

**CITY OF HORSESHOE BAY**

**ORDINANCE NO. ORD 09-09-15A**

**25 MPH SPEED LIMIT ORDINANCE**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, PROVIDING FOR FINDINGS OF FACT; SPEED REGULATIONS, INCLUDING; COMPLIANCE REQUIRED; SPEED LIMITS; SIGNS; ENFORCEMENT; ADMINISTRATION; PENALTIES AND FINES NOT TO EXCEED \$200.00; EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING**

**WHEREAS,** Texas Transportation Code § 545.356 provides, among other things, that the governing body of a municipality may, for certain roads declare a lower speed limit of not less than 25 miles per hour; and

**WHEREAS,** the current speed limit on Hi Circle North from HSB Blvd to Ferguson Road within Horseshoe Bay Subdivision, an addition in Llano County, Texas located wholly within the territorial limits of the City of Horseshoe Bay, is unreasonable or unsafe; and

**WHEREAS,** the current speed limit on HSB Blvd from the traffic circle to The Cape within Horseshoe Bay Subdivision, an addition in Llano County, Texas located wholly within the territorial limits of the City of Horseshoe Bay, is unreasonable or unsafe; and

**WHEREAS,** the current speed limit on HSB Blvd on The Cape within Horseshoe Bay Subdivision, an addition in Llano County, Texas located wholly within the territorial limits of the City of Horseshoe Bay, is unreasonable or unsafe; and

**WHEREAS,** the current speed limit on Island Drive within Horseshoe Bay Subdivision, an addition in Llano County, Texas located wholly within the territorial limits of the City of Horseshoe Bay, is unreasonable or unsafe; and

**WHEREAS,** the City finds that the road to be regulated by this ordinance is thirty five (35) feet or less in width, and along which vehicular parking is not prohibited on one or both sides of the road; and

**WHEREAS,** the City recognizes its responsibility and authority to impose ordinances, acts, laws, or regulations that are necessary for the government of the City, its interest, welfare, or good order of the City as a body politic; and

**WHEREAS**, the purpose of this Ordinance is to protect the public and provide for the government, interest, welfare or good order of the City; and

**WHEREAS**, the City finds this Ordinance is in the interest of the City generally;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:**

**I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**II. SPEED REGULATION**

**(a) Compliance Required**

It shall be unlawful to violate any provision of this ordinance.

**(b) Speed Limits**

(1) The maximum speed an operator may drive on Hi Circle North from HSB Blvd to Ferguson Road, HSB Blvd from the traffic circle to The Cape, The Cape and Island Drive streets located within the Horseshoe Bay Subdivision, an addition in Llano County, Texas located wholly within the territorial limits of the City of Horseshoe Bay, is a speed of twenty five (25) miles per hour.

**(c) Signs**

The City is hereby authorized to place any street sign necessary to effectuate this ordinance

**III. ENFORCEMENT**

Any police officer of the City or any officer of any law enforcement agency authorized to enforce an ordinance of the City of Horseshoe Bay may enforce this Ordinance. For purposes of this Ordinance “police officer” or “any officer of any law enforcement agency authorized to enforce an ordinance of the City of Horseshoe Bay” means an officer authorized to direct traffic or arrest persons who violate traffic regulations. “Law enforcement agency” means any law enforcement agency authorized to enforce any laws within the territorial limits of the City of Horseshoe Bay, Texas.

#### **IV. ADMINISTRATION**

Any violation of this Ordinance shall be prosecuted pursuant to the Texas Code of Criminal Procedure in the Municipal Court of the City of Horseshoe Bay, Texas, or any other court of competent jurisdiction.

#### **V. PENALTIES AND FINES**

(a) A person commits an offense pursuant to this Ordinance if that person commits, causes, permits, allows, or maintains a violation of this Ordinance. A violation of any provision of this ordinance is a misdemeanor.

(b) A person convicted of an offense under this Ordinance shall be punished by a fine of not less than \$1 or more than \$200.00.

(c) No culpable mental state is required for an offense under this Ordinance.

#### **VI. EFFECTIVE DATE**

This Ordinance shall be and become effective immediately upon its passage, publication, and after the City erects signs giving notice of the new speed limit and at all times thereafter.

#### **VII. REPEALER**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

#### **VIII. SEVERABILITY**

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

#### **IX. PROPER NOTICE AND MEETING**

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

