

**ORDINANCE NO. 04112013-008**

**AN ORDINANCE AMENDING ARTICLE 12, SECTION 12.05.001 "SPEED, RECKLESS" OF THE CODE OF ORDINANCES OF THE CITY OF MOULTON, TEXAS PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A REPEALER CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Moulton seeks to promote the health, safety and general welfare of the citizens of the City, and the best interests of the City; and

**WHEREAS**, the City Council has previously enacted Article 12, Section 12.05.001, entitled "Speed, reckless driving," of the City's Code of Ordinances, regulating the speed of vehicular travel within the City limits; and

**WHEREAS**, the City of Moulton, Texas desires to amend Section 12.05.001.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOULTON, TEXAS.**

**SECTION 1. FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Moulton and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION 2. AMENDMENTS TO SECTION 12.05.001 OF THE CODE OF ORDINANCES**

Section 12.05.001 of the Code of Ordinances of the City of Moulton, Texas is hereby amended and shall now read as follows:

Sec. 12.05.001 Speed, reckless driving

(a) Any operator of a vehicle on a roadway shall operate the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the roadway and of any other conditions then existing, and no operator shall drive any vehicle upon a roadway at such speed as to endanger the life, limb or property of any person. Rates of speed in excess of the following are "prima facie" evidence of violation of this section:

- (1) 30 miles per hour in urban districts, including along Moore Avenue, along Main Street and in residential areas, and 15 miles per hour in alleyways, in accordance with the prima facie speed limits set by Texas statute in Section 545.352 of the Texas Transportation Code.

**SECTION 3. ALL REMAINING PORTIONS OF ARTICLE 12 REMAIN UNCHANGED**

This amendment shall not change any of the remaining portions of Article 12 of the Code of Ordinances of the City of Moulton, Texas.

**SECTION 4. SEVERABILITY**

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

**SECTION 5. REPEALER**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

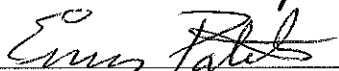
**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by law.

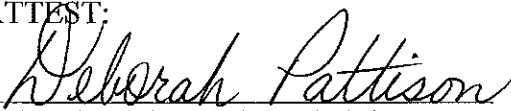
**SECTION 7. NOTICE AND MEETING**

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

**PASSED, ADOPTED AND APPROVED THIS** 11<sup>th</sup> **DAY OF** April **2013.**

  
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Ervin Patek, Mayor  
City of Moulton, Texas

ATTEST:

  
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Deborah Pattison, City Administrator  
City of Moulton, Texas

(SEAL)