

ORDINANCE NO. 2016-06-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ARTICLE VI ENTITLED "PARKING" OF CHAPTER 62 ENTITLED "MOTOR VEHICLES AND PARKING," OF THE CITY OF MCKINNEY CODE OF ORDINANCES, BY ADDING NEW AND MODIFYING EXISTING PROVISIONS REGULATING PARKING WITHIN THE CORPORATE LIMITS OF THE CITY; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR PUBLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of McKinney, Texas, has determined that it is advisable to make changes to Chapter 62, Article VI "Parking," and deems the adoption of this Ordinance to be necessary to the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THAT:

- Section 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this Ordinance as if set forth in their entirety.
- Section 2. The City of McKinney Code of Ordinances, Chapter 62 entitled "Motor Vehicles and Parking," Article VI "Parking" is hereby amended by adding new provisions that read as follows:

"ARTICLE VI. – PARKING

...

Sec. 62-354. – Signs presumed lawfully erected.

In a prosecution for an offense under this article, it shall be presumed that signs that prohibit or restrict the stopping, standing, operation or parking of vehicles have been lawfully erected. This presumption may be rebutted by a preponderance of the evidence.

Sec. 62-355. – Responsibility of registered owner.

In a prosecution for an offense under this article, it shall be presumed that the registered owner of the vehicle is the person who committed the violation and evidence of a culpable mental state shall not be required.

Sec. 62-356. – Responsibility of registered owner.

It shall be unlawful to stop, stand or park a vehicle within an alley located within the corporate limits of the city.

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Sec. 62-419. - City-owned lots.

- (a) For purposes of this section, "city-owned lots" shall mean the lots depicted on the map attached hereto as Exhibit A.
- (b) It shall be unlawful to park a vehicle for a period longer than three (3) hours in certain city-owned lots between the hours of 8:00 a.m. and 5:00 p.m. where such city-owned lots are so designated by signage indicating the time limits, except, however, excluding Saturdays, Sundays and all legal holidays; provided, however, a vehicle may be parked for an unlimited period in any city-owned lot if:

- (1) the vehicle is being operated for the transportation of a person with a disability and there are displayed on the vehicle special license plates issued under V.T.C.A. Transportation Code § 504.201 or placed on the rearview mirror of the vehicle's front windshield a disabled parking placard;
 - (2) the vehicle is being operated for the transportation of the person who registered the vehicle under V.T.C.A. Transportation Code § 504.202(a) or a person described by V.T.C.A. Transportation Code § 504.202(b) if the vehicle is registered under that subsection and displays special license plates issued under V.T.C.A. Transportation Code § 504.202; or
 - (3) displays license plates issued by another state of the United States that indicate on the face of the license plates that the owner or operator of the vehicle is a disabled veteran of the United States armed forces.
- (c) It shall be unlawful to park a vehicle in a city-owned lot in such a position that the vehicle is not entirely within the parking area or space designated by lines or markings or so that the vehicle occupies more than one parking area or space designated by lines or markings.
 - (d) It shall be unlawful to park a vehicle in a city-owned lot in such a position that the vehicle blocks a surface or architectural improvement designed to aid persons with disabilities, including, but not limited to, an access or curb ramp.
 - (e) It shall be unlawful to park a vehicle in or on a gore area, sidewalk, walkway, patio, plaza, grass, shrubbery, or any unmarked or unimproved ground area in, on or adjacent to a city-owned lot.
 - (f) It shall be unlawful to stop or stand a vehicle within a city-owned lot unless the vehicle is stopped or standing in an area or space designated for parking.
 - (g) It shall be unlawful to stop or stand a nonelectric vehicle or an electric vehicle that is not charging in a city-owned lot in a parking area or space designated by signage for the exclusive use of charging electric vehicles.
 - (h) A violation of this section shall be punishable by a fine of \$25.00; provided, however:
 - (1) if it is shown that the defendant has previously been convicted of at least one but not more than three violations of this section within a 12-month period from the date of the present offense, upon conviction the defendant shall be fined not less than \$50.00 and not more than \$200.00; and
 - (2) if it is shown that the defendant has previously been convicted of four or more violations of this section within a 12-month period from the date of the present offense, upon conviction the defendant shall be fined not less than \$200.00 and not more than \$500.00."

Section 3. The City of McKinney Code of Ordinances, Chapter 62 entitled "Motor Vehicles and Parking," Article VI "Parking" is hereby amended by deleting Section 62-415 entitled "Same—Areas designated" in its entirety and replacing it with the following:

“ARTICLE VI. – PARKING

...

Sec. 62-415. – Same—Areas designated.

The area of the public streets of the city within which certain areas or spaces shall be marked or designated as “Three-Hour Parking” shall and does hereby include:

- (1) All of the portions of Virginia Street, Tennessee Street, Kentucky Street and Louisiana Street surrounding the historic Collin County Courthouse, all that portion of such streets bounded on the west by Church Street, on the north by Hunt Street, on the east by McDonald Street, and on the south by Davis Street.
- (2) The north side of Cloyd Street bounded by Johnson Street on the west and Chestnut Street on the east; the south side of Cloyd Street is reserved for municipal court business pursuant to section 62-421.”

Section 4. All ordinances, orders, or resolutions heretofore adopted by the City Council are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, conflict with this Ordinance.

Section 5. All rights and remedies of the City are expressly retained as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney.

Section 7. If any section, subsection, clause, phrase or provision of this Ordinance is for any reason held unconstitutional or void by a court of competent jurisdiction, such holding shall not affect any valid portion of this or any other Ordinance of the City.

Section 8. This Ordinance shall take effect and be in full force from and after its passage and publication, in accordance with law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 21ST DAY OF JUNE, 2016.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
DENISE VICE, TRMC
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney

EXHIBIT A

