

ORDINANCE NO. 084-038

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING SECTION 9-134 OF THE CODE OF ORDINANCE BOOK OF THE TOWN OF ADDISON, TEXAS, PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITING PARKING ON PARKWAYS; PROVIDING FOR PROHIBITION OF UNLAWFUL OPERATION OF MOTOR VEHICLES ON PARKWAY; PROVIDING FOR UNATTENDED VEHICLES PRESUMED LEFT BY OWNER; PROVIDING FOR A PENALTY; PROVIDING FOR CONFLICTING SECTIONS; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinance Book of the Town of Addison, Texas, is hereby amended by adding Section 9-134 to read as follows:

Sec. 9.134. Prohibiting Parking on Parkway.

(a) Intent and Purpose. The City Council of the Town of Addison finds and declares that:

(1) The uncontrolled parking of motor vehicles upon parkways and medians presents an inconvenience or danger to the welfare and safety of persons using public rights-of-way.

(2) Motor vehicles so parked as to cause or inconvenience, or danger to persons using public rights-of-way constitute public nuisances.

(3) It is a matter of public necessity that the Town of Addison protect children and unconsenting adults in and on its public streets, sidewalks, transportation facilities and other public rights-of-

way from the danger posed by such parking of motor vehicles upon parkways.

(4) The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals and general welfare of persons in the Town of Addison in their use of public rights-of-way.

(5) There is an immediate and present danger presented by the uncontrolled parking of motor vehicles upon parkways, creating an emergency.

(b) Definitions.

(1) "Motor Vehicle" means any self-propelled device, not operated upon rails, by which any person or property is or may be transported or drawn upon a road or highway.

(2) "Parkway" means that portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, not intended for the use of motor vehicles also, the intervening space between the roadways of a divided street or highway or any island or area, whether or not clearly defined by curbs or markings which divides any portion of any street, highway, or intersection into separate lanes for vehicular traffic.

(c) Unlawful Parking on Parkways. A person commits an offense if he stops, parks, or stands a motor vehicle on a parkway. This section does not apply to a motor vehicle which develops a mechanical defect making it impossible or unsafe to proceed further, and in this case it is lawful to stop, park, or stand the motor vehicle for the time necessary to make emergency repairs.

The provisions of this section shall not apply to city vehicles and utility company trucks when engaged in the installation or repair of utility lines situated within the parkway.

(d) Unlawful Operation on Parkways. A person commits an offense if he drives or operates a motor vehicle upon a parkway except at a permanent or temporarily established authorized driveway.

(e) Unattended Vehicles Presumed Left By Owner. When a motor vehicle is found unattended or unoccupied upon a parkway in violation of this Ordinance, it shall be presumed

that the owner unlawfully stopped, placed or parked the motor vehicle upon the parkway.

SECTION 2. That any person, firm or corporation violating any of the provisions of this Ordinance, shall upon commission be deemed guilty of a misdemeanor, and shall be subject to a fine not to exceed the sum of Two Hundred and no/100 Dollars (\$200.00) for each offense, and each day such violation continues shall constitute a separate offense.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional.

SECTION 4. That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. The importance of this ordinance creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, this the 12 day of JUNE, 1984.


MAYOR

ATTEST:

Greg Dunham, Asst.
CITY SECRETARY

APPROVED AS TO FORM:

Richard P. Sullivan

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