

**Ordinance No. 24-07-18-02**

**“Amending the speed limit on BOGGY FORD ROAD”**

**AN ORDINANCE OF THE CITY OF LAGO VISTA, TEXAS, ENACTING SECTION 12.712 OF CHAPTER 12 OF THE LAGO VISTA CODE OF ORDINANCES REGARDING THE MOTOR VEHICLE SPEED LIMIT ON BOGGY FORD ROAD FROM ITS INTERSECTION WITH LOHMAN FORD ROAD TO ITS INTERSECTION WITH AMERICAN DRIVE 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 engineering firm Freese and Nichols conducted an engineering and traffic investigation regarding Boggy Ford Road, which concluded that a speed limit of 35 miles per hour is reasonable and warranted from its intersection with Lohman Ford Road to its intersection with American Drive based on current established engineering standards and practices; 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 thirty-five (35) miles per hour on Boggy Ford Road from its intersection with Lohman Ford Road to its intersection with American Drive; 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.

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

## **SECTION I. 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 II. AMENDMENT**

Article 12 of the Code of Ordinances of the City of Lago Vista, Texas, is hereby amended by adding Section 12.712, as set forth in Exhibit A to this Ordinance, which is attached and incorporated herein for all purposes.

## **SECTION III. 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 affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this Ordinance.

## **SECTION IV. 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 or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

## **SECTION V. 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 VI. EFFECTIVE DATE**

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

## **SECTION VII. PROPER NOTICE AND MEETING**


It is hereby officially found and determined that the meeting at that this Ordinance was 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 18th day of July, 2024.

  
\_\_\_\_\_  
Kevin Sullivan  
Mayor



ATTEST:

  
\_\_\_\_\_  
Lucy Aldrich,  
City Secretary

On a motion by Councilor Prince, seconded by Councilor Smith, the above and foregoing instrument was passed and approved.

## CHAPTER 12

# TRAFFIC AND VEHICLES

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### **Section 12.712 Boggy Ford Road Between the Intersections of Lohman Ford Road and American Drive**

a) It is hereby determined upon the basis of a traffic investigation that the prima facie maximum speed limit on Boggy Ford Road between the intersections of Lohman Ford Road and American Drive shall be 35 MPH (Miles Per Hour) in each lane of travel, 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 mph maximum speed limit:

Boggy Ford Road between the intersections of Lohman Ford Road and American Drive shall be 35 MPH (Miles Per Hour) in each lane of travel as shown on Exhibit 1 to Ordinance 24-07-18-02.

c) 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 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 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) 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.