

ORDINANCE 010409.001

AN ORDINANCE OF THE VILLAGE OF BEAR CREEK, TEXAS, ESTABLISHING AND MANDATING THE MAXIMUM SPEED LIMIT UPON STREETS AND ROADWAYS; AUTHORIZING AND DIRECTING THE INSTALLATION, PLACEMENT AND ERECTION OF TRAFFIC REGULATION SIGNS; RATIFYING AND CONFIRMING THE ORIGINAL PLACEMENT AND ENFORCEMENT OF SUCH TRAFFIC REGULATION SIGNS AND DEVICES; MAKING FINDINGS OF FACT; AND PROVIDING PENALTY, SEVERABILITY, OPEN MEETINGS AND PUBLICATION CLAUSES.

**Whereas**, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and right-of-ways within the City limits is essential and necessary to protect the traveling public and to preserve and protect the public safety of the Village of Bear Creek, Texas (the "City");

**Whereas**, *Texas Transportation Code § 345.352 (b)(1)* establishes the prima facie speed limit for urban district streets at a maximum speed of 30 miles per hour;

**Whereas**, the operation of vehicles upon the streets or roadways within the City limits at a speed of greater than the prima facie speed of 30 miles per hour would be unreasonable and imprudent given the design, construction and layout of the streets, roadways and right-of-ways within the City limits and residential nature of the City; and

**Whereas**, after review, inquiry and the opportunity for citizen participation, the City Commission has found all of the public streets and roadways within the City limits are urban district streets and that traffic regulation signs and devices posting the maximum speed limit of 30 miles per hour is reasonable and necessary for the public safety and is supported by sound and accepted public safety standards;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE VILLAGE OF BEAR CREEK, TEXAS, THAT:**

**Section 1. Findings.** The recitations hereinabove are found to be true and correct, are incorporated herein as findings of fact.

**Section 2. Ratification and Confirmation.** The installation, placement, erection and enforcement of the traffic regulation signs and devices setting the maximum speed limit at 30 miles per hour is hereby confirmed and ratified by the City Commission.

**Section 3. Speed Regulation Signs and Devices.** The City Commission hereby orders and directs that traffic regulation signs and devices be placed, installed and erected at the locations and areas sufficient to provide notice of the 30 mile per hour maximum speed limit, and that each such sign and device be hereafter maintained and enforced by the City.

**Section 4. Speed Limit and Regulation.** The City Commission hereby adopts the 30 mile per hour maximum prima facie speed limit set forth in the *Texas Transportation Code § 345.352 (b)(1)* for all public streets and roadways within the City limits. Therefore, it shall be unlawful for any person to drive or operate a motor vehicle upon any street or roadway within the City limits at a speed of greater than 30 miles per hour. Further, it shall be unlawful for any person to operate or drive a motor vehicle upon any street, roadway or right-of-way within the City limits, which is not in compliance with the law, rules and requirements of the State of Texas and the City Ordinances.

**Section 5. Damage to Public Property.** It shall be illegal for any person to knowingly or intentionally damage public streets, roadways or any sign posted by the City for the regulation of traffic. Any person who knowingly, intentionally or recklessly causes damage to public streets, roadways or any sign posted thereon for the regulation of traffic shall be responsible for the costs of repair.

**Section 6. Penalties.** Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$200.00. Each day of violation and each incident of violation of this ordinance shall constitute a separate offense.

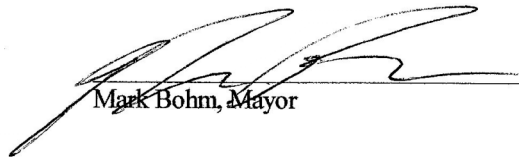
**Section 7. Severability.** It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Commission without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 8. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, as required by the Open Meetings Act, Chapter 551, Texas Government Code.

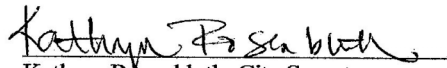
**Section 9. Publication.** This Ordinance shall take effect and be in full force and effect ten (10) days after the publication of the caption hereof in the manner required by law.

Passed and Adopted on this the 9<sup>th</sup> day of April, 2001.

**The VILLAGE OF BEAR CREEK. TEXAS**

  
Mark Bohm, Mayor

Attest:

  
Kathryn Rosenbluth, City Secretary