

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 STATION PARK DRIVE, VICTORIAN DRIVE, STACY ROAD, ANGEL PARKWAY, S.H. 121 SOUTH FRONTAGE ROAD, FARM-TO-MARKET ROAD 1378, FARM-TO-MARKET ROAD 2551, FM 2786 (STACY ROAD) AND AMEND SECTION 9-136, TO AMEND THE MAXIMUM PRIMA FACIE SPEED LIMIT FOR S.H. 121 SOUTH FRONTAGE ROAD, FARM-TO-MARKET ROAD 1378, FARM-TO-MARKET ROAD 2551, FM 2786 (STACY ROAD)S 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 (\$200.00) 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 S.H 121 south frontage road, Farm-to-Market Road 1378, Farm-to Market Road 2551, FM 2786 (Stacy Road) , and evaluates and determines prudent and reasonable speeds for the main lanes and frontage roads and highways within the City; and

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 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) in part to amend the maximum prima facie speed limit upon Angel Parkway, Stacy Road ,Station Park Drive to read as follows:

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

(a)

Station Park Drive	All portions within the city, generally	25
Angel Parkway	From Main St to northern city limit, generally	40
Stacy Road	All portions from S. H 121 to 200’ West of Greenville Avenue	45

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And removing:

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Street	Extent	Speed Limit (miles per hour)
Angel Parkway	All portions within the city, generally	40
Farm-to-Market Road 1378	All portions within the city, generally	50
Farm-to-Market Road 2551	All portions within the city, generally	55
FM 2786 (Stacy Road)	Between Greenville Avenue and the eastern city limits	50
Stacy Road	All portions from SH 121 to a point 200 feet west of Greenville Avenue, specifically	45
S.H. 121 South Frontage Road	All portions within the city, generally	60
S.H. 121 South Frontage Road	Between Chelsea Boulevard and the eastern city limits, specifically	55
Station Park Drive	All portions within the city, generally	20
Victorian Drive	All portions within the city, generally	20

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 9-136 “Expressways; Freeway” in its entirety to amend the maximum prima facie speed limit upon S.H. 121 SOUTH FRONTAGE ROAD, FARM-TO-MARKET ROAD 1378, FARM-TO-MARKET ROAD 2551, FM 2786 (STACY ROAD) within the corporate limits of the city to read as follows:

“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)
S.H. 121 South Frontage Road	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.
Farm-to-Market Road 1378	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.
Farm-to-Market Road 2551	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.”
Farm-to-Market 2786(Stacy Road)	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 3. As the Texas Department of Transportation installs and maintains the speed limit signage along S.H 121 Frontage Roads, Farm-to-Market Road 1378, Farm-to-Market Road 2551, FM 2786 (Stacy Road), 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 Director of Engineering or designee shall erect official signs giving notice of the speed limits designated herein on City streets.

SECTION 4. 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 5. 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 6. 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 7. 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 8. 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 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 10TH DAY OF SEPTEMBER 2019.

APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

ATTEST:

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

Shelley B. George, CITY SECRETARY