

**CITY OF KERRVILLE, TEXAS**  
**ORDINANCE NO. 2022-11**

**AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMIT  
ON STATE HIGHWAY 173 FROM APPROXIMATELY FIFTEEN  
HUNDRED AND EIGHTY-FIVE FEET SOUTHEAST OF ITS  
INTERSECTION WITH STATE LOOP 534 AND CONTINUING TO  
THE CITY LIMITS, LOCATED SOUTHEAST OF COMANCHE  
TRACE DRIVE; SUCH DISTANCE EQUAL TO 1.274 MILES;  
REDUCING SAID SPEED LIMIT TO 50 MILES PER HOUR;  
AUTHORIZING INSTALLATION OF APPROPRIATE SIGNS  
AND MARKINGS; CONTAINING A SAVINGS AND  
SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM  
PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00);  
AND ORDERING PUBLICATION**

**WHEREAS**, Section 545.353 of the Texas Transportation Code authorizes the Texas Department of Transportation (“TxDOT”) to make certain findings based upon engineering and traffic investigations and to alter prima facie speed limits on state roads located in whole or in part within the limits of an incorporated municipality; and

**WHEREAS**, TxDOT has made studies and surveys of the traffic flowing along a state road within the City limits of Kerrville, Texas; and

**WHEREAS**, TxDOT has found and determined from the studies referenced above that State Highway 173, from approximately fifteen hundred and eighty-five feet (1585') southeast of its intersection with State Loop 534 and continuing to the City limits, located southeast of Comanche Trace Drive, for a total distance of 1.274 miles, as more specifically described below, should be speed zoned to rates set out in this Ordinance; and

**WHEREAS**, City Council finds it to be in the public interest to comply with the request from TxDOT to adopt an ordinance altering the prima facie speed limit along a portion of State Highway 173;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:**

**SECTION ONE.** No person shall drive a vehicle on that certain portion of State Highway 173 from approximately fifteen hundred and eighty-five feet (1585') southeast of its intersection with State Loop 534 and continuing to the City limits, located southeast of Comanche Trace Drive, for a total distance of 1.274 miles, as set out and described below, at a speed greater than is reasonable or prudent under the

circumstances then existing. The location of the relevant area is depicted in the attachment found at **Exhibit A**. The speed limits specified in this Section are lawful, but any speed in excess of the limit specified in this Section will be *prima facie* evidence that the speed is not reasonable or prudent and is unlawful. The speed of motor vehicles on the street as set out below is hereby established at the rate shown opposite the affected roadway, to wit:

| <b>Beginning Point</b>   | <b>Ending Point</b>   | <b>Total Distance</b> | <b>Speed Limit</b> |
|--|---|-----------------------|--------------------|
| 1585 feet<br>Southeast of the<br>intersection of<br>State Highway<br>173 and State<br>Loop 534 | City Limit line,<br>which is<br>Southeast of<br>Comanche Trace<br>Drive | 1.274 miles           | 50 mph             |

**SECTION TWO.** The above speed zoning is based upon findings and determinations of the City Council made as a result of certain traffic surveys and studies made by TxDOT, a summary of which is attached as **Exhibit B**.

**SECTION THREE.** TxDOT is hereby authorized and directed to install appropriate speed zone signs and roadway markings commensurate with the provisions of this Ordinance.

**SECTION FOUR.** Any person violating the *prima facie* speed limits established by this Ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), as fully prescribed by Section 542.401, Texas Transportation Code, as may be amended.

**SECTION FIVE.** All existing ordinances, or any part thereof, in conflict with this Ordinance are hereby expressly repealed.

**SECTION SIX.** The repeal of ordinances, or parts of ordinances, effectuated by the enactment of this Ordinance shall not be construed as abating any actions pending under or by virtue of such ordinances; or as discontinuing, abating, modifying or altering any penalty accruing or to accrue; or as affecting the liability of any person, firm or corporation; or as waiving any right of the City under any section or provision existing at the time of the passage of this Ordinance.

**SECTION SEVEN.** If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or

more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

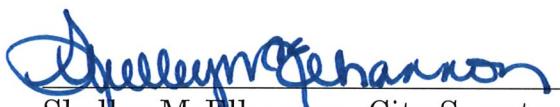
**SECTION EIGHT.** The City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

PASSED AND APPROVED ON FIRST READING, this the 22 day of  
FEBRUARY, A.D., 2022.

PASSED AND APPROVED ON SECOND AND FINAL READING, this  
the 08 day of MARCH, A.D., 2022.

  
\_\_\_\_\_  
Bill Blackburn, Mayor

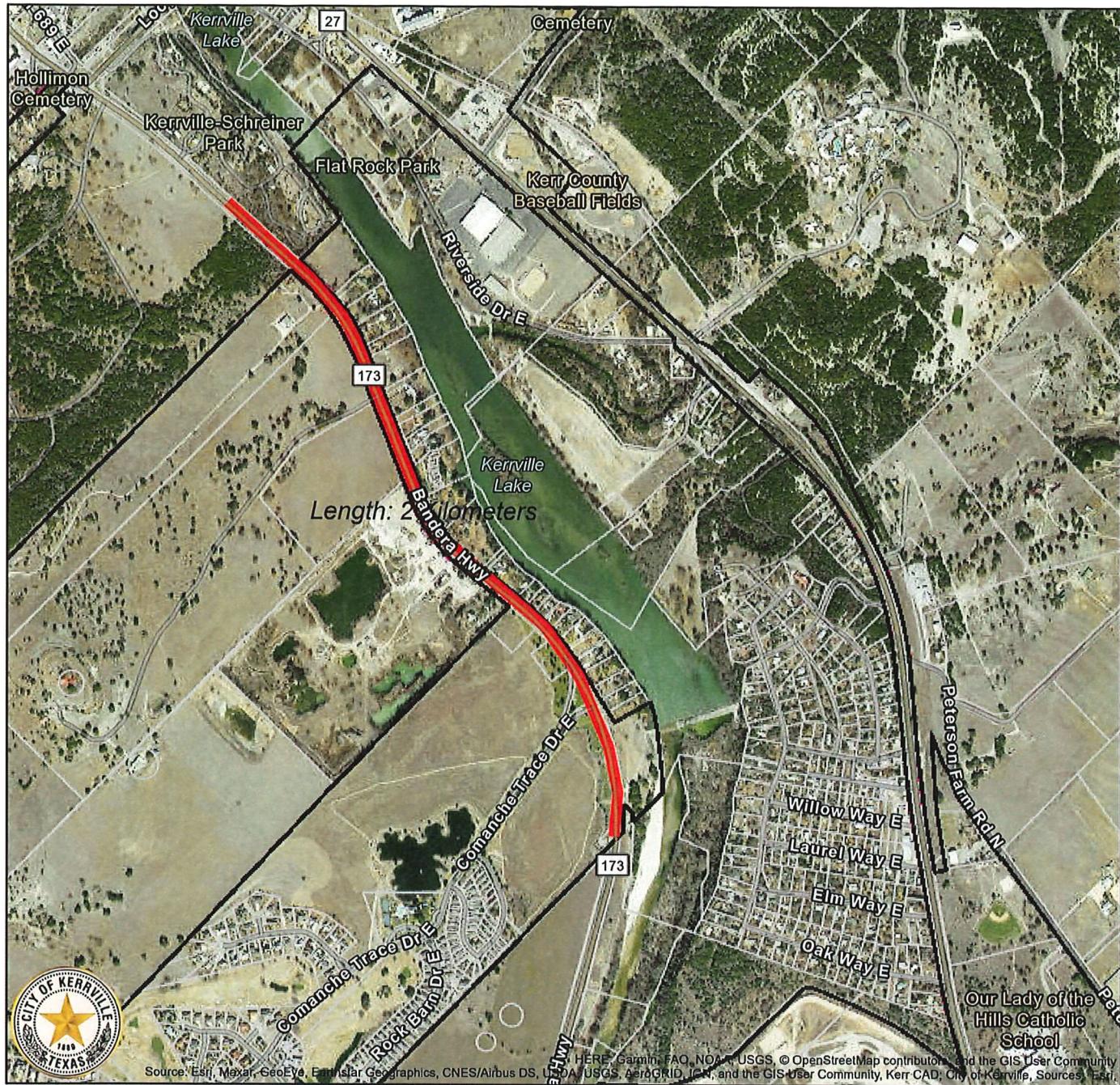
ATTEST:

  
\_\_\_\_\_  
Shelley McElhannon, City Secretary

APPROVED AS TO FORM:

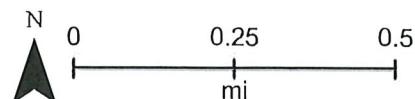
  
\_\_\_\_\_  
Michael C. Hayes, City Attorney

# EXHIBIT A



- Municipal Boundary
- Kerrville 1-Mile ETJ
- Tax Parcel 2021

Utility Admin Map



02/16/2022 09:46 AM

Utility Admin

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes.  
It does not represent an on-the-ground survey and represents only approximate relative locations.

**EXHIBIT B**

SH 173

SH 173