

**TOWN OF BARTONVILLE
ORDINANCE NO. ____-23**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 12, "TRAFFIC AND VEHICLES," ARTICLE 12.03, "OPERATION OF VEHICLES"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION; AND PROVIDING 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, the Town is authorized by Chapters 542 and 545 of the Texas Transportation Code to regulate traffic by police officers or traffic-control devices, to alter a speed limit, to place and maintain traffic-control devices on Town streets, and to erect signs giving notice of such traffic-control and speed limit determinations in the Town; and

WHEREAS, the Town Council of the Town of Bartonville authorized by Town Resolution 2022-12, dated July 26, 2022, the creation of an Ad Hoc Traffic Committee composed of certain Town Council members, interested Town citizens and other Town officials to research, develop and recommend ways and means of improving traffic conditions for safety reasons such as addressing issues regarding speeding, and provide recommendations to the Town Council; and

WHEREAS, the Ad Hoc Traffic Committee met, discussed, and prepared recommendations for the Town Council to consider for approval to address speed mitigation measures in new residential subdivisions in the Town; and

WHEREAS, the Town Council has accepted the Ad Hoc Traffic Committee's recommendations, which must be enacted by Town ordinance; and

WHEREAS, the Town Council of the Town of Bartonville has determined that it is in the best interest of the health, safety and welfare of its citizens to amend the Town Code of Ordinances to designate speed limits in the Town as specified in this Ordinance, including the determination that certain speed limits in the residential subdivisions specified in this Ordinance should be reduced to 25 miles per hour because the prima facie speed limit on the streets in those residential subdivisions are unreasonable or unsafe in those locations, in the reasonable exercise of the Town's police power.

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 legislative determinations and are incorporated herein and made a part hereof for all purposes.

**SECTION 2.
AMENDMENT OF ARTICLE 12.03**

From and after the effective date of this Ordinance, the Town of Bartonville Code of Ordinances, Chapter 12, "Traffic and Vehicles," Article 12.03, entitled "Operation of Vehicles," is hereby amended by amending the provisions of certain speed limits in §12.03.031, and said amendments shall read as follows:

"Article 12.03 OPERATION OF VEHICLES

* * *

Division 2. Speed Limits

§ 12.03.031. Established

Add subsection (h) to designate 25 mph speed limits in the Deer Hollow residential subdivision, as follows:

"(h) Deer Hollow Subdivision: The prima facie maximum speed limit for motor vehicles traveling on the streets within the Deer Hollow residential subdivision in the town shall be 25 mph."

**SECTION 3.
SEVERABILITY**

It is hereby declared to be the intention of the Town Council of the Town of Bartonville, Texas, 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 4.
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 that purpose.

**SECTION 5.
ENGROSS AND ENROLL**

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 6.
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 7.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage and publication of its caption, as the law in such cases provides.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by the Town Council of the Town of Bartonville, Texas, on this the 21st day of November, 2023.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Shannon Montgomery, TRMC, Town Secretary