

**Village of Point Venture, Texas**

**ORDINANCE NO. 2021-02-24**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING ORDINANCE NO. 2007-06-01, REGARDING TRAFFIC REGULATIONS TO REDUCE THE SPEED LIMIT ON ALL STREETS WITHIN THE VILLAGE TO 25 MILES PER HOUR; PROVIDING FOR FINDINGS OF FACT; ENFORCEMENT INCLUDING FINES AND PENALTIES NOT TO EXCEED \$500.00; REPEALER; SEVERABILITY; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code, Chapter 51, the Village Council of the Village of Point Venture has the general authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality; and

**WHEREAS**, on June 11, 2007, the Village Council adopted Ordinance No. 2007-06-01, which established that 30 miles per hour (mph) as the prima facie maximum speed limit on all streets in the Village; and

**WHEREAS**, Section 545.356 of the Texas Transportation Code provides that the governing body of a municipality may declare a lower speed limit of not less than 25 mph, if the governing body determines that the prima facie speed limit of 30 mph on the streets is unreasonable or unsafe; and

**WHEREAS**, the Village Council has investigated whether 30 mph is reasonable and safe for the vehicles, golf carts, and pedestrians who travel on the streets in the Village; and

**WHEREAS** the Village Council finds that population growth has increased vehicular, golf cart, and pedestrian traffic on the streets and increased the likelihood that speeding and vehicular and golf cart traffic will result in bodily injury, death, and property damage; and

**WHEREAS**, the Village Council finds that most of the streets in the Village are approximately 22 feet in width with a ribbon curb, do not have a sidewalk for pedestrian traffic, and are used for vehicles, golf carts, walking, and biking; and

**WHEREAS**, the Village finds that the Travis County Sheriff's Office issued nine speeding violations in November 2020, two speeding violations in December 2020, and two speeding citations and five failure to stop at stop sign citations in January 2021; and

**WHEREAS**, the Village Council finds that it is unreasonable and unsafe for

vehicles to travel 30 mph on the streets in the Village; and

**WHEREAS;** the Village Council finds that it is in the public interest of the Village and consistent with state statute to declare a lower speed limit of not less than 25 miles per hour on all city streets; and

**WHEREAS,** the Village Council of the Village of Point Venture adopts this Ordinance in order to promote the health, safety and general welfare of the community; and

**NOW THEREFORE,** be it ordained by the Village Council of the Village of Point Venture, Texas:

### **SECTION I. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village Council of Point Venture, Texas and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

### **SECTION II. AMENDMENT**

Ordinance No. 2007-06-01, section IV, is hereby repealed, replaced, and shall hereafter read as follows:

#### **IV. SPEED**

##### **A. Reasonable, Prudent Rule**

It shall be unlawful for any person to operate or drive a vehicle on a street within the Village at a speed greater than is reasonable and prudent under the circumstances then existing. The limits specified in this Section shall be lawful, but any speed in excess of the limits specified in this Ordinance shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful.

##### **B. General Limit**

It is hereby determined, pursuant to section 545.356(b-1) of the Texas Transportation Code, that the maximum speed limit on all streets within the Village is 25 miles per hour, except as otherwise provided by ordinance, state law, or regulation and indicated by signs erected designating another speed. This speed limit is hereby determined and declared to be reasonable and safe.

##### **C. Effective**

The maximum speed limits herein designated are not effective until speed limit signs are erected. Once erected, the prima facie maximum speed limited established in this Ordinance for all streets within the Village shall be effective at all times.

**C. Placement of Signs**

The Mayor, or the Mayor's designee, shall erect or install and maintain any and all speed limit signs giving notice of the maximum speed limit as established in this Ordinance. Such signs shall be installed immediately, or as soon as they can be procured.

The mayor shall, by written authorization, approve the installation of all speed limit signs. Such authorization shall be filed with the Village Secretary, stating the location of each such sign.

**SECTION III. PENALTIES AND ENFORCEMENT**

(a) Any person violating any provision of this Ordinance, upon conviction, shall be fined and ordered to pay court cost. A violation of this Ordinance shall constitute a Class C Misdemeanor, subject to fines up to \$500.00, per violation.

(b) The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and any other available relief.

**SECTION IV. REPEALER**

All provisions of the ordinances of the Village of Point Venture in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the Village of Point Venture not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION V. SEVERABILITY**

Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of any remaining provision of the Code of Ordinances or the Code of Ordinances as a whole.

**SECTION VI. EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

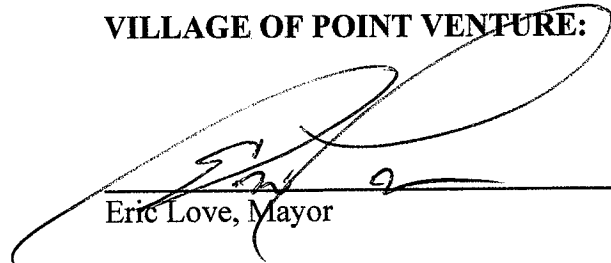
**SECTION VII. OPEN MEETING**

The Village Council hereby finds and determines 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.

**DULY PASSED AND ADOPTED** by the Village Council of the Village of Point Venture, Texas, on the \_\_\_\_ day of \_\_\_\_\_, 2021.

**VILLAGE OF POINT VENTURE:**



Eric Love, Mayor

**ATTEST:**



Vickie Knight, Village Secretary