

ORDINANCE NO. 2011-24-03

AN ORDINANCE AMENDING ORDINANCE NO. 2011-24, AS AMENDED BY ORDINANCE NO. 2011-24-02 BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, DENTON COUNTY, TEXAS, GOVERNING THE PARKING AND REMOVAL OF MOTOR VEHICLES/GOLF CARTS ON AND FROM THE HIGHWAYS, STREETS AND UNIMPROVED AREAS WITHIN THE CORPORATE LIMITS OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, AND TO PRESCRIBE A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, the Town of Providence Village is a municipal corporation organized under the laws of the State of Texas; and

WHEREAS, it is the intent of the Town of Providence Village to protect the health, safety and welfare and well-being of its citizens; and

WHEREAS, the Transportation Code, Section 311.002 specifically provides that a municipality has exclusive control over the highways, streets and alleys of the municipality; and

WHEREAS, the Transportation Code, Section 311.003 specifically provides that a municipality may prevent an encroachment or obstruction on a sidewalk in the municipality; and

WHEREAS, the Town of Providence Village has the authority to adopt and enforce a parking ordinance; and

WHEREAS, it is necessary to modify and update Section 3 entitled "Violations," subsection 3 to allow for authority discretion regarding parked "derelict" vehicles on the street and to include the requirement that a vehicle or golf cart must have a license and/or registration that is less than ninety (90) days expired.

NOW THEREFORE:

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS:

SECTION 1. FINDING OF FACTS.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. DEFINITIONS.

For the purposes of this ordinance, the term "*Park*" or "*Parking*" shall mean the stopping or standing of motor vehicles on a roadway whether occupied or unoccupied, attended or unattended, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or goods, or while making emergency repairs if disabled, while arrangements are being made to move such vehicle.

SECTION 3.VIOLATIONS.

1. You cannot park a vehicle/golf cart in an alley.
2. If you parallel park, your vehicle/golf cart must be heading in the direction of the lawful traffic and the right-hand wheels must be within 18 inches of the curb.
3. You may not park a "derelict" vehicle on a street. "Derelict" means not in operating condition, or one without a license plate, or with its tires removed or deflated, or one that has been abandoned, as defined in the Texas Transportation Code, or one with a license or registration that has expired in excess of ninety (90) days.
4. You cannot park a commercial vehicle (over 7 feet wide or 24 feet long) on any residential street except in an emergency or to load and unload.
5. You cannot park a vehicle/golf cart on any street or Town-owned property to display it for sale or to wash or repair it except in an emergency.
6. You cannot park a vehicle/golf cart within 15 feet of a fire hydrant.
7. You cannot park your vehicle/golf cart as to obstruct a mail box. You may not park within 5 feet of the mailbox between the hours of 8am-6pm Monday-Saturday and excluding Holidays.
8. You may not park your vehicle/golf cart in a Right-of-Way. No person may drive upon or across, stop, leave standing, or park a vehicle/golf cart, whether attended or unattended, upon any boulevard or other portion of a public right-of-way abutting the traveled portion of a roadway or sidewalk. This prohibition will not apply to driveways which give access from a roadway. In the event of an emergency resulting from vehicle/golf cart failure in an area where the parking is prohibited, the vehicle/golf cart operator must attempt where practical to move the vehicle/ golf cart off the traveled portion of the roadway.
9. All vehicles/golf carts in a residential and business areas must park on a permanently hard surfaced driveway or parking area, or (if there is no access to the other side or rear of the house or business) on a gravel pad (with borders).
10. Vehicles/golf carts may not be parked in any park, grassy or unimproved areas behind businesses or houses.

11. Vehicles/golf carts must be parked within the lines designated in business or resident parking area.

12. Vehicles/golf carts may not park in a way that it blocks a residential driveway.

13. No person may stop or park a vehicle/golf cart at any place where official signs prohibit the stopping or parking. When a roadway is temporarily posted by order of the Sheriff Department or Code Enforcement Officer for the purpose of traffic control, removal of snow, ice, or waste, maintenance, or improvement or otherwise, evidence of the posting constitutes prima facie evidence of the order of the Officer and notice of same.

14. You may not abandon your vehicle/golf cart on a private or public lot or roadway. A motor vehicle/golf cart which is considered abandoned:

(a) Has remained for a period of more than 48 hours on public property illegally or without vital operating component parts;

(b) Has remained for a period of more than 48 hours on private property without the consent of the person who controls the property;

(c) Remains on private property, is not in a garage and is in such an inoperable condition that it has no substantial potential further use consistent with its usual functions.

If you legally park a vehicle/golf cart you must also stop the engine, lock the ignition and remove the key. All vehicles/golf carts in a residential areas must park on a permanently hard surfaced driveway or parking area, or (if there is no access to the other side or rear of the house) on a gravel pad (with borders).

SECTION 4. ENFORCEMENT.

Fines will be assessed according to the fee schedule of the Town of Providence Village. Please contact the Providence Village Municipal Clerk for the amounts.

The following motor vehicles/golf carts may be impounded by the Town at the direction of any Sheriff or Code Enforcement Officer:

(a) A motor vehicle/golf cart that has been tagged or cited for violation of any of the above ordinances. A tagged motor vehicle/golf cart must be immediately moved or could be subject to towing.

(b) Any tagged unoccupied motor vehicle/golf cart found in violation of any provision of any traffic or parking provision of this ordinance or resolution of the Town, or any tagged disabled or abandoned motor vehicle/golf cart. (See #14)

(c) A motor vehicle/golf cart tagged by a Sheriff Deputy or Code Enforcement Officer to be impounded, unless the owner or operator of the vehicle/golf cart appears before the tagged

vehicle/golf cart has been towed, in which case the vehicle/golf cart will be released without the payment of any fee, other than towing or service charges already incurred.

(d) A motor vehicle/golf cart directed by a Sheriff Deputy to be impounded because the officer considers possession of the vehicle/golf cart necessary in the prosecution of a person for violation of law.

Towing of any vehicle/golf cart in the Town of Providence Village will be at the owner's expense and Providence Village will be held harmless for this action. Towing will be performed by a private towing company at the discretion of Providence Village. Providence Village will supply the name, address, phone number and company name of the towing company to the registered vehicle/golf cart's owner.

SECTION 5. SEVERABILITY.

If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Town Council of the Town of Providence Village, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

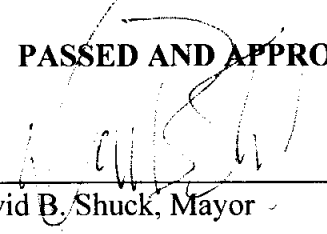
SECTION 6. REPEALING CONFLICT.

All ordinances and parts of ordinances in conflict with the ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 7. PUBLISHING AND EFFECTIVE DATE.

This ordinance shall be published in accordance with the requirement of publishing all ordinances and becomes effect in accordance with state law.

PASSED AND APPROVED on this 6th day of October, 2015.

By: 
David B. Shuck, Mayor

ATTEST:

By: 
Connie S. Hansen, TRMC, Town Secretary

