

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

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES TITLE VII TRAFFIC CODE, CHAPTER 72 TRAFFIC SCHEDULES, SECTION II SPEED LIMITS ON CITY STREETS TO ADD PROVISIONS FOR BILTMORE AVENUE AND HELIOS WAY; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 72 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; 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;

**WHEREAS**, City staff performed speed limit studies for the recently completed roadway projects for Biltmore Avenue and Helios Way, and is recommending the prima facie speed limit for Biltmore Avenue be set at 40 mph and the prima facie speed limit for Helios Way be set at 35 mph; and

**WHEREAS**, the City Council finds that the City of Pflugerville Code of Ordinances, Article VII, Chapter 72, Section II should be amended to add the prima facie speed limit of 40 mph for Biltmore Avenue and the prima facie speed limit of 35 mph for Helios Way to protect the public health, safety and welfare; and

**WHEREAS**, the City Council finds that it has the authority to amend the speed limit along Biltmore Avenue and Helios Way under the Texas law.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to Municipal Code of Ordinances.** The City of Pflugerville, Texas Code of Ordinances, Title VII (“*Traffic Code*”), Chapter 72 (“*Traffic Schedules*”), Section II (“*Speed Limits on City Streets*”) is hereby amended by implementing the speed limit for the corresponding street sections.

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

(A) The prima facie maximum speed limits for the section of the streets described below are added as follows:

Biltmore Avenue:

40 Miles Per Hour Northbound and Southbound between East Pecan Street and Helios Way.

Helios Way:

35 Miles Per Hour Eastbound and Westbound between Biltmore avenue and Sun Light Near Way.

**Section 3. 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.

**Section 4. 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.

**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.

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

CITY OF PFLUGERVILLE, TEXAS

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

ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary

APPROVED AS TO FORM:

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