

## **ORDINANCE # 1299-2021**

**AN ORDINANCE AMENDING ARTICLE 12.04, "SPEED", SPECIFICALLY IN SECTION 12.04.003 "SPECIAL SPEED ZONES" OF THE CITY OF RIVER OAKS CODE OF ORDINANCES (2006) BY INCORPORATING INTO SECTION 12.04.003 SUBSECTION 12.04.003(e) "YALE STREET" TO INCLUDE APPROXIMATELY 1.425 MILES OF ROADWAY OF YALE STREET FROM ITS INTERSECTION ON THE SOUTH END AT RIVER OAKS BLVD AND EXTENDING BACK NORTH TO ITS INTERSECTION WITH ROBERTS CUT OFF ROAD BY DESIGNATING A PRIMA FACIE MAXIMUM REASONABLE AND PRUDENT SPEED OF 25 MILES PER HOUR AS PLOTTED HEREIN ON EXHIBIT "A" OF THIS ORDINANCE AT ALL TIMES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks 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 Local Government Code; and

**WHEREAS**, Yale Street is a residential street that runs from the 5400/5500 Block of River Oaks Blvd in a south to north direction to the 2100 Block of Roberts Cut Off Road that due to the elementary school at 1100 Roberts Cut Off Road there is a traffic bottleneck during peak school hours that as a result commuters have historically used Yale Street to bypass the school zone which has caused a higher than normal traffic pattern on Yale Street; and

**WHEREAS**, following an extensive traffic study performed by the River Oaks Chief of Police, the police Chief recommends establishing a reasonable maximum prima facie speed limit of 25 miles per hour south to north on Yale Street from its intersection with River Oaks Blvd extending approximately 1.425 miles to its intersection with Roberts Cut Off Road, a distance in roadway length of 7,524 feet; and

**WHEREAS**, the City Council has determined after due and careful consideration that based on the traffic study and recommendation from the Police Chief it is essential to designate and incorporate all of Yale Street from its intersection with River Oaks Blvd through the 2100 block of Yale as plotted herein on "Exhibit A" of this Ordinance as a maximum prudent speed zone of 25 m.p.h. in order to protect the safety of the children, bike riders and walking pedestrians.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:**

### **SECTION 1.**

#### **Section 12.04.003 "Special Speed Zones"**

That Article 12.04, "Speed" of the City of River Oaks Code of Ordinances (2006) with the adoption of this ordinance, Section 12.04.003 "**Special Speed Zones**" is amended by revising Section 12.04.003 by adding Section 12.04.003(e) "Yale Street" establishing the vehicular prima facie speed of 25 miles per hour on Yale Street to now read as follows:

**"(e) Yale Street.** The prima facie maximum reasonable and prudent speed of 25 MPH on Yale Street approximately 1.425 miles in street roadway length from River Oaks Blvd south to its intersection with Roberts Cut Off Road through the 2100 block of Yale Street, a distance of 7,524 feet effective when appropriate signs giving notice of the new speed limit are erected. These reduced speed limits are enforced between the signs which are erected.

**SPEED LIMIT ZONE**

**STREET**

**SPEED LIMIT**

**On Yale Street from its intersection with River Oaks Blvd. on the south and continuing north from there approximately 1.425 miles to its intersection with Roberts Cut Off Road that extends through the 2100 block of Yale Street, a distance of approximately 7,524 feet establishing a reasonable maximum prima facie speed limit of 25 miles per hour at all times."**

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**SECTION 2.**

**CUMULATIVE**

This Ordinance shall be cumulative of all provisions of Ordinances of the city, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

**SEVERABILITY**

It is hereby declared to be the intentions 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 4.**

**SAVINGS**

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2006) or any other ordinances affecting prima facie maximum speed limits which 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 5.**

**PENALTY**

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2006) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 6.**

**PUBLICATION**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

**SECTION 7.**

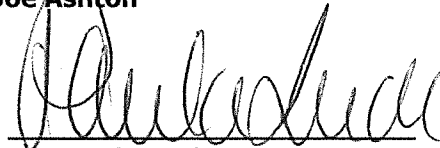
**EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

**PASSED AND APPROVED THIS THE 26th DAY OF JANUARY 2021.**

  
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**Mayor Joe Ashton**

**ATTEST:**

  
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**Paula Luck  
City Secretary  
City of River Oaks**

# EXHIBIT A

