

ORDINANCE NO. 2012-08-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, ESTABLISHING A SPEED LIMIT OF 25 MILES PER HOUR IN THE RUTLAND PLACE NEIGHBORHOOD OF THE CITY OF HALLSVILLE, TEXAS, CREATING A CRIMINAL PENALTY FOR VIOLATION OF SAID LIMIT, PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, a Type A General Law municipality, has the authority to alter speed limits as set forth in *Texas Transportation Code* § 542.202, and the authority to establish a maximum speed limit for the reasonable and prudent operation of a motor vehicle in an urban district lower than 30 miles per hour pursuant to *Texas Transportation Code* § 545.356(b-1); and

WHEREAS, the City Council finds and determines that the public interest is served by establishing a maximum speed limit for the reasonable and prudent operation of a motor vehicle in the Rutland Place Neighborhood of the City of Hallsville, Texas, that a speed in excess of 25 miles per hour is unreasonable and unsafe, that the streets in the Rutland Place Neighborhood are not officially designated or marked highways or roads of the state highway system, and that the streets in the Rutland Place Neighborhood are two-lane undivided streets:

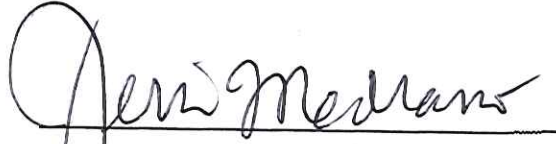
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, THAT:


- (a) **Speed Limit.** An operator of a motor vehicle may not drive at a speed greater than 25 miles per hour on any public streets in the Rutland Place Neighborhood of the City of Hallsville, Texas. Any speed in excess of 25 miles per hour in the Rutland Place Neighborhood of the City of Hallsville, Texas is prima facie not reasonable

and prudent.

- (b) **Violation.** An operator of a motor vehicle who violates this ordinance shall be guilty of a Class C Misdemeanor. A person convicted of violation of this ordinance shall be punished in accordance with *Texas Transportation Code § 542.401*.
- (c) **Definitions.** The following Definitions shall apply for purposes of this ordinance:
 - (1) "Rutland Place Neighborhood" shall mean that portion of the City of Hallsville, Texas commonly known as Rutland Place, and more particularly described in the Official Records of Harrison County, Texas at Cabinet B, Slide 40B and/or at Vol. 2192 Pg. 121, et. seq.
- (d) **Conflict with Texas Law.** To the extent this ordinance conflicts with the provisions of the Texas Transportation Code or other applicable laws of the State of Texas, the Texas Transportation Code or other applicable laws of the State of Texas control.
- (e) **General Provisions.** That if any section, paragraph, subdivision, clause, phrase, or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Hallsville that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect
- (f) **Effective Date.** The provisions of this ordinance are effective on the date set forth below.

PASSED AND APPROVED by an affirmative vote of the members of the City Council is
the 21 day of August 2012.


MAYOR

ATTEST:

CITY SECRETARY