

ORDINANCE NO. 24-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE X, "STOPPING, STANDING, PARKING," AND ARTICLE XIII, "SCHEDULES," OF THE ABILENE MUNICIPAL CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.

WHEREAS, there is a need to protect the health, safety, and welfare of the citizens of the City of Abilene; and

WHEREAS, the current provisions of Chapter 18, "Motor Vehicles and Traffic," Article X, "Stopping, Standing, Parking," and Article XIII, "Schedules," do not provide for a metered parking lot and should be amended to provide for such metered parking lots; and

WHEREAS, the current provisions of Chapter 18, "Motor Vehicles and Traffic," Article X, "Stopping, Standing, Parking," and Article XIII, "Schedules," provide for the enforcement of parking meters on Saturdays and should be amended to provide for no enforcement of parking meters on Saturdays;

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

- PART 1:** That Chapter 18, "Motor Vehicles and Traffic", Article X, "Stopping, Standing, Parking," and Article XIII "Schedules," of the Code of Ordinances, City of Abilene, Texas, is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code.
- PART 4:** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. 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 12th day of April, 2012.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 22nd day of April, 2012, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 26th day of April, 2012, to permit the public to be heard. 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 SECOND AND FINAL READING this 26th day of April, 2012.

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

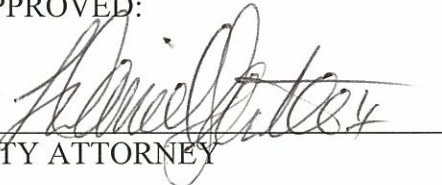

CITY ATTORNEY

EXHIBIT A

ORDINANCE NO. 24-2012

Amend **CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE X, "STOPPING, STANDING, PARKING, " DIVISION 5, "PARKING METERS,"** and **ARTICLE XIII, "SCHEDULES,"** of the Code of Ordinances, by replacing the following sections:

CHAPTER 18

ARTICLE X

DIVISION 5. PARKING METERS

Sec. 18-243. Parking meter zones.

Parking meter zones are hereby established within the district or upon those streets or parts of streets described in section 18-300, in which zones the parking of vehicles upon streets shall be regulated by parking meters between the hours specified in section 18-300 of any day except Sundays and legal holidays. The director of traffic and transportation is authorized, subject to the approval of the city council by amendment of section 18-300, to establish parking meter zones at other locations upon those streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles.

CHANGED TO:

Parking meter zones are hereby established within the district or upon those parking lots, streets or parts of streets described in section 18-300, in which zones the parking of vehicles upon parking lots or streets shall be regulated by parking meters between the hours specified in section 18-300 of any day except Saturdays, Sundays and legal holidays. The director of traffic and transportation is authorized, subject to the approval of the city council by amendment of section 18-300, to establish parking meter zones at other locations upon those parking lots or streets or parts of streets where it is determined upon the basis of an engineering and traffic investigation that the installation of parking meters shall be necessary to aid in the regulation, control and inspection of the parking of vehicles.

Sec. 18-244. Installation of parking meters.

The director of traffic and transportation shall install parking meters in the parking meter zones established as provided in this chapter upon the curb immediately adjacent to each designated parking space. Such meters shall be capable of being operated automatically upon the deposit therein of coins of United States currency as specified in section 18-300 for the full period of time for which parking is lawfully permitted in any such parking meter zone. Each parking meter shall be so designed, constructed, installed and set up that upon the expiration of the time period registered, by the deposit of one or more coins, as provided herein, it will indicate by an appropriate signal that the lawful parking meter has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

CHANGED TO:

The director of traffic and transportation shall install parking meters in the parking meter zones established as provided in this chapter upon the curb immediately adjacent to each designated parking space or at a single location in a parking lot. Such meters shall be capable of being operated automatically upon the deposit therein of coins of United States currency or other payment method as specified in section 18-300 for the full period of time for which parking is lawfully permitted in any such parking meter zone. Parking lot meters may be capable of being operated automatically by the use of a debit or credit card for the full period of time for which parking is lawfully permitted in any such parking meter zone. Except for parking lot meters, each parking meter shall be so designed, constructed, installed and set up that upon the expiration of the time period registered, by the deposit of one or more coins, as provided herein, it will indicate by an appropriate signal that the lawful parking meter has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time which remains of such period. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins or other payment method therein shall apply, the value of the coins or other payment method to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

Sec. 18-245. Parking meter spaces.

The director of traffic and transportation shall designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street.

CHANGED TO:

For parking meter spaces on the street, the director of traffic and transportation shall designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb or the pavement of the street. Parking meter spaces so designated shall be of appropriate length and width so as to be accessible from the traffic lanes of such street. For parking meter spaces in a parking lot, the director of traffic and transportation shall designate the parking spaces for which such meter is to be used by appropriate markings upon the curb or the pavement of the lot or by signage.

Sec. 18-246. Deposit of coins and time limits.

No person shall park a vehicle in any parking space upon a street alongside of which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of the appropriate denomination as provided in this chapter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and the meter has been placed in operation.

No person shall park a vehicle in any such parking meter space for a consecutive period of time longer than the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number of amounts of coins deposited in such meter.

The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

CHANGED TO:

No person shall park a vehicle in any metered parking lot or parking space upon a street alongside of which a parking meter has been installed during the

restricted and regulated time applicable to the parking meter zone in which such meter is located unless a coin or coins of United States currency of the appropriate denomination or other payment method as provided in this chapter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and the meter has been placed in operation.

No person shall park a vehicle in any such metered parking lot or parking space for a consecutive period of time longer than the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number of amounts of coins or other payment method deposited in such meter.

The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

ARTICLE XIII

Sec. 18-300. Parking meter zones.

In accordance with the terms of this chapter, parking meter zones are hereby established upon the following streets or portions of streets, in which the parking of vehicles shall be regulated by parking meters between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays, except as otherwise specified herein:

(a) 30 minute limit: At Rate A.

Street	Side	Extent
Parking Cr., Upper	N/A	Spaces 201
Parking Cr., Lower	N/A	Spaces 504, 505, 602, 603, 704, 705, 802 and 803
Parking Cr., Upper	N/A	Spaces 202, 203, 401, 402, 403 and 404

(b) 24 minute limit: At Rate B.

Street	Side	Extent
North 3rd St.	North	From Pine to Walnut Sts.
North 4th St.	South	From Walnut to Pine Sts.

Pine St.

East

From North 3rd to North 4th Sts.

The time limits prescribed by this section shall be the maximum time for continuous parking within any space within the applicable parking meter zone. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name, operated by him or in his custody or control to be parked or remain in any parking space for any period of time in excess of the maximum period of time prescribed for such space by this section, or be parked or remain in any parking space while the meter controlling such space is displaying a signal indicating that the vehicle occupying such space has been parked therein beyond the period of time permitted by this section or other provisions of this chapter. The enumeration of the foregoing violations shall not be exclusive, and shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter or other applicable laws and ordinances.

In any prosecution charging a violation of this section, proof that the particular vehicle in question was parked or situated in any one parking space governed hereby at different times on the same day shall constitute in evidence a prima facie presumption that such vehicle was continuously parked or continuously remained in such parking space at all times during the period between such different times.

CHANGED TO:

In accordance with the terms of this chapter, parking meter zones are hereby established upon the following parking lots, streets or portions of streets, in which the parking of vehicles shall be regulated by parking meters between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Saturdays, Sundays and legal holidays, except as otherwise specified herein:

- (a) 4 hour limit: At Rate A.

Parking Lot	Side	Extent
200 Block Cedar St.	East	All Spaces

- (b) 24 minute limit: At Rate B.

Street	Side	Extent
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North 3rd St.	North	From Pine to Walnut Sts.
North 4th St.	South	From Walnut to Pine Sts.
Pine St.	East	From North 3rd to North 4th Sts.

The time limits prescribed by this section shall be the maximum time for continuous parking within any space within the applicable parking meter zone. It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name, operated by him or in his custody or control to be parked or remain in any parking space for any period of time in excess of the maximum period of time prescribed for such space by this section, or be parked or remain in any parking space while the meter controlling such space is displaying a signal or otherwise indicating that the vehicle occupying such space has been parked therein beyond the period of time permitted by this section or other provisions of this chapter. The enumeration of the foregoing violations shall not be exclusive, and shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter or other applicable laws and ordinances.

In any prosecution charging a violation of this section, proof that the particular vehicle in question was parked or situated in any one parking space governed hereby at different times on the same day shall constitute in evidence a prima facie presumption that such vehicle was continuously parked or continuously remained in such parking space at all times during the period between such different times.