

THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 04-2019

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 17, ARTICLE 17.03, DIVISION 3, "SPEED LIMITS", BY AMENDING SECTIONS 17.03.083 AND 17.03.084, TO PROVIDE FOR THE ESTABLISHED MAXIMUM PRIMA FACIE SPEED LIMIT OF 25 MPH FOR RESIDENTIAL STREETS WITHIN THE CITY OF SEAGOVILLE; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ERECT THE APPROPRIATE SIGNAGE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the TEXAS TRANSPORTATION CODE provides for the maximum prima facie speed limit of 30 miles per hour on residential streets; and,

WHEREAS, the TEXAS TRANSPORTATION CODE also grants authority to a municipality to alter speed limits to protect the health, safety and welfare of its citizens; and

WHEREAS, after receiving input from numerous citizens in multiple neighborhoods expressing concern about the safety of their families and property due to the traffic and speeds, the City conducted several traffic counts and speed monitoring in various neighborhoods; and

WHEREAS, as a result of the information obtained and the concerns of the citizens, the City Council has determined that the prima facie speed limit of thirty (30) miles per hour on residential streets is unreasonable and unsafe; and

WHEREAS, as a further result of the information obtained and the concerns of the citizens, the City Council has determined that it is in the best interest of the health, safety and welfare of the City and its citizens to lower the maximum prima facie speed limit to twenty-five (25) miles per hour on residential streets within the City of Seagoville;

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

SECTION 1. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

SECTION 2. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 17, Article 17.03, Division 3, "Speed Limits", by amending Sections 17.03.083 and 17.03.084, to provide for the established maximum prima facie speed limit of 25 mph for residential streets within the City of Seagoville, which shall read as follows:

"CHAPTER 17

TRAFFIC

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ARTICLE 17.03 OPERATION OF VEHICLES

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Division 3. Speed Limits

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Sec. 17.03.083 Signs

In accordance with the requirements of state law, the reasonable and safe maximum prima facie speed limit has been determined for each street named in this division and within the corporate limits of the city, and the City Manager or his or her designee shall post or cause to be posted the maximum prima facie speed limits set forth in this division by appropriate signs in conspicuous places, so that every driver may be aware of the speed limits established hereby, including locations for which the maximum prima facie speed limit is twenty-five (25) miles per hour, as set out in this division.

Sec. 17.03.084 General speed limit

When no special hazards exist that would require a lower speed, having regard to the actual and potential hazards then and there existing, no person shall operate or drive any motor or other vehicle upon any public street or highway within the corporate limits of the city at a greater speed than twenty-five (25) miles per hour, unless otherwise provided in this division, and any speed in excess of twenty-five (25) miles per hour, unless otherwise provided in this division, shall be prima facie evidence that such speed is not reasonable nor prudent and is unlawful.

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SECTION 3. That the City Manager or designee is hereby directed to erect or cause to be erected appropriate signage giving notice of the speed limits established herein and such provision shall not be effective unless such signs or markings are in place at the time of an alleged offense.

SECTION 4. That all resolutions, policies, and provisions of the Code of Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Seagoville, Texas, shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

PASSED AND ADOPTED by the City Council for the City of Seagoville, Texas at a meeting on the 28th day of January, 2019, at which a quorum was present, and for which due notice was given.

APPROVED:



Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Victoria W. Thomas, City Attorney
(:cdb 01/18/2019 TM105606)

