

**TOWN OF LAKEWOOD VILLAGE
SPEED LIMIT 22-13**

AN ORDINANCE OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS CHANGING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES TRAVELING ON TOWN ROADWAYS UNDER THE PROVISIONS OF THE TEXAS TRANSPORTATION CODE SECTION 545.356 (B-1) WITHIN THE CORPORATE LIMITS OF THE TOWN OF LAKEWOOD VILLAGE, PROVIDING FOR A CUMULATIVE REPEALER; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lakewood Village, Texas is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, Texas Transportation Code Section 545.356 (B-1) provides that the governing body of a municipality for a highway, or a part of a highway, in the municipality that is not an officially designated or marked highway or road of the State highway system, may declare a lower speed limit of not less than 25 MPH if the governing body determines that the prima facie speed limit on the roadway is unreasonable or unsafe;

WHEREAS, the Town Council adopts the Texas Health and Safety Code, Chapter 822, as supplemented and amended by the terms of this Ordinance; and

WHEREAS, the Town of Lakewood Village, Texas ("Town") finds it to be the best interest of its citizens, in order to protect the health, safety, and general welfare of said citizens, to lower the speed limit on all Town roadways, with the exception of Eldorado Parkway, located within the corporate limits of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKEWOOD VILLAGE, TEXAS, THAT:

Section 1: Findings

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

Section 2: Enactment

1. It is hereby determined by the Town that roads within the corporate limit of the Town, with the exception of Eldorado Parkway, are not officially designated highways or roads of the State highway system. Further, pursuant to the authority granted under Section 545.356 (B-1) of the Texas Transportation Code the Town hereby determines that the prima facie maximum speed limit on all roadways, with the exception of Eldorado Parkway, located within the corporate limits of the Town is twenty-five (25) miles per hour.

2. Speed limit signs shall be erected effectuating the provisions found in Section 2.1 of this Ordinance.

Section 2: Cumulative Repealer

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of said Ordinances except those instances where there is direct conflict with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided, however, that any complaint, action, claim or lawsuit that has been initiated or has arisen under or pursuant to any of the Ordinances or sections thereof that have been specifically repealed on the date of the adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance or section thereof and for that purpose the Ordinance or section thereof shall remain in full force and effect.

Section 3: Penalty Clause

A. Violation

A person who knowingly violates any provision of this ordinance is guilty of an offense. Neither allegation nor evidence of a culpable mental state is required for the proof of an offense defined by this ordinance.

B. Fine

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine in a sum not to exceed two-hundred dollars (\$200).

Section 4: Severability

A. Unconstitutional or Invalid Section

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.

B. Independent Sections

The Town 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/or phrases be declared unconstitutional or invalid.

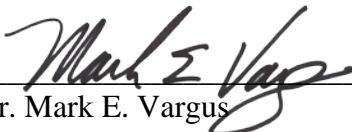
Section 5: Estoppel / Waiver

The failure of the Town to enforce any term or condition of this Ordinance shall not constitute a waiver or estoppel or any subsequent violation of this Ordinance.

Section 6: Effective Date

The amendments to this Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the Town Council of the Town of Lakewood Village, Texas this the 12th day of May 2022



Dr. Mark E. Vargus
Mayor

ATTESTED:



Linda Ruth, TRMC, CMC
Town Administrator/Town Secretary



Adoption and Summary of Amendments

Ordinance Number	Date	Summary
22-XX	May 12, 2022	• Initial Adoption of 25mph speed limit