

ORDINANCE NO.7103

AN ORDINANCE AMENDING CHAPTER 24, "MUNICIPAL COURT AND ADMINISTRATIVE ADJUDICATION", CHAPTER 32, "PROPERTY SANITATION AND HOUSING SERVICES", AND CHAPTER 33, "TRANSPORTATION" OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A PENALTY UNDER THE PROVISIONS OF SEC. 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE AND A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Article III, "Administrative adjudication of parking Offenses" of Chapter 24 "Municipal Court and Administrative Adjudication", of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"ARTICLE III. ADMINISTRATIVE ADJUDICATION OF PARKING OFFENSES

Sec. 24.40 Parking violations constitute a civil offense

Every violation of a provision of this Code governing the stopping, standing, or parking of a vehicle contained within article IV, "Stopping, Standing and Parking," and article VIII, "City Facility Parking Regulations" of Chapter 33, "Transportation" of this Code may be enforced as a civil offense pursuant to the provisions of this article and article II, Chapter 24 of this Code. In addition to being subject to the criminal penalties and procedures established in chapter 32 of this Code, a violation of section 32.56 governing the parking of a motor vehicle on an unapproved surface and a violation of section 32.57 governing the parking of oversized vehicles may be adjudicated as a civil offense under this article.

Sec. 24.41 Parking citations; form

(A) A parking citation serves as the notice of violation for purposes of this article.

(B) A parking citation must include the following information:

(1) A reference to the offense, the date, time, and

location of the alleged parking violation and, if applicable, the meter number;

(2) The state license plate number of the illegally parked vehicle, or if the number is not visible or legible, the vehicle identification number or the brake inspection tag number;

(3) The make of the illegally parked vehicle;

(4) The amount of the civil penalty and the date by which the civil penalty is due;

(5) The date, time, and location of the administrative adjudication hearing, to be set not earlier than 30 but not later than 60 calendar days after the date of issuance of the parking citation;

(6) A notification that the person charged with the parking violation has the right to an instanter hearing the first and third Monday and Wednesday of each month before the scheduled administrative adjudication hearing; and

(7) A notification that failure to timely appear at either an instanter hearing or a scheduled administrative adjudication hearing is considered an admission of liability for the parking violation charge and will result in the assessment of appropriate penalties and costs, and may result in the immobilization, towing, and impoundment of the vehicle for which the citation was issued; and

(8) The signature of the officer issuing the parking citation.

Sec. 24.42 Service of a parking citation; signing; presumption of service

(A) A parking citation may be served by placing a copy of the citation on the vehicle in a conspicuous place or by mailing the citation to the registered owner of the vehicle. If unpaid after seven days, a parking citation shall be served upon the registered owner of the vehicle by mailing to the registered owner of the vehicle a copy of the citation and, if photographs are taken, photograph(s) depicting the parking violation, showing the state license plate number of the vehicle or the vehicle identification number of the vehicle if available. A

citation shall be served on the owner of real property by mailing a copy of the citation to the owner of the real property.

(B) The original parking citation must be signed by the issuing officer whose signature, along with any photographs of the vehicle depicting the violation, if served in accordance with this section, shall be rebuttable proof of the facts contained in the citation and depicted in the photograph(s). The attachment of a digital signature of the issuing officer on an electronically prepared document is deemed to constitute the signature of the officer on the document for purposes of signature requirements of this section, and may be completed by incorporating a visual image of the officer's signature or by the officer typing "/S" or a similar mark before the officer's printed name on the citation in the signature block of the citation.

(C) The original or copy of a parking citation, along with a certificate of mailing signed by the person mailing the citation, are prima facie evidence that the parking citation was issued and shall be rebuttable proof that service was made in accordance with the provisions of this section.

Sec. 24.43 Liability of vehicle owner and vehicle operator

(A) Except as provided in subsection (B), the registered owner and the operator of a vehicle, when not the same, are jointly and severally liable to the City for the parking violation, except that the operator of a vehicle shall be solely liable if the owner proves that the vehicle was operated without the owner's express or implied consent.

(B) A vehicle owner who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for parking fines, penalties or costs imposed on a rented or leased vehicle if, within 30 days after receiving written notice of a parking violation, the vehicle owner provides an affidavit giving the true name, address, and driver's license number and state of issuance of the person in possession of the vehicle at the time the parking citation was issued, or a true copy of the lease or rental agreement in effect at the time the parking citation was issued. A lessor of a vehicle who fails to comply with this subsection shall be treated as any other vehicle owner and shall be jointly and severally liable with the vehicle operator for a parking

violation charge.

(C) It is a defense to a charge of a parking violation under this article that, at the time of the violation, the vehicle was:

(1) Parked, stopped, or standing in compliance with the lawful order or direction of a police officer;

(2) An authorized emergency vehicle under chapter 546 of the Texas Transportation Code and the operator was acting in compliance with that chapter;

(3) A stolen vehicle and being operated by a person other than the owner of the vehicle without the effective consent of the owner; reported to a police department as having been stolen prior to the time of the violation, and had not yet been recovered;

(4) Operated by a person during a medical emergency; or

(5) Bearing a license plate that was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued.

Sec. 24.44 Civil penalty

(A) A parking violation that is made a civil offense under this article shall have a penalty as follows:

(1) For the first offense within a 12 calendar month period \$25;

(2) For a second offense within a 12 calendar month period \$50;

(3) For a third or greater offense within a 12 calendar month period \$75.

(B) A civil penalty must be paid no later than the date of the scheduled hearing. A penalty paid after that date is subject to a \$25 late fee.

(C) A vehicle that is immobilized in accordance with article shall be assessed a \$100 fee to remove the immobilization

device. A vehicle that is impounded shall pay the cost of impound and storage as provided by law.

(D) A penalty established by subsection (A) may not be waived, reduced or modified by a hearing officer, or on appeal, once liability has been determined.

(E) A continuing day-to-day violation of less than three-days' duration shall not constitute a separate violation but shall be counted as a single violation.

Sec. 24.45 Enforcement of parking violation orders

(A) For parking violations, in addition to the remedies provided by section 24.52, a final order of liability may be enforced by:

(1) Impounding the vehicle that is the subject of the order when it is found on any public street or other public or City-owned property, if the person charged has committed five or more parking violations in any 12-month period that have not been resolved either by a finding of no liability or by payment of all penalties and costs assessed by the hearing officer;

(2) Placing a "boot" or similar device that prohibits movement of the vehicle that is the subject of the order when the vehicle is found on any public street or other public or City-owned property, if the person charged has committed three or more parking violations in any 12-month period that have not been resolved either by a finding of no liability or by payment of all penalties and costs assessed by the hearing officer;

(3) Imposing a late fee in the amount of \$25.00 for any civil penalty not paid within the designated period; or

(4) Denying any parking permit or privileges issued or granted by the City.

Sec. 24.46 Expedited hearing after an impoundment or immobilization

(A) The registered owner of a vehicle that has been impounded or immobilized for the purpose of enforcing a final order of liability shall have the right to an expedited

immobilization/impoundment hearing before a hearing officer.

(B) The request for an immobilization/impoundment hearing must be made in writing to the office of the administrative hearing officer, on a form provided for that purpose, within three calendar days from the date the vehicle was immobilized or impounded, whichever occurred first.

(C) An immobilization/impoundment hearing must be held within 48 hours after the office of the administrative hearing officer receives the request for a hearing, excluding Saturdays, Sundays, and City holidays, at the office of the hearing officer or at such other convenient and reasonable place as the hearing officer may designate. If an administrative hearing officer is not available to hear the case, the hearing may be held before a judge of the Municipal Court.

(D) The sole issue to be determined at the immobilization/impoundment hearing is whether the immobilization or impoundment of the vehicle was valid.

(E) An immobilization or impoundment of a vehicle pursuant to the provisions of this article is valid if it complies with the requirements of this article unless the vehicle owner or operator, or the agent of the vehicle owner or operator, can establish that:

(1) The vehicle was registered to and operated by another person at the time the unresolved parking violations occurred;

(2) The vehicle was being operated without the owner's express or implied consent at the time the unresolved parking violations occurred;

(3) Through no fault of the owner, notice of the unresolved parking violations was never received as required by this article;

(4) One or more citations of the unresolved parking violations are defective and, if dismissed, would leave fewer than the required number of parking violations within the calendar year necessary to trigger an impoundment; or

(5) At the time of the impoundment of the vehicle, the registered owner had no more than two unresolved parking

violations within the immediately preceding 12-month period.

(F) The determination of the hearing officer at the immobilization/impoundment hearing is final and is not subject to appeal.

(G) If the hearing officer or judge of the Municipal Court conducting the immobilization/impoundment hearing determines that an immobilization or impoundment of a vehicle was not valid, all fees paid for immobilization, towing, storage, and impoundment of the vehicle and any other amount paid to the City to redeem the vehicle shall be refunded, including any fines, penalties, costs or fees for any parking violation that the hearing officer determines should not have been considered in counting parking violations for the purposes of immobilizing or impounding the vehicle. Any fines, penalties, and costs paid for a parking violation for which the registered owner was liable will not be refunded.

Sec. 24.47 Disposition of fines, penalties, costs, and fees

Unless otherwise required by law, all fines, penalties, costs, and fees collected under this article shall be paid into the City's general fund for the use and benefit of the City.

Sec. 24.48 Hearing officer; powers, duties and functions

(A) The presiding judge of the Municipal Court shall appoint a hearing officer who shall conduct all hearings under this article. A hearing officer shall have the following powers, duties and functions:

- (1) To hear argument and determine liability in administrative adjudication hearings under this article;
- (2) To rule on motions;
- (3) To administer oaths;
- (4) To issue orders compelling the attendance of witnesses and the production of documents, which order may be enforced by a Municipal Court;
- (5) To question witnesses and examine evidence offered;

(6) To assess administrative penalties, fees and costs of court in accordance with this article;

(7) Any other power necessary to carry out the express powers of this section or as may otherwise be assigned to the hearing officer by this Code or other law.

Sec. 24.49 Administrative hearing

(A) Hearing officer. Every hearing for the adjudication of an administrative notice of violation under this article shall be held before a hearing officer.

(B) Timing. The hearing for the adjudication of a civil violation under this article shall be the date listed on the citation. A person who receives a civil parking citation may appear for an instanter hearing any time prior to the hearing date listed on the citation on the first and third Monday and Wednesday of each month, and the matter shall be heard without regard to the hearing date listed on the citation.

(C) Proof of violation. In an administrative adjudication under this article, the alleged violation must be proven by a preponderance of the evidence.

(D) Proof of facts. In an administrative adjudication under this article, a violation may not be proven merely by the allegations contained in the notice of violation alone, but the allegations in the citation along with photographs of the vehicle depicting the violation, if any, shall be rebuttable proof of the facts contained in the citation and depicted in the photograph(s). It is presumed that the registered owner of the vehicle for which the citation was issued is the person who stopped, stood, or parked the vehicle at the time and place of the parking violation. Proof of ownership of a motor vehicle may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Motor Vehicles computer-generated record showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(E) Rules of evidence inapplicable; admissibility. The formal rules of evidence and procedure do not apply to a hearing under this article, and relevant evidence will be admitted if the hearing officer finds that evidence is of that quality which

reasonable persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule to the contrary.

(F) g. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; and to rebut the opposing party's evidence.

(G) Examination of witness b hearin officer. The hearing officer may examine any witness and may consider any evidence offered by a witness or person charged with a violation, giving due weight to all testimony and evidence admitted.

(H) Decision of hearin officer. At the conclusion of the hearing, the hearing officer shall issue an order stating whether the person charged with a violation is liable for the violation and the amount of any penalty, cost, or fee assessed against the person as provided in this article.

(I) Assessment and a ent of enalties and fees. A person who is found liable for a civil penalty after an administrative adjudication hearing shall pay the civil penalty and costs within 31 days of the hearing. The payment of the civil penalty and costs assessed pursuant to this article shall operate as a final disposition of the violation charged, except when payment is made to reset a scheduled hearing or to file an appeal.

(J) g. A scheduled hearing may not be cc est of the person charged with a vic l s the person charged deposits with the clerk an amount equal to the applicable civil penalty for the alleged violation. The clerk shall issue a receipt for any amount so deposited. After presentation of the receipt, all amounts so deposited shall be refunded to the person charged if the hearing officer, or the Municipal Court on appeal, finds that the person is not liable for the violation.

(K) Effect of failure to a or contest. Failure to pay a civil penalty or to contest liability in a timely manner is an admission of liability in the full amount of the civil penalty assessed in the notice of violation and constitutes a waiver of the right to appeal.

(L) Failure to Appear. Failure to appear at an administrative adjudication hearing on or before the date listed on the parking

citation or after having requested a hearing (including a continued hearing or a rescheduled hearing) is an admission of liability for the full amount of the civil penalty assessed in the notice of violation and the costs of the hearing, and constitutes a waiver of the right to appeal.

Sec. 24.50 Order of liability

(A) Contents. If, after a hearing, the hearing officer finds a person liable for a violation under this article, an order of liability shall be issued which shall contain a statement:

- (1) Finding the person charged liable for the violation;
- (2) Of the amount of civil penalties, fees, and court costs;
- (3) Of the right to appeal to the Municipal Court before the thirty-first day after the date the hearing officer's order is filed; and
- (4) That the order issued by the hearing officer may be enforced by the filing of a civil suit for collection of the administrative penalties, fees, and costs of court.

(B) Notification. Within seven days after filing an order of liability issued under this article, the hearing officer shall notify the person against whom an administrative penalty has been assessed of the issuance of the order. An order of liability issued under this article shall be in writing and may be served personally upon the person charged, or by first class United States mail. An order that is mailed shall be mailed to the last known address of the person charged, and is presumed to have been received on the fifth day after the date the order was mailed.

(C) Filing. An order issued by the hearing officer under this article shall be filed with the City Secretary and shall be kept in a separate index and file. The order may be recorded using microfilm, microfiche, or data processing techniques.

(D) Order is final if not timely appealed. If a person found liable for a violation does not timely appeal the hearing officer's order, the hearing officer's order shall become a final judgment enforceable as provided by law.

(E) Failure to timely file appeal; effect. A person who does not file a timely appeal of a determination of the hearing officer shall pay all civil penalties, costs, and fees assessed by the hearing officer before the thirty-first day after the date the hearing officer's determination is filed with the City Secretary.

Sec. 24.51 Appeal from the decision of hearing officer

(A) Appeal to Municipal Court. A person who is found liable after an administrative adjudication hearing may appeal to the Municipal Court by filing a notice of appeal with the Clerk of the Municipal Court. The notice of appeal must be filed not later than the thirty-first day after the date on which the hearing officer entered the finding of liability and shall be accompanied by the payment of an appellate filing fee of \$50.00. A person appealing the decision of the hearing officer may request a jury trial by paying a jury fee in the amount of \$35.00. If the presiding judge of the Municipal Court determines that the person found liable for a violation by the hearing officer is indigent and financially unable to pay the costs of appeal, the presiding judge may order a waiver of those costs.

(B) Effect of filing. An appeal stays the enforcement and collection of the judgment.

(C) Standard of appeal. The Municipal Court Judge or conduct a hearing de novo, under the procedures for a hearing officer as set out in Section 24.49. At the conclusion of the hearing, the Municipal Judge shall issue an order stating whether the person charged with a violation is liable for the violation and the amount of any penalty, cost, or fee assessed against the person. The ruling of a Municipal Court Judge in an appeal under this article is a final judgment.

(D) Standard of proof. In an appeal under this article, the alleged violation must be proven by a preponderance of the evidence.

(E) Proof of facts. In an appeal under this article, a violation may not be proven merely by the allegations contained in the notice of violation alone, but the allegations in the citation along with photographs, if any, of the vehicle depicting the violation, shall be rebuttable proof of the facts contained in the citation and depicted in the photograph(s). On appeal, it is presumed that the registered owner of the vehicle

for which the citation was issued is the person who stopped, stood, or parked the vehicle at the time and place of the parking violation. Proof of ownership may be made by a computer-generated record of the registration of the vehicle with the Texas Department of Motor Vehicles computer-generated record showing the name of the person to whom state license plates were issued. This proof is prima facie evidence of the ownership of the vehicle by the person to whom the certificate of registration was issued.

(F) _____ pp _____ y. The formal rules _____ :o an appeal hearing under this article, and relevant evidence will be admitted if the Court finds that evidence is of that quality which reasonable persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule to the contrary.

(G) Right to call and examine witnesses. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; and to rebut the opposing party's evidence.

(H) _____ p _____. If the Municipal Court Judge affirms the decision of the hearing officer, all penalties, fees, or costs assessed by the hearing officer shall be paid within 30 days of the date of the Municipal Court Judge's ruling.

Sec. 24.52 Enforcement of orders

The City Attorney may enforce an order issued under this article against a person charged with a violation by filing a civil suit for the collection of a penalty assessed against the person and for any other order or relief to which the City may be entitled."

Section 2

That Sec. 32.57 of Chapter 32, "Property Sanitation and Housing Services" of the Code of Ordinances of the City of Garland, Texas, is hereby amended to read as follows:

"Sec. 32.57 Oversized and other vehicles - restrictions in residential zones

(A) For the purposes of this section:

- (1) Box truck means a chassis cab truck or route truck with an enclosed cuboid-shaped cargo area.
- (2) Food truck means a vehicle from which approved, prepackaged foods are sold or conveyed in such a manner that no direct food contact results.
- (3) Dump truck means a truck with an open box bed, hinged in a manner to permit dumping, with a lift to allow the material in the bed to be deposited or dumped on the ground.
- (4) Dump trailer means a trailer with a box bed, hinged in a manner to permit dumping, with a lift to allow the material in the bed to be deposited or dumped on the ground.
- (5) Mobile food unit means a vehicle mounted food service establishment designed to be readily movable.
- (6) Modified vehicle means and includes passenger trucks equipped in any manner to facilitate a trade or hobby, including but not limited to a flatbed truck with or without side rails, a truck with permanently mounted equipment including, but not limited to, aerial buckets, platforms, welding equipment, mechanical or hydraulic devices designed to assist in loading or unloading freight or the transporting of other vehicles, and all other truck bodies that are not the standard passenger truck body and cargo bed installed by the original truck manufacturer. The term does not include a passenger vehicle which has been altered to assist the disabled.
- (7) Oversized vehicle means a tow truck (wrecker), truck tractor, road tractor, semitrailer (whether or not attached to a truck tractor or a road tractor), trailer greater than 16 feet in length excluding the tongue (whether or not attached to a truck, truck tractor or a road tractor), passenger motor vehicle designed to carry more than 16 persons (including the driver), and includes any modified vehicle with a manufacturer's rating of 9,000 GWT (gross weight) or higher. The term shall also include a box truck, dump truck or dump trailer with a manufacturer's rating of 9,000 GWT (gross weight) or higher, or box trucks, dump trucks or dump trailers with a cargo containment space greater than 16 feet in length, excluding the cabin area of the vehicle, regardless of

GWT.

The term does not include:

- (a) any motor vehicle owned or operated by a governmental entity;
- (b) a vehicle for recreational use;
- (c) a vehicle owned or used by a church for church purposes;
- (d) trailers less than 18 feet in total length, inclusive of the tongue; or
- (e) passenger vehicles that are not modified beyond the intended purpose

(8) *Vehicle for recreational use* means a motor vehicle designed as a temporary living quarters for recreational travel or vacation use, a boat or personal watercraft, and a motorcycle or all-terrain vehicle designed or equipped only for off-road use. The term includes a travel trailer, camping trailer, truck camper, motor home, trailers used to carry boats, personal watercraft, motorcycles and all-terrain vehicles, and utility trailers of not more than 16 feet in length excluding the tongue which do not contain equipment or materials that are associated with an occupation.

(9) *Residential zone* means any property zoned single-family, duplex, multifamily or planned development for single-family, duplex or multifamily uses. The term includes both private and public property within such zoning districts.

(10) *Utility trailer* shall mean an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, livestock or vehicles.

(B) Parking oversized vehicles in nonindustrial zones.

(1) A person commits an offense if the person parks or stands an oversized vehicle at any place within an area zoned Agricultural, Neighborhood Office and Community

Office, Community Retail, Light Commercial, or Planned Development.

(2) The owner of an oversized vehicle commits a civil offense if the owner allows, suffers or permits the parking or standing of the oversized vehicle at any place within an area zoned Agricultural, Neighborhood Office and Community Office, Community Retail, Light Commercial, or Planned Development.

(3) It shall be an affirmative defense to prosecution under this section that the oversized vehicle was:

(a) In the process of loading or unloading material at the address where the oversized vehicle is located;

(b) The oversized vehicle's driver is present and in control of the vehicle, waiting to be loaded or unloaded;

(c) At a fueling site being fueled;

(d) At a business that has a valid certificate of occupancy to utilize or repair oversized vehicles; or

(e) On the premises of a dining or lodging establishment while the operator of the oversized vehicle is dining or a registered guest of the lodging establishment.

(C) Parkin certain vehicles in residential zones.

(1) A person commits an offense if the person parks or stands an oversized vehicle, modified vehicle, box truck, dump truck, dump trailer or utility trailer on public property within a residential zone.

(2) An owner of a vehicle commits a civil offense if the owner allows, suffers or permits the parking or standing of an oversized vehicle, modified vehicle, box truck, dump truck, dump trailer or utility trailer on public property within a residential zone.

(3) A person commits an offense if the person parks or

stands the following vehicles on public or private property within a residential zone:

(a) Oversized vehicles.

(b) Vehicle(s) with a bed or extension that exceeds 16 feet in length measured from the vehicle cab or modified vehicles that exceed 9000 GWT (gross weight).

(4) The owner of a vehicle commits a civil offense if the owner allows, suffers or permits the parking or standing of the following vehicles on private property within a residential zone:

(a) Oversized vehicles.

(b) Vehicle(s) with a bed or extension that exceeds 16 feet in length measured from the vehicle cab or modified vehicles that exceed 9000 GWT (gross weight).

(5) The owner or lessee of real property commits an offense if the owner allows, suffers or permits the parking or standing of the following vehicles on private property within a residential zone:

(a) Oversized vehicles.

(b) Vehicle(s) with a bed or extension that exceeds 16 feet in length measured from the vehicle cab or modified vehicles that exceed 9000 GWT (gross weight).

(6) It shall be an affirmative defense to prosecution under this section that the oversized vehicle is, at the time of the offense being used in the:

(a) loading or delivery of passengers or goods within a residential zone and only for such period of time as is actually necessary to accomplish such loading or delivery; or

(b) repair or construction of a public utility or for construction activities.

(7) A person commits an offense if the person parks or stands a recreational vehicle on public property within a

residential zone.

(8) The owner of a recreational vehicle commits a civil offense if the person allows, suffers or permits the parking or standing of the recreational vehicle on public property within a residential zone.

(9) It shall be an affirmative defense to prosecution under subsection (7) and (8) that the recreational vehicle is, at the time of the offense, being loaded or unloaded and is removed from public property in less than a 24 hour period.

(10) A person commits an offense if the person parks a catering truck or mobile food unit at any place within a residential zone.

(11) The owner of a catering truck or mobile food unit commits a civil offense if the owner allows, suffers or permits the parking or standing of a catering truck or mobile food unit at any place within a residential zone.

(12) It is an affirmative defense to prosecution under subsection (10) and (11) of this section if, at the time of the offense:

(a) The vehicle is a lawfully operated and permitted vehicle selling food at a construction site within a residential zone; or

(b) The vehicle is associated with a service person actively performing work at a residence while workers are present, other than the service person's residence."

Section 3

That Article IV, "Stopping, Standing and Parking" of Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas, is hereby amended by adding a new section, Sec. 33.55, to read as follows:

Sec. 33.55 Miscellaneous parking violations - civil offense

(A) The registered owner of a vehicle commits a civil offense

if the registered owner of the vehicle allows, suffers or permits a vehicle to be parked:

- (1) on the roadway side of a vehicle stopped or parked at the edge of a curb of a street;
- (2) on a sidewalk;
- (3) in an intersection;
- (4) on a crosswalk;
- (5) alongside or opposite a street excavation or obstruction if stopping, standing or parking the vehicle would obstruct traffic;
- (6) in front of a public or private driveway;
- (7) within 15 feet of a fire hydrant;
- (8) within 20 feet of a crosswalk at an intersection;
- (9) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal located at
e with the free and
interrupted movement of traffic;
- (11) in a fire zone;
- (12) where signs are erected prohibiting parking;
- (13) in a manner such that any portion of the vehicle extends more than 102 inches from the face of the immediately adjacent curb, if the street has a curb, or edge of pavement, if the street does not have a curb;
- (14) on public property in a marked parking space and not entirely contained within the limits of a single parking space designated by surface markings for that space;
- (15) on a two-way roadway with the right-hand wheels of the vehicle greater than 18 inches of the right-hand curb or edge of the roadway; or

(16) unattended on a public street for a period of time in excess of forty-eight hours.

(B) A person commits a civil offense if the person parks a vehicle:

(1) on the roadway side of a vehicle stopped or parked at the edge of a curb of a street;

(2) on a sidewalk;

(3) in an intersection;

(4) on a crosswalk;

(5) alongside or opposite a street excavation or obstruction if stopping, standing or parking the vehicle would obstruct traffic;

(6) in front of a public or private driveway;

(7) within 15 feet of a fire hydrant;

(8) within 20 feet of a crosswalk at an intersection;

(9) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

(10) within an alley so as to interfere with the free and interrupted movement of traffic;

(11) in a fire zone;

(12) where signs are erected prohibiting parking;

(13) in a manner such that any portion of the vehicle extends more than 102 inches from the face of the immediately adjacent curb, if the street has a curb, or edge of pavement, if the street does not have a curb;

(14) on public property in a marked parking space and not entirely contained within the limits of a single parking space designated by surface markings for that space;

(15) on a two-way roadway with the right-hand wheels of the

vehicle greater than 18 inches of the right-hand curb or edge of the roadway; or

(16) unattended on a public street for a period of time in excess of forty-eight hours.

Section 4

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That Chapter 24 "Municipal Court and Administrative Adjudication", Chapter 32, "Property Sanitation and Housing Services", and Chapter 33, "Transportation" of the Code of Ordinances of the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 6

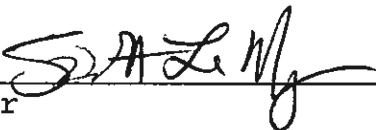
That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 7

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 5th day of November, 2019.

CITY OF GARLAND, TEXAS



Mayor

ATTEST:



City Secretary

PUBLISHED: 11-7-19

Daily Commercial Record

Publisher's Affidavit

**The State of Texas
COUNTY OF DALLAS**

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC in DALLAS County, State of Texas, this day personally came and appeared, E. Nuel Cates, Jr., Publisher, Well known to me and who after being by me duly sworn, did depose and say:

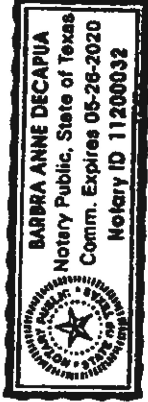
That he is the publisher of **THE DAILY COMMERCIAL RECORD**, a daily newspaper published in Dallas, Dallas County, Texas and that the notice hereto attached was published in said newspaper on the following dates, to wit:

November 8, 11

[Signature]

E. Nuel Cates Jr., Publisher

Sworn to and subscribed before me this 11 day of November, 2019



/s/ Barbara Decapua

Notary Public, Dallas County, Texas

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