

ORDINANCE NO. 2011-113

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING THE PROVISIONS OF CHAPTER 18 RELATING TO MOTOR VEHICLES AND TRAFFIC BY RE-NUMBERING SECTION 18-95 "STOP INTERSECTIONS" TO SECTION 18-3.1; BY ADDING SECTION 18-91.50 TO PROHIBIT STOPPING OR PARKING OF VEHICLES IN CERTAIN PLACES; BY ADDING SECTION 18-91.51 ESTABLISHING ADDITIONAL PARKING REGULATIONS; BY AMENDING SECTION 18-143 TO CHANGE THE MINIMUM FINES ESTABLISHED FOR CERTAIN PARKING OFFENSES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500 FOR VIOLATIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by re-numbering Section 18-95 "Stop Intersections." Section 18-95 shall be re-numbered to Section 18-3.1 and shall read as follows:

Sec. 18-3.1. Stop Intersections.

The traffic engineer may designate any street intersection as a stop intersection and designate the streets upon which vehicles shall stop before entering such intersections. Whenever any intersection has been so designated, the traffic engineer shall cause the same to be identified by the erection of stop signs indicating which vehicles approaching the intersection shall stop, and it shall be the duty of the driver of any vehicle approaching such a sign to bring such vehicle to a complete stop at such sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or a traffic-control signal. After having so stopped, such driver shall yield the right-of-way to other vehicles which have entered the intersection or which are approaching so closely as to constitute an immediate hazard. Such driver, after having so yielded, may proceed, and the drivers of all other vehicles approaching on the intersecting street shall yield the right-of-way to the vehicle so proceeding into or across the intersection.

SECTION 2. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by adding Section 18-91.5 "Stopping or parking prohibited in certain places." Section 18-91.5 shall read as follows:

Sec. 18-91.50. Stopping or parking prohibited in certain places.

(a) An operator may not stop or park a vehicle:

- (1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) on a sidewalk;

- (3) in an intersection;
- (4) on a crosswalk;
- (5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) alongside or opposite a street excavation or obstruction if stopping or parking the vehicle would obstruct traffic;
- (7) on a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) on a railroad track;
- (9) where an official sign prohibits stopping; or
- (10) within five (5) feet of a public or private driveway or blocking any portion of a public or private driveway or access to such driveway.

(b) An operator may not, except momentarily to pick up or discharge a passenger, stop or park an occupied or unoccupied vehicle:

- (1) in front of a public or private driveway or within 5 feet of a driveway;
- (2) within 15 feet of a fire hydrant;
- (3) within 20 feet of a crosswalk at an intersection;
- (4) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (5) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or
- (6) where an official sign prohibits stopping or parking.

(c) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

- (1) within 50 feet of the nearest rail of a railroad crossing; or
- (2) where an official sign prohibits parking.

(d) A person may stop or park a bicycle on a sidewalk if the bicycle does not impede the normal and reasonable movement of pedestrian or other traffic on the sidewalk.

(e) A person may not stop or park a vehicle on a public right-of-way or a state or city easement for the purpose displaying the vehicle for sale.

SECTION 3. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by adding Section 18-91.5 "Stopping or parking prohibited in certain places." Section 18-91.5 shall read as follows:

Sec. 18-91.51. Additional parking regulations.

(a) An operator who stops or parks on a two-way roadway shall do so with the right-hand wheels of the vehicle parallel to and within 18 inches of the right-hand curb or edge of the roadway.

(b) An operator who stops or parks on a one-way roadway shall stop or park the vehicle parallel to the curb or edge of the roadway in the direction of authorized traffic movement with the right-hand wheels within 18 inches of the right-hand curb or edge of the roadway or the left-hand wheels within 18 inches of the left-hand curb or edge of the roadway. This subsection does not apply where a local ordinance otherwise regulates stopping or parking on the one-way roadway.

(c) Subsections (a) and (b) shall not apply if the City has established angled parking spaces on the roadway.

SECTION 4. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by adding the words "truck, truck-tractor, pull trailer, semi-trailer" to subsection (a) of Section 18-92.1 "Parking Nuisances" and by adding subsection (c) to Section 18-92.1. Section 18-92.1 shall read as follows:

Sec. 18-92.1 Parking Nuisances.

(a) It shall be unlawful for a person to park or store or allow another to park or store a recreational vehicle, travel trailer, boat or boat trailer, tow truck, truck, truck-tractor, pull trailer, semi-trailer or any vehicle other than a passenger car on any public right-of-way in any residential zoned district.

(b) No person shall park any vehicle upon the street in any manner as to obstruct the loading or unloading of any solid waste container.

(c) It shall be a defense to prosecution under subsection (a) if the vehicle was parked on the public-right-of-way in compliance with Section 18-52 of this Code of Ordinances.

SECTION 5. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by amending Section 18-98 "Overnight Parking" to add a requirement that only vehicles lawfully registered, inspected and insured may be parked on city streets. Section 18-98 shall be shall read as follows:

Sec. 18-98. Overnight parking.

Overnight parking for storage on any paved street is hereby prohibited. "Overnight parking for storage" is hereby defined as the habitual parking or storing of cars, trucks, tractors or other vehicles on paved streets during the hours from sundown to sunup, except temporarily

disabled vehicles which are protected by flares or other approved signal devices. It is not the intent of this section to prohibit or interfere with passenger cars temporarily parked at night when such parking is not in excess of twenty (20) continuous hours and if the following conditions are met:

- (1) the vehicle displays current vehicle inspection;
- (2) the vehicle displays current vehicle registration; and
- (3) the owners maintain current insurance or other proof of financial responsibility.

SECTION 6. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by amending Section 18-108 "Parking of unauthorized vehicles in spaces designated for disabled persons prohibited" to add a provision to make it a violation to block or encroach on a handicapped space. Section 18-108 shall read as follows:

Sec. 18-108. Parking of unauthorized vehicles in spaces designated for disabled persons prohibited.

It shall be unlawful for any person to stop, park or leave any vehicle in any parking space designated as exclusive parking for disabled persons pursuant to Section 18-107 unless such vehicle is displaying a specially designed symbol, tab or other device issued by the state department of highways and public transportation affixed to the license plates of such vehicle indicating the operator thereof or a passenger therein is permanently disabled or unless such vehicle is displaying an identification card issued by the department indicating the operator of such vehicle or a passenger therein is temporarily disabled. It shall be unlawful to block or encroach on a handicap access.

SECTION 7. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by amending Section 18-140 "Enforcement" to remove the requirement of the three unpaid citations being within a calendar year. Section 18-140 shall read as follows:

Sec. 18-140. Enforcement.

(a) An order filed by a hearing officer under this article, or a final judgment of the municipal court after appeal, may be enforced by:

- (1) impounding the vehicle;
- (2) immobilizing by the placing of a device ("boot") that prohibits the movement of a motor vehicle on the vehicle that is the subject of the order filed;

- (3) an additional fine if not paid within the specified time;
- (4) denial of parking permits; or
- (5) provisions of Section 18-143(g)(2).

(b) Provided, however, that no vehicle shall be impounded under (a)(1) or immobilized under (a)(2) of this article unless:

- (1) the offender has three (3) or more unpaid vehicle parking or stopping offenses; and
- (2) written notice is mailed to the registered owner of the vehicle at least ten (10) days before the vehicle is impounded or immobilized, said notice to inform the registered owner of the vehicle's eligibility of immobilization or impoundment. The notice shall state the vehicle is eligible for immobilization or impoundment because the criteria of three (3) or more unpaid vehicle parking or stopping offenses has been met. Said notice shall also inform the owner of his right to submit information to the hearing officer regarding the propriety of the immobilization or impoundment of the vehicle.

SECTION 8. Chapter 18 of the Code of Ordinances of the City ("Motor Vehicles and Traffic") be and the same is hereby amended by amending Section 18-143 "Fines and fees." Section 18-143 shall read as follows:

Sec. 18-143. Fines and fees.

(a) The owner of any vehicle found to be in violation of any provision of this Chapter related to the parking or stopping of vehicles shall be liable to the City of Denton and shall owe a civil administrative penalty in an amount not less than \$1.00, nor more than \$200.00, unless for an offense related to Handicap Parking, in which case the penalty cannot exceed \$500.00, in accordance with a schedule of civil administrative parking penalties as promulgated by the Presiding Judge of the Denton Municipal Court. The schedule of civil administrative parking penalties shall be reviewed annually by the Presiding Judge of the Denton Municipal Court, and shall be available to the public upon request at the offices of the Municipal Court Clerk or City Secretary.

(b) If the owner of a vehicle to which a parking citation has been issued makes a timely request for hearing as set forth in this Chapter, the Civil Administrative Hearing Officer may, within their reasonable judgment or discretion, or upon proper appeal, the Presiding Judge of the Municipal Court or designated Assistant Municipal Judge, may assess a civil

administrative fee in an amount greater than or less than that established by the promulgated schedule of civil administrative parking penalties.

(c) The owner of any vehicle to whom a parking citation has been issued shall have fifteen (15) days from the date of issuance of said citation in which to either pay the civil penalty assessed or due or file a written notice or request for a civil administrative hearing as to the issue of liability with the Denton Municipal Court Clerk either in person or by mail at 601 E. Hickory, Ste. D, Denton, Texas, 76205. Unless a written notice or request for administrative hearing has been properly filed within fifteen (15) days of the issuance of the citation, any citation which remains unpaid, after fifteen (15) days shall be deemed to be delinquent and the owner of the vehicle shall be liable to the City of Denton for all civil administrative penalties and fees as provided under this Chapter.

(d) Any civil administrative penalty assessed and due under this Chapter which remains unpaid on or after the sixteenth (16th) day after the date of issuance, shall be increased in an amount of Thirty-Five Dollars (\$35) over and above the initial amount of penalty due or assessed, unless a timely written notice or request for an administrative hearing has been filed with the Denton Municipal Court Clerk or Parking Enforcement Division Office as referenced herein.

(e) In order to appeal a finding of liability after an Administrative Hearing before a hearing officer, the owner of a vehicle found to be liable must, within thirty (30) days after the filing of the hearing officer's order as provided in section 18-139, file a written request or notice of appeal with the Denton Municipal Court Clerk. The written request or notice of appeal must be accompanied by payment of a cash bond in the amount of the civil administrative penalty assessed, an administrative hearing fee of twenty-five dollars (\$25.00) and, a municipal court appellate filing fee in the amount of twenty-five dollars (\$25.00).

(f) The owner of a vehicle who has contested liability at a timely and properly requested Administrative hearing, but who has been found liable by the Administrative Hearing Officer after consideration of testimony or evidence shall be assessed an additional fee of twenty-Five Dollars (\$25), which shall also be due at the same time as the civil administrative penalty assessed.

(g) The payment of a civil administrative penalty to the parking division shall be deemed an acknowledgement of liability for the parking violation.

(h) The boot fee shall be fifty dollars (\$50.00). In addition to the boot fee, charges for towing and/or storage of impounded vehicles shall be as provided by the law applicable to abandoned vehicles.

(i) If three (3) or more parking citations remain outstanding because of non-payment or failure to request an administrative hearing within fifteen (15) days after date of issuance of the citations, the Parking Enforcement Division shall send to the registered owner of the vehicle

to which the citations had been affixed a letter informing the owner that the citations are delinquent and that either or both of the following actions may be taken if the citations have not been answered within ten (10) days of the date of the letter:

- (1) The vehicle may be impounded in place by means of an immobilization device or, at the option of the city, towed away to a secure area of impoundment. If the vehicle is towed to a secure impoundment, the owner shall be responsible for towing and storage charges.
- (2) The registered owner of the vehicle on the dates which such parking violations occurred may be summoned to appear in the municipal court by an order of a hearing officer. Failure to response to such order may result in further charges including but not limited to failure to appear or a violation of city ordinance. Such charges shall be considered a class C misdemeanor charge. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

(j) All fines, costs, and fees shall be deposited in the proper account of the general fund of the city, unless otherwise directed by resolution of the city council.

SECTION 9. If any section, subsection, paragraph, sentence, clause, phrase, or word in this ordinance, or application thereof to any person or circumstances is held invalid by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Denton, Texas hereby declares it would have enacted such remaining portions despite any invalidity.

SECTION 10. Save and except as amended hereby, all the provisions, sections, subsections, paragraphs, sentences, clauses, and phrases of the Code of Ordinances shall remain in full force and effect.

SECTION 11. Any person found liable of violating this ordinance by a court of competent jurisdiction shall be fined a sum not to exceed five hundred dollars (\$500) per offense per day. Each day that a provision of this ordinance is violated shall constitute a separate offense.

SECTION 12. This ordinance providing for a penalty shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, the official newspaper of the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the 19th day of July, 2011.



MARK A. BURROUGHS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jennifer Walters

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: Stephanie M. Berry