

Town of Little Elm

ORDINANCE NO. 1797

AN ORDINANCE ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF TRANSPORTATION CODE, SECTION 545.356 UPON STATE HIGHWAY NO. FM 423 OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE TOWN OF LITTLE ELM AS SET OUT IN THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION THEREOF; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of the Town 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 Town, 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 the 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;

WHEREAS, Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of Transportation Code, Section 545.356, 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 the named streets and highways, or parts thereof, described as follows on attached Exhibit "A";

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1: That from and after the date of passage of this speed zone ordinance, no motor vehicle shall be operated along and upon Texas Highway No. FM 423 within the corporate limits of the Town of Little Elm in excess of speeds now set forth in Exhibit "A".

SECTION 2: The Mayor of Little Elm is hereby authorized to cause to be erected, appropriate signs indicating such speed zones.

SECTION 3: 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 any sum not to exceed Two Hundred Dollars (\$200.00).

SECTION 4: All provisions of any ordinance in conflict herewith are hereby repealed insofar as it conflicts with this Ordinance, but not otherwise; provided, however, that any complaint, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such ordinance (or portion thereof) which is in conflict herewith shall continue to be governed by the provisions of that ordinance and for the purpose such ordinance shall be deemed to remain and shall continue in full force and effect.

SECTION 5: Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Little Elm hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM,
TEXAS ON THIS 21ST DAY OF JANUARY, 2025.

Curtis Cornelious, Mayor
Town of Little Elm, Texas

Attest:

Caitlan Biggs, Town Secretary

APPROVED AS TO FORM:

Robert Brown, Town Attorney