

AN ORDINANCE OF THE CITY OF SHAVANO PARK, TEXAS, PROVIDING FOR FINDINGS OF FACT; EXTENSION OF SPEED LIMITS INTO THE BENTLEY MANOR PLANNED UNIT DEVELOPMENT SUBDIVISION; ESTABLISHING SPEED LIMITS; AUTHORIZING PLACEMENT OF SIGNS; ENFORCEMENT; ADMINISTRATION; PENALTIES AND FINES NOT TO EXCEED \$200.00; EFFECTIVE DATE; REPEALER; PREEMPTION CLAUSE; SEVERABILITY; AND PROPER NOTICE AND MEETING

WHEREAS, Texas Transportation Code § 542.008 provides that municipalities with a population of 300 or more may enforce specifically identified traffic regulations on private streets within subdivisions upon on the petition of 25 percent of the property owners residing in the subdivision; and

WHEREAS, the City Council of the City Shavano Park has a population of more than 300; and

WHEREAS, the City Council of the City of Shavano Park has received a petition of 25 percent of the property owners residing in the Bentley Manor Planned Unit Development Subdivision; and

WHEREAS, said request specifically requests the enforcement of speed limits inside the subdivision; and

WHEREAS, said request specifically requests the enforcement of a reduced maximum speed limit; and

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 City Council for the City of Shavano Park hereby finds and determines that the State Prima Facie speed limit of 30 mph would be unreasonable or unsafe if imposed on the roads within the Bentley Manor Planned Unit Development Subdivision; and

WHEREAS, the City finds that all roads to be regulated by this ordinance are two lanes, 35 feet or less in width, undivided and along which vehicular parking is not prohibited on one or both sides; 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 SHAVANO PARK, 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. EXTENSION OF MAXIMUM SPEED LIMITS AND OTHER TRAFFIC REGULATIONS;
LIMITED PURPOSE PUBLIC STREET**

The City Council of Shavano Park hereby orders that a speed limit of 25 miles per hour hereby extended into the Bentley Manor Planned Unit Subdivision as authorized by Texas Transportation Code §§ 542.008 and 545.356 and that all streets within the Bentley Manor Planned Unit Subdivision are hereby considered to be public streets for the sole purpose of enforcing said speed limit.

III. 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 private roads within the Bentley Manor Planned Unit Development Subdivision located wholly within the territorial limits of the City of Shavano Park 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 upon consent of the appropriate property owner or upon acquiring the appropriate easements.

IV. ENFORCEMENT

Any police officer of the City or any officer of any law enforcement agency authorized to enforce an ordinance of the City of Shavano Park 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 Shavano Park" 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 Shavano Park, Texas.

V. 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 Shavano Park, Texas, or any other court of competent jurisdiction.

VI. 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. To the extent State Law conflicts with this penalty provision for any violation of the extended Traffic regulations than State Law shall control.
- (c) No culpable mental state is required for an offense under this Ordinance.

VII. 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.

VIII. 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.

IX. 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.

X. PREEMPTION

Should any State or Federal law be enacted which prohibits the enforcement of this ordinance in its entirety than this ordinance shall automatically be repealed.

XI. 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.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Shavano Park this the 17th day of November, 2009.

A P P R O V E D

A. DAVID MARNE
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Clerk

Approved as to Form:

City Attorney

Adopted by City Council 11-17-09