

ORDINANCE NO. 361-94

AN ORDINANCE CONTROLLING THE OPERATION OF VEHICLES POWERED BY DIESEL MOTORS WITHIN THE CITY OF WILLOW PARK, AMENDING THE CODE OF THE CITY OF WILLOW PARK RELATING TO ARTICLE 10.700, STOPPING, STANDING, AND PARKING, 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.

Article 10.700, "Stopping, Standing, and Parking," of the Code of Ordinances, City of Willow Park, is hereby amended by adding the following:

§ 10.706 Parking of Diesel Powered Vehicles

No person shall stop or stand any truck, bus or other diesel powered vehicle:

- (1) within the City of Willow Park, and
- (2) within five hundred (500') feet of any residence and
- (3) operating any diesel motor of the vehicle for longer than one (1) hour in any twenty-four (24) hour period.

Any person who operates any vehicle in violation of the provisions of this article commits an offense punishable as a Class C misdemeanor. Any property owner who knowingly allows another person to operate a vehicle on his property in violation of the provisions of this article commits a separate offense punishable as a Class C misdemeanor.

Except;

The City Council may, by prior approval, designate areas within zoned commercial districts for the purpose of allowing multiple trucks, busses or other vehicles to stand with motors operating in excess of one (1) hour in any twenty-four (24) hour period provided that no part of an approved, designated area may be closer than five hundred (500') feet to a residential building. The City Council may establish additional restrictions unique to each approved, designated area.

And except:

The Mayor or the Chief of Police may authorize suspension of the provisions of this article in the event that a life threatening emergency situation did exist. Any suspension of the provisions of this article expires with the end of the emergency situation.

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All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.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 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 or similar offense under the laws of the State of Texas.

V,

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

PASSED AND ADOPTED by the City Council of the City of Willow Park, Texas, this the third day of May, 1994, by a vote of 5 in favor and 0 against.

APPROVED:

William J. Clemens

WILLIAM J. CLEMENS, MAYOR

ATTEST:

Barbara Kilough

BARBARA KILOUGH
CITY SECRETARY

APPROVED:

Walter W. Leonard

Walter W. Leonard
CITY ATTORNEY