

ORDINANCE NO. 21-2249

AN ORDINANCE OF THE CITY OF DENTON AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES BY INCLUDING SPEED ZONES ON EAST UNIVERSITY DRIVE (US 380) IN SECTION 18-73; ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISION OF TRANSPORTATION CODE, SECTION 545.356 UPON THE FOLLOWING ROADWAYS OR PARTS THEREOF, WITHIN THE INCORPORATED LIMITS OF THE CITY OF DENTON; PROVIDING A PENALTY NOT TO EXCEED \$200.00 UNLESS THE VIOLATION OCCURS IN A WORK ZONE AND THEN THE PENALTY SHALL NOT EXCEED \$400.00; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Section 545.356 of the Texas Transportation Code provides that whenever the governing body of the City shall determine upon the basis of an engineering traffic investigation that any prima facie speed is greater or less than what 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 speed limit for that street or highway, or section thereof, 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 of Denton has performed the necessary engineering traffic investigation for E. University Drive (US 380) and received a request from the Texas Department of Transportation ("TxDOT") to consider the ongoing and continuous construction in the area; and

WHEREAS, taking into account the factors set forth in Section 545.356 of the Texas Transportation Code, the City Council finds that during TxDOT construction activities on US 380 the speed limit on the portion of US 380 within the City of Denton jurisdiction from Rockhill Road to Loop 288 should be designated as 50 mph, and from Loop 288 to Bell Avenue should be designated as 40 mph; and

WHEREAS, the Council finds that, considering the factors set forth in Section 545.356 of the Texas Transportation Code, the speed limits proposed are safe and reasonable for the sections of highway identified above; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The recitals of this ordinance are hereby incorporated as if set out fully herein.

SECTION 2. Chapter 18 "Motor Vehicles and Traffic," Section 18-73 of the Code of Ordinances of Denton is hereby amended by revising the TxDOT ROADS chart to regulate vehicular speed on specific portions of US 380. The TxDOT ROADS chart shall read as follows, with new language underlined and deleted language struck-through:

TxDOT ROADS

ROADWAY	FROM	TO	SPEED LIMIT
Airport Rd./FM 1515	Masch Branch Rd.	Corbin Rd.	55
Airport Rd./FM 1515	Corbin Rd.	IH 35E	45
Barrel Strap/FM 2499	IH35E SB Frontage Rd.	FM 2181	45
Country Club Rd./FM 1830	Fort Worth Dr./US 377	Sanders Rd.	45
Country Club Rd./FM 1830	Sanders Rd.	Country Club Rd.	50
Country Club Rd./FM 1830	Country Club Rd.	Southern City Limits	50
Dallas Dr./US 77	SB Main Lanes	Teasley Ln./FM 2181	45
Dallas Dr./US 77	Teasley Ln./FM 2181	Smith St.	35
Elm St./US 77	Sherman Dr./FM 428	Locust St./FM 2164	35
Elm St./US 77	Locust St./FM 2164	Donna Rd.	45
Elm St./US 77	Donna Rd.	IH 35E SB Frontage Rd.	55
FM 1173	IH35N	Western City Limits	60
FM 1830	Country Club Rd.	Southern City Limits	45
FM 2153	Sherman Dr./FM 428	Northern City Limits	55
FM 2449	IH-35W	Western City Limits	55
Fort Worth Dr./US 377	Eagle Dr.	IH 35E SB Frontage Rd.	35
Fort Worth Dr./US 377	IH 35E SB Frontage Rd.	550' N of Massey Rd.	40
Fort Worth Dr./US 377	550' N of Massey Rd.	250' S of Country Club Rd./FM 1830	45
Fort Worth Dr./US 377	250' S of Country Club Rd./FM 1830	Southern City Limits	55
IH 35E Frontage Rd. NB	Northern City Limits	Elm St./US 77	55
IH 35E Frontage Rd. NB	Elm St./US 77	Southern City Limits	50

IH 35E Frontage Rd. SB	Northern City Limits	Elm St./US 77/Barthold Rd.	55
IH 35E Frontage Rd. SB	Elm St./US 77/Barthold Rd.	Southern City Limits	50
IH 35 Main Lanes	Northern City Limits	University/US 380	75
IH 35/IH 35E Main Lanes	University/US 380	Southern City Limits	70
Locust St./US 77	Sherman Dr./FM 428	Elm St./FM 2164/US 77	35
Locust St./FM2164	Locust St./FM 2164/US 77	Loop 288	45
Locust St./FM2164	Loop 288	City Limits	60
Loop 288	IH 35E SB Main Lane	Spencer	40
Loop 288	Spencer Rd.	University/US 380	50
Loop 288	University/US 380	IH 35	60
Sherman Dr./FM 428	Elm St./US 77	Monterrey St.	35
Sherman Dr./FM 428	Monterrey St.	Long Rd.	45
Sherman Dr./FM 428	Long Rd.	City Limits	60
Teasley Ln./ FM 2181	Shady Oaks Dr.	IH 35E SB Frontage Rd.	35
Teasley Ln./ FM 2181	IH 35E SB Frontage Rd.	Savannah Tr.	35
Teasley Ln./ FM 2181	Savannah Tr.	500' W of Pennsylvania	45
Teasley Ln./ FM 2181	500' W of Pennsylvania	Lillian Miller Pkwy.	40
Teasley Ln./ FM 2181	Lillian Miller Pkwy.	City Limits	45
University Dr./US 380	Western City Limits	Masch Branch Rd.	65
University Dr./US 380	Masch Branch Rd.	500' W of Western Blvd.	50
University Dr./US 380	500' W of Western Blvd.	Bonnie Brae St.	45
University Dr./US 380	Bonnie Brae St.	Bell Ave.	40
University Dr./US 380	Bell Ave.	Loop 288 NB Ramp	40
University Dr./US 380	Loop 288 NB Ramp	Riverside Dr. Rockhill Road	55 50
University Dr./US 380	Riverside Dr. Rockhill Road	Easterly City Limits	60

SECTION 3. It is not intended for this ordinance to amend any other section or subsection of Section 18-73 of the Denton Code of Ordinances; the rest of the Section and subsections not amended herein shall remain in full force and effect.

SECTION 4. To the extent reasonably possible, Ordinances are to be read together in harmony. However, all Ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance including, but not limited to, the prior adopted version of the TxDOT chart of Section 18-73, are hereby repealed to the extent such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

SECTION 5. Any person violating any provision of this ordinance shall, upon conviction, be fined a sum not to exceed Two Hundred Dollars (\$200.00), unless the violation occurs in a work zone and then the penalty shall not exceed Four Hundred Dollars (\$400.00).

SECTION 6. This Ordinance shall be cumulative of all other ordinances of the City of Denton defining school zones and school bus loading zones and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 7. If in any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council of the City of Denton hereby declares it would have enacted such remaining portions despite any such invalidity.

SECTION 8. The City Secretary is hereby directed to record and publish the above regulations in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

SECTION 9. This Ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published twice in the *Denton Record-Chronicle*, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.


The motion to approve this ordinance was made by Paul Meltzer and seconded by Alison Maguire. The ordinance was passed and approved by the following vote [7 - 0]:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Gerard Hudspeth, Mayor:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____
Brian Beck, District 2:	<u>✓</u>	_____	_____	_____
Jesse Davis, District 3:	<u>✓</u>	_____	_____	_____
Alison Maguire, District 4:	<u>✓</u>	_____	_____	_____

Deb Armintor, At Large Place 5: ✓ _____

Paul Meltzer, At Large Place 6: ✓ _____

PASSED AND APPROVED this the 26th day of October, 2021.


GERARD HUDSPETH, MAYOR

ATTEST:
ROSA RIOS, CITY SECRETARY

By: 

APPROVED AS TO LEGAL FORM:
MACK REINWAND, CITY ATTORNEY

By: 

