

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, AMENDING THE GATESVILLE CODE OF ORDINANCES BY AMENDING SECTION 54-6. SCHOOL ZONES; DESIGNATING SCHOOL ZONES; ESTABLISHING THE PRIMA FACIE SPEED LIMIT; AMENDING EFFECTIVE TIME PERIODS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Gatesville is a Home Rule Municipality operating under the laws of the State of Texas, and

WHEREAS, the City Council may establish school traffic zones on any street or highway or any portion of any street or highway within the corporate limits of the city; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, THAT:

SECTION I. FINDINGS INCORPORATED

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

SECTION II. SCHOOL TRAFFIC ZONES

That Section 54-6 “Speed through School Traffic Zones” of Chapter 54, “Traffic and Vehicles” of the Code of Ordinances of the City of Gatesville, Texas, is hereby established and amended and the section should read in its entirety as follows:

Sec. 54-6 Speed through school traffic zones

Designated Streets. The following designated locations, measured from centerline of roadway to the edge of pavement in each direction, are declared to be school traffic zones and the maximum speed limit for all motor vehicles operated within such areas and locations and on such streets on school days when students are in attendance shall not exceed the speed limit as described below.

(A) Twenty miles per hour zones. A person commits an offense if he operates a vehicle in a school traffic zone at a speed greater than twenty (20) miles per hour and such operation of a vehicle shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful.

- a. South 27th Street: All of South 27th Street from US Highway 84 (E. Main Street) to Texas State Highway 36 Business.
- b. North 26th Street: All of North 26th Street from Jackson Drive to US Highway 84 (E. Main Street).

- c. Hornet Way: All of Hornet Way from US Highway 84 (E. Main Street) to Texas State Highway 36.
- d. North Lovers Lane: All of North Lovers Lane from Jackson Drive to US Highway 84 (E. Main Street).
- e. South Lovers Lane: All of South Lovers Lane from US Highway 84 (E. Main Street) to Texas State Highway 36 Business.

(B) Thirty miles per hour zones. A person commits an offense if he operates a vehicle in a school traffic zone at a speed greater than thirty (30) miles per hour and such operation of a vehicle shall be prima facie evidence that the speed is not reasonable or prudent and is unlawful.

- a. US Highway 84 (E. Main Street): All that portion of US Highway 84 (E. Main Street) from the intersection of North 28th Street, westerly to a point .07 miles (approximately 350 feet) past the intersection of Lovers Lane.
- b. Texas State Highway 36 Business: All that portion of Texas State Highway 36 Business from the intersection of South 27th Street, westerly to a point .07 miles (approximately 350 feet) past the intersection of South Lovers Lane.

(C) Marking of School Zones. The City Manager or his designee shall designate school traffic zones with appropriate street markings or signs, which street markings or signs shall be placed at the school zone by the city manager or his designee.

(D) Signage Required. The speed limit designated for school traffic zones shall be effective only at times when appropriate signage advising motorists of the speed limit are placed in conspicuous places.

(E) Designated Times. The speed limit designated for school traffic zones shall only be effective on school days (when students are in attendance) during the following times:

- a. 7:00 am to 8:30 am
- b. 2:30 pm to 4:30 pm

(F) Prima facie maximum speed. When any school traffic zone has been established and effective, it shall be unlawful for any person to operate a motor vehicle or any other vehicle in such zone at a speed greater than the posted speed, any speed in excess thereof shall be prima facie evidence that such speed is not reasonable or prudent and that it is unlawful.

SECTION III. PENALTY

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, which shall be punishable by a fine not to exceed \$200.00 per offense.

SECTION IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only as to the extent of any such conflict.

SECTION V. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Gatesville in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions, or regulation.

SECTION VI. SAVINGS

That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION VII. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and adoption.

SECTION VIII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, date, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**DULY PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GATESVILLE, TEXAS, AFTER A FIRST READING ON SEPTEMBER 10, 2024, A SECOND READING ON SEPTEMBER 24, 2024, AND A THIRD READING ON THIS THE 8TH DAY OF OCTOBER, 2024.
CITY OF GATESVILLE:**

ATTEST:



City Secretary, Holly Owens

APPROVED:



Mayor Pro-Tem, Meredith Rainer

APPROVED AS TO FORM AND SUBSTANCE:



Charlie Buenger, City of Gatesville Municipal Court Prosecutor

