



ORDINANCE NO. 2017-1009

AN ORDINANCE OF THE CITY OF THE CITY OF PRAIRIE VIEW, TEXAS, ESTABLISHING NO PARKING/TOW AWAY ZONES ON THE NORTH AND SOUTH SIDES OF F.M. 1098 (A.K.A. STATE LOOP 1098) AT ITS INTERSECTION WITH UNIVERSITY DRIVE TO ITS INTERSECTION WITH L.W. MINOR STREET WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, The City Council of the City of Prairie View, Texas, (“City”) finds that parking vehicles on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street presents a public safety hazard; and

WHEREAS, the City’s Police Chief advised the City that such parking vehicles on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street contributes to traffic accidents and is a danger to the public and general welfare of the City; and

WHEREAS, the City Council deems it necessary and advisable to establish on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street No Parking/Tow Away zones; and

WHEREAS, the Texas Department of Transportation concurs that No Parking/Tow Away zones should be erected on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street; and

WHEREAS, the Texas Department of Transportation will pay for and erect such No Parking/Tow Away signs on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRAIRIE VIEW, TEXAS:

Section 1. The facts and recitations contained in the preamble of this Ordinance are found to be true and correct and incorporated herein for all purposes.

Section 2. It shall be unlawful for any person, having registered in his or her name a motor vehicle, owning a motor vehicle, operating a motor vehicle, or having care, custody, or control of a motor vehicle, to allow or permit the vehicle to be parked or left standing on the north and south sides of F.M. 1098 (a.k.a. State Loop 1098) at its intersection with University Drive to its intersection with L.W. Minor Street, or portions thereof indicated as depicted on Exhibit "A" which is attached hereto and incorporated herein for all purposes.

Section 3. When any person is charged with violating this Ordinance, then proof that the vehicle was owned by the person charged with the offense on the date of the alleged offense shall constitute prima facie evidence that the vehicle was parked or

left standing at the place by the owner, but the owner shall have the right to introduce evidence to show that such vehicle was not parked or left standing by him or her as charged by citation or complaint.

Section 4. The Mayor or Police Chief is hereby authorized and directed to cause the placement of official traffic control devices giving notice of No Parking/Tow Away zones, as described in Section 2 above, through the erection of signage. All signage shall comply with the Texas Manual on Uniform Traffic Control Devices.

Section 5. *Penalty for Violation – Fine.* Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Hundred Dollars (\$200.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 6. *Penalty for Violation – Towing.* Vehicles illegally parked or standing in violation of Section 2 above also may be removed and impounded in the manner provided under Chapter 2308 of the Texas Occupations Code. The City of Prairie View, Texas, or its officers, agents, employees, or representatives shall not be responsible for any damage to any vehicle(s) removed and impounded.

Section 7. *Repeal.* All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the

same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Prairie View, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 9. Effective Date. This Ordinance shall be effective immediately and enforced when published as required by law and when signs are erected.

PASSED, APPROVED, and ADOPTED on this 9th day of October, 2017.



David Allen, Mayor

ATTEST:



Kimberly Dickey, City Secretary