

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 (E) AND (F), ESTABLISHING A SPEED LIMIT OF 45 MILES PER HOUR ON PLANO PARKWAY FOR ALL PORTIONS WITHIN THE CITY LIMITS; 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 545.356 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**, Plano Parkway from 1000 feet west of the Burlington Northern railroad tracks to the north city limits currently has a speed limit of 50 miles per hour as established by Ordinance No. 3511;

**WHEREAS**, the City Engineering Department conducted a speed study and determined a 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**

Chapter 73 Schedule I (F) of the Carrollton City Code is hereby amended by deleting the following:

Plano Parkway: From 1000 feet west of BNSF Railroad to Parker Road (FM 544)

**Section 2**

Chapter 73 Schedule I (E) of the Carrollton City Code is hereby amended by deleting the following:

FM 544, also known as Plano Parkway: From the west city limits or approximately 1,000 feet west of the Burlington Northern railroad tracks to the east city limits or a distance of approximately 2,090 feet east of the Burlington Northern railroad tracks

### **Section 3**

Chapter 73 Schedule I (E) of the Carrollton City Code is hereby amended by adding the following:

Plano Parkway: All portions within city limits

### **Section 4**

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

### **Section 5**

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 6**

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 7**

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

### **Section 8**

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 provision 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 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 22<sup>nd</sup> DAY OF JANUARY 2019.

**ATTEST:**

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Laurie Garber, City Secretary

**APPROVED AS TO FORM:**

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Susan Keller, Assistant City Attorney

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Kevin W. Falconer, Mayor

**APPROVED AS TO CONTENT:**

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Tom R. Hammons, P.E.  
Transportation Engineering  
Division Manager