

## **ORDINANCE NO. 2019-2**

**AN ORDINANCE BY THE CITY OF COLDSRING, TEXAS, REPEALING IN ITS ENTIRETY THE EXISTING PARKING REGULATIONS ORDINANCE (ORDINANCE NO. 2018-001) AND REPLACING IT WITH THE ENACTMENT OF A NEW VEHICLE TRAFFIC AND PEDESTRIAN REGULATIONS ORDINANCE REGULATING PARKING AND NO PARKING AREAS, THE MOVEMENT AND PARKING OF VEHICLES AND THE MOVEMENT OF PEDESTRIANS WITHIN THE CITY LIMITS OF COLDSRING; DEFINING OFFICIAL TRAFFIC-CONTROL DEVICE; PROVIDING FOR THE PRESUMPTION OF RESPONSIBILITY FOR VIOLATIONS; DEFINING VEHICLES IN VIOLATION OF ORDINANCE AS PUBLIC NUISANCE; PROVIDING CRIMINAL PENALTY FOR VIOLATION; PROVIDING FOR SEVERABILITY AND PROVIDING FOR CUMULATIVE EFFECT THEREOF; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to the statutory authority granted to the City of Coldspring as a municipality under Texas Local Government Code Section 51.001, the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that: (1) is for the good government, peace or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Transportation Code Section 311.002, the municipality has exclusive control over the highways, streets, and alley of the municipality and may abate or remove an encroachment or obstruction on a highway, street, or alley and open, change, regulate, or improve a street; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Transportation Code Section 311.003, the municipality may: (1) prevent an encroachment or obstruction on a sidewalk in the municipality; (2) abate an encroachment or obstruction on a bridge, culvert, sidewalk, or crossway in the municipality; (3) construct, regulate, or maintain a bridge, culvert, sidewalk, or crossway in the municipality; (4) regulate the construction of a bridge, culvert, sewer, sidewalk, or crossway in the municipality; (5) require a person to keep weeds, unclean matter, or trash from the street, sidewalk, or gutter in front of the person's premises; or (6) require the owner of land to improve the sidewalk in front of the person's land; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality under Texas Transportation Code Sections 542.202 and 545.303, the municipality may regulate traffic by police officers or traffic-control devices; and regulate the stopping, standing, or parking of a vehicle, including permitting angle parking; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality under Texas Transportation Code Section 552.009, the municipality may require pedestrians to comply strictly with the directions of an official traffic control device signal and prohibit pedestrians from crossing a roadway in a business district or designated highway except in a crosswalk; and

**WHEREAS**, following careful evaluation and analysis, the City of Coldspring finds that it is necessary for the health, safety and welfare of the citizens of Coldspring and the traveling public, and is in the best interest of the City and its citizens to implement an ordinance for the purpose of regulating, warning or guiding vehicles and pedestrians to ensure the safe usage of the highways, streets, alleys and sidewalks within the boundaries of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLDSRING, TEXAS:** that in consideration of the aforementioned findings, it hereby approve the repeal in its entirety and replacement of the existing Parking Regulations Ordinance (Ordinance No. 2018-001) as follows:

## **ARTICLE 1 AUTHORITY AND PURPOSE**

### **SECTION 1. AUTHORITY**

This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012.

### **SECTION 2. PURPOSE**

The purpose of this ordinance is to repeal in its entirety the existing parking regulations ordinance (Ordinance No. 2018-001) and replace it with an ordinance that will be more beneficial in safeguarding the citizens of Coldspring and the traveling public by regulating vehicle and pedestrians flow to ensure the safety of drivers and pedestrians and clearing pedestrians ways; and to have an ordinance that will harmonized with the growth and development of the City.

**ARTICLE 2**  
**REPEAL OF PARKING REGULATIONS ORDINANCE**  
**(ORDINANCE NO. 2018-001)**

**SECTION 1. REPEAL OF PRIOR PARKING REGULATIONS ORDINANCE**

The existing parking regulations ordinance (Ordinance No. 2018-001) is hereby repealed in its entirety and replaced as more fully set out below.

**ARTICLE 3**  
**ENACTMENT OF NEW ORDINANCE**

**SECTION 1. TITLE OF ORDINANCE**

This Ordinance shall be added to the Code of Ordinances of the City of Coldspring, to be entitled, "Vehicle Traffic and Pedestrian Regulations".

**SECTION 2. DEFINITIONS**

Motor vehicle. A self-propelled vehicle.

Official Traffic Control Device. Signs, signals and markings as defined in Texas Transportation Code, Section 541.304, as it may be amended.

Stopping, standing, and parking. Shall have the meanings ascribed to them in Texas Transportation Code, Section 541.401, as it may be amended.

Trailer. A vehicle with or without motive power designed to be drawn by a motor vehicle and to transport persons or property. For the purposes of this Article the term shall include house trailers, pole trailers, and semitrailers, as defined by Texas Transportation Code, Section 541.201, as it may be amended.

Vehicle. A device that can be used to transport or draw persons or property on a highway. The term shall include motor vehicles and trailers.

**SECTION 3. CITY COUNCIL AUTHORIZATION**

- (a) Authorized by Ordinance. The City Council hereby authorizes the installation upon, over, along or beside any highway, street or alley, all necessary signs, signals and marking based on the need and/or upon the recommendation of traffic studies, traffic engineers or the Texas Department of Transportation, in conformance with the Texas Manual on Uniform Traffic Control Devices. Such new traffic control devices are hereby declared to be official traffic control devices.
- (b) Report to be filed with City Secretary. Whenever the city has erected and installed any official traffic control device, signal, or sign at any location

in the city or has caused the same to be done in obedience to this Ordinance, the manual or another ordinance directing the erection of such device, signal or sign, the installer shall thereafter file a report with the City Secretary in writing stating the type of traffic control device, sign, or signal, and when and where the same was erected and installed. The City Secretary shall file and maintain such report among the official papers of the office of the City Secretary.

#### **SECTION 4. RATIFICATION OF EXISTING TRAFFIC CONTROL DEVICES**

All traffic control signs, signals, devices and marking placed or erected prior to the adoption of this Ordinance and in use for the purpose of regulating, warning or guiding vehicles or pedestrian traffic are hereby affirmed, ratified and declared to be official traffic control devices, provided such traffic control devices are not inconsistent with the provisions of this Ordinance or state law.

#### **SECTION 5. PRIMA FACIE EVIDENCE OF AUTHORIZED INSTALLATIONS**

It being unlawful to install or cause to be installed any signal, sign, or device purporting to direct the use of the streets or the activities on those streets of pedestrians, vehicles, motor vehicles, or animals, evidence that any traffic control device, sign, signal, or marking was actually place on any street shall constitute prima facie evidence that the same was installed pursuant to the authority of the Article and of the ordinance directing the installation of such device, signal, or marking.

#### **SECTION 6. ANGLE AND PARALLEL PARKING AREAS**

- (a) Where signs are posted or where lines are painted on the streets giving notice of the type of parking thereof, all vehicles shall angle park, forward only, or parallel park, within the marked lines, in the following areas:
  - (1) North side of Byrd Avenue, between Butler Street and Church Street;  
and
  - (2) West side of Church Street between Byrd Avenue and West Cedar Street.

#### **SECTION 7. NO PARKING ZONES**

- (a) Where signs are posted or where lines are painted on the streets giving notice thereof, no person shall park a vehicle in a zone which is officially marked as a No Parking Zone, in the following areas:
  - (1) North side of Byrd Avenue, between Butler Street and Church Street;  
and

(2) West side of Church Street between Byrd Avenue and West Cedar Street; and

(3) East side of Church Street between Byrd Avenue and Hill Avenue.

**SECTION 8. (Reserved for expansion)**

**SECTION 9. OBSTRUCTION BY PERSONAL PROPERTY**

- (a) No person shall place or position any personal property in a location or manner which obstructs any portion of a sidewalk, alley, street or public right of way, or interferes with vehicle or pedestrian traffic.
- (b) No parking space, loading zone or a no parking zone shall be used for repair, storage, dismantling, or servicing of vehicles or equipment.
- (c) No parking space, loading zone or a no parking zone shall be used for storage of inventory, materials, display, sanitation containers, supplies, or for any other use, except as otherwise permitted by the City Council through the issuance of a temporary use permit.
- (d) Any personal property placed in violation of this Section shall be subject to immediate removal without notice.

**SECTION 10. VIOLATIONS, ENFORCEMENT AND PENALTY**

- (a) It shall be unlawful for any person to operate, stop or park a vehicle in violation of this Article.
- (b) It shall be unlawful for any person to place or cause to be placed, any personal property in violation of this Article.
- (c) In a prosecution for an offense under this Article involving the parking of an unattended vehicle, it is presumed that the registered owner of the vehicle is the person who operated, stopped or parked the vehicle at the time and place the offense occurred.
- (d) In a prosecution for an offense under this Article involving the placement of personal property, it is presumed that the owner or person with care, custody or control of the personal property is the person who placed the property in violation of this Article.
- (e) A vehicle found to be in violation of this Article and is deemed to be a traffic hazard, defined as an obstruction to traffic or is a danger to the public, may be towed at the owner's expense.

- (f) A vehicle found to be in violation of this Article and is deemed to be a traffic hazard, as defined above, or a vehicle that if found to be continuously in violation of this Article for a 48-hour period after the owner of the vehicle receives notice of the violation, or a vehicle parked as to interfere with the placement of official traffic control devices after the owner has been given notice of the interference, shall be deemed a public nuisance and the vehicle may be abated in accordance with the Texas Local Government Code and the Texas Transportation Code.
- (g) Each day that a person remains in violation of this Ordinance constitutes a separate offense. In a prosecution for an alleged violation of this Ordinance, no proof of a culpable mental state shall be required.
- (h) Any person who violates this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed Two Hundred Dollars (\$200.00).

#### **ARTICLE 4 SEVERABILITY, CUMULATIVE AND EFFECTIVE DATE AND NOTICE AND MEETING CLAUSES**

##### **SECTION 1. SEVERABILITY**

If any provision or any Article or Section of this Ordinance shall be held void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this Ordinance, which shall remain in full force and effect.

##### **SECTION 2. CUMULATIVE EFFECT**

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Coldspring, and this Ordinance shall not operate to repeal, other than to the statement purpose above, or affect any other such ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of the Ordinance, in which event such conflicting provisions, if any, in such ordinance or ordinances are hereby repealed.

##### **SECTION 3. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

#### SECTION 4. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Chapter 551, Texas Local Government Code.

**PASSED AND APPROVED** on this \_\_\_\_ day of September, 2019.

CITY OF COLDSRING, TEXAS



Pat Eversole, Mayor

ATTEST:

  
Suzann Boudreaux, City Secretary