

ORDINANCE NO. 127-04

AN ORDINANCE GRANTING THE CITY COUNCIL OF THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS, THE AUTHORITY TO DESIGNATE AND TO CAUSE TO BE IDENTIFIED BY POSTING ANY PRIMA FACIE, REASONABLE AND PRUDENT MAXIMUM SPEED LIMIT WITH RESPECT TO VEHICULAR TRAVEL ON STREETS, ROADS, AND RIGHT-OF-WAYS WHICH SHALL BE SPECIFIED AND REGULATED WITHIN THE CITY LIMITS; PROVIDING A PENALTY FOR VIOLATION OF A FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR ENFORCEMENT; PROVIDING A SAVING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is incumbent upon the City of Hackberry to enable and authorize the City Council to designate from time to time appropriate prima facie, reasonable and prudent maximum speed limits with respect to vehicular travel on specified streets, roads and right-of-ways within the corporate limits of the City of Hackberry, as a regulatory action to protect the public health, safety, and welfare; said prima facie, reasonable and prudent maximum speed limits to be set and/or subsequently amended by majority vote of Council present at a duly called and properly noticed Council meeting.

WHEREAS, the City of Hackberry deems it necessary to adopt and/or designate maximum speed limits with respect to vehicular travel on streets, roads and right-of-ways within the corporate limits of the City of Hackberry:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HACKBERRY, DENTON COUNTY, TEXAS;

SECTION I. DESIGNATION OF PRIMA FACIE MAXIMUM SPEED LIMITS AND POSTING REQUIREMENTS

The City Council of the City of Hackberry, Texas, may by majority vote of those members present at a duly called and properly noticed Council Meeting at which a quorum of said Council is present, and where such action is reflected properly in the minutes of the Council meeting wherein such action is taken, designate any maximum speed limit with respect to vehicular travel on any street, road, or right of way within the corporate limits of the City of Hackberry, Texas, which is not inconsistent with state law, and may designate the streets and/or roadways upon which such prima facie maximum speed limit signs may be erected; provided, however, that any road, street, or right of way with respect to which a prima facie maximum speed limit is designated pursuant hereto shall be marked by posting traffic control signs in the description, manner and in at least as many locations as required by appropriate provisions of state law, prior to said prima facie maximum speed limit or amendment thereto becoming effective.

SECTION II. IDENTIFICATION OF DESIGNATED SPEED LIMITS

Whenever any street, road, and/or right-of-way has been assigned a specific prima facie maximum speed limit with respect to vehicular travel on any certain road, street, or right-of-way by the City Council, the Mayor of the City of Hackberry, Texas, shall cause the same to be identified by the erection of speed limit signs indicating to all approaching vehicles, and vehicles traveling within the special controlled area, the prima facie maximum speed limit accorded that street, road, and/or right-of-way. Such signs shall be erected and maintained in such manner, description and location and with such frequency as is required by applicable state law. Further, whenever a prima facie maximum speed limit as referenced herein has been designated, said speed shall be deemed to be the maximum reasonable and prudent speed for vehicular travel in the particular designated area.

SECTION III. ADOPTION OF SPEED LIMITS

The following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets, roads, highways, right-of-ways, or parts thereof, described as follows in miles per hour (mph):

<u>Name</u>	<u>Speed Limit</u>	<u>Name</u>	<u>Speed Limit</u>
Zumwalt	25 mph	Baird Road	25 mph
Rose Lane	25 mph	Crystal Lane	25 mph
Sherry Lane	25 mph	Stark Road	25 mph
Price Circle	25 mph	Maxwell Road	25 mph
Lu Lane	25 mph	La Joyce Court	25 mph
Shirley Court	25 mph	Billy Dale Court	25 mph
Valway Court	25 mph		

That from and after the date of passage of this speed zone ordinance and proper posting of required signs, no vehicle may be operated along and upon those portions of the streets, roads and/or right-of-ways described in Section III of this Ordinance within the corporate limits of the City of Hackberry, Texas in excess of the speeds set forth in Section III for those described portions, streets and/or roads.

SECTION IV. POSTING SIGNS, NOTICE TO TEXAS DEPARTMENT OF TRANSPORTATION

That the Mayor of the City of Hackberry is hereby authorized to cause appropriate signs to be erected indicating and giving notice of such speed zones. The City Secretary shall cause a true and correct copy of this Ordinance to be delivered to the Texas Department of Transportation.

SECTION V. DUTY OF DRIVER

It shall be the duty of the driver of any vehicle approaching or operating a vehicle within an area on a road, street, or right -of-way controlled by any referenced maximum speed limit sign erected and/or maintained pursuant hereto to operate such vehicle at or below the speed limit specified, except when directed to proceed at a speed other than that specified or lower, by a police officer, a traffic-control device, or a road construction and/or repair crew. Upon compliance with the specified prima facie maximum speed limit, and where said driver is operating said vehicle in compliance with all other traffic laws and regulations as established by the State of Texas; said driver shall be conclusively presumed to be operating said vehicle at a reasonable and prudent speed.

SECTION VI. SEVERABILITY

That the sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word or provision in this Ordinance or the application thereof to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

SECTION VII. PENALTY FOR VIOLATIONS

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed two thousand (\$2,000.00) dollars for each offense.

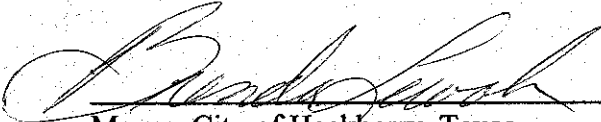
SECTION VIII. SAVINGS

That this Ordinance is cumulative of all other ordinances of the City affecting speed limits and vehicles and does not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

SECTION IX. EFFECTIVE DATE

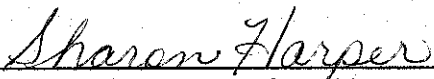
This Ordinance shall take effect immediately from and after its passage and publication of the caption of said Ordinance in the newspaper, and upon the posting of signs giving notice of the speed limit established herein as provided by Section II.

**PASSED AND APPROVED BY THE CITY OF HACKBERRY, DENTON COUNTY,
TEXAS, this 13th day of April, 2004.**



Mayor, City of Hackberry, Texas

ATTEST:



City Secretary, City of Hackberry, Texas