

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY KYLE, TEXAS, ZONING FOR TRAFFIC AND RATE OF SPEED THEREIN, ON CONESTOGA DRIVE IN THE CITY LIMITS OF THE CITY OF KYLE; DEFINING SPEEDING AND FIXING A PENALTY, THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; PROVIDING A SAVING CLAUSE REPEALING CONFLICTING LAWS; PROVIDING FOR RELATED MATTERS; AND DECLARING AN EMERGENCY.

WHEREAS, the regulation of traffic, motor vehicles and conveyances upon all public streets, roadway and rights-of-way within the City limits is essential and necessary to protect and to preserve the public safety of the City of Kyle, Texas (the “City”); and

WHEREAS, a traffic study has been completed and recommended specific maximum rates of speed for Conestoga Drive; and

WHEREAS, the City Council has found the maximum rates of speed hereinafter set forth and listed in this ordinance are reasonable and necessary for the public safety and are supported by sound and accepted public safety and traffic engineering criteria.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KYLE, 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 part hereof for all purposes as findings of fact.

Section 2. Speed Zone. It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on Conestoga Drive in the City of Kyle, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared to wit.

FOR BOTH EAST AND WEST BOUND TRAFFIC ON CONESTOGA DRIVE:

Beginning at the intersection of Old Stage Coach Road and Conestoga Drive to Jarbridge Drive and Conestoga Drive intersection, an approximate distance of 0.34 miles, a prima facie maximum speed limit of 25 miles per hour.

Section 3. Violation and Penalties. That all of the streets of this city, and all portions of any such streets, are hereby declared to be public streets and that the driving or operating of any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named “The Offense of Speeding” and that the said offense is punishable by a fine in any sum not to exceed Two Hundred dollars (\$200.00). That the use of the word “Speeding” shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by City Ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

That in prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it

in substance alleges that the defendant did while driving a motor vehicle in said city commit the offense of "Speeding".

Section 4. Repeal of Conflicting Ordinances. That should any section or any portion of any section hereof be decreed to be void, the invalidity of such section or such portion thereof shall not affect the validity of the remaining portions of this ordinance; and that each section and each portion thereof not decreed to be invalid shall remain valid and enforceable.

Section 5. Effective Date. That all ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed.

Section 6. Severability. It is hereby declared to be the intention of the City Council 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 City Council 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 7. 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, *Chapter 551, Tex. Gov't. Code*.

That the fact that prompt action should be taken in the regulation of traffic, on the streets of this city, in the manner provided for in this ordinance creates an emergency requiring that the rules that provide that an ordinance shall be read at three separate meetings of the city council before final passage, be suspended; and that the said rules are hereby suspended, and this ordinance is here and now passed, and that it is ordered that it take effect from and after its passage and publication.

PASSED AND APPROVED on this the ____ day of _____, 2022.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2022.

The City of Kyle, Texas

Travis Mitchell, Mayor

ATTEST:

Jennifer Holm, City Secretary