

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COPPELL, TEXAS, PROVIDING FOR THE DESIGNATION OF PRIVATE STREET AS PUBLIC STREETS OR AS PUBLIC STREETS OR ROADWAY, OWNED OR PRIVATELY MAINTAINED IN ACCORDANCE WITH THE TEXAS TRANSPORTATION CODE, FOR THE SOLE PURPOSE TO EXTEND SPEED LIMITS ON SUCH PRIVATELY OWNED STREETS; PROVIDING FOR PLACEMENT OF TRAFFIC CONTROL DEVICES; PROVIDING FOR COST OF ENFORCEMENT; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coppel has gated communities with private streets which are not owned or maintained as public streets; and

WHEREAS, the Texas Transportation Code in Chapter 542, General Provisions, Subchapter A, Section 542.008 permits local municipalities to extend by ordinance traffic rules under certain conditions; and

WHEREAS, the owners of property or the governing body may extend traffic rules of operation of vehicles over such private streets by petition of twenty-five percent of the owners of property abutting any such privately owned street or body required to maintain such privately owned street; and

WHEREAS, the City Council of the City of Coppel finds it in the best interest of the City to provide a method and establish a process to consider any such request; and

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS DOES ADOPT THE FOLLOWING:

SECTION 1. That in accordance with Chapter 542 of the Texas Transportation the governing body does hereby extend certain traffic regulations to private streets as set forth herein.

SECTION 2. On petition of twenty-five percent of owners of real property abutting a private street or alley by the entity/body required to maintain said private street or alley may petition the City Council to designate by ordinance the same as a public street for the sole purpose of extending speed limits for any such street or alley.

SECTION 3. The property owners or body, as defined herein, shall provide and remit to the City all or part of the costs associated with enforcement of the traffic speed laws to the private streets including but not limited to placement maintenance and location of traffic control devices or signage policing costs or administrative costs directly associated with such designation by submission of a traffic plan.

SECTION 4. That the City Council, in its sole discretion, finds that privately owned street or alley, has complied with provisions of this Ordinance, and is in the public interest, may designate an appropriate speed limit of any qualifying private street for the sole purpose of extending speed regulations by including any such streets in the Code of Ordinances, Section 8-1-3, Speed Regulation, of Chapter 8, Traffic Control, Article 8-1 Speed of Vehicles.

SECTION 5. The inclusion of any privately owned street into the Code of Ordinances for speed regulation does otherwise convert or amount to designation of any such street for any other purpose or create any obligation to provide public access or funding of any traffic control devices or maintenance.

SECTION 6. That at all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid,

the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 8. 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 9. That 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 guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subject to a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such violation is continued shall be deemed to constitute a separate offense.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide; however the speed limit established herein shall not take effect until the appropriate signage giving notice of such speed limit has been erected.

DULY PASSED by the City Council of the City of Coppell, Texas, this the ____ day of _____, 2024.

APPROVED:

WES MAYS, MAYOR

ATTEST:

ASHLEY OWENS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY