ORDINANCE NO. 051309

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS, RESTRICTING THE USE OF MOTOR BRAKES WITHIN THE STATUTORY CITY LIMITS OF FRANKSTON AS AUTHORIZED BY LOCAL GOVERNMENT CODE CHAPTER 51; REPEALING ORDINANCES INCONSISTENT HEREWITH; CONTAINING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND THE EFFECTIVE DATE THEREOF.

WHEREAS, the use of motor brakes creates excessive noise; and

WHEREAS, the use of motor brakes can cause damage to pavement; and

WHEREAS, the City needs to facilitate lower speeds within the downtown area; and

WHEREAS, the City needs to facilitate lower speeds within the thru traffic corridors; and

WHEREAS, Local Government Code Chapter 51 § 51.001 gives the City the authorization to adopt an ordinance that is necessary for the peace, welfare, or order of the municipality.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRANKSTON, TEXAS THAT UNDER THE AUTHORITY OF LOCAL GOVERNMENT CODE CHAPTER 51 § 51.001:

Section 1: Definitions in this ordinance:

1. "City" means the City of Frankston, Texas.

Section 2: That the use of motor brakes is hereby restricted within the City in an attempt to reduce noise, prevent destruction of pavement and facilitate lower speeds within the downtown and thru traffic corridors.

Section 3: All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and, in all other respects, the subject matter covered by this ordinance.

Section 4: If any provision, exception, section, subsection, paragraph, sentence, clause or phrase of this ordinance of the application of same to any person or set of circumstances shall for any reason be held unconstitutional, void or invalid, such invalidity shall not affect the validity of the remaining provisions of this ordinance or their application to other persons or sets of circumstances and, to this end, all provisions of this ordinance are declared to be severable.

Section 5: Any person, firm or corporation violating any provision of this ordinance or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $500.00.

Section 6: The great necessity having been found to exist, the rule requiring two readings is hereby suspended and this ordinance shall be in full force and affect from and after its passage, publication and the installation of signs. The City Secretary is hereby directed to give notice hereof by causing the caption of this ordinance to be published in the official newspaper of the City of Frankston as according to law.

Section 7: This ordinance shall be strictly enforced by the City Police Department.

INTRODUCED, READ, AND PASSED by the affirmative vote of the City Council of the City of Frankston, Texas, this the 13th day of September 2005.

Mayor, City of Frankston, Texas

ATTEST:

City Secretary