

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

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 72 REGARDING SPEED LIMITS ON CITY STREETS (KELLY LANE) TO ESTABLISH PRIMA FACIE MAXIMUM SPEEDS FOR CONSTRUCTION OR MAINTENANCE WORK ZONES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT FOR THE DURATION OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council finds the City of Pflugerville is a Texas Home-Rule Municipality and that the City has the exclusive control over and under the public highways, streets, and alleys within the City, as established by Texas Transportation Code, Section 311.001; and

**WHEREAS**, the City of Pflugerville desires to continue to protect and ensure the public health, safety, and welfare of its residents and businesses by regulating and guiding road users throughout periods of construction in and around construction and maintenance zones for the protection of the construction workers and the general travelling public; and

**WHEREAS**, the City of Pflugerville is authorized by Chapter 545 of the Texas Transportation Code to implement Temporary Traffic Control zones and enforce speed zones to meet the needs of changing conditions associated with the construction of street improvement projects; and

**WHEREAS**, Sections 472.022 and 542.404 of the Texas Transportation Code provide enhanced penalties for offenses occurring in construction and maintenance work zones; and

**WHEREAS**, the City Staff desires to amend its regulations by establishing a prima facie speed limit in a Temporary Traffic Control zone hereby deemed a construction and maintenance zone as provided by and consistent with Texas law.

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

Section 1. Chapter 72, Schedule II of the City of Pflugerville, Texas Code of Ordinances is hereby temporarily amended by replacing the current speed limits with the following speed limits for the corresponding street sections.

**SCHEDULE II. SPEED LIMITS ON CITY STREETS**

The prima facie maximum speed limits for the section of the streets described below are hereby determined to be as follows when Temporary Traffic Control signage is displayed in accordance with street improvement projects approved by the city:

<i>Street</i>	<i>Direction of Traffic</i>	<i>Location</i>	<i>Speed Limit (m.p.h.)</i>
Kelly Lane	Eastbound and Westbound	Construction zone on Kelly Lane from the intersection of Falcon Pointe Boulevard and Kelly Lane to the intersection of Moorlynch Avenue and Kelly Lane..	30

Section 2. Penalty. That a violation of this Ordinance shall be an offense punishable upon conviction as prescribed in Title VII, Chapter 70, Section 70.99 of this Code of Ordinances with enhanced fines as authorized under Chapters 472 and 542 of the Texas Transportation Code.

Section 3. Severability. If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

Section 4. Repealer. This Ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed until such time as this Ordinance is no longer in effect, as identified below.

Section 5. Effective Date. This Ordinance will take effect upon its adoption by the City Council in accordance with Section 3.15(d) of the City Charter. The amended speed limits established herein will automatically revert back to the original speed limits established by the City of Pflugerville Code of Ordinances, Article VII, Chapter 72, Schedule II upon completion of construction and reestablishment of speed limit signs consistent with the same at which time this Ordinance shall be of no further force or effect.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Victor Gonzales, Mayor

ATTEST:

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Trista Evans, City Secretary

APPROVED AS TO FORM:

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Charles Zech, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC