

ORDINANCE NO. 331

AN ORDINANCE

AMENDING SECTION 46-25, FULTON TOWN CODE TO PROVIDE FOR REDUCED SPEED LIMITS IN DESIGNATED SCHOOL ZONES; 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 a designated school zone, 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 school zones designated herein 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 below designated school zones in the Town of Fulton is Twenty (20) miles per hour; and

WHEREAS, the Town Council of the Town of Fulton has determined, upon the basis of an engineering and traffic investigation, that the prima facie maximum speed limit on that portion of the following street at the times herein specified should be reduced; and

WHEREAS, the Town Council of the Town of Fulton hereby declares and determines that the reasonable and safe prima facie maximum speed limit is twenty (20) miles per hour on each and every school day being Monday through Friday, at the times designated, during the weeks that school is in regular session on the streets designated herein; 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 Section 46-25, Fulton Town Code, be and the same hereby is amended to read as follows:

“Sec. 46-25-Maximum speed limit on town streets, alleys and school zones established:

(a) 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.

(b) 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 section, 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.

(c) That the following are hereby designated as school zones on certain streets during the hours of 7:00 a.m. to 8:00 a.m. and 2:45 p.m. to 4:00 p.m. on regularly scheduled school days or if there is an electrical traffic control device intended to control speed located in a designated school zone, then during any time period when that device is flashing. The designated school zones and maximum speeds are as follows:

(1) Posted signs with a maximum speed limit of twenty (20) mph, located at:

Chaparral Street from 5th Street to 7th Street;

Mesquite Street from 5th Street to 7th Street;

5th Street from the 200 block to Mesquite Street;

6th Street from the 200 block to Laurel Street to 7th Street; and

7th Street from the 200 block to Mesquite Street.

(2) Electrical traffic control device located between the 3200 block of State Highway 35 N and the 3600 block of State Highway 35 N with a maximum speed limit of thirty-five (35) mph while the device is flashing.

(d) Any person who violates this section 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 section occurs shall constitute a separate offense. The culpable mental state required by V.T.C.A., Penal Code § 6.02, is specifically negated and dispensed with and a violation is a strict liability offense.

Section 3. All previously adopted rules, regulations, policies, and ordinances in conflict with this Ordinance are hereby repealed.

Section 4. 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 provision of this Ordinance are declared severable for that purpose.

Section 5. 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 6. 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 20th day of May 2026.

TOWN OF FULTON

Kelli Cole, Mayor

ATTEST:

Stephanie Garcia, City Secretary