

**ORDINANCE NO. 1501-09-2021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GAINESVILLE, TEXAS, DESIGNATING THE INTERSECTION OF SOUTH CLEMENTS STREET AND YOUNG STREET IN THE CITY OF GAINESVILLE, TEXAS, AS A TWO-WAY STOP INTERSECTION, TO BE CONTROLLED BY STOP SIGNS FOR NORTHBOUND AND SOUTHBOUND TRAFFIC ON SOUTH CLEMENTS STREET AT THE INTERSECTION OF YOUNG STREET; AUTHORIZING THE ERECTION OF SIGNS AT THE INTERSECTION; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING FOR SUSPENSION OF THE CHARTER PROVISION REQUIREMENT OF READING ON THREE SEPARATE OCCASIONS; PROVIDING AN EFFECTIVE DATE; AND MAKING AN OPEN MEETING FINDING.**

**WHEREAS**, the intersection of South Clements Street and Young Street has been evaluated for traffic safety and it has been determined that the existing conditions warrant traffic control at the intersection which is currently uncontrolled by signage; and,

**WHEREAS**, the City Council of the City of Gainesville, Texas, upon recommendation by the Police Department staff, has determined that it is in the interest of the safety and welfare of its citizens and the public traveling upon the streets of the City that the intersection of South Clements Street and Young Street be designated as a two-way stop intersection.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, MEETING IN REGULAR SESSION, THAT:**

**Section 1. Findings**

The foregoing recitals are incorporated into this ordinance as findings of fact.

**Section 2. Designation of Stop Intersection.**

In accordance with Section 11-71 of the Code of Ordinances of the City of Gainesville, the following described intersection shall be designated as a stop intersection:

- a) The intersection of South Clements Street and Young Street in the City of Gainesville, is designated a two-way stop intersection. Stop signs shall be erected at the intersection directing persons traveling northbound and southbound on South Clements Street to stop before entering the intersection of said streets in accordance with the statutes of the State of Texas.

**Section 3. Authority to Erect Signs.**

The City Manager of the City of Gainesville, Texas, or his designee, after the effective date of this Ordinance, shall erect at each such intersection in Section 2, stop signs to signal traffic at the entrance to the intersections to stop, as required by the Texas Manual on Uniform Traffic Control Devices.

**Section 4. Repeal of Conflicting Ordinances.**

All ordinances of the City of Gainesville in conflict with this Ordinance and not specifically repealed herein are hereby repealed.

**Section 5. Severability.**

If any provision, section, sentence, clause, or phrase of the Ordinance or the application of same to any person or set of circumstances, if for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intention of the City Council of the City of Gainesville in adopting and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by an reason or any unconstitutionality or invalidity of any other portion, provision, or regulation.

**Section 6. Penalty.**

Violations of this Ordinance shall be punished in accordance with the Code of Ordinances of the City of Gainesville with a fine not to exceed \$500.00.

**Section 7. Publication.**

Publication of this Ordinance shall be made two (2) times in the official publication of the City of Gainesville, Texas, after final passage, which publication shall contain the caption stating in substance the purpose of the Ordinance and the penalty for violation thereof.

**Section 8. Suspension of Charter Requirements.**

The City Council of the City of Gainesville, Texas, hereby finds that the present ordinances and regulations of the city are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Gainesville, Texas, and that it is necessary for the immediate preservation of the public business, property, health, safety, and general welfare of the public to suspend the Charter requirement of reading this Ordinance on three separate days.

**Section 9. Effective Date.**

This Ordinance shall be in full force and effect after its passage and publication as required by law.

**Section 10. Open Meeting Finding.**

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law that public notice of the time, place and purpose of said meeting was given as required by law.

**INTRODUCTION, FIRST READING, CHARTER SUSPENSION**

**INTRODUCED AND READ FOR THE BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 7<sup>TH</sup> DAY OF SEPTEMBER 2021, AT WHICH THE CHARTER PROVISION OF THE CITY OF GAINESVILLE REQUIRING THE READING OF THE ORDINANCE ON THREE SEPARATE OCCASIONS WAS SUSPENDED BY A VOTE:**

6 AYES 0 NAYS 1 ABSENCES, AND 0 ABSTENTIONS

ATTEST:

*Diana Alcala*                      *Tommy Moore*  
DIANA ALCALA, CITY SECRETARY                      TOMMY MOORE, MAYOR

**ADOPTION**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 7<sup>TH</sup> DAY OF SEPTEMBER 2021:**

  6   AYES   0   NAYS   1   ABSENCES, AND   0   ABSTENTIONS

ATTEST:

*Diana Alcala*                      *Tommy Moore*  
DIANA ALCALA, CITY SECRETARY                      TOMMY MOORE, MAYOR

