

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. 011-022**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS WHICH AMENDS CHAPTER 78 (TRAFFIC AND VEHICLES), ARTICLE III (VEHICLE OPERATION), DIVISION 2 (SPEED AND RELATED RESTRICTIONS) OF THE CODE OF ORDINANCES BY ADDING A NEW SECTION THERETO THAT GIVES THE CITY MANAGER, THE CITY MANAGER'S DESIGNEE OR THE DIRECTOR OF PUBLIC WORKS THE AUTHORITY TO REDUCE THE SPEED LIMIT OF A ROAD, STREET, HIGHWAY, OR ALLEY WITHIN THE TOWN OF ADDISON DURING PERIODS OF MAINTENANCE, REPAIR OR CONSTRUCTION OF SAID ROAD, STREET, HIGHWAY OR ALLEY TO ENSURE THE SAFETY OF THE TRAVELING PUBLIC, CONSTRUCTION WORKERS AND PROPERTY; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on occasion, the Town of Addison, Texas (the "City"), through its Public Works Department or its designee, is required to perform maintenance, repair or construction of the road, street, highway, or alley of the City.

**WHEREAS**, to ensure the safety of all persons, including but not limited to drivers, passengers, pedestrians, construction workers and any individuals in the area, and property, the Director of Public Works might determine that the speed limit of said roads, streets, highways or alleys is excessive because of the maintenance, repair or construction that is occurring.

**WHEREAS**, the Director of Public Works of the City has determined and recommended for, among other things, the safety of the traveling public and construction workers, that the speed for vehicles operating along that portion of any road, street, highway or alley during the period of construction should be reduced to a safe and reasonable speed limit.

**WHEREAS**, then the City Manager, the City Manager's designee or the Director of Public Works shall erect and post signs in a conspicuous place at the beginning of the construction area to notify the operators of motor vehicles of the speed limit of the road, street, highway or alley.

**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.

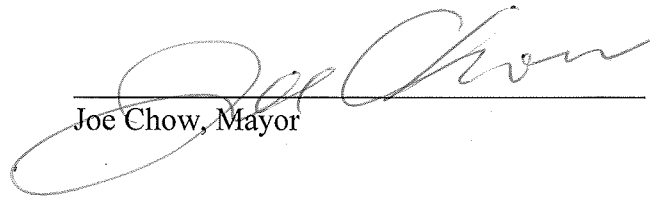
Section 2. Temporary Speed Limit; Posting Signs. During the period of construction of improvements (the "Temporary Construction Period") of any road, street, highway or alley, the City Council does hereby authorize the City Manager, the City Manager's Designee or the Director of Public Works to determine and reduce the maximum speed limit of road, street, highway or alley, which is under maintenance, repair or construction, that is reasonable and safe, and such maximum speed limit is hereby fixed at the said rate of speed for vehicles traveling upon said road, street, highway or alley. The Director of Public Works (the "Director") of the City or his or her designee is hereby authorized and directed to cause appropriate signs to be placed indicating and giving reasonable notice of such speed along the road, street, highway or alley, which signs shall remain in place during the Temporary Construction Period (as determined by the Director). It is unlawful for any person to operate or drive any motor vehicle within such posted area at a speed in excess of such speed, such speed limit hereby being deemed to be the prima facie evidence of reasonable and prudent maximum speed at which a vehicle may travel on such portions of such road, street, highway or alley under construction, maintenance or repair. Following the completion of the Temporary Construction Period (as determined by the Director), the Director shall cause the said signs to be removed, and the speed limit in effect prior to the beginning of the Temporary Construction Period shall then be in effect.

Section 3. 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 4. 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 5. Effective Date. This Ordinance shall take effect upon the adoption and publication hereof in accordance with law, with the prima facie maximum speed limit set forth in Section 2 hereof for the Arapaho Road Segment during the Temporary Construction Period being effective upon the posting of signs giving notice of the such speed limit.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the **22nd** day of **March**, 2011.

  
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Joe Chow, Mayor

ATTEST:

By:   
\_\_\_\_\_  
Lea Dunn, City Secretary

APPROVED AS TO FORM:

By:   
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John Hill, City Attorney