

ORDINANCE #220301-02

“NO PARKING” ON DESIGNATED CITY STREETS

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, BY THE CITY COUNCIL TO AMEND CHAPTER 12 TRAFFIC AND VEHICLES AND REPEALING EXISTING ORDINANCES #58-0626 AND 56-0522 AND ALL ORDINANCES OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE, PROVIDING FOR: A FINDING OF FACT; POPULAR NAME; PURPOSE; DEFINITIONS; REQUIREMENTS; IMPOUNDMENT AND OR REMOVAL; INVESTIGATION; ENFORCEMENT INCLUDING PENALTY; SEVERABILITY; REPEAL CLAUSE; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Big Lake (“City”) desires to safeguard the health, safety, and general welfare of the City, and:

WHEREAS, the City desires to prevent the obstruction of city streets by vehicles or personal property, and;

WHEREAS, the City has determined the necessity to allow for “No Parking” on designated streets, during designated times within the city limits of Big Lake that will ensure access where traffic congestion is a concern, and;

WHEREAS, the City; and pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

NOW THEREFORE, be it ordained by the City Council of the City of Big Lake, Texas, County of Reagan, State of Texas that:

SECTION 1.0: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Big Lake and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0: POPULAR NAME

This Ordinance shall be commonly referred to as “No Parking” on Designated City Streets.

SECTION 3.0: PURPOSE

The purpose and intent of this Ordinance is to establish policies and guidelines for enforcement of designated “No Parking” areas during regulated times in order to provide safety, and protection within the City limits.

SECTION 4.0: DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- 4.1 **ALLEY**: the thoroughfare which intersects blocks of the City at the rear of lots of said blocks or transverses blocks between City streets.
- 4.2 **CITY**: the City of Big Lake, Texas, a municipal corporation and political subdivision within the County of Reagan, within the State of Texas.
- 4.3 **CITY COUNCIL**: the governing body of the City of Big Lake, Texas.
- 4.4 **ORDINANCE**: this ordinance establishing areas designated as “No Parking”.
- 4.5 **PARK OR PARKING**: when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.
- 4.6 **PERSON**: an individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.
- 4.7 **STAND**: the word stand or standing refers to the practice of a driver keeping the vehicle in a stationary position while continuing to occupy the vehicle.
- 4.8 **STREET**: the entire width between the outer boundary lines, curbs or street edges of every publicly maintained way when any part hereof is open to the use of the public for the purpose of vehicular travel.

SECTION 5.0 DESIGNATED “NO PARKING” AREAS AND RESTRICTITONS

No Parking areas in conformance with this Ordinance are established by the City and are enforceable.

- 5.1 Current “No Parking” restrictions listed below meet all requirements and are enforceable:
 - (a) North and South side of Second Street inside the boundaries of the City limits.
 - (b) South side of Twelfth Street from Georga Avenue to Louisiana Avenue; from hours of 7:00 a.m. to 5:00 p.m.; Monday through Friday
 - (c) North and South side of Eleventh Street from Louisiana Avenue to Florida Avenue from hours of 7:00 a.m.-5:00pm.; Monday through Friday
 - (d) North side of Third Street from alley to Main Avenue within Blocks:305-309 from hours of 7:00 a.m. to 5:00 p.m.; Monday through Friday

SECTION 6.0 MARKING OF “NO PARKING” AND RESTRICTIONS

All “No Parking” areas on a public street shall be clearly marked as directed by regulations set forth by the Texas Department of Transportation.

- 6.1 Where parking is prohibited or restricted to specific times, the basic sign design is a red border on white background. Signs should be set at an angle of not less than thirty (30) degrees and nor more than forty-five (45) degrees set with the line of traffic flow in order to be visible by approaching traffic.
- 6.2 To minimize the number of parking signs, blanket regulations may be used such as arrows to establish area in between signage. If the zone is unusually long, signs showing a double arrow may be used at intermediate points within the area.
- 6.3 Signs must be erected at least seven feet (7') from the edge of pavement surface to the bottom of the sign.

SECTION 7.0 PARKING PROHIBITED

When signs are erected or movement markings are provided giving notice of a designated “No Parking” area, no person shall stop, stand or park a vehicle during any time so specified.

SECTION 8.0 GENERAL POLICIES

- 8.1 It is unlawful for any person, without lawful authority, to tamper with, damage or destroy any sign, curb or pavement marking designating parking restrictions under the terms of the ordinance.
- 8.2 Maintenance of the “No Parking” markings and/or signage will be maintained at the expense of the City as often as deemed necessary to clearly identify designated area.

SECTION 9.0 IMPOUNDMENT/REMOVAL OF VEHICLES

- 9.1 Any vehicle or object obstructing a designated “No Parking” area is hereby declared a traffic hazard and may be immediately impounded pursuant to the applicable state law without prior notification to its owner or operator.
- 9.2 Pursuant to state law, the owner may be held responsible for expense of removal and storage of a vehicle or object obstructing a “No Parking” area.

SECTION 10.0 INVESTIGATION:

- 10.1 Investigation findings and determinations for penalty are enforced by local law enforcement officers.
- 10.2 The information showing the name of the person to whom the auto vehicle is registered shall constitute prima facie evidence of ownership by the named person. Evidence of a vehicle parked in a “No Parking” area shall give rise to a rebuttable presumption that said registered owner parked said vehicle in the “No Parking” area.

SECTION 11.0 PENALTY:

Any person, firm or corporation violating any provisions of this Ordinance or failing to observe any provisions hereof, shall upon conviction, be fined a sum of not less than \$10.00, nor more than \$500.00. A separate offense shall be deemed committed on each day any violation occurs or continues.

SECTION 12.0 SEVERABILITY:

If any section, subsection, clause, phrase, or sentence of this Ordinance or the application thereof by any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance to other persons and circumstances.

SECTION 13.0 REPEAL CLAUSE

All Ordinances and Resolutions of the City of Big Lake, Texas, in conflict herewith are hereby expressly repealed.

EACH and every provision of this ORDINANCE has been duly voted on and approved by the City Council, and all Ordinances in conflict herewith are hereby repealed from and after its passage as provided by law.


This Ordinance shall take effect upon completion of publication as provided by law.

INTRODUCED AND APPROVED ON THE 1st DAY OF MARCH, 2022, AND

PASSED AND ADOPTED ON THE 15th DAY OF March, 2022; by a vote of

5 (ays) to 0 (nays) and 0 (abstentions) of the City Council of the City of Big Lake, Texas.

CITY OF BIG LAKE



Phil Pool - Mayor

ATTEST:



Sheri Benson – City Administrator