

TOWN OF WESTLAKE

ORDINANCE NO. 923

AN ORDINANCE OF THE TOWN OF WESTLAKE, TEXAS, AMENDING CHAPTER 90, ARTICLE II, TRAFFIC AND SPEED CONTROL, DIVISION 3, SPEED, SECTION 90-79, CERTAIN STREETS, ADDING SUBSECTION (16), TO ESTABLISH A PRIMA FACIE SPEED FOR SCHWAB WAY; PROVIDING A PENALTY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town of Westlake, Texas (the "Town") is a general law Town; and

WHEREAS, the Town of Westlake Town Council (the "Town Council") under §311.002, TEX. TRANSP. CODE ANN. is given control and power over the streets and roads of the Town including the power to regulate the streets and road; and

WHEREAS, the Town Council is authorized under Texas Transportation Code Sections 542.201 and 542.202 to adopt local traffic regulations with respect to streets and roads under its jurisdiction; and

WHEREAS, the Town Council is further empowered pursuant to Texas Transportation Code Section 544.002 to place and maintain any traffic control devices upon any street within its jurisdiction as it may deem necessary to indicate and carry out the provisions of said section, local traffic ordinances or to regulate, warn or guide traffic, and finds that the placement of such signs and other traffic control devices on Schwab Way is in 'the best interests of the health, safety and welfare of the members of the public; and

WHEREAS, Texas Transportation Code Section 545.356 provides that the Town Council may declare a lower speed limit of not less than 25 miles per hour upon a finding that that the state law prima facie speed limit is unreasonable or unsafe for highway or a part of a highway in the Town that is not an officially designated or marked highway or road of the state highway system; and

WHEREAS, in considering the prima facie maximum speed limit set forth by this ordinance, the Town Council has considered the general welfare of the citizens of the Town, the number of children residing throughout the Town, the type of development throughout the Town, the width and condition of the pavement or other surface of the streets and roads within the Town, the usual traffic thereon, and other circumstances on such streets and roads; and

WHEREAS, the Town Council finds and determines that a prima facie speed limit greater than 30 miles per hours on Schwab Way is unreasonable and unsafe; and

WHEREAS, the Town Council hereby finds and determines that a reasonable and safe prima facie maximum speed limit on Schwab Way is 30 miles per hour; and

WHEREAS, the Town Council hereby finds that the adoption of this Ordinance is in the best interest of the health, safety and welfare of the citizens of the Town.

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

SECTION 1: That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2: That upon the basis of the Schwab Way Pavement Marking & Signage Plan sheets 032, 033, and C501, attached as Exhibit "A", the following prima facie speed limit hereafter indicated for vehicles is hereby determined and declared to be reasonable and safe; and such speed limit is hereby fixed at the rate of speed indicated for vehicles traveling upon Schwab Way, or parts thereof.

SECTION 3: That the Town of Westlake Code of Ordinances Chapter 90, Article II, Traffic and Speed Control, Division 3, Speed, Section 90-79, Certain Streets, is hereby amended by adding Subsection (16), which shall read as follows:

(16) No motor vehicle shall be operated on Schwab Way (from S.H. 114 to Ottinger Road) within the corporate limits of the Town in excess of 30 MPH.

SECTION 4: That all provisions of this Ordinance shall remain in full force and effect.

SECTION 5: That this Ordinance shall be cumulative of all other Town Ordinances and all other provisions of other Ordinances adopted by the Town which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

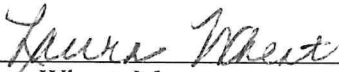
SECTION 6: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed the maximum amount allowed by law.

SECTION 7: It is hereby declared to be the intention of the Town Council of the Town of Westlake, Texas, that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Town Council of the Town of Westlake without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.


SECTION 8: This ordinance shall take effect immediately from and after its passage as the law in such case provides.

PASSED AND APPROVED ON THIS 8th DAY OF FEBRUARY 2021.


ATTEST:


Laura Wheat, Mayor


Todd Wood, Town Secretary


Amanda DeGan, Town Manager

APPROVED AS TO FORM:

 For
L. Stanton Lowry, Town Attorney

