

ORDINANCE NO. 240507

AN ORDINANCE AMENDING CHAPTER 12, TRAFFIC AND VEHICLES, ARTICLE 12.04 PARKING, OF THE CODE OF ORDINANCES OF THE CITY OF WEST, TEXAS, ESTABLISHING PARKING REGULATIONS, REGULATING AND PROHIBITING PARKING AT SPECIFIC LOCATIONS ON PUBLIC STREETS AND RIGHTS OF WAY, PROVIDING FOR REMOVAL OF OBSTRUCTIONS FROM ROADWAYS, PROVIDING FOR ABATEMENT OF ABANDONED AND JUNKED VEHICLES, PROVIDING FOR PENALTY, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR ESTABLISHMENT OF FEES; 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, rights of way, and highways; and

WHEREAS, the City of West in the exercise of its lawful authority may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the parking of motor vehicles on specified areas in the City of West should be regulated and restricted; and

WHEREAS, the motor vehicles or other personal property that are an obstruction of public rights-of-way in the City may immediately be removed and seized; and

WHEREAS, abandoned and junked vehicles may be removed pursuant to State Law; and

WHEREAS, the City may establish impound fees as well as recoup expenses related to removing and impounding vehicles and personal property; and

WHEREAS, the parking restrictions shall be effective permanently or until the City Council determines the restrictions should be revised; 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. PARKING REGULATIONS

That Section §12.04.003 of Article 12.04 "Parking" of Chapter 12 "Traffic and Vehicles" of the Code of Ordinances of the City of West is hereby repealed, and Texas Article § 12.04.001 of Article 12.04 is amended to read as follows:

§ 12.04.001 Parking Regulations

(a) It shall be unlawful for any person to stop, stand, or park a vehicle, trailer, or nonmotorized device, including personal property, in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of the chief of police or his assistants, or traffic control sign or signal:

- (1) In the center of the street.**
- (2) Within a street intersection.**
- (3) On a crosswalk.**
- (4) Upon a bridge, and the approach thereto.**
- (5) Within 25 feet from the intersection of curb lines, or, if none, then within 15 feet of the intersections of property lines at an intersection, except at alleys.**
- (6) Within ten feet of any fire hydrant.**
- (7) In front of any private driveway, except with the consent of the owner, or directly across the street from a private driveway in a manner that prohibits or limits access to that driveway.**
- (8) On a sidewalk.**
- (9) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.**
- (10) At any places where official traffic signs have been erected prohibiting standing and parking.**
- (11) On the roadway beside any vehicle stopped or parked at the right hand edge or curb of a street. It is the intention of this section to prohibit what is commonly known as double-line parking.**
- (12) Within reserved zones or a public alley.**
- (13) On left side of street, unless so designated on a one-way street.**

(14) On a railroad track.

(b) Handicapped Parking.

Only vehicles with a valid handicapped parking permit or license plate may park in designated handicapped parking spaces.

(c) Parking trailer or other nonmotorized device on street prohibited.

It shall be unlawful for any person to park or cause to be placed, stored, or parked any trailer, semi-trailer, boat trailer, trailer house, or other nonmotorized device or equipment designed or intended to be towed or drawn upon the public streets by means of equipment on any public street or alley.

(d) Owner Allowing Vehicle to be Unlawfully Parked.

No person shall allow, permit, or suffer any vehicle, trailer, other nonmotorized device, or personal property registered in his name, to stand or park in the city in violation of any provisions of this article.

(e) Presumption that Owner is Responsible for Offense.

If a vehicle, trailer, other nonmotorized device, or personal property is found unattended or unoccupied upon a street, highway, alley, or other public place in violation of this section, the same is hereby declared a nuisance per se and the fact that such vehicle is unattended or unoccupied by any person shall be prima facie evidence that the owner unlawfully stopped, placed, or parked such vehicle. The records of the state department of transportation showing the name of the person to whom Texas highway license plates were issued shall constitute prima facie evidence of the ownership by the person there named.

(f) Obstructions to Traffic to be Immediately Removed and Seized.

The Police Department may immediately remove and seize a vehicle, trailer, other nonmotorized device, or personal property left on public property that is an obstruction to traffic, blocks the roadway, or endangers public safety, pursuant to applicable State Law. The Police Department shall adhere to procedures outlined in Chapter 545 of the Texas Transportation Code. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.

(g) No Parking Tow-Away Zone to be Immediately Removed and Seized.

The Police Department may immediately remove and seize a vehicle, trailer, other nonmotorized device, or personal property left in a marked No Parking Tow-Away zone, pursuant to applicable State Law. The Police Department shall adhere to procedures outlined

in Chapter 545 of the Texas Transportation Code. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.

(h) Abandoned Motor Vehicles to be removed and seized.

The Police Department may take into custody an abandoned motor vehicle pursuant to Chapter 683 of the Texas Transportation Code. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.

(i) Junked Vehicles – declared a public nuisance to be removed and seized.

Junked Vehicles as defined by Chapter 683 of the Texas Transportation Code are hereby declared a public nuisance and may be abated and removed from private or public property or a public right-of-way by the City of West pursuant to applicable State Law. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.

(j) Removal, Seizure, Towing, and Impound of Unlawfully Parked or Stopped vehicle, trailer, other nonmotorized device, or personal property.

Notwithstanding any other provision in this section, in the event any property of any description, vehicle, automobile, truck, trailer, or other character of private property shall be found in violation of this section or any portion of the Code of Ordinances thereof, and has remained illegally on public property for more than 48 hours, the same shall be a nuisance per se and may be removed and seized pursuant to Chapter 683 of the Texas Transportation Code. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided.

(k) Impound Fees and Other Costs

The owner of a of a vehicle, automobile, truck, trailer, or other character of private property impounded under this section shall be entitled to the possession thereof upon payment of the amount so designated in the most recently adopted Fee Schedule, together with all other costs of removal and storage that may have accrued thereon.

(l) Any person violating any portion of this section shall be guilty of a misdemeanor and shall be fined in accordance with section 1.01.009 of this code.

12.004.003 RESERVED

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. FEES

The following fees are hereby established.

Impound Fee \$25.00 per occurrence.

SECTION VI. CITY SECRETARY

The City Secretary or designee is hereby authorized to update necessary forms, applications, and Fee Schedules, as necessary to effect the changes contemplated herein.

SECTION VII. 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 VIII. 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 IX. 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 X. EFFECTIVE DATE

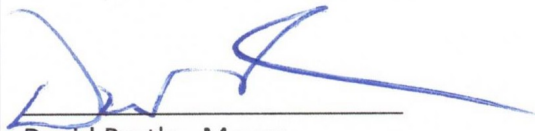
This Ordinance shall be effective immediately upon passage and adoption.

SECTION XI. 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 MAY 2024.

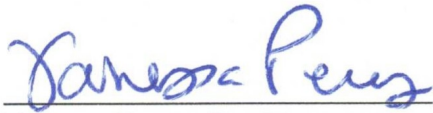
CITY OF WEST:



David Pratka, Mayor

ATTEST:

(CITY SEAL)



Vanessa Perez, City Secretary