

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 006-035

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS ALTERING THE PRIMA FACIE SPEED LIMIT ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF SECTION 545.356 OF THE TEXAS TRANSPORTATION CODE AND SECTION 78-133 OF THE CODE OF ORDINANCES OF THE TOWN ON ARAPAHO ROAD, BETWEEN DALLAS PARKWAY AND ADDISON ROAD AND BETWEEN ADDISON ROAD AND MARSH LANE, WITHIN THE TOWN; AMENDING SECTION 78-140 OF THE CODE OF ORDINANCES BY CHANGING THE MAXIMUM SPEED LIMIT ON THE FIRST OF SUCH ROAD SEGMENTS TO 35 MILES PER HOUR AND ON THE SECOND OF SUCH ROAD SEGMENTS TO 40 MILES PER HOUR; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING THAT A PERSON VIOLATING THIS ORDINANCE SHALL BE FINED, UPON CONVICTION, IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) OR MORE THAN TWO HUNDRED DOLLARS (\$200.00); PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Texas Transportation Code provides that whenever the governing body of a municipality shall determine upon the basis of an engineering and traffic investigation that any prima facie speed limit is unreasonable or unsafe on a street or portion thereof within the municipality, taking into consideration the width and condition of the pavement, the usual traffic at the affected area, and other circumstances, the governing body may alter by ordinance the prima facie speed limit established by State law and determine and declare a reasonable and safe prima facie speed limit upon that street or portion thereof; and

WHEREAS, Section 78-131 of the Code of Ordinances of the Town of Addison, Texas (the "City") provides that the Town's Director of Public Works shall determine, on the basis of engineering and traffic surveys, investigation and study, reasonable and safe maximum speed limits for each street within the City and submit recommendations based on such survey and investigation to the City Council; and

WHEREAS, Section 78-133 of the Code of Ordinances provides that, on the basis of the recommendation of the Director of Public Works, the City Council may alter the prima facie maximum and minimum speed limits established by state law and Chapter 78 of the Code of Ordinances as the City Council may deem necessary; and

WHEREAS, the City Council, on the basis of an engineering and traffic investigation and upon the recommendation of the Director of Public Works, desires to alter the State established prima facie speed limit on Arapaho Road (i) from Marsh Lane (3700 block) to Addison Road (4800 block), and (ii) from Addison Road (4800 block) to Dallas Parkway (5100 block), and determine and declare a reasonable and safe prima facie speed limit upon such portions of Arapaho Road as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Section 78-140 of Chapter 78 of the Code of Ordinances of the Town of Addison, Texas (the "City") is hereby amended as set forth in Exhibit A attached hereto and incorporated herein for all purposes, and all other chapters, articles, sections, subsections, phrases and words of the said Code are not amended but are hereby ratified and confirmed:

Section 3. Basis for Amendment; Posting Signs. The amendments made by this Ordinance and the alteration of the maximum prima facie speed limit is based upon an engineering and traffic investigation and recommendation of the Public Works Director of the City in accordance with State law and the Code of Ordinances. The Director of Public Works of the City is hereby authorized and directed to post appropriate signs in conspicuous places indicating and giving notice to motorists of such speed.

Section 4. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 5. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting speed limits and vehicles 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.

Section 6. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect upon the adoption and publication hereof in accordance with law, and upon the posting of signs giving notice of the speed limit established herein as set forth in Section 2 hereof.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 8th day of August, 2006.



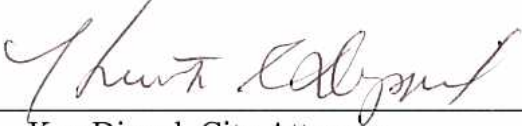
Joe Chow, Mayor

ATTEST:

By: 

Carmen Moran, City Secretary

APPROVED AS TO FORM:

By: 

Ken Dippel, City Attorney

Published:
08/17/06

EXHIBIT A
to Ordinance No. _____

Amendment to Section 78-140, Code of Ordinances

Section 78-140 of the Code of Ordinances is amended to read as follows:

Sec. 78-140. Streets other than school zone streets.

A person commits an offense if he operates or drives a vehicle on the following designated streets at a speed faster than the speed designated by this section for that street or portion of that street, and 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 is unlawful.

<i>Street</i>	<i>Extent</i>	<i>Speed(mph)</i>
Addison Circle	From Quorum Drive eastbound to Dallas Parkway being the 5000 block through the 5100 block	20
Addison Road	From the north right-of-way line of Belt Line Road to the northern town limits on Addison Road and being the 15100 block through the 17300 block of Addison Road, except as provided in section 78-138	40
Airport Parkway	Between Addison Road and Dallas Parkway being the 4800 block through the 5100 block of Airport Parkway	40
<u>Arapaho Road</u>	<u>From Marsh Lane (3700 block) to Addison Road (4800 block)</u>	<u>40</u>
Arapaho Road	<u>From Addison Road (4800 block) to Dallas Parkway (5100 block)</u> Between Surveyor Boulevard and Addison Road, being the 4000 block through the 4700 block of Arapaho Road	<u>35</u> 40
Bellbrook Drive	The 14800 block through the 14925 block of Bellbrook Drive	20
Bellbrook Way	The 14800 block through the 1925 block of Bellbrook Way	20
Belt Line Road	From the east town limits to the west town limits and being the 3700 block through the 5200 block of Belt Line Road	40
Celestial Road	The 5300 block through the 5600 block of Celestial Road	20
Dallas Parkway	The 14300 block through the 16000 block of Dallas Parkway	40
Hampton Court	The 14809 block through the 14818 block of Hampton	20

	Court	
Havenshire Place	The 14901 block through the 14933 block of Havenshire Place	20
Inwood Road	From the south town limits to the south right-of-way line of Belt Line Road and being the 14600 block through the 15000 block of Inwood Road	35
Keller Springs Road	Between Addison Road and Dallas Parkway being the 4800 block through the 5100 block of Keller Springs Road	40
Knots Landing	17000 block of Knots Landing	10
Lake Forest Drive	The 14900 block through the 15000 block of Lake Forest Drive	20
Lewis Place	From McEntire Place to Addison Circle being the 15500 block through the 15650 block of Lewis Place	20
Marsh Lane	From the north right-of-way of Belt Line Road to the north town limits and being the 15100 block through the 15200 block of Marsh Lane	40
Marsh Lane	From the south town limits to the south right-of-way of Belt Line Road and being the 13900 block through the 15000 block of Marsh Lane	35
McEntire Place	From Quorum Drive eastbound to Spectrum Drive being the 5000 block through the 5100 block of McEntire Place	20
Midway Road	From the south town limits to the north town limits and being the 14000 block to the 16800 block of Midway Road	40
Mildred Place	From Addison Circle to Morris Avenue being the 15600 block through the 15700 block of Mildred Place	20
Morris Avenue	The 4900 block through the 5100 block of Morris Avenue	20
Oaks North Drive	The 14800 block through the 14900 block of Oaks North Drive	20
Paladium Drive	Between Montfort and Oaks North Drive being the 14800 block of Paladium Drive	20
Planters Row	17000 block of Planters Row	10
Quorum Drive	Between Belt Line Road and Westgrove Drive being the 15100 block through the 16400 block of Quorum Drive	30
Sojourn Place	Between Westgrove Drive and Windward Lane being the 4200 block to the 4400 block of Sojourn Place	10
Southfork Drive	Between Westgrove Drive and Windward Lane being the	10

	4200 block to the 4400 block of Southfork Drive	
Spring Valley Road	Between Midway Road and Marsh Lane and being the 3600 block through the 4100 block of Spring Valley Road, except as provided in section 78-138	35
Upper Bay Road	17000 block of Upper Bay Road	10
Vinland Drive	17000 block of Vinland Drive	10
Westgrove Drive	Between Addison Road and north town limit line being the 4600 block to the 17200 block of Westgrove Drive	40
Windward Lane	17000 block of Windward Lane	10
Winnwood Road	The 14500 block through the 15000 block of Winnwood Road	20