ORDINANCE NO. 19947-10-2011

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, TEXAS, (1986), AS AMENDED, TO MAKE REVISIONS REGARDING PARKING METERS BY AMENDING CHAPTER 10 "COURTS", ARTICLE II "PARKING VIOLATIONS BUREAU", SECTIONS 10-22 "ENFORCEMENT" AND 10-26 "FINES AND FEES" AND CHAPTER 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE I "IN GENERAL" SECTION 22-1 "DEFINITIONS", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 1 "GENERALLY", SECTIONS 22-158.1 "COMMERCIAL LOADING ZONE", 22-162.1 "PARKING OF OVERSIZE COMMERCIAL VEHICLES UNLAWFUL ON PRIVATE PROPERTY", 22-167 "UNATTENDED MOTOR VEHICLE", 22-169 "OWNER PRIMA FACIE RESPONSIBLE FOR ILLEGAL PARKING" AND DIVISION 2 "PARKING METERS", SECTION 22-191 "ESTABLISHMENT OF ZONES AND MAXIMUM PARKING TIME THEREIN; ESTABLISHMENT OF FEES"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

SECTION 1.

A. Chapter 10 "Courts", Article II "Parking Violations Bureau", Section 10-22 "Enforcement", Subsection (b) (1) is hereby amended so that such subsection shall hereafter read as follows:

The offender has three (3) or more delinquent unpaid citations.

B. Chapter 10 "Courts", Article II "Parking Violations Bureau", 10-26 "Fines and Fees", Subsection (c) "Fines and Fees" is hereby amended so that such subsection shall hereafter read as follows:

The boot fee shall be fifty dollars ($50.00). Charges for towing and/or storage of impounded vehicles shall be as provided by the law applicable to abandoned vehicles.

SECTION 2.

A. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE I "IN GENERAL" SECTION 22-1 "DEFINITIONS", is hereby amended to add:

> Parking meter means a device that registers the amount of time purchased for the parking of a motor vehicle in a parking zone.

B. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE I "IN GENERAL" SECTION 22-1 "DEFINITIONS", is hereby amended so that such definition of "commercial motor vehicle" shall hereafter read as follows:

> Commercial motor vehicle means:
> (1) a motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes; and
> (2) a motor vehicle displaying the registrant's name and address permanently affixed in characters at least three inches high on both sides of the vehicle, with such display being in a color contrasting with that of the vehicle and placed approximately midway vertically on doors or side panels.

C. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 1 "GENERALLY", SECTION 22-158.1 "COMMERCIAL LOADING ZONE", subsections (a) and (b) are hereby revised so that Section 22-158.1 shall hereafter read as follows:

> (a) It shall be unlawful for the driver of a non-commercial motor vehicle to stop, stand or park such vehicle for a period of time in a location specifically designated for use by commercial motor vehicles unless such vehicle has a loading permit for that time and place.
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> (b) It shall be unlawful for the driver of a commercial motor vehicle to stop or park such vehicle for a period of time longer than that specified for that commercial loading zone or as detailed in a loading permit.
>
> (c) It shall be unlawful for the driver of a commercial motor vehicle or the holder of a loading permit who parks a vehicle in a commercial loading zone to use such zone for any use besides the expeditious loading, unloading, delivery, or pick up of supplies or merchandise.

D. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 1 "GENERALLY", Section 22-162.1 "PARKING OF OVERSIZE COMMERCIAL VEHICLES UNLAWFUL ON PRIVATE PROPERTY",

Subsections (a) and (b) are hereby amended so that such subsections shall hereafter read as follows:

> (a) It shall be unlawful for any person to park or allow to be parked any oversize commercial vehicle on any property under his control or any portion of a front yard including the driveway, side yard or rear yard of any area of district which is residentially zoned under the comprehensive zoning ordinance or used for residential purposes.
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> (b) For purposes of this section, "oversize commercial vehicle" shall mean any vehicle designated below, or any vehicle designed for the transport of property or cargo with a gross weight, registered weight or gross weight rating, as those terms are defined in state law, of more than fifteen thousand (15,000) pounds, or any vehicle designed for the transport of more than fifteen (15) passengers, inclusive of the driver. Designated vehicles, for the purposes of this section, are tow trucks, dump trucks, truck-tractors, concrete mixing trucks, stake-bed trucks, buses, trailers which are more than twenty (20) feet in length from end to end, more than seven (7) feet in width at their widest point, or more than seven (7) feet in height at their highest point, or vehicles similar to any of the listed vehicles. The term "oversize vehicle" shall exclude any self-contained recreational vehicle which has a kitchen, bath or sleeping quarters and is designed for recreational purposes.

E. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 1 "GENERALLY", Section 22-167 "UNATTENDED MOTOR VEHICLE" is hereby amended so that such Section shall hereafter read as follows:

> No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway. Use of a remote starting device does not create an exemption to this section.

F. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 1 "GENERALLY", Section 22-169 "OWNER PRIMA FACIE RESPONSIBLE FOR ILLEGAL PARKING" is hereby amended so that such Section shall hereafter read as follows:

> If any vehicle is found in violation of any provision of this Code or of state statute regulating the stopping, standing, or parking of a vehicle, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

G. Chapter 22 "MOTOR VEHICLES AND TRAFFIC", ARTICLE VI "STOPPING, STANDING AND PARKING", DIVISION 2 "PARKING METERS", SECTION 22-191 "ESTABLISHMENT OF ZONES AND MAXIMUM PARKING TIME THEREIN; ESTABLISHMENT OF FEES", Subsections (b), (c) and the first sentence of (d), only, *(numbers (d)(1)-(5) to remain unchanged)* are hereby amended so that such subsections or portions of subsections shall hereafter read as follows:

> (b) The traffic engineer is hereby authorized to designate such parking meters zones upon any street or portion of street 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 or inspection of the parking of vehicles in the exercise of the police power of regulating, operating or controlling the operation of vehicles using public streets. The parking of vehicles in such parking meter zones shall be controlled and regulated by parking meters installed and maintained by the designee of the director of the transportation and public works department and located upon the curb either adjacent to the parking space or at one or more locations within the blockface.
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> (c) A designee of the director of the transportation and public works department may designate the maximum parking time for each parking meter, basing the decision upon the investigation above set forth.
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> (d) The fees for parking shall be paid in the currency of the United States of America and are established as follows: *[remainder of the section to remain unchanged]*

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (1986), 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.

SECTION 4.

That all rights or remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the provisions of Chapters 10 or 22 or the Code of the City of Fort Worth (1986), as amended, and of any other ordinance affecting motor vehicles and traffic which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations, and all pending litigation, both civil or criminal, whether pending in court or not, under such chapter and/or other ordinances same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

It is hereby 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 void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not effect 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 in this ordinance of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption and penalty provisions (Section 1 A. and B.; Section 2 C., D., E. and F.) of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as required by City Charter and Section 52.013, Texas Local Government Code.

SECTION 7.

That this ordinance shall take effect after its passage and publication as required by law, and it is accordingly so ordained.

APPROVED AS TO FORM AND LEGALITY:

Assistant City Attorney

M&C: G-17425

DATE: _____

ADOPTED: October 25, 2011

EFFECTIVE: October 29, 2011