

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING SECTION 118-53, "RESTRICTION NEAR SCHOOLS," OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS, BY REVISING SCHOOL SPEED ZONES FOR SUL ROSS ELEMENTARY SCHOOL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 118, "Traffic and Vehicles," of the City of Bryan Code of Ordinances, which controls and regulates the movement of vehicles within the City which includes Section 118-53, "Restrictions Near Schools," which designates school speed zones for certain areas; and

WHEREAS, the City Council has determined, based on the traffic studies conducted by the Bryan Independent School District (BISD), that there is a need to modify the school speed zones for Sul Ross Elementary School; and

WHEREAS, such modification is in the interest of public safety by creating school speed zones which are continuous and consistent;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

Section 118-53 of the City of Bryan Code of Ordinances is amended as follows:

Sul Ross Elementary School:

Parkway Terrace from Broadmoor Drive to East Villa Maria Road (FM 1179).

Carter Creek Parkway from East Villa Maria Road (FM 1179) to 350 feet east of Broadmoor Drive.

Broadmoor Drive from 175 feet north of Carter Creek Parkway to 315 feet south of Parkway Terrace.

2.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

3.

That all rights or remedies of the City of Bryan, Texas are expressly saved as to any and all violations of the provisions of Chapter 118 of the City Code and of any other ordinances affecting motor vehicles and traffic which have accrued at the time of the effective date of this ordinance; and, as to all such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

5.

That it is the intention for the city council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

6.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for a violation thereof, and the effective date of the ordinance.

7.

A violation of this ordinance shall be a misdemeanor punishable by a fine as established by Title 7 of the Texas Transportation Code, which is an amount not less than \$1 and not more than \$200 or as may be amended.

8.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

9.

This ordinance shall go into effect immediately after its second and final reading, publication in a newspaper of general circulation, and after the city erects signs in accordance with state law posting notice of the new speed limits.

PRESENTED AND GIVEN first reading the 16th day of August, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, PASSED AND APPROVED on the 23rd day of August 2016 by a vote of _____ yeses and _____ noes at a regular meeting of the City Council of Bryan, Texas.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING SECTION 118-53, "RESTRICTION NEAR SCHOOLS," OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS, BY REVISING THE SCHOOL SPEED ZONES FOR SUL ROSS ELEMENTARY SCHOOL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; PROVIDING FOR PUBLICATION; PROVIDING FOR A PENALTY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan has adopted Chapter 118, "Traffic and Vehicles," of the City of Bryan Code of Ordinances, which controls and regulates the movement of vehicles within the City which includes Section 118-53, "Restrictions Near Schools," which designates school speed zones for certain areas; and

WHEREAS, the City Council has determined, based on the traffic studies conducted by the Bryan Independent School District (BISD) , that there is a need to modify the school speed zones for Sul Ross Elementary School; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

Section 118-53 of the City of Bryan Code of Ordinances is amended as follows:

Sul Ross Elementary School:

Parkway Terrace from ~~275 feet west of~~ Broadmoor Drive to ~~225 feet southeast of~~ East Villa Maria Road (FM 1179).

Carter Creek Parkway from ~~Lamar Drive~~ East Villa Maria Rd to 350 feet east of Broadmoor Drive.

Broadmoor Drive from 175 feet north of Carter Creek Parkway to 315 feet south of Parkway Terrace.

Spring Lane from ~~140 feet east of Broadmoor Drive to Broadmoor Drive.~~

2.

That this ordinance shall be cumulative of all provisions of ordinances of the City of Bryan, except where the provisions of this ordinance are in direct conflict therewith, in which case the prior ordinance or parts thereof are hereby repealed to the extent of the conflict.

3.

That all rights or remedies of the City of Bryan, Texas are expressly saved as to any and all violations of the provisions of Chapter 118 of the City Code and of any other ordinances affecting motor vehicles and traffic which have accrued at the time of the effective date of this ordinance; and, as to all such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such

chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph or section.

5.

That it is the intention for the city council that this ordinance shall become a part of the Bryan City Code of Ordinances and it may be renumbered and codified therein accordingly.

6.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for a violation thereof, and the effective date of the ordinance.

7.

A violation of this ordinance shall be a misdemeanor punishable by a fine as established by Title 7 of the Texas Transportation Code, which is an amount not less than \$1 and not more than \$200 or as may be amended.

8.

That it is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Chapter 551.001, *et seq.*, of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

9.

This ordinance shall go into effect immediately after its second and final reading, publication in a newspaper of general circulation, and after the city erects signs in accordance with state law posting notice of the new speed limits.

PRESENTED AND GIVEN first reading the 16th day of August, 2016 at a regular meeting of the City Council of the City of Bryan, Texas; and given a second reading, PASSED AND APPROVED on the 23rd day of August 2016 by a vote of _____ yeases and _____ noes at a regular meeting of the City Council of Bryan, Texas.

ATTEST:

CITY OF BRYAN, TEXAS:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney