

ORDINANCE NO.: 320

AN ORDINANCE

ENACTING NEW SPEED LIMITS FOR THE STREETS AND ALLEYS THAT ARE NOT AN OFFICIALLY DESIGNATED OR MARKED HIGHWAY OR ROAD OF THE STATE HIGHWAY SYSTEM; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION

WHEREAS, Section 545.356(b-1), Transportation Code, provides that the governing body of a municipality may declare a lower speed limit than the prima facie speed limit under certain conditions; and

WHEREAS, a lower speed limit than the prima facie speed limit may be set only for a highway, street, alley or part of a highway in the municipality that is not an officially designated or marked highway or road of the state highway system; and

WHEREAS, the Town Council of the Town of Fulton has determined that the prima facie speed limit on the streets and alleys of the Town for those streets that are in an urban district, are less than four lanes and are not a designated state highway should be adjusted; and

WHEREAS, the Town Council of the Town of Fulton has determined that the designated prima facie speed limits are unreasonable and unsafe on the above described streets and alleys in the Town of Fulton; and

WHEREAS, the Town Council of the Town of Fulton has determined that the reasonable and safe speed limit on the above described streets in the Town of Fulton is Twenty-Five (25) miles per hour; and

WHEREAS, the Town Council of the Town of Fulton has determined that the reasonable and safe speed limit on the above described alleys in the Town of Fulton is Fifteen (15) miles per hour; and

WHEREAS, the Town Council of the Town of Fulton has determined that establishing the speed limits herein is necessary for the protection of the health, safety and welfare of the citizens of the Town of Fulton.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULTON:

Section 1. That the predicate Whereas clauses above are hereby adopted as findings of the Town Council.

Section 2. That the speed limit on streets within the Town of Fulton, maintained by the Town of Fulton; that are in an urban district; that is a two-lane, undivided highway/street; and not a state highway is hereby established as Twenty-Five (25) miles per hour.

Section 3. That the speed limit on alleys within the Town of Fulton, maintained by the Town of Fulton is hereby established as Fifteen (15) miles per hour. For the purposes of this Ordinance, an alley shall be defined as the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, having no legal or official name and of twenty (20') feet or less in width.

Section 4. All previously adopted rules, regulations, policies, and ordinances in conflict with this Ordinance are hereby repealed.

Section 5. If any provision, section, clause, or phrase of this Ordinance, or the application of same 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 contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

Section 6. Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each day a violation of this Ordinance occurs shall constitute a separate offense. 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 7. This Ordinance shall be published by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall take effective upon its publication.

PASSED and APPROVED this the 17th day of April 2024.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary