereby incorporated into this Ordinance as if written herein.

SECTION 2: Pursuant to Texas Transportation Code, Subchapter H, Section 545.351, et seq., the City Council hereby determines that the following prima facie speed limit hereafter indicated for vehicles upon such roads is reasonable and safe; and such speed limit is hereby fixed at the rate of speed indicated for vehicles traveling upon the named public streets, or parts thereof, described as follows:

“Along Bedford Euless Road Eastbound and Westbound Lanes from Booth Calloway Drive to Strummer Drive, a distance of approximately 2,688 feet, the speed limit shall be 30 miles per hour.”

SECTION 3: The City’s Engineer, or his/her designated representative, is hereby authorized and directed to place or cause to be placed, appropriate traffic control devices and signs to effectuate the establishment of the maximum prima facie speed limit as herein provided.

SECTION 4: Chapter 54, Article III, Division 3, Section 54-102(b), of the Code of Ordinances of the City of North Richland Hills shall be amended to modify the speed limit in accordance with this Ordinance for the stated time indicated herein.

SECTION 5: Upon completion of the construction activity on the aforementioned sections of the designated streets, the prima facie speed limit for vehicles traveling along Bedford Euless Road Eastbound and Westbound Lanes from Booth Calloway Drive to Strummer Drive is determined and declared to be 35 miles per hour.

SECTION 6: Any vehicle travelling at a speed in excess of the maximum prima facie speed limit herein established for the designated roads indicated herein shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances existing.

SECTION 7: Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two thousand dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

SECTION 8: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 9: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 10: 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 11: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

SECTION 12: This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 10th day of October, 2022.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson
City Secretary/Chief Governance Officer

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Caroline Waggoner, P.E., Director of Public Works