

CITY OF FORNEY, TEXAS

ORDINANCE NO. 22-

AN ORDINANCE OF THE CITY OF FORNEY, TEXAS, AMENDING CHAPTER 12, ARTICLE 12.03, "OPERATIONS OF VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF FORNEY, TEXAS, BY AMENDING A SECTION 12.03.032 "SPEED LIMITS ON SPECIFIC STREETS" TO PROVIDE ADDITIONAL SPEED RESTRICTIONS FOR NEW SCHOOL ZONES IN THE CITY OF FORNEY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Forney, Texas (the "City") is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Transportation Code section 545.352 establishes prima facie reasonable and prudent speed limits for various categories of public roads, streets and highways; and

WHEREAS, Transportation Code section 545.356 empowers the City of Forney, Texas, to alter those prima facie limits on public roads, streets, and highways in the City as determined from the results of an engineering and traffic investigation conducted according to the procedures adopted by the Texas Transportation Commission; and

WHEREAS, the Forney Independent School District has opened Johnson Elementary School located at 10835 Walnut Lane, Forney, Texas 75126 and Henderson Elementary School located at 12755 FM 1641, Forney, TX 75126.

WHEREAS, the City has conducted the prescribed engineering and traffic investigations to determine reasonable and safe prima facie maximum speed limits for the FM 548 roadway located near Johnson Elementary School and FM 1641 located near Henderson Elementary School, as shown on Exhibit "A" and Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the City Council desires to amend existing school zone regulations to add the section of FM 548 located near Johnson Elementary School and the section of 1641 near Henderson Elementary School; and

WHEREAS, the City Council finds that it is advantageous, beneficial, and in the best interest of the public health, safety, and welfare to adopt the amendments set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

All of the above premises are found to be true and correct factual and legislative determinations of the City of Forney and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. AMENDMENT OF ARTICLE 12.03 “OPERATIONS OF VEHICLES”

From and after the effective date of this Ordinance, Chapter 12, Article 12.03, of the Code of Ordinances of the City of Forney, Texas, is hereby amended by amending Section 12.03.032 “Speed limits on specific streets” to include the streets as follows:

Farm Road 548. From the point of intersection with Reeder Road southwesterly to the point of its intersection with TxDOT MP 6.334, 55 miles per hour. From TxDOT MP 6.334 southwesterly to TxDOT MP 6.829, 45 miles per hour. From TxDOT MP 6.829 southerly to the point of its intersection with FM 1641, 40 miles per hour. From its point of intersection at FM 1641 southwesterly to TxDOT MP 8.594, 45 miles per hour. From TxDOT MP 8.594 southwesterly to TxDOT MP 9.854, 55 miles per hour. From TxDOT MP 9.854 southwesterly to TxDOT MP 10.134, a maximum speed of 55 miles per hour, and 35 miles per hour at locations and during effective times designated as school zones for Johnson Elementary School by traffic-control signs, signals and markings installed as provided by section 12.03.034. From TxDOT MP 10.134 to the city limits, 55 miles per hour.

Farm Market Road 1641. From the point of its intersection with FM 548 (TxDOT MP 0.138 southeasterly to the point of its intersection with TxDOT MP 1.234, 55 miles per hour. From TxDOT 1.234 southeasterly to TxDOT MP 1.024, a maximum of 55 miles per hour, and 35 miles per hour at locations and during effective times designated as school zones for Henderson Elementary School by traffic-control signs, signals and markings installed as provided by section 12.03.034. From TxDOT MP 1.024 to the city limits, 55 miles per hour.

Section 3. SAVINGS CLAUSE

All rights and remedies of the City of Forney, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 4. SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. REPEALER CLAUSE

Any provision of any prior ordinance of the City, whether codified or uncoded, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncoded, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FORNEY, TEXAS, this _____ day of _____, 2022.

ATTEST:

Amanda Lewis, Mayor

Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

Jennifer Barnes Smith, City Attorney