

CITY OF NOLANVILLE

ORDINANCE NO. 204-2015

AN ORDINANCE OF THE CITY OF NOLANVILLE, TEXAS, TO ESTABLISH THE PRIMA FACIE MAXIMUM SPEED LIMIT ON ALL RESIDENTIAL STREETS, AVENUE H, AND 10TH STREET AT 25 MPH, AND AT 20 MPH IN DESIGNATED SCHOOL CROSSING ZONES; PROVIDING A CRIMINAL FINE NOT TO EXCEED \$200.00 OR \$400.00 IN A CONSTRUCTION ZONE WITH WORKERS PRESENT, AND AN ADDITIONAL COURT COST ALLOWED BY LAW FOR SPEEDING IN DESIGNATED SCHOOL CROSSING ZONES; MAKING FINDINGS OF FACT; PROVIDING FOR ENACTMENT, REPEALER, AND SEVERABILITY; PROVIDING FOR THE ERECTION OF PROPER SIGANAGE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE, AND FINDING PROPER NOTICE & MEETING.

WHEREAS, the City of Nolanville is a Home Rule City in the State of Texas; and

WHEREAS, pursuant to Texas Local Government Code Section 51.012, the City of Nolanville has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

WHEREAS, pursuant to Texas Transportation Code Section 311.001, the City of Nolanville has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, when a municipality's governing body determines that a two-lane, undivided street or part of a street within its corporate limits, which is not an officially designated or marked state highway or road, has a prima facie speed limit that is unreasonable or unsafe, Texas Transportation Code Sec. 545.356(b-1) allows it, without an engineering and traffic investigation, to reduce the speed limit to no less than 25 MPH; and

WHEREAS, Texas Transportation Code Sec. 545.356(b) authorizes a municipality's governing body, to alter prima facie speed limits on a street from the results of an engineering and traffic investigation for a street or part of a street in the municipality, including a highway of the state highway system, when the street or part of the street is under repair, construction, or maintenance; and

WHEREAS, for purposes of this Ordinance a Residential Street means a street in the City of Nolanville, whether public or private, as such terms are defined in the City's Zoning Ordinance, Ordinance No. 6051-12, which abuts for at least 300 feet with:

(A) residentially zoned land; and/or

(B) buildings or structures with mixed residential and non-residential uses.

WHEREAS, All Residential Streets, Avenue H and 10th Street are two-lane, undivided streets or parts of streets within the City of Nolanville, and are not officially designated or marked state highways or roads, each with a statutory prima facie speed limit of 30 MPH within Nolanville city limits; and

WHEREAS, the City Council finds that the aforementioned prima facie speed limit is unreasonable or unsafe in Residential Streets, and particularly so in designated School Crossing Zones; and

WHEREAS, the City Council finds it necessary and proper for the government, interest, welfare, and good order of the City of Nolanville to establish the speed limits on the aforementioned streets as provided herein below; and

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

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. SPEED LIMITS

The speed limits for the following streets are hereby adjusted:

(A) The speed limit on ALL RESIDENTIAL STREETS, Avenue H, and 10th Street is hereby established at 25 MPH.

(B) The speed limit on the designated School Crossing Zones at Old Nolanville Road and 10th Street are established at 20 MPH as designated by school zone lights and signage, Monday through Friday, and on every day when school is in session.

(C) The prima facie speed limit on any street or part of a street within the City may be altered pursuant to Texas Transportation Code Sec. 545.356(b) when it is under repair, construction, or maintenance, as deemed necessary for public safety and with proper signage.

3. FINES AND PENALTIES

It shall be unlawful for any person, firm, or corporation to operate a motor vehicle in violation of the speed limits established by this Ordinance. Any person, firm or corporation violating any provision of this Ordinance or failing to observe any provision hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not more than Two Hundred (\$200.00), which fine shall be doubled in a construction zone with workers present. A conviction for

speeding in a designated School Crossing Zones shall incur an additional court cost of Twenty-Five Dollars (\$25.00).

4. PUBLICATION

The caption or title and the penalties under this Ordinance shall be published one (1) time in the official newspaper(s) of the City of Nolanville, as required under Sec. 3.11(C) of the City Charter.

5. SIGNAGE

The [Mayor Pro-tem City Manager] is hereby authorized and directed to procure and have erected traffic control signs providing notice of the restrictions imposed by this Ordinance.

6. REPEALER

All Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

7. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication as provided by law, and shall be enforceable upon the erection of proper signage.

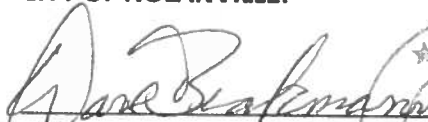
9. PROPER NOTICE & MEETING

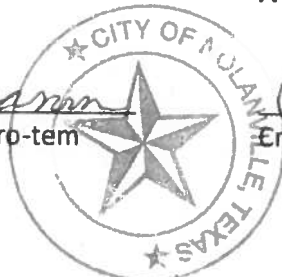
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given required Open Meetings Act, Texas Government Code, Chapter 551. Notice will also be provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED THIS 18th DAY OF June, 2015, by a vote of 3 (ayes) to 0 (nays) to 0 (abstentions) of the City of Nolanville, Texas.

CITY OF NOLANVILLE:

ATTEST:


Dave Brackmann, Mayor Pro-tem




Crystal Briggs, City Secretary