

**ORDINANCE NO. 2021-01**

**AN ORDINANCE**

**ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES PURSUANT TO SECTION 545.356, TRANSPORTATION CODE, UPON THE BASIS OF AN ENGINEERING AND TRAFFIC INVESTIGATION, UPON CERTAIN STREETS AND HIGHWAYS OR PARTS THEREOF, WITHIN THE CORPORATE LIMITS OF THE CITY INGLESIDE ON THE BAY, AS SET OUT IN THIS ORDINANCE; PROVIDING A PENALTY; SPECIFICALLY NEGATING REQUIREMENT OF A CULPABLE MENTAL STATE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING FOR PUBLICATION**

WHEREAS, Section 545.356, Transportation Code, provides that whenever the City Council of the City of Ingleside on the Bay shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by passage of an Ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and

WHEREAS, the City Council has investigated the traffic needs and finds the streets within the City are in need of reduced speed limits in the interest of the safety, health and welfare of the citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY:

Section 1. Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provision of Section 545.356, Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon all streets and highways, or parts thereof described:

On all streets, highways, rights of way and public roads: 25 Miles Per Hour (MPH) at all times.

Section 2. Any person violating any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). The culpable mental state

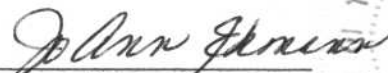
required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 3 If any provision, section, sentence, clause or phrase of this Ordinance, or the application of this Ordinance to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provisions or regulations or regulations contained herein, shall become inoperative or fail by reason of any constitutionality of any other portion hereof and all provisions of this Ordinance are declared severable for that purpose.

Section 4. The City Secretary is authorized and directed to publish this Ordinance by publishing the caption hereof in the official newspaper one time. This Ordinance shall be effective upon such publication and the erection of appropriate signs giving notice of such speed limits.

PASSED AND APPROVED this the 6<sup>TH</sup> day of April, 2021.

CITY OF INGLESIDE ON THE BAY

  
Jo Ann Ehmann  
Mayor

ATTEST:

  
Diane Hosea  
City Secretary

