

## 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 12.01.003 (1) OF THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES BY REDUCING THE SPEED LIMIT ON NOBLE LARK DRIVE AND KALKALLO DRIVE TO 20 MPH; 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; AND 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 Council of the City of Fair Oaks Ranch, Texas has passed and approved Ordinance 31.13 adopting the State of Texas prima facie maximum speed limit of thirty (30) miles per hour on all streets, with exceptions, within the City, as prescribed in Texas Transportation Code Section 545.356(b1), and,

**WHEREAS**, the speed studies along Noble Lark Drive and Kalkallo Drive have shown the 85<sup>th</sup> percentile of motorists travel between 24-26 miles per hour, and,

**WHEREAS**, the absence of dedicated shoulders and centerlines and consistent presence of pedestrians necessitate a further reduction of the speed limit to prevent an unsafe condition, and,

**WHEREAS**, the City Council of the City of Fair Oaks Ranch finds that it is necessary to amend Chapter 12 Traffic and Vehicles, Section 12.01.003 (1), by reducing the speed limit to 20 miles per hour on Noble Lark Drive and Kalkallo Drive, 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 City staff to provide additional safety measures for the roadways in response to high traffic volumes, and,

**WHEREAS**, for the effectiveness of enforcement, the City Council finds the reduction of the speed limit will provide additional 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 3.06(F4) 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 12.01.003 (1) is hereby amended to reduce the speed limit on Noble Lark Drive and Kalkallo Drive to 20 mph section 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.

**Section 13.** That not later than February 1 of each year, the City shall publish on its website and submit to the Department of Transportation a report that compares for each of the two previous calendar years the number of traffic citations issued by the police department and the alleged speed of the vehicles, for speed limit violations, the number of warning citations issued and the number of collisions that resulted in injury or death attributable to speed on any streets listed in Section 12.01.003(1) if the speed limit of 20 mph was established pursuant to Texas Transportation Code Section 545.356(b1).

**PASSED, APPROVED and ADOPTED by 2/3rds majority of the City Council of the City of Fair Oaks Ranch, Texas, on this 1<sup>st</sup> day of August 2024.**

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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;" Section 12.01.03 (1) "Speed Limits" is hereby amended by as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### **Sec. 12.01.003 Prima Facie Speed Limits**

The City Council has determined and does hereby adopt the prima facie speed limit of 30 miles per hour on all streets within City, except for the streets shown below, whereas the City Council establishes the maximum, reasonable, and prudent speed limit to be as listed below.

(1) 20 mph.

Kalkallo Drive

Noble Lark Drive