

CITY OF LAVON, TEXAS
ORDINANCE NO. 2023-02-05

Setting Prima Facie Speed Limits

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAVON, TEXAS, AMENDING ARTICLE 11.02, "OPERATION OF VEHICLES," DIVISION 2, "SPEED LIMITS," SEC. 11.02.031, "PRIMA FACIE SPEED LIMITS; POSTING OF SIGNS," SUBSECTION (B), "PRIMA FACIE SPEED LIMITS" OF THE CITY'S CODE OF ORDINANCES REDUCING SPEED LIMITS ON RESIDENTIAL ROADS TO 25 MILES PER HOUR; ESTABLISHING THE MAXIMUM PRIMA FACIE REASONABLE AND PRUDENT SPEED; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING A SAVINGS AND REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Lavon (hereinafter referred to as "City") is a Home Rule municipality organized under the Constitution and laws of the State of Texas; and

WHEREAS, the Texas Transportation Code, Section 545.356 allows municipalities to alter the prima facie speed limits on two-lane, undivided roadways that are not a part of the state highway system; and

WHEREAS, this ordinance does not conflict with any other provision of the Texas Transportation Code; and

WHEREAS, the City Council of the City (the "City Council") finds a prima facie speed limit of 30 mph on the City's residential roads and two-lane undivided streets in platted subdivisions is unsafe or unreasonable; and

WHEREAS, after due deliberations, the City Council finds it is in the best interest for the public health, safety, and welfare, and that the adoption of this ordinance is necessary for the safety of the citizens of the City and the general public.

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

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are (i) true and correct and are incorporated herein and made a part hereof for all purposes, and (ii) legislative findings of the City Council.

SECTION 2. AMENDMENT. Article 11.02, "Operation of Vehicles," Division 2, "Speed Limits," Sec. 11.02.031, "Prima facie speed limits; posting of signs," Subsection (b),

“Prima facie speed limits,” of the Code of Ordinances of the City is hereby amended, which shall read in its entirety from the date of passage as follows:

“(b) Prima facie speed limits.

- (1) Unless posted otherwise, the prima facie speed limit on any two-lane undivided streets in platted subdivisions, other than one not part of the state highway system as listed below, shall be thirty (30) miles per hour.
- (2) Unless posted otherwise, the prima facie speed limit on any two-lane undivided streets in platted subdivisions that are not part of the state highway system shall be twenty-five (25) miles per hour.
- (3) Unless posted otherwise, the prima facie speed limit within any area not within platted subdivisions shall be forty-five (45) miles per hour.
- (4) Unless posted otherwise, the prima facie speed limit on any alley shall be fifteen (15) miles per hour.”

SECTION 3. SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4. SEVERABILITY. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 5. PENALTY. Any person, firm, or corporation violating any of the provisions of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City, and upon conviction, shall be punished by a fine not to exceed two hundred dollars (\$200.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs and continues.

SECTION 7. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effectively immediately upon its adoption and its publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Lavon, Texas, on this the 7th day of February 2023.

APPROVED:

Vicki Sanson

Vicki Sanson, Mayor

ATTEST:

Rae Norton

Rae Norton, City Secretary

