

ORDINANCE NO. 08142023-1

AN ORDINANCE OF THE CITY OF MERKEL, TEXAS ESTABLISHING SCHOOL ZONES; PROVIDING FOR DECREASED SPEED LIMITS NEAR SCHOOLS DURING SCHOOL HOURS; ESTABLISHING ONE-WAY TRAFFIC ON CERTAIN STREETS NEAR SCHOOLS DURING SCHOOL HOURS; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Merkel (the "City") is a Texas general law municipality operating pursuant to the laws of the State of Texas;

WHEREAS, Section 545.356 of the Texas Transportation Code authorizes a municipal governing body to establish lower speed limits if the governing body determines that the prima facie speed is unreasonable based on a traffic investigation;

WHEREAS, pursuant to this authority, the City has previously established lower speed limits in areas near schools;

WHEREAS, the City's Chief of Police has conducted a traffic investigation and has recommended that existing school zones be lengthened;

WHEREAS, the City Council of the City of Merkel (the "City Council") finds that the prima facie speed limit in certain areas near school should be lowered and the existing school zone locations should be lengthened;

WHEREAS, the City has "exclusive control over highways, streets, and alleys" of the City pursuant to Section 311.002(a) of the Texas Transportation Code;

WHEREAS, the City Council finds that it further promote safe conditions near schools to designate certain sections of roads as one-way roads during school hours;

WHEREAS, Section 544.002(b) of the Texas Transportation Code authorizes cities to "place and maintain a traffic-control device" to implement a local traffic ordinance and the City Council wishes to designate the Chief of Police as the City's representative to place signage to effectuate this Ordinance; and

WHEREAS, the City Council finds that the regulations contained in this Ordinance are in the best interest of the health, safety, and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MERKEL, TEXAS, that:

I. Incorporation of Premises. The foregoing recitals are incorporated into this Ordinance as though fully set forth herein.

II. School Zones. The speed limits in the following areas shall be as stated below during the hours of 7:00 a.m. and 4:30 p.m. on school days:

- (a) 20 miles per hour:
 - (1) On County Road 399 from Haynes Street to the City limits;
 - (2) On South 7th Street from Ash Street to the Merkel High School property line;
 - (3) On Haynes Street from South 7th Street to South 2nd Street;
 - (4) On Ash Street from South 7th Street to South 2nd Street;
 - (5) On Trundy Street from South 5th Street to South 4th Street;
 - (6) On South 4th Street from Trundy Street to Ash Street; and
 - (7) On South 2nd Street from Haynes Street to Ash Street.
- (b) 15 miles per hour:
 - (1) On South 5th Street from Ash Street to the Merkel High School property line;
 - (2) On Lois Street from South 5th Street to South 3rd Street; and
 - (c) On South 3rd Street from Haynes Street to Ash Street.

III. One-Way Traffic. On school days between the hours of 7:00 a.m. and 4:30 p.m., the following portions of streets are designated for one-way traffic as stated below:

- (a) Northbound traffic only on Lois Street between South 5th Street and South 3rd Street;
- (b) Northbound traffic only on Trundy Street between South 5th Street up to the main entrance of the school being able to turn west into the School parking lot.
- (c) Westbound traffic only on South 4th Street between Ash Street and Trundy Street, and turning south on Trundy up to the main entrance of the school, turning west into the school;
- (d) Eastbound traffic only on South 3rd Street between Haynes Street and Ash Street; and
- (e) Northbound traffic only on Manchester Street between South 3rd Street and South 2nd Street.

IV. Traffic Control Devices. The Chief of Police is hereby directed to install, or cause to be installed, appropriate traffic control devices to provide notice of the reduced speeds and one-way streets implemented by this Ordinance.

V. Repeal. All ordinances or ordinance provisions in conflict with the provisions of this Ordinance shall be, and the same are hereby repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

VI. Savings/Severability Clause. It is hereby declared to be the intention of the City Council of the City of Merkel that any phrase, sentence, section, or paragraph of this Ordinance shall be declared unconstitutional or otherwise invalid by final judgment of a court of competent jurisdiction such unconstitutionality or invalidity shall not affect any of the remainder of this Ordinance since the same would have been enacted by the City Council without the incorporation of the unconstitutional or invalid phrase, sentence, section or paragraph.

V. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council. The speed limits and one-way streets adopted by this Ordinance shall go in effect when the City erects appropriate signage.

PASSED AND APPROVED on this 14th day of August, 2023, at a regular scheduled meeting of the City Council for the City of Merkel, Texas.


Mary Schramper, Mayor

ATTEST:


Evelyn Morse, City Secretary