

**ORDINANCE NO. 2021-10**

**AN ORDINANCE AMENDING SECTION 12.05.002 “SCHOOL ZONES” OF ARTICLE 12.05 “SPEED LIMITS” OF CHAPTER 12 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS TO ADD AN ADDITIONAL SCHOOL ZONE AND TO REVISE THE EFFECTIVE TIMES FOR A SCHOOL CROSSING ZONES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, pursuant to Section 542.202 of the Texas Transportation Code, the City of Dalworthington Gardens, Texas has the authority to designate school crossing zones; and

**WHEREAS**, the City of Dalworthington Gardens has previously created school zones within the City of Dalworthington Gardens; and

**WHEREAS**, the City Council deems it necessary and advisable to amend the times applicable to certain school zones within the City in which a 20 mph speed limit will apply and to add an additional school crossing zone;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:**

**SECTION 1.**

Section 12.05.002, “School zones” of Article 12.05, “Speed Limits” of Chapter 12, “Traffic and Vehicles” of the Code of Ordinances, City of Dalworthington Gardens is hereby amended to read as follows:

**Sec. 12.05.002 School zones**

Upon the basis of an engineering and traffic investigation heretofore made as authorized by the provisions of V.T.C.A., Transportation Code, sections 545.353 and 545.356, the prima facie speed limit hereinafter indicated is hereby determined and declared to be the maximum reasonable and safe speed for vehicles, and such speed limit is hereby fixed for vehicles traveling on the following named streets or parts thereof herein designated as a school zone on days when school is in session, and either: (i) when such hours are described on official school zone speed limit signs located at said zone; or (ii) when school zone signs bearing a flashing amber light and located at said zone are in operation. The location of said school zones are as follows:

Street Location

Hours in Effect

Speed Limit

Arkansas Lane between a point 374 feet east of the east right-of-way line of Roosevelt Drive and a point 361 feet west of the west right-of-way line of Bowen Road	7:30 a.m. to 9:00 a.m. 2:30 p.m. to 4:00 p.m.	20 mph
Roosevelt Drive between a point 500 feet north of the north right-of-way line of Harder Lane and a point at the intersection of Roosevelt Drive with Garden Lane, being the east city limit.	7:30 a.m. to 9:00 a.m. 3:00 p.m. to 4:00 p.m.	20 mph
Bowen Road between a point 200 feet north of Garden Lane and a point 200 feet south of Garden Lane	7:30 a.m. to 9:00 a.m. 3:00 p.m. to 4:00 p.m.	20 mph

The Director of Transportation or his designee may modify the hours when a school zone is in effect as necessary to conform to changes in school attendance times. Any such modified hours will be either (i) described on official school zone speed limit signs located at said zone; or (ii) result in modification of the times when a flashing amber light and located at said zone are in operation. The location of said school zones are as follows: posted on the official school zone speed limit signs located at said zone

**SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**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 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 in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 4.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 5.**

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended, or any other ordinances affecting speed 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 6.

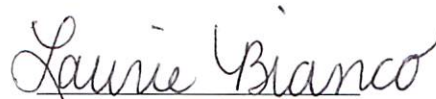
The City Secretary of the City of Dalworthington Gardens is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City of Dalworthington Gardens as authorized by Section 52.011 of the Local Government Code.

#### SECTION 7.

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 19<sup>th</sup> DAY OF AUGUST, 2021.

APPROVED:

  
Laurie Bianco, Mayor

ATTEST:

  
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Lola Hazel, City Secretary