

## **ORDINANCE NO. 25-04-17-02**

**AN ORDINANCE OF THE CITY COUNCIL OF LAGO VISTA, TEXAS, AMENDING SECTIONS 12.710 OF CHAPTER 12 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING THE MOTOR VEHICLE SPEED LIMIT ON LOHMAN FORD ROAD FROM THE INTERSECTION OF LOHMAN FORD ROAD AND NORTHLAND DR. WITHIN THE CORPORATE LIMITS OF THE CITY OF LAGO VISTA, TEXAS; AND PROVIDING FOR THE FOLLOWING: SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.**

**WHEREAS**, Texas Transportation Code Section 545.356 authorizes the City Council to designate speed limits and zones on public streets, highways, and thoroughfares within the corporate limits of the City; and

**WHEREAS**, Texas Transportation Code Section 545.356 (b-1) authorizes the governing body of a municipality, based on the results of an engineering and traffic investigation to declare a speed limit of not less than 25 miles per hour on a highway or street which is open to the public for vehicular traffic that is not an officially designated or marked highway or roadway of the state highway system, if the governing body determines that the *prima facie* speed limit on the highway or street is unreasonable or unsafe; and

**WHEREAS**, the City Council believes it would serve the interests of the public health, safety, and welfare to establish a speed zone with a maximum speed limit of forty-five (45) miles per hour on Lohman Ford Road from its intersection with Northland Drive and proceeding south; and

**WHEREAS**, the City Council seeks to provide for the enforcement of its municipal ordinances in order to protect the public health, safety, and welfare; and

**WHEREAS**, the City Council desires to amend the Lago Vista Code of Ordinances as described below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:**

**SECTION 1. FINDINGS OF FACT.** All of the above recitals are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2. AMENDMENT.** The City Council of the City of Lago Vista, Texas does hereby amend Chapter 12 Section 12.710 of the Lago Vista Code of Ordinances as shown in Exhibit "A," and Exhibit "B."

**SECTION 3. SAVINGS.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as effecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

**SECTION 4. SEVERABILITY.** Should any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjusted or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance in whole or any part of provision thereof, other than the part so declared to be invalid, illegal, or unconstitutional.

**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 that 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. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required 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 AND APPROVED this 17<sup>th</sup> day of April 2025.

CITY OF LAGO VISTA, TEXAS



Kevin Sullivan, Mayor

**ATTEST:**



Maria Franco, City Secretary



On a motion by Councilman Benefield, seconded by Councilman Roberts, the above and foregoing ordinance was passed and approved.

## EXHIBIT A

### Sec 12.710 Lohman Ford

(a) It is hereby determined upon the basis of a traffic investigation that the prima facie maximum speed limit of 35 m.p.h. on Lohman Ford Road from the intersection of FM 1431 and Lohman Ford Road and proceeding along Lohman Ford Road in a southerly direction ~~for a distance of 1,650 linear feet to the intersection of Northland Dr.~~; which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the maximum speed limit so declared to wit.

(b) The following street is identified as having a 35 m.p.h. maximum speed limit: Lohman Ford Road beginning at the intersection of FM 1431 and Lohman Ford Road and proceeding along Lohman Ford Road in a southerly direction ~~for a distance of 1,650 linear feet as shown on Exhibit "A" to the intersection of Northland Dr.~~

(c) ~~It is hereby determined upon the basis of a traffic investigation that the prima facie maximum speed limit of 45 m.p.h. on Lohman Ford Road from the intersection of Lohman Ford Road and Northland Dr. and proceeding along Lohman Ford Road in a southerly direction to the City Limits of the City of Lago Vista; which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the maximum speed limit so declared to wit.~~

(b)(d) ~~The following street is identified as having a 45 m.p.h. maximum speed limit: Lohman Ford Road beginning at the intersection of Lohman Ford Road and Northland Dr. and proceeding along Lohman Ford Road in a southerly direction to the City Limits of the City of Lago Vista.~~

(c)(e) 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 article shall be guilty of a misdemeanor, which is named "The Offense of Speeding," and that the said offense is punishable by fine in accordance with the general penalty provision set forth in Section 1.109 of this code. 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 that fixed by city ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.

(d)(f) In prosecutions under this article, 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."

## **EXHIBIT B**

### **Sec 12.710 Lohman Ford**

- (a) It is hereby determined upon the basis of a traffic investigation that the prima facie maximum speed limit of 35 m.p.h. on Lohman Ford Road from the intersection of FM 1431 and Lohman Ford Road and proceeding along Lohman Ford Road in a southerly direction to the intersection of Northland Dr.; which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the maximum speed limit so declared to wit.
- (b) The following street is identified as having a 35 m.p.h. maximum speed limit: Lohman Ford Road beginning at the intersection of FM 1431 and Lohman Ford Road and proceeding along Lohman Ford Road in a southerly direction to the intersection of Northland Dr.
- (c) It is hereby determined upon the basis of a traffic investigation that the prima facie maximum speed limit of 45 m.p.h. on Lohman Ford Road from the intersection of Lohman Ford Road and Northland Dr. and proceeding along Lohman Ford Road in a southerly direction to the City Limits of the City of Lago Vista; which prima facie maximum speed limit shall be effective at all times and signs will be erected giving notice of the maximum speed limit so declared to wit.
- (d) The following street is identified as having a 45 m.p.h. maximum speed limit: Lohman Ford Road beginning at the intersection of Lohman Ford Road and Northland Dr. and proceeding along Lohman Ford Road in a southerly direction to the City Limits of the City of Lago Vista.
- (e) 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 article shall be guilty of a misdemeanor, which is named "The Offense of Speeding," and that the said offense is punishable by fine in accordance with the general penalty provision set forth in Section 1.109 of this code. 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 that fixed by city ordinance for the street and for the zone thereof, that such motor vehicle was so being driven upon, if zoned.
- (f) In prosecutions under this article, 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."