

## **AN ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING CHAPTER 12, "TRAFFIC AND VEHICLES," ARTICLE 12.01 "GENERAL PROVISIONS," SECTION 12.01.002 "ORDINANCES SAVED FROM REPEAL," OF THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES BY ADDING STOP SIGNS AT THE INTERSECTION OF NOBLE LARK DRIVE AND KALKALLO DRIVE; PRESCRIBING FOR A PENALTY OF NOT LESS THAN \$1 NOR MORE THAN \$500 PER SECTION 12.04.007 PENALTIES; PROVIDING FOR REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING FOR AN EMERGENCY PER SECTION 3.06 OF THE HOME RULE CHARTER; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF**

**WHEREAS**, the City of Fair Oaks Ranch is authorized by Title 7, Subchapter C of the Texas Transportation Code to establish and regulate compliance with rules governing the use of public thoroughfares, and,

**WHEREAS**, stop signs provide enhanced safe and efficient intersections for vehicles and pedestrians, and,

**WHEREAS**, the absence of dedicated shoulders, higher volumes of traffic, proximity of school bus stop locations to the intersection, and consistent presence of pedestrians necessitate the addition of stop signs to prevent an unsafe condition, and,

**WHEREAS**, the City Council finds it necessary and exigent to implement enhanced safety measures before the start of the upcoming school year, and,

**WHEREAS**, the City Council directed staff to provide additional safety measures for Noble Lark Drive and Kalkallo Drive in response to high traffic volumes, and,

**WHEREAS**, for the effectiveness of enforcement, the City Council finds the addition of stops signs and removal of a yield sign will provide safety enhancements and the emergency clause requirements for expediency have been met as they relate to the overall safety of residents and travelers said ordinance to be confirmed at the next meeting of the City Council pursuant to Section 3.06F(4) of the City Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

- Section 1.** The Fair Oaks Ranch Code of Ordinances Chapter 12 Traffic and Vehicles, Article 12.01 General Provisions, Section 12.01.002 is hereby amended to include three stop signs at the intersection of Noble Lark Drive and Kalkallo Drive, and the removal of one yield sign at said intersection as shown in **Exhibit A**.
- Section 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.
- Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by

judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

- Section 4.** That it is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 6.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.
- Section 7.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- Section 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 10.** Any person, firm, entity or corporation who violates any provision of this article, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation under this article shall constitute a separate offense.
- Section 11.** This ordinance shall take effect immediately upon its first reading, passage and any publication requirements as may be required by governing law.
- Section 12.** That the recitals contained in the Home Rule Charter Section 3.06F(4), determines that an emergency exists related to public peace, health or safety and requires immediate action be taken and upon a two-thirds majority vote by council, this ordinance and enforcement eligibility will take effect immediately.

**PASSED, APPROVED and ADOPTED BY 2/3rds majority of the City Council of the City of Fair Oaks Ranch, Texas, on August 1, 2024.**

**Confirmed by a majority vote of the City Council of the City of Fair Oaks Ranch, Texas on this 15<sup>th</sup> day of August 2024. This ordinance shall expire on the sixty first (61<sup>st</sup>) day after adoption, October 2, 2024, unless extended aby a majority vote of the City Council of the City of Fair Oaks Ranch, Texas.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Christina Picioccio, TRMC  
City Secretary

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Denton Navarro Rodriguez Bernal Santee & Zech  
P.C., City Attorney

## Exhibit A

Chapter 12 Traffic and Vehicles; Article 12.01 General Provisions; Section 12.01.002 is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### Sec. 12.01.002 - Ordinances Saved From Repeal

All ordinances authorizing the placement of traffic-control devices, including stop signs, yield signs, and other traffic-control signals, and markings; the designation of speed zones, no-passing zones, no-parking zones, one-way streets, and through streets; and other ordinances regulating traffic on specific streets or parts of streets in the City not included in this Code are specifically saved from repeal upon adoption of this Code. Such ordinances are on file in the City Secretary's offices. (Ordinance adopting Code)

#### Non-Private Subdivision

##### Through Street

Kalkallo Drive

Noble Lark

~~Noble Lark~~

##### Stop Sign Street

Noble Lark (x2)

Kalkallo Drive

##### Yield Sign Street

~~Kalkallo Drive~~