

**ORDINANCE NO. 20200817B**

**AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS  
CREATING A CONSTRUCTION WORK ZONE FOR TRAFFIC  
AND TEMPORARILY REDUCING THE RATE OF SPEED  
THEREIN, ON TEXAS HIGHWAY 21 IN THE CITY LIMITS OF  
THE CITY OF NIEDERWALD; DEFINING THE SPEED  
LIMIT, REQUIRING THE PLACEMENT OF SIGNS;  
DECLARING WHAT MAY BE A SUFFICIENT COMPLANT IN  
PROSECUTIONS HEREUNDER AND FIXING PENALTY  
THEREFORE; WITH A SAVING CLAUSE AND EFFECTIVE  
DATE.**

**WHEREAS**, the City Council of the City of Niederwald has determined, that the construction, other than mobile operations as defined by the Texas Manual on Uniform Traffic Control Devices, is being undertaken on or near the sections of highway hereinafter defined, and

**WHEREAS**, in order to protect the traveling public and the workers during construction of the expansion of Texas State Highway 21, it is necessary to reduce the maximum permitted speed limit during such construction period, and,

**WHEREAS**, the increased penalties provide by State Law for the violation of such limits should be imposed to more effectively enforce such limits, and

**WHEREAS**, the speed limit to be effective in such a construction zone that is determined and requested by the Texas Department of Transportation, and

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

**SECTION I.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Niederwald and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.** A construction work zone is hereby established in accordance with Section 472.022 of the Transportation Code of the State of Texas for all lanes of traffic along Texas State Highway 21.

**SECTION III.** For the above described zone, the prima facie maximum speed limit of 45 miles per hour is hereby established in the current 55 miles per hour zone.

**SECTION IV.** Such speed limits will become effective upon installment of signage as authorized by the City Administrator and Hays County Area Engineer, for the duration of the construction, or until the signs which are to be erected pursuant to Section V below are removed by the City Administrator of the City of Niederwald or Hays County Area Engineer. Thereafter, the speed limit in the said construction

zone will revert to the preconstruction speed limit of 55 miles per hour.

**SECTION V.** The Texas Department of Transportation or its designee, is hereby directed to erect signs marking the above described construction zones to indicate that the area is a construction work zone, to indicate where the zone begins and ends, and which state "fines double when workers present."

**SECTION VI.** The driving or operating of any motor vehicle on or along any portion of the above designated construction zone at a rate of speed that is greater than the maximum rate of speed for said portion of said highway, as fixed by this Ordinance, shall be guilty of a misdemeanor, which is named "The Offense of Speeding" and that the said offense is punishable by a fine in any sum not to exceed the amount established by Section 472.022 (d)(1) of the Transportation Code of the State of Texas as the same may be amended from time to time. The citation or notice to appear issued for such offense shall state on its face that workers were present when the offense was committed.

**SECTION VII.** Should any section or any portion of any section hereof be declared to be void, the invalidity of such section or such portion thereof shall not affect the validity of the remaining portions of this Ordinance; and that each section and each portion thereof not decreed to be invalid shall remain valid and enforceable.

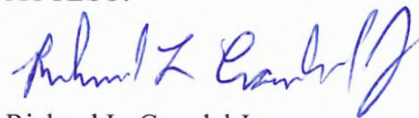
**SECTION VIII.** This ordinance shall take effect immediately upon passage.

**ADOPTED AND APPROVED** on this 17th day of August, 2020 by a vote of the City Council of the CITY OF NIEDERWALD, Texas.



Reynell Smith  
Mayor, City of Niederwald

ATTEST:



Richard L. Crandal Jr.  
City Administrator/City Secretary

