

**CITY OF HIGHLAND HAVEN, TEXAS
ORDINANCE NO. 115**

AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS, AUTHORIZING AND DIRECTING THE INSTALLATION AND ERECTION OF SPEED CONTROL SIGNS FOR THE ZONING OF TRAFFIC AND RATE OF SPEED THEREON, IN THE CITY LIMITS OF HIGHLAND HAVEN, TEXAS; ESTABLISHING A PENALTY THEREFOR NOT TO EXCEED \$200.00; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

Whereas, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadways and right-of-ways constituting a speed zone within the City limits is essential and necessary to protect and to preserve the public safety of the City of Highland Haven, Texas (the "City"); and

Whereas, Texas Transportation Code, Section 545.356(b-1) allows a City's Board of Aldermen to alter the speed limit for a highway or a part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system and may further may declare a lower speed limit of not less than 25 miles per hour, if the governing body determines that the prima facie speed limit on the highway is unreasonable or unsafe; and

Whereas, the City's Board of Aldermen have reviewed the roadways within the City and find and determine such roadways are not officially designated or marked highways or part of the state highway system and further find and determine that such roadways current speed of 30 miles per hour to be unsafe and desire to lower such speed limit and post modified signage reflecting such change hereinafter set forth and listed in this Ordinance for the public safety and welfare of the residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN, TEXAS, THAT:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Unreasonable or Unsafe Current Speed. The current speed limits on the roadways within the City are hereby found to be unsafe at 30 miles per hour. The speed limits throughout the City for traffic and/or motor vehicles are hereby lowered and such traffic is required

to proceed at a maximum speed of 25 miles per hour while traveling in the City and shall be in effect at all times.

Section 3. Speed Control Zones and Erection of Signs. Traffic control signage shall be installed at appropriate locations throughout the City to inform the public of such change in speed limit. Thereafter, all traffic traveling on the street in either direction shall be required to observe the prima facie maximum speed limit of 25 miles per hour, which is in effect at all times unless otherwise changed by another traffic control device placed pursuant to a duly enacted speed zone, such as a school speed zone.

Section 4. Violation and Penalties. It shall be unlawful for any person to drive or operate a motor vehicle that enters the speed zone identified in Exhibit "A" without observing the prima facie maximum speed limit established by this ordinance, where said speed zones shall remain in effect at all times. Further, it shall be unlawful for any person to tamper with, alter, remove, destroy, cover or hinder the visibility, of any traffic control device erected by this Ordinance in a manner which is inconsistent with its use as a traffic control device. Any person who violates this Ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$1.00 or more than \$200.00.

Section 5. Repeal of Conflicting Ordinances. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, as required by law and shall become effective after publication as provided by law.

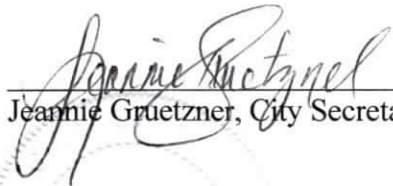
Section 7. Severability. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment 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 Board of Aldermen without the incorporation in 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 is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED ON the 20th day of April, 2021.

ATTEST:

THE CITY OF HIGHLAND HAVEN, TEXAS



Jeannie Gruetzner, City Secretary



Olan Kelley, Mayor