

**ORDINANCE NO. 003-97**

**AN ORDINANCE REGULATING PARKING AND STANDING ON STATE HIGHWAY 6; PROVIDING EXCEPTIONS AND PENALTIES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING CONFLICTING ORDINANCES; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.**

Whereas, regulation of parking in certain locations on and abutting State Highway 6 within the City of De Leon (the "City") is necessary for traffic and public safety, protection of business enterprise and the economy;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DE LEON, TEXAS, THAT:**

**Section 1. State Highway 6.** Parking on the right-of-way of State Highway 6 within the City shall be regulated and controlled as follows:

(a) There shall be no parking on the paved portion of State Highway 6 within the City, save and except along that portion, if any, designated by lawfully authorized signs as an area in which parking is permitted.

(b) No vehicle shall be parked or left standing upon the right-of-way of State Highway 6 ("SH 6"), and parking or the standing of a vehicle on such right-of-way is prohibited, within the following designated areas:

- (i) Between Johnson Street and Fannin Street;
- (ii) Between Fannin Street and Travis Street; and
- (iii) Between Houston Street and Lamar Street.

**Section Two. Emergency Vehicles.** The driver of an authorized emergency vehicle (as defined by state law) is exempt from the terms of this ordinance when responding to an emergency call, or when in pursuit of an actual emergency, and can exercise the privileges set forth in the state laws.

**Section Three. Enforcement.** The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce this ordinance.

**Section Four. Towing and Removal.** Any vehicle or trailer which shall be or remain standing or parked upon the right-of-way of State Highway 6 within any prohibited area designated in Section One above may be removed by or upon order of a police officer, if such vehicle is left unattended and constitutes a safety hazard or an obstruction to traffic, or such vehicle or trailer is parked in a manner to block the entrance to any private driveway, or such vehicle or trailer constitutes a hazard by reason of any catastrophe, emergency or unusual circumstance, or the safety of the vehicle or trailer is imperiled. A vehicle or trailer that is removed or towed pursuant to this section shall be stored in a privately operated garage or storage yard, or other place designated by the City. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of said vehicle.

**Section Five. Parking on Private Property.** It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

**Section Six. Penalties.** Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Two Hundred dollars (\$200.00).

**Section Seven. Prima Facie Evidence.** In any prosecution charging a violation of this ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of Section One above, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

**Section Eight. Repeal of Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section Nine. Severability.** If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**Section Ten. Open Meetings.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

**Section Eleven. Effective Date.** This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

**PASSED AND APPROVED** on first reading this 11<sup>th</sup> day of March, 1997.

FINALLY PASSED AND APPROVED this 25th day of March, 1997.

The City of De Leon, Texas

  
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Norma Jo Locke, Mayor

Attest:

  
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Flo Wood, City Secretary

Approved:

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Barney Knight, City Attorney

I, Florence Wood, Secretary of the City of De Leon, Comanche County, Texas, certify the preamble to Ordinance No. 003-97 was published in the De Leon Free Press, 304 South Texas, De Leon, Comanche County, Texas, on the 10th day of April, 1997, and shall be in full force and effective from and after the 20th day of April, 1997.

  
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Florence Wood, City Secretary