

An Ordinance of the City of Plano, Texas, amending Section 12-74(b), Maximum Limits on Specific Streets, of Article IV, Speed, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas to lower the prima facie maximum speed limit from fifty-five (55) miles per hour to forty-five (45) miles per hour on Preston Road (State Highway 289) approximately 1,200 feet north of Legacy Drive to its intersection with State Highway 121, within the city limits of the City of Plano; and providing a penalty clause, a repealer clause, a severability clause, a savings clause, a publication clause, and an effective date.

WHEREAS, on February 13, 1989 by Ordinance No. 89-2-7, the City Council of the City of Plano set the prima facie maximum speed limit at fifty- five (55) miles per hour on Preston Road (State Highway 289) approximately 1,200 feet north of Legacy Drive to its intersection with State Highway 121, and such Ordinance was codified as subsection “Preston Road (State Highway 289)” of Section 12-74(b) of Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; and

WHEREAS, Section 545.356 of the Texas Transportation Code, provides that whenever the governing body of the City 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 City, 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, based on a traffic engineering study, the Texas Department of Transportation requested that the City of Plano adopt an Ordinance to decrease the prima facie maximum speed limit on Preston Road (State Highway 289) approximately 1,200 feet north of Legacy Drive to its intersection with State Highway 121; and

WHEREAS, the Transportation Engineering Division of the City of Plano reviewed the study and determined that the proposed reduction in the prima facie maximum speed limit is warranted and proposes to amend a certain section of the Code of Ordinances to lower the prima facie maximum speed limit for the said section of Preston Road (State Highway 289).

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

Section I. The following prima facie maximum speed limits hereafter indicated for motor vehicles are hereby determined and declared to be reasonable and safe, and such maximum speed limits are hereby fixed at the rate of speed indicated for motor vehicles traveling upon the named streets or highways or parts thereof. No motor vehicle shall be operated along or upon said portions of said named streets or highways within the

incorporated limits of the City of Plano in excess of the speeds now set forth in the following limits.

Section II. Subsection entitled “Preston Road (State Highway 289)” of Section 12-74(b), Maximum Limits on Specific Streets, of Article IV, Speed, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances, City of Plano, Texas, is hereby amended to read as follows:

“Preston Road (State Highway 289):

- (1) Forty-five (45) miles per hour along and upon Preston Road from south city limit to its intersection with State Highway 121.”

Section III. The Traffic Engineer of Plano is hereby authorized to cause placement or removal of traffic control signs along the portions of the roadways described herein, and such signs shall give notice to all persons of the prima facie maximum speed limits.

Section IV. All provisions of the ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, except that an ordinance of the City establishing a school zone and speed limit therefore within the zones changed herein, shall not be repealed but shall prevail over this Ordinance. All other provisions of the Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section V. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section VI. Any violation of any provision or term of this ordinance shall be a Class C Misdemeanor offense. Any person, firm, corporation, or association who is adjudged guilty of a Class C Misdemeanor offense under this ordinance shall be punished by a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

Section VII. The repeal of any Ordinance or part of an Ordinance effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any Ordinances at the time of passage of this Ordinance.

Section VIII. This Ordinance shall become effective from and after its passage and publication as required by law and after all necessary signs and pavement markings have been installed.

PASSED AND APPROVED on the 26th day of September, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY