

CITY OF COPPELL, TEXAS
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS, TEMPORARILY LOWERING THE MAXIMUM SPEED LIMIT ON A CERTAIN DESIGNATED SECTION OF FREEPORT PARKWAY DURING CONSTRUCTION; PROVIDING FOR NOTIFICATION OF THE MAXIMUM SPEED LIMIT BY THE INSTALLATION OF SIGNS AND MARKERS TO REGULATE VEHICULAR SPEED ON THE DESIGNATED STREET; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS the City Council of the City of Coppel, Texas has previously established the maximum speed limit for Freeport Parkway to be 40 mph; and

WHEREAS, Section 545.356 of the Texas Transportation Code provides that whenever the governing body of the municipality 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 prudent under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the City of Coppel taking into consideration, among other things, 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 prudent prima facie speed limit 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 engineers have conducted a traffic study and determined that the portion of Freeport Parkway from Fritz Drive to Airline Drive requires a reduction in speed during the reconstruction project pursuant to Title 43, Section 25.22(c)(3)(D) of the Texas Administrative Code; and

WHEREAS, the City Council has investigated and determined that it is necessary for the protection and safety of the citizens of the City of Coppel to declare a reasonable and prudent speed for Freeport Parkway while construction is on-going, as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE COPPELL CITY COUNCIL:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Establishment of Temporary Prima Facie Speed. Notwithstanding anything to the contrary herein, and as authorized by Title 43, Section 25.22(c)(3)(D) of the Texas Administrative Code, the speed limit on a portion of Freeport Parkway, from Airline Drive to Fritz

Drive, is hereby temporarily modified for a maximum speed limit of twenty (20) miles per hour ("Temporary Speed Limit"). The Temporary Speed Limit shall be in effect when construction zone speed limit signs are displayed within the area of the Freeport Parkway reconstruction project. The Temporary Speed Limit is automatically cancelled upon the completion and/or acceptance of the construction project, and upon cancellation thereof, any remaining construction zone speed limit signs shall be removed.

SECTION 3: Savings/Repealing. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Coppell hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases are declared unconstitutional and/or invalid.

SECTION 5: Penalty. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than One Dollar (\$1.00) nor more than Two Hundred Dollars (\$200.00). Coppell retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 6: Effective Date. This Ordinance shall be effective upon its passage and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE COPPELL CITY COUNCIL on this ____ day
of _____ 2018.

APPROVED:

KAREN SELBO HUNT, MAYOR

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY