

ORDINANCE NO. 2018-06-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 62, ENTITLED "MOTOR VEHICLES AND TRAFFIC," BY AMENDING ARTICLE VI, ENTITLED "PARKING", BY THE ADDITION OF SECTION 62-386, ENTITLED "PARKING, STOPPING, STANDING PROHIBITED ON MULTI-LANE ROADWAYS," AS SET FORTH HEREIN BELOW; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR IMMUNITY; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas is a Home Rule City possessing the full power of local self-government pursuant to Article XI, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas finds and determines that the parking, stopping, or standing of motor vehicles along marked multi-lane roadways can introduce obstructions in travel lanes, and that it is in the best interest of the public health, safety and general welfare of the citizens of McKinney, Texas, to amend Chapter 62, entitled "Motor Vehicles and Traffic," of the McKinney Code as provided herein below.

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

Section 1. All of the above premises are found to be true and correct legislative determinations and are incorporated into the body of this Ordinance as if set forth in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 62, "Motor Vehicles and Traffic," of the Code of Ordinances of the City of McKinney, Texas, is hereby amended by adopting a new Section 62-386, entitled "Parking, Stopping, Standing Prohibited on Multi-lane Roadways" to read as follows:

"Sec. 62-386. – Parking, Stopping, Standing Prohibited on Multi-lane Roadways.

Except when necessary to avoid conflict with other traffic or in compliance with law or directions of a police officer or official traffic control device(s), it shall be unlawful for any person to park, stop or stand a motor vehicle:

- (1) Within any portion of the right lane, center lane, or left lane of the main traveled portion of a roadway on a two-way street that consists of four (4) or more lanes for vehicular travel; or
- (2) Within the median area between the pavement on divided streets; or
- (3) Within any portion of the right lane, center lane, or of the left lane of the main-traveled portion of a roadway on a one-way street that consists of two (2) or more lanes for vehicular travel.

The provisions of this section shall not apply to marked City vehicles when engaged in official City business, or to utility company trucks when engaged in the installation or repair of utilities within the right-of-way.

- Section 3. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.
- Section 4. All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of McKinney in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.
- Section 5. Any person, firm, or corporation who violates or fails to comply with any of the provisions of this ordinance shall be subject to the penalty provisions set forth in Section 1-18 of the McKinney Code; and each and every day such violation or failure to comply shall continue shall be deemed to constitute a separate offense.
- Section 6. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.
- Section 7. The caption of this Ordinance shall be published one time in a newspaper having general circulation in the City of McKinney following the City Council's adoption hereof, and this Ordinance shall become effective from and after the date of its final passage and publication as provided by law.
- Section 8. This Ordinance shall take effect and be in full force from and after its passage and publication, as provided by the Revised Civil Statutes of the State of Texas and the Home Rule Charter of the City of McKinney, Texas.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS 19th DAY OF JUNE, 2018.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney