

ORDINANCE NO. 45-1987

AN ORDINANCE AMENDING CHAPTER 18, ARTICLE X, "MOTOR VEHICLES AND TRAFFIC," OF THE CITY CODE OF THE CITY OF ABILENE, TEXAS, BY ADDING SECTION 18-206; PROVIDING FOR DESIGNATION OF OFF-STREET PARKING SPACES FOR HANDICAPPED PERSONS; PROVIDING THE USE OF SUCH SPACES BY AUTOMOBILES WITH DISTINGUISHING LICENSE PLATES, SYMBOLS, TAGS, OR OTHER DEVICES ISSUED BY THE STATE OF TEXAS FOR DISABLED PERSONS; PROHIBITING THE PARKING OF ANY OTHER VEHICLES IN SUCH SPACES; UNIFORM SIGNING THEREOF; PROVIDING FOR THE TOWING OF ALL SUCH VEHICLES NOT HAVING SPECIAL LICENSES; DECLARING A PENALTY FOR VIOLATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND CODE PROVISIONS NOT INCONSISTENT WITH THIS ORDINANCE; AND NAMING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 18, "Motor Vehicles and Traffic," of the Code of the City of Abilene, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2. That it is declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

PART 3. This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Abilene as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

PART 4. That any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall be fined not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200.00) for each offense.

PART 5. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 9th day of July,
A.D. 1987.

PASSED ON SECOND AND FINAL READING this 23rd day of
July, A.D. 1987.

ATTEST:

Patricia Hancock
CITY SECRETARY

Dale Ferguson
MAYOR

APPROVED:

Claudia Clinton
CITY ATTORNEY

EXHIBIT "A"

That Chapter 18, Abilene Municipal Code, Motor Vehicles and Traffic, Article X, be amended by adding the following section to read as follows:

SECTION 18-206. Off-Street Handicapped Parking

- (a) Upon the request of the owner or operator of any off-street parking facility, the Traffic and Transportation Department of the City is authorized to approve stalls or spaces in an off-street parking facility for the exclusive use of vehicles which display distinguishing license plates, specially designated symbols, tags, or other devices issued pursuant to Art. 6675a-5e.1, Texas Revised Civil Statutes, to disabled persons. To be approved, handicapped parking spaces shall be of such size and marked according to prevailing state and federal standards for handicapped parking. Such stalls or spaces shall be designated by posting immediately adjacent to and visible from each stall or space a handicapped parking sign that conforms to the requirements of the Texas Manual on Uniform Traffic Control Devices. Marking and signing of parking spaces for the handicapped in off-street parking facilities shall be at the owner or operator's expense.
- (b) It shall be unlawful for the operator of any vehicle not displaying a distinguishing license plate, symbol, tag, or other device issued to disabled persons pursuant to Art. 6675a-5e.1, Texas Revised Civil Statutes, to stop, stand, park, or leave standing such vehicle in any parking space properly designated for the exclusive use of physically handicapped persons pursuant to the foregoing section. Such unlawful action shall constitute a Class C misdemeanor.
- (c) Any vehicles not displaying the proper license plates, tags, or devices, may be towed from a handicapped parking space designated by the foregoing section at the expense of the owner of such vehicle, and may be impounded until all towing and storage charges are paid.

END