

ORDINANCE NO. 0093

**AN ORDINANCE REGULATING PARKING
WITHIN THE TOWN LIMITS OF THE TOWN OF
HORIZON CITY, TEXAS AND REPEALING AND REPLACING
EXISTING ORDINANCE 0093 IN ITS ENTIRETY**

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF
HORIZON CITY, TEXAS that;

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this ordinance which regulates parking within the territorial limits of the Town of Horizon City.

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Sec. 93.010---Stopping, standing and parking prohibited in certain places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

(1) Stop, stand or park a vehicle:

- a. At any place where official signs prohibit stopping;
- b. On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);
- c. On a sidewalk;
- d. Within an intersection;
- e. On a crosswalk;
- f. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- g. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- h. Upon a bridge or other elevated structure upon a highway or within a highway tunnel; or
- i. On any railroad track.

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. At any place where official signs prohibit standing;
- b. In front of a public or private driveway;
- c. Within fifteen (15) feet of a fire hydrant;
- d. Within twenty (20) feet of a crosswalk at an intersection;
- e. Within thirty (30) feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway; or
- f. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign-posted).

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- a. At any place where official signs prohibit parking or
- b. Within fifty (50) feet of the nearest rail of a railroad crossing.

(b) Except where official signs or markings indicate otherwise, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within eighteen (18) inches of the right-hand curb or edge of the roadway.

(c) Except where official signs or markings indicate otherwise, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within eighteen (18) inches of the right-hand curb or edge of roadway, or its left-hand wheels within eighteen (18) inches of the left-hand curb or edge of roadway.

(d) All words and phrases used in this section shall have the same meaning as they are defined in the Texas Transportation Code.

Sec. 93.020---Restricted where less than ten feet of roadway left available for traffic.

It shall be unlawful for any driver to stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer.

Sec. 93.030---Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

Sec. 93.040---Ignition key to be removed from unattended parked cars.

No person driving or in charge of a motor vehicle within the city, shall allow or suffer such motor vehicle to be left unattended unless and until the ignition key to such motor vehicle shall be first removed therefrom and the ignition thereof shall be fixed in a locked position; provided, however, that this section shall not be applicable to trucks, buses or commercial motor vehicles, law enforcement vehicles, ambulances and fire trucks.

Sec. 93.050---Private off-street disability parking.

(a) Private off-street disability parking spaces exclusively for vehicles which display the distinguishing license plates, specially designated symbols, tags, or other devices issued to disabled veterans and other persons with disabilities pursuant to state or federal law, shall have the dimensions and markings required by prevailing state and federal standards. Such stalls or spaces shall be designated by posting appropriate signage at the owner's expense. Appropriate signage shall be any sign in or immediately adjacent to and visible from each stall or space, consisting of wording, symbol(s) or a combination thereof, which conveys to a person of ordinary intelligence that the stalls or spaces indicated are reserved for persons with disabilities.

(b) It shall be unlawful for the operator of any vehicle, not displaying a distinguishing license plate, symbol, tag or device issued to persons with disabilities pursuant to state or federal law to stop, stand, park or leave standing such vehicle in any parking space designated for the exclusive use of persons with disabilities pursuant to paragraph (a) of this section. Such unlawful action shall be enforced in the same manner as provided for other parking violations.

(c) Any vehicles not displaying the proper license plates, tags or devices may be towed from a disability parking space designated by paragraph (a) of this section at the expense of the owner of such vehicle, and may be impounded until all towing and storage charges are paid.

Sec. 93.060 Storing of motor vehicles on public street prohibited.

(a) It shall be unlawful for any person to store or allow the storage of a motor vehicle upon the public streets, alleys, sidewalks or parkways of the city.

(b) For purposes of this section, a vehicle shall be considered stored if it has remained parked at or nearly at the same location for a continuous period of time in excess of five (5) days. A stored vehicle is deemed to be a vehicle which is illegally parked on public property, and such vehicle shall be subject to removal and disposal as an abandoned vehicle as allowed by state law.

(c) No vehicle in dilapidated, abandoned, inoperative or unlicensed condition shall remain on private property (improved or unimproved) or public street in excess fifteen (15) days. For the purposes of this section, a vehicle without current registration and current motor vehicle inspection sticker will be deemed to be an unlicensed vehicle.

Sec. 93.070 Parking of motor vehicles, trailers, boats and other vehicles in front yards and side yards of areas zoned residential.

(a) It shall be illegal for any person to park or to allow to be parked on any property under his control any automobile, bus, truck, truck-tractor, motorcycle, motorhome, recreational vehicle, camper, trailer, boat or any vehicle on any portion of a front yard or side yard of any area which is zoned residential under the zoning ordinance or on any premises which is used for one-family, two-family or multi-family dwelling purposes unless:

(1) Such area is a part of a hard-surfaced driveway or parking area;

(2) Such area is a part of a required driveway that provides access to a garage, carport or offstreet parking area required by the zoning ordinance.

(b) The term "vehicle" as used herein shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power.

(c) The term "hard-surfaced" as used herein shall include cement, asphalt, brick and mortar and other commonly accepted pavement which may be approved by the building official.

(d) The terms of this section shall not be construed to apply to the parking of vehicles in a front yard or side yard where such parking is permitted in conjunction with temporary special events open to the public which may be designated from time to time by the city council.

Sec. 93.080 Parking of oversize commercial vehicles unlawful on private property.

(a) It shall be unlawful for any person to park or allow to be parked any oversize commercial vehicle on any property under his control on any portion of a front yard, side yard or rear yard of any area or district which is residentially zoned under the comprehensive zoning ordinance or used for residential purposes unless:

(1) Such area is a part of a hard-surfaced driveway or parking area;

(2) Such area is a part of a required driveway that provides access to a garage,

(b) For purposes of this section, "oversize commercial vehicle" shall mean any vehicle designated below, or any vehicle designed for the transport of property or cargo with a gross weight, registered weight or gross weight rating, as those terms are defined in state law, of more than twenty thousand (20,000) pounds, or any vehicle designed for the transport of more than fifteen (15) passengers, inclusive of the driver. Designated vehicles, for purposes of this section, are dump trucks, truck-tractors with trailers, concrete mixing trucks, stake-bed trucks, buses, trailers which are more than twenty - five(25) feet in length from end to end, more than eight (8) feet in width at their widest point, or more than eight (8) feet in height at their highest point, or vehicles similar to any of the listed vehicles. The term "oversize vehicle" shall exclude any self-contained recreational vehicle which has a kitchen, bath or sleeping quarters and is designed for recreational purposes and a truck-tractor alone.

(c) The term "hard-surfaced" as used herein shall include cement, asphalt, brick and other commonly accepted pavement which may be approved by the building official.

(d) The terms of this section shall not be construed to apply to the parking of oversize commercial vehicles in a front yard or side yard where such parking is permitted in conjunction with temporary special events open to the public which may be designated from time to time by the city council.

Sec. 93.090 Parking of large and oversize vehicles on streets.

(a) It shall be unlawful for the driver, owner, or operator of an oversized commercial vehicle to park or permit to be parked, stand, or remain motionless:

(1) On a public street in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes unless the vehicle is being actively loaded or unloaded; or

(2) For more than two (2) hours on a public street in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(b) It shall be unlawful for the driver, owner, or operator of a large recreational vehicle and an oversized recreational vehicle to park or permit to be parked, stand, or remain motionless:

(1) On a public street in any area zoned residential under the comprehensive zoning ordinance or used for residential purposes; or

(2) On a public street in any area not zoned residential under the comprehensive zoning ordinance or not used for residential purposes.

(c) It is an exception to (b)(1) above that the large recreational vehicle or oversize recreational vehicle, parked on a public street, is being parked or allowed to be parked, stand, or remain motionless for loading, unloading, maintenance, or any combination thereof, for no more than seventy-two (72) hours in any seven-day period. Relocation of the large recreational vehicle or oversize recreational vehicle to another location on the same street or the adjoining public street does not stop the running of the seventy-two-hour period.

Sec. 93.100 Tow-away zones.

In addition to signs regulating stopping, standing or parking of motor vehicles upon any public street or highway within the city, the public works director may, in his discretion, supplement any such sign with an additional sign designating a tow away zone. Such signs shall be in substantial compliance with the Texas Manual on Uniform Traffic Control Devices. The use of signs designating a tow away zone shall not prohibit the removal by the city of any vehicle found in any other area if such removal is in conformity with any provisions of this Code or State Statute. Any vehicle found in a tow away zone may be towed away and impounded by the city or its duly authorized representative in accordance with the procedures established in section 93.110.

Sec. 93.110 Towing and impoundment of certain vehicles authorized.

(a) Any vehicle found on any private property, public street or other public place under any circumstances hereinafter set forth shall be deemed to be a nuisance per se, and may be towed away and impounded in the manner herein provided (provided, however, that such listed circumstances shall not be deemed exclusive or prohibit such towing and impoundment in any circumstances not listed):

- (1) When any vehicle or any other property constitutes an obstruction to traffic by being left unattended upon any bridge, viaduct, or causeway, or in any underpass or tunnel;
- (2) When any vehicle is illegally parked so as to block the entrance to any private driveway;
- (3) When any vehicle is found upon a street, or highway, and information has been reported to the effect that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been stolen or embezzled;
- (4) When a vehicle upon a street or highway is so disabled that its normal operation is impossible or impractical and the person or 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;

- (5) When a police officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by law required to take the person arrested immediately before a magistrate;
- (6) When any vehicle is parked or standing in or on any portion of a street or highway in such a manner that the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency, or unusual circumstance the safety of said vehicle is imperiled;
- (7) When any vehicle is stopped or standing or parked in violation of any official sign or other traffic-control device where said sign or device gives notice of a tow-away zone;
- (8) When any vehicle is stored on the public street, sidewalk, parkway or alley, according to the terms of section 93.060;
- (9) When a vehicle is found to be an abandoned vehicle or a junked vehicle;
- (10) When any vehicle is found parked on private property according to the terms of section 93.080;
- (11) When any vehicle is found parked on a public street according to the terms of section 93.090; and

(b) Whenever the provisions of this section provide for the towing away and impoundment of any vehicle, such service shall be performed either by the city or its duly authorized representative.

(c) Whenever a vehicle is towed away and impounded under the provisions of this section or of section 93.100, the procedures in section 93.120 shall be followed, with regard to notice, release, storage fees, sale and disposition of the vehicle.

Sec. 93.120. Procedure for impoundment of standing or parked vehicles.

(a) A vehicle removed and towed under the authority of V.T.C.A. Transportation Code § 545.305 shall be kept at the place designated by the police department until application for redemption is made by the owner or his authorized agent or other person legally entitled to possession of the vehicle. The police department shall require adequate proof of ownership or proof of the right to possession of the vehicle.

(b) Whenever the police department takes into custody a vehicle removed from the streets under the authority of this section, it shall attempt to ascertain the name and last known address of the registered owner as provided by the State Department of Highways and Public Transportation, and if the vehicle impounded has not been reclaimed within twenty-four (24) hours of the time of its impoundment, the police department shall notify, by certified mail, return receipt requested, the last known owner of the vehicle and all lien holders of record pursuant to the Certificate of Title Act, Vernon's Ann. Civ. St. art. 6687-1 that the vehicle has been taken into custody. The notice shall be as provided by certified mail, return receipt requested, and shall be sent to the titled owner at the address reflected on the most current title information and to all lien holders.

(c) It shall be unlawful for any person to remove or attempt to remove a vehicle from a city pound location without first paying the towing and storage fees which have accrued on the vehicle.

(d) Upon payment of all towing and storage fees, a vehicle impounded by the police department pursuant to the enforcement of the provisions of this Code may be released to

the lien holder or his authorized agent holding a valid and existing mortgage lien on the vehicle impounded, provided the automobile lien holder complies with the following requirements:

- (1) Furnish the police department, for its inspection:
 1. The automobile lien contract or a certified copy thereof specifying that upon default of the purchaser the automobile finance person or company is entitled to possession of such vehicle;
 2. The certificate of title with the lien appearing thereon.
- (2) Furnish to the police department an affidavit stating that he holds a lien on the vehicle impounded, that the purchaser/owner has defaulted, that the automobile lien holder desires possession and is entitled to possession of such vehicle under a valid court order and agrees to indemnify and hold harmless the city, its police department and its employees or agents upon delivery to him of the vehicle.

(e) The city shall refund all towing and storage fees to the registered owner or lien holder or other person legally entitled to possession of the vehicle if the municipal court or other court of competent jurisdiction determines that the impoundment of the vehicle was improper. Application for a refund shall be on forms prepared by the city attorney's office.

(f) When a vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, listing the color, year, make, model, vehicle identification number and license plate number and year displayed on the vehicle. The record shall also include the date of tow, by what commercial towing service, location towed from, location towed to, reason for towing, the name of the officer authorizing the tow and copies of all notices to owners or lien holders.

Sec. 93.130 Parking adjacent to schools---Sign erection---Authority to have vehicles towed.

(a) The Public Works Director is hereby authorized to erect signs reading "No Parking or Standing, Tow-Away Zone" upon either side or both sides of any street abutting school property when such parking or standing would interfere with traffic or create a hazardous situation.

(b) The police department is authorized to cause to be towed away any vehicle found parked or standing in violation of subsection(1) of this section; and the owner of such vehicle shall be civilly liable to the person doing such towing for the reasonable cost thereof.

Sec. 93-140 Handicapped parking on private property.

(a) No person shall park a vehicle neither displaying the special device issued by the State Department of Highways and Public Transportation for disabled, nor displaying a disabled person identification card in a parking space as parking area on private property and distinguished specifically for the disabled by conforming to the rules promulgated by

the State Purchasing and General Services Commission under Section (c) of Section 7.05 of the State Purchasing and General Services Act (Article 601b Vernon's Texas Civil Statutes) relating to the identification and dimensions of parking spaces for the disabled.

(b) A parking space reserved for the temporarily and permanently disabled shall be identified and reserved for the handicapped by a sign incorporating the symbol of accessibility and placed so that it will not be obscured by parked vehicles. The signage shall be of such size that it is legible from a distance that would be reasonable for the condition. Where conditions exist that preclude the use of vertical signage, suitable phrases or symbols sufficient in size, permanency, meaning and location so as to adequately serve the intent of this subparagraph may be accepted.

(c) Any person violating this section shall be guilty of a Class C misdemeanor and punished by a fine of not less than fifty dollars and not more than five hundred dollars.

Sec. 93.140 Impoundment--Unpaid parking violations.

Whenever it is determined that any motor vehicle has accumulated five or more unpaid parking violations, or any number of parking violations which have remained unpaid more than 30 days, such vehicle may be impounded or the police department may immobilize the vehicle by the installation on or attachment to the vehicle of a device, or boot, designed to prohibit the movement of the vehicle if found upon any public street, alley or public parking lot within the corporate limits of the City. Such impoundment or immobilization may be by towing to a regular place of impoundment or in place, by physical restraint. A vehicle so impounded or immobilized will remain impounded or immobilized until the owner or operator has paid all towing and impoundment or immobilization fees and made proper disposition of all accumulated parking violations. Disposition shall consist of paying the accumulated parking violations and costs or posting good and satisfactory bond for appearance in court. Any motor vehicle not redeemed within 30 days may be disposed of as provided by law for abandoned motor vehicles.

Sec. 93.150 Owner prima facie responsible for illegal parking.

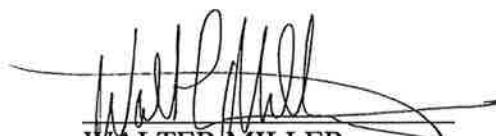
If any vehicle is found in violation of any provision of this Section or of state statute regulating the stopping, standing, or parking of a vehicle and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

Sec. 93.160 Violations- penalties.

Any violation of the provisions of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

This ordinance was duly enacted together with all requisites and formalities incident thereto the enactment of ordinances and such is evidenced by the below signatures.

SIGNED and EXECUTED on this 13 day of APRIL, 2010


WALTER MILLER
Mayor, Town of Horizon City

ATTEST:


KAREN ELLEFSON, CITY CLERK

APPROVED:


ROBERT A. DURAN, CITY ATTORNEY

First Reading: 3/23/2010
Second Reading: 4-13-2010
Approved: 4/13/2010

