

CITY OF HAWK COVE, TEXAS**ORDINANCE NO. 04-101**

AN ORDINANCE OF THE CITY OF HAWK COVE, TEXAS, ADOPTING A MAXIMUM SPEED LIMIT; AUTHORIZING THE PLACEMENT OF THE APPROPRIATE SIGNS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code, Chapter 51, provides for municipal ordinances not inconsistent with state law, necessary for the good order of the municipality;

WHEREAS, Section 545.352 of the Texas Transportation Code provides for a maximum speed limit of 30 mph on a street in urban districts, unless a special hazard exists;

WHEREAS, the streets in the City of Hawk Cove are in disrepair and are a potential hazard creating the necessity for operators of motor vehicles to drive at a speed below the state mandated maximum speed of 30 mph;

WHEREAS, the City Council desires to protect the residents and their property of Hawk Cove by establishing a speed limit which is reasonable and prudent under the circumstances existing due to the disrepair of the roads; and

WHEREAS, the City Council of the City of Hawk Cove hereby finds that the streets in Hawk Cove are currently in such a deteriorated state that a special hazard exists necessitating a reduced speed.

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

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

That the Maximum Speed Limit in the City of Hawk Cove shall be 20 mph on all streets within the City. It shall be prima facie evidence that an operator of a motor vehicle exceeding 20 mph is traveling at a speed that is not reasonable and prudent under the circumstances.

SECTION 3

That the Mayor is hereby authorized to erect, or cause to be erected, appropriate signs indicating such speed zones.

SECTION 4

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

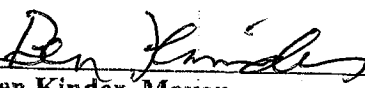
SECTION 5

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable by a fine not less than one dollar or more than two hundred dollars. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this ordinance.

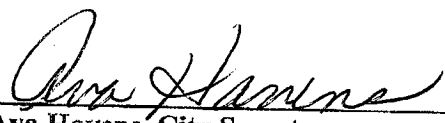
SECTION 6

The fact the present ordinances and regulations of the City of Hawk Cove, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Hawk Cove, Texas, creates an emergency for the immediate preservation of public business, property, health, safety and general welfare of the public that requires that this ordinance shall become effective from and after the date of its passage and it is accordingly so ordained.

PASSED, APPROVED AND ADOPTED THIS 3rd DAY OF March, 2004.


Ben Kinder, Mayor

ATTEST:


Ava Havens, City Secretary

APPROVED AS TO FORM:


Robert F. Brown, City Attorney

CITY OF HAWK COVE, TEXAS

ORDINANCE NO. 04-101
REVISION

AN ORDINANCE OF THE CITY OF HAWK COVE, TEXAS, ADOPTING A MAXIMUM SPEED LIMIT; AUTHORIZING THE PLACEMENT OF THE APPROPRIATE SIGNS; ADOPTING A NECESSITY OF VEHICULAR INSURANCE/PROOF OF FINANCIAL RESPONSIBILITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Local Government Code, Chapter 51, provides for municipal ordinances not inconsistent with state law, necessary for the good order of the municipality;

WHEREAS, Section 545.352 of the Texas Transportation Code provides for a maximum speed limit of 30mph on a street in urban districts, unless a special hazard exist;

WHEREAS, the streets in the City of Hawk Cove are in disrepair and are a potential hazard creating the necessity for operators of motor vehicles to drive at a speed below the state mandated maximum speed of 30 mph;

WHEREAS, the City Council desires to protect the residents and their property of Hawk Cove by establishing a speed limit which is reasonable and prudent under the circumstances existing due to the disrepair of the roads; and

WHEREAS, the City Council of the City of Hawk Cove hereby finds that the streets in Hawk Cove are currently in such a deteriorated state that a special hazard exists necessitating a reduced speed.

WHEREAS, the City Council of the City of Hawk Cove hereby finds that every person operating a motor vehicle in the city limits of the City of Hawk Cove must have vehicular insurance/proof of financial responsibility.

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

SECTION 1

That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2

That the Maximum Speed Limit in the City of Hawk Cove shall be 20 mph on all streets within the City. It shall be prima facie evidence that an operator of a motor vehicle exceeding 20 mph is traveling at a speed that is not reasonable and prudent under the circumstances.

SECTION 3

That the Mayor is hereby authorized to erect, or cause to be erected, appropriate signs indicating such speed zones.

SECTION 4

That every person driving a vehicle in the City of Hawk Cove shall have in their possession, vehicular insurance/proof of financial responsibility, at all times when driving, or receive a citation, when stopped by police officer, and have their vehicle impounded. A fee of \$50.00 would be levied to have car released.

SECTION 5

If any section, article, paragraph, sentence, clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 6

Any person, firm or corporation violating a provision of this ordinance, upon conviction, is guilty of an offense punishable by a fine not less than one dollar or more than two hundred dollars. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this ordinance.

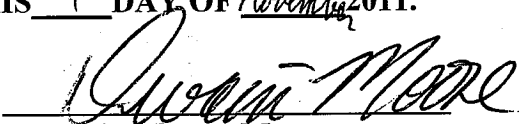
SECTION 7

The fact the present ordinances and regulations of the City of Hawk Cove, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Hawk Cove, Texas, creates an emergency for the immediate preservation of public business, property, health, safety and general welfare of the public

that requires that this ordinance shall become effective from and after the date of its passage and it is accordingly so ordained.

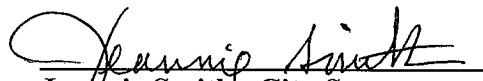
PASSED, APPROVED AND ADOPTED THIS 7 DAY OF November 2011.




Dwain Moore, Mayor
City of Hawk Cove

[SEAL]

ATTEST:


Jeannie Smith, City Secretary