

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER 73 “TRAFFIC SCHEDULES,” SCHEDULE I, TO REVISE THE GEOGRAPHICAL LIMITS OF THE EXISTING SCHOOL SPEED ZONE FOR THAT PORTION OF CREEK VALLEY BOULEVARD FROM THE NORTH CURB LINE OF HEBRON PARKWAY TO 1,135 FEET NORTH OF THE NORTH CURB LINE OF HEBRON PARKWAY; PROVIDING FOR PENALTY, SAVINGS AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (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, Chapter 545, and particularly Section 545.357 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 near schools;

WHEREAS, Section 542.202 of the Texas Transportation Code, as amended, grants the authority to designate school crossing zones and alter speed limits to facilitate safe crossing of the street by children going to or leaving school during the time the reduced speed limit applies;

WHEREAS, Title 43 Part 1, Chapter 25 of the Texas Administrative Code provides that reduced speed limits should be used for school zones during the hours when children are going to and from school;

WHEREAS, Hebron Parkway from 420 feet west of the west curb line of Creek Valley Boulevard to 825 feet east of the east curb line of Creek Valley Boulevard is located in the City of Carrollton and is adjacent to Creek Valley Middle School;

WHEREAS, Creek Valley Boulevard from the north curb line of Hebron Parkway to 1,135 feet north of the north curb line of Hebron Parkway is located in the City of Carrollton and is also adjacent to Creek Valley Middle School and Hebron Valley Elementary School;

WHEREAS, a study of the school area shows a significant increase in the use the crosswalk at Shoshone Way during both the school morning start and afternoon dismissal times;

WHEREAS, Shoshone Way is not currently included in the geographical limits of the school zone;

WHEREAS, the area of the school zone needs to be extended in order to include the crosswalk at Shoshone Way within the school crossing zone in order to protect the students crossing at that crosswalk; and

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

SECTION 1

All of 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 Subsection (A)(8) of the Carrollton City Code is hereby amended to read as follows:

“(8) It shall be unlawful for any person to operate or drive any vehicle at a speed greater than 20 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 is not reasonable or prudent and that it is unlawful on any of the following streets or portions thereof between the hours of 7:00 a.m. and 9:15 a.m.; and 2:30 p.m. and 4:45 p.m. during school days.

HEBRON PARKWAY: From 420 west of the west curb line of Creek Valley Boulevard to 825 feet east of the east curb line of Creek Valley Boulevard.

CREEK VALLEY BOULEVARD: From the north curb line of Hebron Parkway to 1,800 feet north of the north curb line of Hebron Parkway.”

SECTION 3

A conviction of a violation of the terms of this ordinance shall be a misdemeanor punishable in accordance with Section 10.99 of the Carrollton City Code, as amended.

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

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

SECTION 6

This Ordinance shall be cumulative of all other ordinances of the City, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 7

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

DULY PASSED AND APPROVED this the 10th day of October, 2017.

CITY OF CARROLLTON, TEXAS

By: _____
Kevin W. Falconer, Mayor

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Susan Keller
Assistant City Attorney

APPROVED AS TO CONTENT:

Tom Hammons, P.E.
Transportation Engineering
Division Manager