

**PARADE AND SPECIAL EVENT REGULATIONS
ORDINANCE NO. 230307C**

AN ORDINANCE AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, ARTICLE 12.04 PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF WEST, TEXAS, ESTABLISHING PARADE AND SPECIAL EVENT REGULATIONS, PROHIBITING PARKING OF MOTORIZED VEHICLES ALONG PARADE ROUTES AND SPECIFIED AREAS DURING SPECIAL EVENTS, PROVIDING FOR SIGNAGE, PROVIDING FOR PENALTY, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

RECITALS

WHEREAS, the City of West finds it necessary and proper for the government interest, public welfare, and good order of the city of West to regulate the parking of vehicles on its streets and highways; and

WHEREAS, the City Council finds that the regulation of parking and use of public property along designated parade routes and during special events is in the best interest of the citizens of West, Texas and the public in general; and

WHEREAS, parking of motor vehicles along a street or highway before, during, and after a public parade or special event should be regulated and restricted; and

WHEREAS, the reservation or occupation of public space along public streets and highways before, during, and after a public parade or special event should be regulated and restricted; and

WHEREAS, the enforcement of parking and use of public property along designated parade routes and during special events may include the issuance of citations and the towing of vehicles; and

WHEREAS, the parking regulations and restrictions shall be effective permanently or until the City Council determines the restrictions and regulations should be revised; and

WHEREAS, the City Council hereby directs the City Administrator, or its designee, to visibly post signs, including temporary signage, providing public notice when motor vehicle parking is restricted or prohibited herein; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST, TEXAS AS FOLLOWS:

SECTION 1. FINDINGS

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

SECTION II. AMENDMENTS

Except as herein amended the West Code of Ordinances shall remain in full force and effect.

SECTION III. Parade and Special Event Parking

That Section § 12.04.006 of Article 12.04 "Parking" of Chapter 12 "Traffic and Vehicles" of the Code of Ordinances of the City of West, Texas is amended to read as follows:

Section § 12.04.006 Parade and Special Event Parking – No Parking Along Parade Route

(a) Parking on parade route

(1) The City shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the route of a parade or event location. The City shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

(2) After 5:00 AM on the day of a public parade or special event and continuing until the conclusion of a public parade or special event, it shall be unlawful to park a motor vehicle on a public street which will be used as a parade route or special event. A motor vehicle parked in violation of this Subsection shall be considered a public nuisance and may be towed from the public street.

(a) It is an affirmative defense to this section that a vehicle is:

- i. Publicly owned or franchised emergency or utility vehicles carrying out official duties; or**
- ii. Parked while displaying explicit written permission to be parked at a specific location on specified dates and times issued by the City of West.**

(3) No person shall be liable for parking on a street in violation of this Section where prohibited or restricted parking is not visibly posted.

(b) Occupation or reservation of public space along parade route

(1) It shall be unlawful for any person to claim, reserve, or occupy, or to attempt to claim, reserve, or occupy, either in person or by the placement of motor vehicle, ropes, tents, chairs, sleeping bags, blankets, or other devices or barriers, any public property as a position for observing a public parade along any other street or highway before 5:00 AM on the day of any public parade.

(2) Along any public street after 5:00 AM on the day of a public parade, until the conclusion of the public parade, a person may occupy a position on public property for the purpose of watching a public parade, subject to the following.

(a) Items such as ropes, tents, chairs, sleeping bags, blankets, or other devices or barriers, used to claim or reserve or to attempt to claim or reserve any public property as a position for observing the public parade shall be attended at all times by a person who owns or controls the items.

(b) If the items are not physically attended by such a person, the items may be deemed to be abandoned property and may be removed from the public property by the City of West or its designee.

(3) This Section shall not allow any person to occupy a position on a public street, to obstruct public sidewalks, or to occupy any unsafe position or any position which may cause damage to public or private property.

(4) This Section shall not prevent City of West, or any organization or person authorized to conduct and organize a public parade or special event, from reserving places on public property for the observation of said parade or special event, or from erecting and controlling seating on public property for the observation of said parade or special event.

SECTION IV. PENALTY

Any person found to have violated the provisions of this ordinance shall be guilty of a Class C Misdemeanor, which shall be punishable by a fine in accordance with section 1.01.009 of this code.

SECTION V. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only as to the extent of any such conflict.

SECTION VI. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of West in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions, or regulation.

SECTION VII. SAVINGS

That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION VIII. SIGNAGE

The City Administrator is hereby authorized to erect appropriate signage, including temporary signage, providing notice of the restrictions imposed by this Ordinance.

SECTION IX. EFFECTIVE DATE


This Ordinance shall be effective immediately upon passage and adoption.

SECTION X. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, date, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED ON THIS, THE 7TH DAY OF MARCH 2023.

CITY OF WEST:


Tommy Muska, Mayor

ATTEST:

(CITY SEAL)


Shelly Nors, City Administrator