

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 9, “MOTOR VEHICLES AND TRAFFIC,” ARTICLE V, “OPERATION OF VEHICLES,” DIVISION 2, “SPEED REGULATIONS,” SECTION 9-135(a) TO AMEND THE MAXIMUM PRIMA FACIE SPEED LIMIT ON A SEGMENT OF CHAPPARAL ROAD BETWEEN MALONE ROAD AND ANGEL PARKWAY AND REMOVE REFERENCES TO SPEED LIMITS ON U.S. 75 MAIN LANES AND FRONTAGE ROADS, AND AMEND SECTION 9-136, TO AMEND THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR U.S. 75 MAIN LANES AND FRONTAGE ROADS WITHIN THE CORPORATE LIMITS OF THE CITY OF ALLEN; PROVIDING FOR A REPEALING CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Transportation Code, provides that whenever the governing body of the City shall determine upon the basis of an engineering and traffic investigation that any prima facie speed therein set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City, taking into consideration the width and condition of the pavement and other circumstances on such portion of said street or highway, as well as the usual traffic thereon, said governing body may determine and declare a reasonable and safe prima facie speed limit thereat or thereon by the passage of an ordinance, which shall be effective when appropriate signs giving notice thereof are erected at such intersection or other place or part of the street or highway; and,

WHEREAS, the Texas Department of Transportation has jurisdictional control of U.S. Highway 75, and evaluates and determines prudent and reasonable speeds for the main lanes and frontage roads within the City; and,

WHEREAS, the City Council of the City of Allen, Texas, upon the basis of an engineering and traffic investigation finds it necessary to alter prima facie maximum speed limits established by Section 545.356 of the Transportation Code, the following prima facie speed limits hereafter indicated for vehicles are hereby determined and declared to be reasonable and safe; and such speed limits are hereby fixed at the rate of speed indicated for vehicles traveling upon the named streets and highways, or parts thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, THAT:

SECTION 1. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 9, “Motor Vehicles and Traffic,” Article V, “Operation of Vehicles,” Division 2, “Speed Regulations,” Section 9-135(a) to amend the maximum prima facie speed limits upon the segment of Chaparral Road from east of Malone Road to its intersection with Angel Parkway/FM 2551 by adding the following:

“Section 9-135. Streets other than expressways and freeways.

(a)

Chaparral Road	All portions east of Malone Road to Angel Parkway/FM 2551	40
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SECTION 2. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 9, “Motor Vehicles and Traffic,” Article V, “Operation of Vehicles,” Division 2, “Speed Regulations,” Section 9-135(a) to remove the following language relating to the maximum prima facie speed limits upon U.S. 75 Main Lanes within the corporate limits of the city:

“Sec. 9-135. Streets other than expressways and freeways.

(a)

Street	Extent	Speed Limit (miles per hour)
U.S. 75 Main Lanes	All portions within the city, generally	70
U.S. 75 East Frontage Road	All portions within the city, generally	55
U.S. 75 East Frontage Road	All portions south of Bethany Drive, specifically	50
U.S. 75 East Frontage Road	All portions north of Bethany Drive to a point 1,280 feet north of Millennium Drive, specifically	45
U.S. 75 East Frontage Road	All portions from Exchange Parkway to a point 2,800 feet north of Exchange Parkway, specifically	45
U.S. 75 East Frontage Road	All portions north of a point 1,280 feet north of Millennium Drive to Exchange Parkway, specifically	40
U.S. 75 West Frontage Road	All portions north of Bethany Drive to a point 200 feet south of Allen Drive, specifically	45
U.S. 75 West Frontage Road	All portions north to a point 200 feet south of Allen Drive, specifically	50
U.S. 75 West Frontage Road	All portions within the city, generally	55
U.S. 75 West Frontage Road	All portions south of a point 320 feet south of Motorsport Court, specifically	45”

SECTION 3. The Code of Ordinances of the City of Allen, Texas, be and the same is hereby amended by amending Chapter 9, “Motor Vehicles and Traffic,” Article V, “Operation of Vehicles,” Division 2, “Speed Regulations,” Section 9-136 “Expressways; Freeway” in its entirety to amend the maximum prima facie speed limit upon U.S. 75 Main Lanes and Frontage Roads within the corporate limits of the city:

“Sec. 9-136. Expressways; freeways.

A person commits an offense if he operates or drives a vehicle on the following designated roads or highways at a speed greater than is reasonable and prudent under the circumstances then and there existing. Any speed in excess of the limit provided in this section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

Street	Extent	Speed Limit (miles per hour)
U.S. 75 Main Lanes	All portions within the city, generally	As set forth in compliance with the speed limits set by the State of Texas pursuant to the Texas Transportation Code.
U.S. 75 Frontage Roads	All portions within the city, generally	As set forth in compliance with the speed limits set by the State of Texas pursuant to the Texas Transportation Code.”

SECTION 4. As the Texas Department of Transportation installs and maintains the speed limit signage along U.S. Highway 75 main lanes and frontage roads, the Texas Department of Transportation shall erect appropriate signals, signage, and markings giving notice of the maximum prima facie speed limit established herein. Furthermore, The City Manager or his designee shall erect official signs giving notice of the speed limits designated herein on City streets.

SECTION 5. All ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 8. Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Allen, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200) for each offense.

SECTION 9. This ordinance shall take effect immediately from and after its passage and publication as required by law, however, the maximum prima facie speed limits established herein shall not take effect until the Director of Engineering or his designee, or the Texas Department of Transportation, as applicable, has erected appropriate signage giving notice of the maximum prima facie speed limits therefore and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, ON THIS THE 24TH DAY OF OCTOBER 2017.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

Peter G. Smith, CITY ATTORNEY
(KBL:10-16-17:36.91163)

Shelley B. George, TRMC, CITY SECRETARY