

## **ORDINANCE NO. 2022-18**

**AN ORDINANCE OF THE CITY OF IOWA COLONY, TEXAS ESTABLISHING SPEED LIMITS IN A CONSTRUCTION SPEED ZONE ON THE SOUTHBOUND AND NORTHBOUND MAIN LANES OF SH 288 AT ALL POINTS WITHIN THE CITY LIMITS OF THE CITY OF IOWA COLONY, TO REDUCE THE SPEED LIMIT TO 55 MILES PER HOUR; AUTHORIZING THE INSTALLATION OF SIGNAGE IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING FOR THE SPEED LIMIT IN THE ABOVE DESCRIBED ZONE TO INCREASE TO 65 MILES PER HOUR UPON COMPLETION OF CONSTRUCTION IN THAT ZONE; PROVIDING FOR CONFLICTS IN TERMS; PROVIDING A PENALTY OF \$1 TO \$400 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the Texas Department of Transportation has requested that the City of Iowa Colony, Texas establish a construction speed zone on SH 288 for construction of grade separation and related work within the City of Iowa Colony ("the City"), until such time as the construction is completed; and

**WHEREAS**, pursuant to Section 545.356 of the Texas Transportation Code, the governing body of the City has the same authority as the Texas Transportation Commission to alter prima facie speed limits for an officially designated or marked highway of the state highway system, when the highway or part of the highway is under repair, construction, or maintenance, with that reasonable and safe prima facie speed limit at that location being established by the passage of an ordinance and becoming effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and

**WHEREAS**, the "Procedures for Establishing Speed Zones" adopted by the Texas Transportation Commission provides that engineering and traffic investigations are not required for establishing construction speed zones; and

**WHEREAS**, the City Council of the City of Iowa Colony, Texas, finds that the establishment of the requested construction speed zone is in the best interest of the health, safety, and welfare of the traveling public and the persons working along SH 288 or the frontage road thereof; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IOWA COLONY,  
TEXAS:**

Section 1. The facts and matters contained in the preamble or any other part of this Ordinance are hereby found to be true and correct.

Section 2. The Texas Department of Transportation ("TxDOT") requested that the City establish a construction speed zone on the main lanes of SH 288 to construct grade separation and work on frontage roads within the City of Iowa Colony, until such time as the construction is completed.

Section 3. Pursuant to the provisions of Sections 545.356 and 545.353, Texas Transportation Code, the City Council has determined that the following maximum prima facie speed limits hereafter indicated for vehicles upon such road are hereby determined and declared to be the maximum reasonable and safe speeds; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named highway, or parts thereof, described as follows:

*55 miles per hour on the southbound and northbound SH 288 main  
lanes at all points within the city limits of the City of Iowa Colony, until  
all roadway construction activity is completed in that zone.*

Section 4. Upon the completion of the construction activity on the aforementioned section of the highway, the prima facie speed limit for vehicles traveling on that section of the highway is determined and declared to be 65 miles per hour.

Section 5. The TxDOT representative is hereby authorized and directed to place or cause to be placed appropriate traffic control devices to effectuate the establishment of the maximum prima facie speed limit as herein provided. Per Chapter 2, Section 3 of the Procedures for Establishing Speed Zones manual, the construction speed zone signs must be removed or covered in areas within the approved mile points where/when they are not needed.

Section 6. Any vehicle traveling at a speed in excess of the maximum prima facie speed limit herein established for the designated roads 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. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.


Section 8. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1) or more than Two Hundred Dollars (\$200), except that if a violation is committed in a construction or maintenance work zone when workers are present and any written notice to appear issued for the offense states on its face that workers were present when the offense was committed, the maximum fine applicable to the offense is twice the maximum fine that would be applicable to the offense if it were committed outside a construction or maintenance work zone (Tex. Trans. Code § Sec. 542.404).

Section 9. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Iowa Colony, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED on first reading on OCTOBER 17, 2022.**

**PASSED, APPROVED, AND ADOPTED on second and final reading on  
DECEMBER 19, 2022.**

**CITY OF IOWA COLONY, TEXAS**

By:   
**Michael Byrum-Bratsen,**  
**Mayor**

**ATTEST:**

  
**Kayleen Rosser, City Secretary**

