


## MEMORANDUM

**DATE:** May 17, 2019

**TO:** Mayor White & City Council

**VIA:** Mercy Rushing, City Manager

**FROM:** Cindy Karch, City Secretary 

**SUBJECT:** Ordinance providing for a 25 mile per hour speed limit on Front Street from Pacific Street to South Street.  
**Council Meeting Agenda Item for May 20, 2019**

### **Background Information:**

Per a request from the Landmark Commission, City Attorney Blake Armstrong drafted the ordinance and the Chief of Police reviewed and approved for appropriateness.

The ordinance is an attempt to control traffic to provide added safety for pedestrian traffic at the Iron Horse Square Park on Front Street.

### **Recommendation:**

It is the recommendation of city staff that the council approve the ordinance.

### **Final Disposition:**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF MINEOLA, TEXAS, CHANGING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES TRAVELING ON A PORTION OF CITY ROADWAY ON FRONT STREET FROM PACIFIC STREET TO SOUTH STREET UNDER THE PROVISIONS OF TEXAS TRANSPORTATION CODE SECTION 545.356 (B-1) WITHIN THE CORPORATE LIMITS OF THE CITY OF MINEOLA. PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Texas Transportation Code Section 545.356 (B-1) provides that the governing body of a municipality for a highway, or a part of a highway, in the municipality that is not an officially designated or marked highway or road of the State highway system, may declare a lower speed limit of not less than 25 MPH if the governing body determines that the prima facie speed limit on the roadway is unreasonable or unsafe;

WHEREAS, the City of Mineola, Texas (“City”) finds it to be the best interest of its citizens, in order to protect the health, safety, and general welfare of said citizens, to lower the speed limit on a portion of City roadway turning on Front Street from Pacific Street to South Street, which is located within the corporate limits of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mineola, Texas:

1. After careful consideration and study by the City Council of the City, and as authorized by the provisions of Section 545.356 (B-1) of the Texas Transportation Code the City hereby sets the speed limit at 25 MPH on a portion of City roadway on Front Street from South Pacific Street to South Street located within the city limits of the City.

2. Speed limit signs shall be erected effectuating the provisions found in Section 1 of this Ordinance.

3. Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$200.00.

**4. SEVERABILITY**

It is hereby declared to be the intention of the City of Mineola, Texas, that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any phrase, sentence, paragraph, or section of this Ordinance should be declared

unconstitutional by a valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not effect any remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

**5. REPEALER**

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

**6. EFFECTIVE DATE**

This Ordinance shall become effective when appropriate speed limit signs are erected and subsequent to the publication of this Ordinance as required by law.

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Duly PASSED and APPROVED by the City Council of the City of Mineola, Texas on this \_\_\_\_ day of \_\_\_\_\_, 2019.


APPROVED BY:

\_\_\_\_\_  
Kevin White, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Karch, City Secretary

APPROVED TO AS FORM:

  
\_\_\_\_\_  
Blake E. Armstrong, City Attorney