

**TOWN OF BARTONVILLE
ORDINANCE NO. 488-10**

AN ORDINANCE AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, BY AMENDING ARTICLE 12.200 SECTION 12.01 (D); ALTERING THE PRIMA FACIE SPEED LIMITS ESTABLISHED FOR VEHICLES UNDER THE PROVISIONS OF THE TEXAS TRANSPORTATION CODE, SECTION 545.356 BY PROVIDING A MAXIMUM SPEED LIMIT FOR MOTOR VEHICLES TRAVELING ON FARM-TO-MARKET ROAD 407 OR PARTS THEREOF, OF FIFTY MILES PER HOUR (50 MPH) THROUGHOUT PORTIONS OF THE CORPORATE LIMITS OF THE TOWN OF BARTONVILLE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED \$200.00 FOR THE VIOLATION OF THIS ORDINANCE, IN ACCORDANCE WITH §542.401 OF THE TEXAS TRANSPORTATION CODE; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL OTHER ORDINANCES; PROVIDING SAVINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND NAMING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type A General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a general law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, Section 545.356 of the Texas Transportation Code, provides that whenever a governing body 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 safe under the conditions found to exist at any intersection or other place or upon any part of a street or highway within the Town, 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 prima facie speed limit thereat or 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 Town Council of the Town of Bartonville is in receipt of an engineering study and traffic investigation conducted by the Texas Department of Transportation indicating that for vehicles traveling upon parts of FM 407 the reasonable and safe prima facie speed limit shall be fifty miles per hour (50mph); and

WHEREAS, the Town Council of the Town of Bartonville has determined it is in the best interests, health, safety, and welfare of citizens of Bartonville to alter the maximum speed limit upon parts of FM 407 to a maximum speed of fifty miles per hour (50mph).

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:

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.
SPEED LIMIT ALTERED

From and after the date of the passage of this ordinance, no motor vehicle shall be operated along and upon Farm-to-Market Road 407 (FM 407) within the corporate limits of the Town of Bartonville in excess of speeds now set forth in Exhibit "A."

SECTION 3.
CODE AMENDED

The Code of Ordinances of the Town of Bartonville, Texas, be, and the same is, hereby amended by amending Chapter 12, Article 12.200, Section 12.201(d) to read as follows:

"(d) The prima facie maximum speed limit shall be 50 mph for motor vehicles traveling that portion Farm-to-Market Road 407 within the corporate limits of the Town generally described as being from the eastern most Town limit to a point 0.125 miles west of Hilltop Road and being more specifically described in the Texas Department of Transportation's Speed Zone Studies dated January 7, 2010 and maintained in the office of the Town Secretary."

SECTION 4.
CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 5.
SAVINGS

An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Town of Bartonville Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6.
SEVERABILITY

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7.
ENGROSSMENT AND ENROLLMENT

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8.
PUBLICATION

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

SECTION 9.
EFFECTIVE DATE

This Ordinance shall be in full force and effect upon passage and publication in the official newspaper.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by a vote of ___ to___, this the 19th day of January 2010.

APPROVED:

Ron Robertson, Mayor

(Seal)

ATTEST:

Debbie E Millican
Town Administrator