

## **ORDINANCE NO. 7046-A**

STATE OF TEXAS  
COUNTY OF BELL  
CITY OF NOLANVILLE

AN ORDINANCE PROVIDING FOR THE REGULATION OF PARKING VEHICLES IN THE CITY OF NOLANVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS THAT THESE PARKING RESTRICTIONS BE IN EFFECT IN THE CITY OF NOLANVILLE FROM THIS DATE FORTH:

FOR PURPOSES OF THIS ORDINANCE BUSINESS DISTRICT SHALL INCLUDE:  
The area from the intersection of Avenue G and Main Street to the intersection of Avenue I and Main Street.

### **SECTION I: STOPPING, STANDING, OR PARKING PROHIBITED; NO SIGNS REQUIRED**

- 1) On a sidewalk.
- 2) In front of a public or private driveway.
- 3) Within an intersection
- 4) Within fifteen (15) feet of a fire hydrant, unless otherwise marked.
- 5) On a crosswalk.
- 6) At an intersection within thirty (30) feet of an existing intersection curb line, unless otherwise marked.
- 7) Between a safety zone, as described in Tx Criminal & Vehicle Handbook , Section 541.302 Traffic Areas sub-section (12) (see attachment), and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the Chief of Police has indicated a different length by signs or markings.
- 8) Within twenty (20) feet of the driveway entrance to any fire station.
- 9) Alongside or opposite any excavation or street obstruction when stopping, standing or parking would obstruct traffic.
- 10) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- 11) Upon any bridge or other elevated structure upon a highway or within a street overpass.
- 12) At any place where official signs or markings prohibit stopping, standing or parking.
- 13) Beside any curb painted red in color.

No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

### **SECTION II: METHOD OF PARKING**

- 1) No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet (10) of the width of the roadway for movement of vehicular traffic.
- 2) No person shall stand, stop, or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the curb, except where the street is marked or signed for angle parking.
- 3) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the indicated direction and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.
- 4) The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street has priority to park in that space and no other vehicle operator shall attempt to interfere.
- 5) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

### SECTION III: PARKING ON STREETS UNDER REPAIR:

In any case where any street in the City of Nolanville is being torn up, repaired, paved, or where any work is being done upon the same, making necessary the regulation of traffic thereon, the Chief of Police is hereby authorized to prevent parking either altogether or to any extent deemed wise by him for any certain period of time that he may deem necessary, or to close the street to traffic altogether for such period of time, by erecting thereon official signs with the parking restrictions clearly stated thereon.

### SECTION IV: PARKING ON RIGHT-OF-WAY PROHIBITED

- 1) It shall hereafter be unlawful for any person, firm, or corporation to park a motor vehicle or leave a motor vehicle unattended on the right-of-way, except as provided by law, within the City Limits of Nolanville.
- 2) Any person, firm, or corporation who violates the terms of this section shall be deemed guilty of a misdemeanor and upon conviction may be fined, consistent with the Texas Penal Code section 504.6, for each offense, and each day of continuous violation shall constitute a separate offense.

### SECTION V: PARKING OF VEHICLES RESTRICTED

- 1) It shall be unlawful for any person or any owner to leave, park, or stand any truck-tractor, road tractor, trailer, semi-trailer, bus or any other commercial motor vehicle bearing commercial license upon any public street, parkway, boulevard, or public place; provided, this section shall not apply to street construction, maintenance, and repair equipment, trucks, rollers, and

implements, and trucks, equipment, trailers, and vehicles used by public service utilities, and to motor busses when taking on or discharging passengers at the customary bus stops, and except all other vehicles designated herein when actually parked at a designated loading zone in those areas of limited parking where loading zones are designated; provided, further, that this subsection shall not apply to any vehicle defined or designated therein developing a mechanical defect after such vehicle has commenced to run, enroute, making it unsafe to proceed further, and in this event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs.

- 2) It shall be unlawful for any person or owner to leave, park, or stand any truck-tractor, road tractor, semi-trailer, bus, truck, or trailer with a rated capacity of two (2) tons or more according to the manufacturers classification, upon any street or thoroughfare within any district zoned as either a dwelling district or apartment district, according to city zoning ordinance. Provided, however, that such may not be parked upon any private property in such zones except in a paved driveway or other prepared paved area on such person's or owners property. This section shall not prevent the parking or standing of the above-described vehicle in such zoned areas for the purpose of expeditiously loading or unloading passengers, freight, or merchandise.

#### SECTION VI: PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle upon any street or right-of-way for the principal purpose of:

- 1) Displaying such vehicles for sale.
- 2) Washing, greasing, or repairing such vehicles except repairs necessitated by an emergency.
- 3) Displaying for sale or selling any merchandise.

#### SECTION VII: VEHICLES NOT TO BE PARKED LONGER THAN FORTY EIGHT (48) HOURS

- 1) It shall be unlawful for any person, owner, or corporation to leave standing in any public street or other public place any vehicle, automobile, truck, trailer, or other character of private property unattended for a longer continuous period of time than forty-eight (48) hours.
- 2) If a vehicle is found unattended or unoccupied on a street, highway, or other public place in violation of this provision the same is hereby declared a nuisance per se, and the fact that such vehicle is unattended or occupied by any person shall be prima facie evidence that the owner unlawfully stopped, placed, or parked such vehicle. The records of the State Highway Department or the County Highway License department showing the name of the person to whom Highway license plate were issued shall constitute prima facie evidence of the ownership by the person there named.
- 3) In the event any property of any description, vehicle, automobile, truck, trailer, or other character of private property shall be found existing,

standing, parked, stopped, erected, or lying in or upon any part of any public street, or other public place within the limits of the City of Nolanville, Texas, in violation of this section or any portion thereof, the same shall be a nuisance per se, and shall be removed by any peace officer and taken to such place as designated by the Chief Of Police or City Council and kept there until application for its redemption shall be made by the owner or his authorized agent, who shall be entitled to the possession thereof upon payment consistent with Texas Penal Code 504.6, together with all costs of removal and storage that may have accrued thereon. This remedy and impounding fee shall be cumulative of any and all other penalties that may be provided; in the event the property impounded shall not be redeemed by the owner, or his authorized agent, within five (5) days, it shall be disposed of in a manner prescribed by law.

#### SECTION VII: OFFICER AUTHORIZED TO REMOVE ILLEGALLY STOPPED VEHICLES

- 1) Whenever an authorized peace officer finds a vehicle standing on a street or highway in violation of any of the foregoing provisions of this ordinance, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the pavement or main traveled part of such highway or street.
- 2) The peace officer is hereby authorized to remove a vehicle from a highway to the nearest garage or other place of safety designated by the City, under the circumstances hereinafter enumerated.
  - a. When any vehicle is left unattended upon any bridge, viaduct, or causeway where such vehicle constitutes an obstruction to traffic.
  - b. When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another part of the highway.
  - c. When any vehicle is found upon highway and report has previously been made that such vehicle has been stolen or complaint has been filed and warrant thereon issued, charging that such vehicle has been embezzled.
  - d. When such officer has reasonable grounds to believe such vehicle has been abandoned.
  - e. When a vehicle upon a highway is so disabled that its normal operation is impossible or impracticable and the person in charge of the vehicle is 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 is not in immediate vicinity of the disabled vehicle.

- f. When an officer has arrested any person driving or in control of a vehicle for an alleged offense and such officer is by Code or law required to take the person arrested immediately before a magistrate.
- 3) A current fee for removing the vehicle and for storage shall be charged against any vehicle.
- 4) Any peace officer or any member of the fire department and any peace officer may move any vehicle standing unattended or fireman may require the moving of such vehicle if it obstructs the free movement of such person in the actual discharge of their duties.
- 5) Any peace officer is hereby authorized to remove any vehicle parked or standing in or on any portion of the highway when in the opinion of said peace officer the said vehicle constitutes a hazard or by reason of catastrophe, emergency, or unusual circumstances the safety of said vehicle is imperiled.
- 6) When a police officer finds a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key or the person in charge of the police station.

#### SECTION IX: HANDICAPPED PARKING

- 1) Marking Handicapped Parking Spaces:

Upon the installation by the owner or operator of any off-street parking facility, the police department of the City is authorized to designate stalls or spaces in an off-street parking facility for the exclusive use of vehicles which display a distinguishing license plate, specially designed symbols, tags or other devices, issued pursuant to Article 6675a-5e, and 6675a-5e1, Texas Revised Civil Statutes to disabled veterans, and disabled persons. Such stalls or spaces shall be designated by posting immediately adjacent to and visible from each stall or space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

- 2) Parking Restricted; Towing of Unauthorized Vehicles from handicapped Spaces:

It is unlawful for the operator of any vehicle not displaying a distinguishing license plate issued to disabled persons pursuant to Article 6675a-5e1, Texas Revised Civil Statutes, or to disabled veterans pursuant to Article 6675a-5e,

Texas Revised Civil Statutes, to stop, stand, park or leave standing such vehicle in any parking space properly designated for the exclusive use of physically handicapped persons pursuant to the foregoing section. Such shall constitute a Class C misdemeanor.

#### SECTION X: EXEMPTIONS

The provisions of this ordinance that regulate the parking, stopping, or standing of vehicles do not apply to:

- 1) A vehicle of the city, county, state, or public utility while necessarily in use for construction or repair work on the street.
- 2) A vehicle owned by the United States while in use for the collection. Transportation, or delivery of mail.
- 3) A vehicle of a disabled person who complies with the provisions of ORS 811.610 to 811.630.
- 4) Residential parking is not included.

#### SECTION XI. REPEAL OF PRIOR ORDINANCES

Ordinance 7046-A replaces Ordinance 7046 in its entirety, and is effective immediately upon passage.

PASSED AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF NOLANVILLE, TEXAS ON THE 9<sup>th</sup> DAY OF NOVEMBER 2002, AT WHICH A QUORUM WAS PRESENT.

  
C.W. (MIKE) CARTER, MAYOR

  
STACEY SCRUGGS - CITY SECRETARY

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SCOTT STEVENS- CITY ATTORNEY