

ORDINANCE NO. 2023-8

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEASLEY, TEXAS, ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE, ON CERTAIN STREETS AND HIGHWAYS OR PARTS THEREOF WITHIN THE CORPORATE LIMITS OF THE CITY OF BEASLEY, AS SET OUT IN THIS ORDINANCE, TO WIT: PROVIDING FOR THE REDUCTION OF THE PRIMA FACIE SPEED LIMIT ON TEJAS VILLAGE PARKWAY TO 25 MILES PER HOUR; AUTHORIZING THE INSTALLATION OF SIGNAGE IN ACCORDANCE WITH THIS ORDINANCE; PROVIDING A PENALTY NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, pursuant to Section 545.356 of the Texas Transportation Code, the governing body of the City may alter the prima facie speed limits that the governing body determines are unreasonable or unsafe for any two-lane, undivided highway or road that is not an officially designated or marked highway or road of the state highway system to not less than 25 miles per hour; and

WHEREAS, the governing body of the City has investigated the conditions on Tejas Village Parkway, including the width and condition of the pavement, the usual traffic at the affected area, and other circumstances, to determine whether the existing speed limits on such road are reasonable and safe; and

WHEREAS, the City Council of the City of Beasley, Texas, finds that the existing prima facie speed limits on Tejas Village Parkway are unreasonable and unsafe and that the reduction of the prima facie speed limits to 25 miles per hour is in the best interest of the health, safety, and welfare of the traveling public and the persons living or working along such road;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Pursuant to the provisions of Section 545.356, Texas Transportation Code, the City Council hereby establishes a prima facie speed limit of 25 miles per hour for the road known as Tejas Village Parkway.

Section 3. **Signs.** The Mayor or Mayor's designee is hereby authorized and directed to place or cause to be placed appropriate traffic control devices to effectuate the establishment of the maximum prima facie speed limit as herein provided.

Section 4. Penalty. Any vehicle traveling at a speed in excess of the maximum prima facie speed limits herein established for the designated roads shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful. No person shall drive a vehicle at a speed in excess of that which is reasonable and prudent under the circumstances existing.

Section 5. Maximum Fine. Any person intentionally, knowingly, recklessly, or with criminal negligence violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Two Hundred Dollars (\$200.00) in accordance with Section 542.401, Texas Transportation Code.

Section 6. Conflict and Repeal. All provisions of the ordinances of the City of Beasley in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Beasley not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 8. Severability. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beasley, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 9. Effective Date and Publication. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Section 52.011 of the Texas Local Government Code, provided signs have already been installed in accordance with this ordinance.

PASSED, APPROVED and ADOPTED on this 18th day of April, 2023.

CITY OF BEASLEY, TEXAS:



~~Kenneth Reid, Mayor~~
Douglas Harris, Mayor Pro-Tem

ATTEST:



Misty Tiemann, City Secretary