

ORDINANCE NO. 2026-05

AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS, ADOPTING AND IMPLEMENTING A SCHOOL ZONE AND THE TIMES OF SAID SCHOOL ZONE WHICH WILL HAVE A 20-MPH SPEED LIMIT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Mount Vernon, Texas is a Type-A General Law municipality acting under the laws and Constitution of the State of Texas; and

WHEREAS, pursuant to Section 545.356 of the Texas Transportation Code, the City of Mount Vernon, Texas has the authority to establish prima facie maximum reasonable and prudent speeds within its corporate boundaries for vehicles on streets and highways; and

WHEREAS, pursuant to Section 542.202 of the Texas Transportation Code, the City of Mount Vernon, Texas has the authority to designate school zones; and

WHEREAS, the City Council of the City of Mount Vernon recognizes that it is necessary to regulate traffic near schools to promote the safety of children going to or from school; and

WHEREAS, the City Council of the City of Mount Vernon deems it necessary to provide a reduced speed limit for a period of time that is of sufficient length to protect children going to and from school; and

WHEREAS, the City Council deems it necessary and advisable to establish, amend or abolish certain school zones within the city in which a 20-mph speed limit will apply; and

WHEREAS, the location of school zones in which a 20-mph speed limit will apply has been based upon an engineering and traffic investigation and study.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, TEXAS:

Section 1. The locations designated in Section 2 of this Ordinance are hereby designated as school zones within the City of Mount Vernon. The prima facie maximum reasonable and prudent speed on the portion of the streets or highways designated in Section 2 of this Ordinance shall be twenty (20) miles per hour, beginning thirty (30) minutes before the morning start time and continuing for one (1) hour; and, beginning thirty (30) minutes before the afternoon release time and continuing for one (1) hour. Monday through Thursday, when school is in session, provided that an appropriate sign giving notice of such speed zone is erected. The reduced speed limits shall only be enforced between the signs which are erected designating the beginning and end of each school zone. It shall be an affirmative defense to a charge of exceeding the prima facie maximum speed established that the day in question was a day when there were no classes in session at the nearest school.

Section 2. The City Administrator, or his designee, is hereby directed to ensure that appropriate signs are erected and maintained giving notice of the speed limits adopted in this ordinance for the following locations:

- (1) From 360 feet west of the intersection of School Lane and Rutherford Street continuing east on Rutherford to a point that is 730 feet east of the intersection of School Lane and Rutherford Street.

Section 3. This ordinance shall be cumulative of all provisions of ordinances of the City of Mount Vernon, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 4. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than two hundred (\$200.00) for each offense, or the maximum amount authorized by state law. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 6. All rights and remedies of the City of Mount Vernon are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Mount Vernon, Texas, as amended, or any other ordinances affecting speed which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 7. The City Secretary of the City of Mount Vernon is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper at least once within ten (10) days after the passage of this ordinance.

Section 8. This ordinance shall be in full force and effect after its passages and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 09th day of July, 2026. CITY OF MOUNT VERNON, TEXAS

Greg Ostertag, Mayor

ATTEST:

Angie Pike, City Secretary

APPROVED AS TO FORM:

L. Stanton Lowry, City Attorney