

ORDINANCE NO. 2007-005

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, ALTERING THE MAXIMUM LAWFUL PRIMA FACIE SPEED LIMIT TO 25 MILES PER HOUR ON COUNTY ROAD 213 FROM DARBY TO COUNTY ROAD 213A IN THE TOWN OF TALTY; PROVIDING FOR THE ERECTION OF SIGNS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Alderman of the Town of Talty has determined that the portion of County Road 213 between Darby and County Road 213A is situated in an urban district, is not an officially designated or marked highway or road of the state highway system, is 35 feet or less in width and does not have four or more lanes used for vehicular travel, and along which vehicular parking is not prohibited on one or both sides of the highway; and

WHEREAS, the Board of Alderman of the Town has determined that the existing prima facie maximum speed limit is unreasonable and unsafe and, therefore, finds that the prima facie maximum speed limit should be altered as set forth hereinafter; Now, Therefore

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF TALTY, TEXAS:

SECTION 1. That it shall be and is hereby unlawful and an offense for any person to drive or operate a motor vehicle at a speed greater than twenty-five (25) miles per hour on CR 213, between Darby and CR 213A, within the territorial limits of the Town of Talty, Texas, and any speed in excess of such limit shall constitute prima facie evidence that such speed is unreasonable and imprudent under the conditions and having regard to the actual and potential hazards then existing.

SECTION 2. That the mayor or his designee is authorized and directed to erect and maintain such signs as may be necessary to give notice of the speed limits adopted hereby. Such signs shall be erected in the form and manner required by the Code of Ordinances of the Town of Talty, Texas, and the laws of the State of Texas.

SECTION 3. That all ordinances of the Town of Talty, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.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 4. That an offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Ordinances of the Town, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. That should any article, paragraph, subdivision, clause or provision of this ordinance, or the ordinances of the Town of Talty, Texas, as hereby amended, be adjudged or held invalid or unconstitutional for any reason, such judgment or holding shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so declared to be invalid or unconstitutional.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall, upon conviction, be punished by a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the _____day of June, 2007.

APPROVED:

MAYOR

ATTEST:

TOWN SECRETARY

APPROVED AS TO FORM:

TOWN ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF TALTY, TEXAS, ALTERING THE MAXIMUM LAWFUL PRIMA FACIE SPEED LIMIT TO 25 MILES PER HOUR ON COUNTY ROAD 213 FROM DARBY TO COUNTY ROAD 213A IN THE TOWN OF TALTY; PROVIDING FOR THE ERECTION OF SIGNS; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

DULY PASSED by the Board of Aldermen of the Town of Talty, Texas, on the _____ day of June, 2007.

APPROVED

MAYOR

ATTEST:

TOWN SECRETARY