

CITY ORDINANCE NO. 20170213-A

AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS, ZONING FOR TRAFFIC AND RATE OF SPEED THEREIN, ON FM 2001 IN THE CITY LIMITS OF THE CITY OF NIEDERWALD DEFINING SPEEDING AND FIXING A PENALTY THEREFORE; DECLARING WHAT MAY BE A SUFFICIENT COMPLAINT IN PROSECUTIONS HEREUNDER; WITH A SAVING CLAUSE REPEALING CONFLICTING LAWS AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF NIEDERWALD:

Section 1

It is hereby determined upon the basis of an Engineering and Traffic investigation that the prima facie maximum speed limit on those portions of FM 2001 routed in the city of Niederwald, is hereby stated, which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the prima facie maximum speed limit so declared towit.

Speed Zone

Northbound:

On SH 21 from mile point 12.460 (south Niederwald city limit) to mile point 15.238 (north Niederwald city limit), a distance of 2.778 miles, a prima facie maximum speed limit of 55 miles per hour.

Southbound:

On SH 21 from mile point 15.238 (north Niederwald city limit) to mile point 12.460 (south Niederwald city limit), a distance of 2.778 miles, a prima facie maximum speed limit of 55 miles per hour.

SECTION II

That all of the streets of this city, and all portions of any such streets, are hereby declared to be public streets and that the driving or operating of any motor vehicle on or along any portion of any street of this city at a rate of speed that is greater than the maximum rate of speed for said portion of said street, as fixed by this ordinance shall be guilty of a misdemeanor, which is named " The Offense of Speeding " and that the said offense is punishable by a fine in any sum not to exceed two hundred dollars (\$ 200.00). That the use of the word " Speeding " shall be sufficient to designate the said offense, and shall mean that a motor vehicle has been driven upon a public street at a greater rate of speed than fixed by City Ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

That in prosecutions under this ordinance, for the offense of speeding, the complaint, if in other respects sufficient in form, shall as to the portion thereof seeking to acknowledge the offense, be sufficient if it in substance alleges that the defendant did while driving a motor vehicle in said city commit the offense of " Speeding ".

### SECTION III

That should any section or any portion of any section hereof be decreed to be void, the invalidity of such section or such portion thereof shall not affect the validity of the remaining portions of this ordinance; and that each section and each portion thereof not decreed to be invalid shall remain valid and enforceable.

That all ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed.

That the fact that prompt action should be taken in the regulation of traffic, on the streets of this city, in the manner provided for in this ordinance creates an emergency requiring that the rules that provide that an ordinance shall be read at three separate meetings of the city council before final passage, be suspended; and that the said rules are hereby suspended, and this ordinance is here and now passed, and that it is ordered that it take effect from and after its passage and publication.

Passed and approved this the 13<sup>TH</sup> day of February, 2017

Reynell Smith

Mayor, City of Niederwald

Attest:

John L. C. C. C.  
City Secretary

