

# CITY OF WILLOW PARK

ORDINANCE NO. 645-11

AN ORDINANCE PROVIDING CLARIFICATION AND REWRITING OF CHAPTER 10 "TRAFFIC CONTROL", ARTICLE 10.700 "STOPPING, STANDING, AND PARKING" OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS BY MAKING NON-SUBSTANTIVE REVISIONS TO SECTION 10.706, "PARKING OF DIESEL-POWERED VEHICLES"; SECTION 10.707, "PRIMA FACIE EVIDENCE OF PARKING VIOLATIONS"; SECTION 10.708, "PARKING PROHIBITED AT ALL TIMES"; AND SECTION 10.709 "PARKING COMMERCIAL VEHICLE IN RESIDENTIAL DISTRICTS", AND PROVIDING FOR CERTAIN RENUMBERING, REVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Willow Park, Texas ("City") is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare and well being of its citizens; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the governing body of the City did adopt Ordinance 361-94 on May 3, 1994 providing for the regulation of parking of certain diesel-powered vehicles exceptions thereto and providing penalties; and

WHEREAS, the governing body of the City did adopt Ordinance 430-98 on October 20, 1998, by adding Section 10.707 providing for prima facie evidences of parking violations in Section 10.708 regulating parking within the City; and

WHEREAS, pursuant to the provisions of Section 51.001 TEX. LOCAL GOV'T CODE, the governing body may adopt or conform regulations that provide for the health, welfare and public safety.

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

## SECTION 1. AUTHORIZATION

The Mayor, or Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

## SECTION 2. AMENDMENT

Rewritten and reformatted Chapter 10 "Traffic Control" Article 10.700 "Stopping, Standing and Parking", Sections 10.706-10.709 shall appear as follows:

### § 10.706 10.707 PARKING OF DIESEL POWERED VEHICLES

(a) no person shall stop or stand any truck, bus or other diesel powered vehicle ~~(2)~~ within five hundred (500') of any residence ~~and~~ in the City.

~~(1) within the City of Willow Park, and~~

(b) no person shall operateing any diesel motor of the vehicle for longer than one (1) hour in any twenty-four (24) hour period within the City.

(c) ~~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 designed area may be closer than five hundred (500') feet to a residential buildings. The City Council may establish additional restrictions unique to each approved, designated area.

(d) ~~And~~ except the Mayor or the Chief of Police may authorize suspension of the provisions of this section 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.

(e) Any person who operates any vehicle in violation of the provisions of this section 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.

§ ~~10.707~~ 10.708 PRIMA FACIE EVIDENCE OF PARKING VIOLATIONS

(a) ~~When~~ If any person is charged with having parked or left standing a vehicle in any street in the city at a place on the street where parking of vehicles is prohibited, or parking such vehicle in a street in a manner which violates the manner of parking a vehicle is designated, or when parking a vehicle for a length of time in excess of that allowed in the space where the vehicle was parking, proof that the vehicle was on at the date of the offense alleged, owned by the person charged with the offense, shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged by the owner, ~~but~~

(b) ~~The~~ owner shall have the right to introduce evidence as an affirmative defense to show that the vehicle was not parked by him as charged in the complaint.

SECTION ~~10.708~~ 10.709 PARKING PROHIBITED AT ALL TIMES

(a) The stopping, standing, or parking of vehicles, attended or unattended, is prohibited and is unlawful on the streets and public rights-of-way at the below specified locations:

1. Ranch House Road, both sides, North of Interstate 20.

(b) It shall be an affirmative defense for a driver to temporarily stop for the following purposes:

1. during the actual expeditious loading or unloading of passengers, freight or merchandise;

2. stopping in obedience to traffic regulations, traffic signals or emergency vehicles; or,

3. in compliance with the directions of a peace officer;

(c) Traffic control signs, installed and used for the purposes of enforcing traffic regulations of this section, may be posted at or near municipal boundary lines or the beginning and ending of the street, as specified above.

SECTION ~~10.709~~ 10.710 PARKING OVERSIZE COMMERCIAL VEHICLE IN RESIDENTIAL DISTRICTS

A. Definitions

1. "Oversize Commercial Vehicle" means

- a) any vehicle designed, used or maintained primarily for the transportation of persons for hire, compensation, or profit; or

- b) any vehicle designed, used, or maintained primarily for the transportation of cargo or property for hire, compensation, or profit; or

- c) having more than two axles

2. "Oversize Commercial Vehicles" shall include, but are not limited to the following:

- a) dump trucks, truck tractors, concrete mixing trucks, buses, stake bed trucks; or

- b) trailers which have:

- 1) carrying surface or bed that exceeds twenty (20) feet in length; or

- 2) a width at any point that exceeds 102 inches; or

- 3) a height, with normal tire inflation, that exceeds ten feet at any point measured from the ground.

3. "Oversize Commercial Vehicle" does not include a recreational vehicle which:

- a) contains a kitchen, bath and sleeping quarters;
  - b) is designed and used primarily for offsite recreational purposes;
  - c) does not have utility connections, except for temporary purposes; and
  - d) is not used habitually for overnight accommodations within the residential district.
- B. Illegal ~~p~~Parking on ~~s~~Streets in ~~r~~Residential ~~d~~Districts. It shall be unlawful to park, or allow to park, an ~~e~~Oversize ~~e~~Commercial ~~v~~Vehicle on any street in a residential district when the parking is not ~~connected~~ related to deliveries to an adjoining property or in connection with work being performed at the adjoining property.
- C. Illegal ~~p~~Parking on ~~p~~Private ~~p~~Property in ~~r~~Residential ~~d~~Districts. It shall be unlawful to park, or allow to park, an ~~e~~Oversize ~~e~~Commercial ~~v~~Vehicle upon private property in a residential district and off of a public street or thoroughfare when the parking is not ~~connected with a delivery~~ related to deliveries to that property, or work being performed on that property or property in the immediate area where the ~~e~~Oversize ~~e~~Commercial ~~v~~Vehicle is parked.
- D. This section does not apply to street construction, maintenance, and repair equipment trailers or vehicles used by the public service utility companies engaged in repairing or extending public service utilities.

### SECTION 3. RECITALS

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

### SECTION 4. SAVINGS/REPEALING CLAUSE

All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinances shall remain in full force and effect.

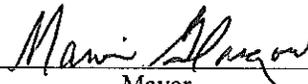
### SECTION 5. SEVERABILITY

If any section, paragraph, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this or any other Ordinance of the City to which these rules and regulations relate. The City of Willow Park hereby declares that it would have passed this Ordinance, and each section, paragraph, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, paragraph, subsection, sentence, clause or phrase be declared invalid or unconstitutional.

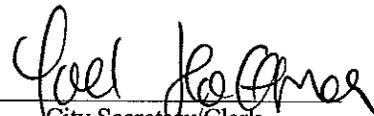
### SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect from and after its adoption.

PASSED AND ADOPTED this 11<sup>th</sup> day of October, 2011.

/s/   
Mayor

ATTEST:

/s/   
City Secretary/Clerk

APPROVED AT TO FORM:

/s/   
City Attorney

The Willow Park City Council in acting on Ordinance No. 645-11 did on the 11<sup>th</sup> day of October, 2011, vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Marvin Glasgow, Mayor	_____	_____
Richard Neverdousky, Place 1	_____✓_____	_____
Gene Martin, Place 2, Mayor Pro-Tem	_____✓_____	_____
Amy Podany, Place 3	_____✓_____	_____
Mark Hickerson, Place 4	_____✓_____	_____
Hale Alderman, Place 5	_____✓_____	_____