

ORDINANCE NO. 4-25

AN ORDINANCE OF THE CITY OF DEVINE ESTABLISHING THE *PRIMA FACIE* MAXIMUM SPEED LIMIT FOR THE IH 35 CONSTRUCTION ZONE FOR THE CHACON CREEK BRIDGE PROJECT AT 60 MILES PER HOUR; PROVIDING THE VIOLATION OF SUCH ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE UPON CONVICTION BY FINE OF NOT LESS THAN \$10.00 NOR MORE THAN \$200.00; AND PROVIDING FOR A SEVERABILITY CLAUSE.

WHEREAS: The City of Devine is a Type A General-Law city under the laws of the State of Texas; and,

WHEREAS: The Texas Department of Transportation has requested that the City of Devine pass an ordinance lowering the *prima facie* maximum speed limit for the IH 35 construction zone for the Chacon Creek Bridge project to 60 miles per hour; and,

WHEREAS: The City Council of the City of Devine finds that the current *prima facie* speed limit of 75 miles per hour on that portion of IH 35 on which the Chacon Creek Bridge Project will take place is unreasonable or unsafe; and,

WHEREAS: The City Council of the City of Devine is actively engaged in cooperating with TXDOT; and,

WHEREAS: Section 51.001 of the Texas Local Government Code authorizes the governing body of a municipality to adopt, publish, amend or repeal an ordinance, rule or police regulation that is for the good government, peace or order of the municipality or for the trade and commerce of the municipality and is necessary or proper for carrying out a power granted by law to the municipality;

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

Section 1. Prima Facie Speed Limit. The *prima facie* maximum speed limit for the IH 35 construction zone for the Chacon Creek Bridge Project is hereby established at 60 miles per hour.

Section 2. Penalty. Each violation of this ordinance shall be punished by a penalty of a fine of not less than \$10.00 nor more than \$200.00 for each offense.

Section 3. Code of Ordinances. It is the intention of the City Council that this Ordinance shall become a part of the Code of Ordinances of the City of Devine and may be renumbered and codified therein accordingly.

Section 4. Repeal. Any provision in the Code of Ordinances of the City of Devine that conflicts with this ordinance is hereby repealed.

Section 5. Effective Date. This ordinance shall take effect immediately upon its passage, approval,

and official publication as provided by law, but not before speed limit signs are erected to advise the traveling public of the maximum speed limit.

Section 6. Severability. If any section, provision, subdivision, clause, or part of this ordinance shall be adjudged or held unconstitutional or invalid, it shall not affect the validity of this ordinance as a whole or any other part or provision contained herein.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the Devine City Council held on the 15th day of April, 2025.



ATTEST:

  
DORA RODRIGUEZ, CITY SECRETARY

  
BUTCH COOK, MAYOR