

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 73, "TRAFFIC SCHEDULES" TO AMEND SCHEDULE I (H) TO ESTABLISH A SPEED LIMIT OF 60 MILES PER HOUR FOR INTERSTATE-35E (I-35E), FROM THE SOUTHERN CITY LIMITS TO THE DALLAS COUNTY LINE; PROVIDING THAT PROOF OF A CULPABLE MENTAL STATE SHALL NOT BE REQUIRED; PROVIDING SAVINGS, SEVERABILITY, REPEALER, AND PENALTY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Transportation Code, Chapters 201, 221, and 361, authorize the State to lay out, construct, maintain, and operate a system of streets, roads and highways that comprise the State Highway System;

WHEREAS, Texas Department of Transportation ("TxDOT") is the governing roadway authority of the subject portion of I-35E spanning from the Dallas County Line to the southern city limits of the City of Carrollton, Texas ("City");

WHEREAS, TxDOT has determined that the safety of the workers and drivers warrants a change in the effective speed limit, and has requested that the City take appropriate action to enact such a change;

WHEREAS, the City is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter;

WHEREAS, Section 545.356 of the Texas Transportation Code, as amended, grants municipalities the authority to prescribe by ordinance reasonable and safe prima facie maximum speed limits to control the operation of motor vehicles;

WHEREAS, Title 43 Part 1, Chapter 25 of the Texas Administrative Code provides for construction speed zones to be authorized by the City Council for the duration of a construction project;

WHEREAS, the subject portion of I-35E is currently under repair, construction, or maintenance for the TxDOT "I-35 East Phase 2" Project, has a high volume of traffic, and the workers will be working in close proximity to the drive lanes; and

WHEREAS, the construction along the roadway may create an actual or potential hazard at the location, and reduction of the speed limit will increase the safety along that portion of the roadway:

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS THAT:

Section 1.

The above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

Chapter 73, Schedule I, Section (H) of the Carrollton City Code is hereby amended to read as follows:

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(H) *Speed limit of 60 mph established by street.* It shall be unlawful for any person to operate or drive any vehicle at a speed greater than 60 miles per hour, this speed being the prima facie maximum speed limit; any speed in excess thereof shall be prima facie evidence that the speed limit is not reasonable or prudent and that it is unlawful on any of the following streets or portions thereof:

S.H. 121 main lanes	From Hebron Parkway southerly approximately 8000 feet to the south city limits	2466 2736	10-19-99 10-15-02
Interstate-35E main lanes (East Phase 2 Project)	Southern city limits to the Dallas County Line	[Ord. No.]	06-20-23

”

Section 3.

The construction speed zone of 60 miles per hour shall remain in effect until the completion of the TxDOT reconstruction project, at which time it shall automatically cancel pursuant to Texas Administrative Code Rule §25.22(c)(3)(F).

Section 4.

Allegation and evidence of a culpable mental state is not required for the proof of an offense defined in Chapter 73 Schedule I Speed Limits.

Section 5.

All other provisions of Chapter 73 not expressly amended as stated herein shall remain in full force and effect.

Section 6.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 7.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 8.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 9.

This ordinance shall take effect immediately from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas this 20th day of June 2023.

Steve Babick, Mayor

ATTEST:

Chloe Sawatzky, City Secretary

APPROVED AS TO FORM:

Albert Thomas
Assistant City Attorney

APPROVED AS TO CONTENT:

Jonathan Wheat, P.E.
Director of Engineering