

ORDINANCE NO. 317-92

AN ORDINANCE AMENDING CHAPTER 9, TRAFFIC CODE OF THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO PROVISIONS REGULATING STOPPING, STANDING OR PARKING ON PUBLIC STREETS OR HIGHWAYS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND, PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

Chapter 9, of the Code of Ordinances, City of Willow Park, Texas, is hereby amended by adding a new section numbered 7 Stopping, Standing and Parking, which Section is to read as follows:

SECTION 7: STOPPING, STANDING AND PARKING

A. Definitions

All words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in Art. 6701d Vernon's Texas Civil Statutes, Uniform Act Regulating Traffic on Highways.

B. Impounding of vehicle - Generally.

1. Members of the police department are hereby authorized to remove, or cause to be removed, a vehicle from a street or highway to a public garage or other place of safety under any of the following circumstances.
 - A. When a vehicle upon a roadway is so disabled that its normal operation is impossible or impractical and the persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle.
 - B. When any vehicle is left unattended upon a street or alley and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
 - C. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite obstruction to city street cleaning operations or to the progress of construction or repair work on any of the city's streets or water or

sewer lines, or when any vehicle is illegally parked in a fire lane or so as to obstruct easy access to a fire hydrant.

- D. When any vehicle is left unattended and parked within an officially designated tow away zone, if such tow away zone is clearly marked.
 - E. When such vehicle is left unattended in violation of Section III.
2. Whenever a police officer discovers a motor vehicle upon a street or highway under any of the circumstances described in subsection A, it shall be the duty of such police officer to notify the police communications officers of the make, model, registration number and location of such motor vehicle and the reason for which said vehicle is to be removed. The police communications officer shall select a wrecker company from the tow away list on a rotation basis, and call that wrecker company to send that company's wrecker to remove said vehicle, unless the wrecker company informs the police communications officer of another wrecker company's wrecker that will be sent to the call.
 3. When a wrecker company has been called by the owner or legal agent of a private/public parking lot to remove a vehicle, and after the vehicle has been removed, the wrecker company shall, within two (2) hours, notify the police communications officer immediately of the make, model, color, license number, and the location from which the vehicle was removed, and the place of storage.

C. Vehicles unattended for forty-eight hours; redemption and sale.

1. Any vehicle standing, parked or remaining unattended on any public street, alley, easement, sidewalk parkway or other public place of the city for forty-eight (48) or more continuous hours is hereby declared to be illegally parked and at the same location for forty-eight (48) additional hours, it is hereby declared to be nuisance per se, and any such vehicle when so found shall be removed summarily by any police officer of the city to a garage or parking lot designated or maintained by the police department and shall be kept there until redeemed or sold as provided in this section.
2. The city shall have a lien on every such impounded vehicle for all costs incurred in impounding, storing and advertising such vehicle. Such lien shall be prior and superior to all other liens of every kind, save and except liens for ad valorem taxes; and the city may retain possession thereof until all costs are paid, and may sell the same as herein provided.
3. The owner of any person legally entitled to possession of any impounded vehicle may redeem such vehicle prior to the sale of same by paying to the City an impounding fee, according to the current fee structure, and any other actual expenses incurred by the city in impounding and keeping the impounded vehicle. There shall be a towing charge which shall be deemed an actual expense incurred

by the city, when a vehicle belonging to the city is used to tow or remove such impounded vehicle to the place of storage.

4. The police department when taking into custody an abandoned motor vehicle under this section shall notify within ten (10) days thereof by registered or certified mail, return receipt requested, the last known registered owner of the motor vehicle and all lienholders of record pursuant to the Certificate of Title Act, as amended (Article 6687-1, Vernon's Annotated Civil Statutes), that the vehicle has been taken into custody. The notice shall describe the year, make, model, and serial number of the abandoned motor vehicle; set forth the location of the facility where the motor vehicle is being held; inform the owner of any lienholder of their right to reclaim the motor upon payment of all towing, preservation and storage charges resulting from placing the vehicle in custody; and state that the failure of the owner or lienholder to exercise their right to reclaim the vehicle within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title and interest in the vehicle and their consent to the sale of the abandoned motor vehicle at a public auction.
 - A. If the identity of the last owner cannot be determined or if it is impossible to determine, with reasonable certainty, the identity and address of all lienholders, notice by one publication in one newspaper of general circulation in the area where the motor vehicle was abandoned shall be sufficient to meet all requirements of notice, pursuant to this section. Such notice by publication can contain multiple listing of abandoned vehicles. Any such notice shall be within the time requirements prescribed for notice by registered or certified mail and shall have the same contents required for notice by registered or certified mail. The consequences and effect of failure to reclaim an abandoned motor vehicle shall be set forth in a valid notice given pursuant to this section.
5. In the event a vehicle is not redeemed within fifteen (15) days from the receipt of the return receipt herein provided for or notice of nondelivery, the chief of police shall sell such vehicle at public auction to satisfy the impounding and storage costs after giving fifteen (15) days' notice of the time and place of the sale of such vehicle by posting such notice of sale at the courthouse door of Parker County, Texas, and at two (2.) other public places in Parker County, Texas, and by sending a copy of such notice by registered mail to the owner and lienholders of such vehicle, as shown by the records of the state highway department or similar agency. Such notice mailed to the address shown on the records of the highway department or similar agency shall satisfy the requirements of this section. When the chief of police is unable to ascertain the names of the owner and lienholders, and the vehicle has not been redeemed within thirty (30) days after the date of impounding, no notice other than the posting of notices as prescribed by this subsection shall be required in order to sell such vehicle.
6. At the time and place so stated in such notice, each vehicle shall be offered for

sale for cash at public auction, and the chief of police shall accept the highest bid for each vehicle, provided, however, that the chief of police shall have the authority to reject all bids for any vehicle, when the best interests of the city will be served thereby. Each vehicle shall be sold separately. When any vehicle has been offered for sale at public auction and no bid has been received therefor, or all bids therefor have been rejected, such vehicle shall be disposed by the chief of police in such a manner as he deems advisable, and all such dispositions shall be reported to the city administrator in writing. The chief of police shall keep an accurate record of each vehicle sold, the name and address of the purchaser, the price paid therefor, and the date of sale. The chief of police shall make a complete report in writing to the city administrator of the time, place and manner of conducting each sale, and all funds received from the sale of each vehicle shall be delivered to the city administrator.

D. Prohibited purposes.

1. No person shall park a vehicle upon any roadway principal for the purpose of:
 - A. Displaying such vehicle for sale.
 - B. Washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.
 - C. Using such vehicle or trailer for advertising purposes or displaying large signs therefrom containing pictures or reading matter.

E. Night parking commercial vehicles

1. No person shall park any truck, bus or other commercial vehicle on any street between the hours of 10:00 p.m. and 5:00 a.m.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or

the failure to do an act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater or less than the penalty provided for the same offense under the laws of the State of Texas

V.

This ordinance shall be in full force and effect from after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 21st day of April, 1992.

APPROVED:

Sharon Riley Suarez
SHARON SUAREZ, Mayor

ATTEST:

Kathy Mitchell
City Secretary

APPROVED

Walter W. Leonard
WALTER W. LEONARD, City Attorney