

## **CHAPTER 62 – MOTOR VEHICLES AND TRAFFIC**

### **ARTICLE VI. PARKING<sup>1</sup>**

#### **DIVISION 1. GENERALLY**

##### **Sec. 62-348. Presumption; violations; penalty.**

- (a) For purposes of this section, a disabled person is a person with a disability as defined by V.T.C.A., Transportation Code § 681.001, as it may be amended.
- (b) From and after the effective date of the ordinance from which this article is derived, it shall be unlawful for any person to park a motor vehicle, in a handicap park space, as designated herein, unless such vehicle is properly identified by license plates or placards issued by the state department of transportation issued to persons with disabilities, or for any conduct which constitutes an offense under V.T.C.A., Transportation Code § 681.011.
- (c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including, but not limited to, an access or curb ramp.
- (d) If any vehicle is found to be in violation of any provision of this section, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered is presumed to be the person who parked said vehicle at the time and place the offense occurred. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05. The state department of transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.
- (e) Any person violating any provision of this section shall be fined an amount not less than \$250.00 nor more than \$500.00 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Enhancements to this penalty shall be consistent with V.T.C.A., Transportation Code § 681.011(h) to (k), as it may be amended.
- (f) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

(Code 1982, § 18-131; Ord. No. 980, § 3, 12-21-1976; Ord. No. 1001, § 4, 5-24-1977; Ord. No. 2002-02-012, § 2, 2-19-2002)

##### **Sec. 62-349. Handicapped or disabled parking.**

- (a) The city council hereby adopts as the standards and specifications for disabled parking spaces and signage for the city, the standards and specifications adopted by the state commission of licensing and regulation, as stated in V.T.C.A., Transportation Code § 681.009, being those standards and specifications adopted by the American National Standards Institute, as they may be amended. A copy of these standards and specifications may be obtained from the office of the city secretary, office of the city engineer and building official.

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<sup>1</sup>State law reference(s)—Power of local authorities to regulate stopping, standing and parking, V.T.C.A., Transportation Code § 542.202(a)(2).

- (b) The city, and any person who owns or controls private property, shall designate a parking space or area by conforming to the standards and specifications herein adopted, relating to the identification and dimension of parking spaces for persons with disabilities.
- (c) The city may provide at cost, a design and stencil for use to designate spaces as provided by this section. The design and stencil may also be obtained at cost from the state commission of licensing and regulations.
- (d) The city engineer shall designate the areas to be utilized as handicap parking spaces consistent with this chapter and state law requirements as may be adopted by the state commission of licensing and regulation. The city engineer shall direct the installation of signals, signs and other traffic-control devices as may be required for the designation of handicapped parking spaces.
- (e) All records, including the standards and specifications adopted herein, pertaining to the designation of handicapped parking areas shall be maintained by the office of the city engineer and shall be available for review by the public during regular business hours.
- (f) The placement of a handicap parking sign by the city engineer, or as approved by the city engineer, shall be prima facie evidence that the signage is installed and maintained pursuant to the authority granted herein, in proper position, and in full force and effect.

(Code 1982, § 18-132; Ord. No. 1302, §§ 1—5, 8-10-1982; Ord. No. 2002-02-012, § 2, 2-19-2002)

## **Sec. 62-350. Areas designated.**

The area of the public streets of the city within which certain areas are or spaces shall be marked or designated as handicapped parking shall and does include:

*Cloyd Street.* Two spaces on the south side of Cloyd Street between Chestnut Street and Tennessee Street beginning 110 feet from the intersection of Chestnut Street and Cloyd Street extending westward a distance of 30 feet.

*Kentucky Street.* One space on the east side of Kentucky Street beginning 40 feet north of the intersection of Kentucky Street and Virginia Street and extending northward a distance of 20 feet.

*Kentucky Street.* One space on the east side of Kentucky Street beginning 50 feet south of the intersection of Kentucky Street and Louisiana Street and extending southward a distance of 20 feet.

*Kentucky Street.* One space on the west side of Kentucky Street beginning 50 feet south of the intersection of Kentucky Street and Louisiana Street and extending southward a distance of 20 feet.

*Kentucky Street.* One space on the east side of Kentucky Street between Virginia Street and Louisiana Street located 50 feet from the intersection of Louisiana Street and Kentucky Street.

*Tennessee Street.* Two spaces on the west side of Tennessee Street between Virginia Street and Louisiana Street beginning 90 feet from the intersection of Louisiana Street and Tennessee Street extending northward a distance of 30 feet.

*Tennessee Street.* One space on the west side of Tennessee Street beginning 50 feet south of the intersection of Tennessee Street and Louisiana Street and extending southward a distance of 20 feet.

*Tennessee Street.* One space on the east side of Tennessee Street between Virginia Street and Louisiana Street located 55 feet from the intersection of Tennessee Street and Virginia Street.

*Tennessee Street.* One space on the west side of Tennessee Street beginning 35 feet north of the intersection of Tennessee Street and Virginia Street and extending northward a distance of 20 feet.

*Tennessee Street.* One space on the east side of Tennessee Street beginning 35 feet north of the intersection of Tennessee Street and Virginia Street and extending northward a distance of 20 feet.

*Virginia Street.* One space on the south side of Virginia Street between Kentucky Street and Tennessee Street located 50 feet from the intersection of Kentucky Street and Virginia Street.

*Virginia Street.* One space on the north side of Virginia Street beginning 40 feet west of the intersection of Kentucky Street and Virginia Street and extending westward a distance of 20 feet.

*Virginia Street.* One space on the south side of Virginia Street beginning 40 feet east of the intersection of Tennessee Street and Virginia Street and extending eastward a distance of 20 feet.

*Virginia Street.* One space on the north side of Virginia Street beginning 45 feet east of the intersection of Chestnut Street and Virginia Street and extending eastward a distance of 20 feet.

*Virginia Street.* One space on the south side of Virginia Street beginning 45 feet east of the intersection of Chestnut Street and Virginia Street and extending eastward a distance of 20 feet.

(Code 1982, § 18-132.1; Ord. No. 97-05-26, § 1, 7-6-1997; Ord. No. 2009-02-015, § 1, 2-17-09; Ord. No. 2009-05-036, § 1, 5-19-09; Ord. No. 2014-11-083, §§ 1, 2, 11-4-2014)

#### **Sec. 62-351. Parking on posted private property prohibited; warning signs to be posted; fine for violation.**

- (a) It shall be unlawful for any person to park a motor vehicle, whether occupied or unoccupied, in any posted private drive, private parking lot or other private property without the express or implied consent of the owner of such property or the owner's representative.
- (b) In the event that the identity of the driver of such vehicle is unknown, the owner or person in whose name such vehicle is registered shall be prima facie deemed to be in violation hereof.
- (c) Such private driveway or private property shall be posted with warning signs at all entrances to such private property stating substantially that the property is for the parking of motor vehicles on the invitation or on the implied invitation of the owner of such property, and that the owner or operator of such vehicle parked in violation will be subject to a maximum fine of \$500.00.

(Code 1982, § 18-133; Ord. No. 1767, §§ 1—3, 12-22-1987)

#### **Sec. 62-352. Resident parking only—Generally.**

Certain areas or portions of the public streets described in the section 62-353 have been, are hereby, and shall hereafter be set apart, marked and designated as resident parking only spaces. Parking of any vehicle within any space or spaces within the designated area which is or shall be marked "Resident Parking Only" shall be permitted only with the express or implied consent of an occupant of a residence in close proximity to the parking space.

(Code 1982, § 18-134; Ord. No. 94-01-04, § 1, 1-18-1994)

#### **Sec. 62-353. Same—Areas designated.**

The area of the public streets of the city within which certain areas or spaces shall be marked or designated as "Resident Parking Only" shall and does hereby include:

*Harroun Street.* The south side of Harroun Street beginning at a point 100 feet east of McBee Street and extending to a point 220 feet east of McBee Street.

(Code 1982, § 18-135; Ord. No. 94-01-04, § 1, 1-18-1994)

#### **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.

(Ord. No. 2016-06-050, § 2, 6-7-2016)

#### **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.

(Ord. No. 2016-06-050, § 2, 6-7-2016)

#### **Sec. 62-356. Stopping, standing, parking prohibited.**

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

(Ord. No. 2016-06-050, § 2, 6-7-2016)

#### **Sec. 62-357. Truck, Trailer, or Van Overnight Parking on Public Street**

It shall be unlawful for any person to park or permit to remain parked within a public right-of-way within the City any truck, truck or utility trailer, tow-behinds, boats, recreational vehicles, non-passenger vehicles, or equipment other than operational passenger vehicles between the hours of 7:00 p.m. and 7:00 a.m., except when said motor vehicles, trailers, or equipment are engaged in loading or unloading.

#### **Secs. 62-~~357~~358—62-379. Reserved.**