

ORDINANCE NUMBER 307-01-09-2024

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 9 “TRAFFIC REGULATIONS”, OF THE CITY OF WEST TAWAKONI, PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of West Tawakoni (“City”), located in Hunt County, Texas, is a Type A, General Law Municipality empowered under the laws of the State of Texas to enact ordinances for the furtherance of public health, safety, and welfare; and

WHEREAS, Texas Transportation Code Chapter 542, subchapter B allows municipalities to enact local regulations relating to the stopping, standing, or parking of a vehicle; and

WHEREAS, this ordinance does not conflict with any other provision of the Texas Transportation Code; and

WHEREAS, the City Council of the City of West Tawakoni (“City Council”) finds the purpose of this Ordinance is to serve public safety from fire, panic, and other dangers; to lesson congestion on public streets; to facilitate the adequate provision of transportation; to establish guidelines and authorize the removal and impoundment of vehicles; and

WHEREAS, the City Council finds it is in the best interest for the public health, safety, and welfare, and that the adoption of this ordinance is necessary for the safe and orderly development of the city.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST TAWAKONI, TEXAS:

SECTION 1. INCORPORATION OF PREMISES.

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. FINDINGS.

After due deliberations, the City Council has concluded that the adoption of this Ordinance is in the best interest of the City and of the public health, safety, and welfare.

SECTION 3. UNIFORM ACT AND STATE MOTOR VEHICLE LAWS ADOPTED

For the purpose of regulating traffic on the streets, alley, and throughfares of the city, there is hereby adopted the State Uniform Act Regulating Traffic on Highways, codified as Article 6701d, Vernon’s Annotated Civil Statutes, and the Transportation Code, and the Transportation Code Chapter 542, and all other state motor vehicle laws, which act and laws, together with the provisions contained in this Chapter, shall be controlling in the regulation of traffic in the city. A violation of said act or any state motor vehicle law for which the municipal court has jurisdiction shall constitute and be punishable as a violation of this Code of Ordinances.

SECTION 4. TRAFFIC CONTROL DEVICES

A. TRAFFIC CONTROL DEVICES SHALL CONFORM TO MANUAL

All traffic control devices including signs, signals, and pavement or curb markings installed or used for the purpose of directing and controlling traffic within the city shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways, which is published by the State Department of Highways and Public Transportation. All signs, signals, and markings erected or used by the city shall be uniform and be located so far as practicable according to the directions shown in the said manual. All existing traffic control devices and those erected in the future by the city being consistent with the manual, state law, and this Chapter, shall be official traffic control devices.

B. UNAUTHORIZED TRAFFIC CONTROL DEVICES

- a. No person shall place, maintain or display upon or in view of any highway, street, or alley any unauthorized sign, signal, markings, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.
- b. No person shall place or maintain nor shall any public authority permit upon any highway, street, or alley any traffic sign or signal bearing thereon any commercial.
- c. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the mayor is hereby empowered to remove the same or cause it to be moved without notice.
- d. This subsection shall not be deemed to prohibit the erection upon private property adjacent to highways, streets, or alleys of signs giving useful directional information and of a type that cannot be mistaken for official signs, when erected in accordance with city sign regulations.

C. UNLAWFUL TO TAMPER WITH TRAFFIC CONTROL DEVICES

No person shall without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, sign, or signal or any railroad sign or signal or any inscription, shield, or insignia thereof, or any street name sign or any part thereof.

D. INSTALLATION OF TRAFFIC CONTROL DEVICES

- a. After the adoption of this Code of Ordinances, the City Council shall, by ordinance, direct the location of all future traffic control signs, signals, and markings. The mayor or the Chief of Police shall have the duty of erecting or installing upon, over, along, or beside any highway, street, or alley, signs, signals, and markings, as are necessary to enforce such ordinances or cause the same to be erected, installed, or placed in accordance with this Chapter and consistent with the manual on uniform traffic control

devices. Said traffic control devices shall be installed immediately upon authorization by the City Council, or as soon as such specific device, sign, or signal can be procured.

- b. Whenever the Mayor or Chief of Police has erected and installed any official traffic control device, sign, or signal at any location in the city, or has caused the same to be done under his direction, in obedience to this Chapter and the manual on uniform traffic control devices, he 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 of the mayor among the official papers of the city.

E. PRIMA FACIE EVIDENCE OF AUTHORIZED INSTALLATION

It being unlawful for any person other than mayor, acting pursuant to an ordinance of the city, 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, proof, in any prosecution for a violation of this Chapter or any traffic ordinance of the city, that any traffic control device, sign, signal, or marking was actually in place on any street shall constitute prima facie evidence that the same was installed by the mayor pursuant to the authority of this Chapter and of the ordinance directing the installation of such device, signal, or marking.

F. DUTY TO OBEY TRAFFIC CONTROL DEVICE

The driver of any vehicle, motor vehicle, or animal shall obey the instructions of any official traffic control device, sign, signal, or marking applicable thereto placed in accordance with this Chapter, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of any authorized emergency vehicle as provided for in the state motor vehicle laws.

G. EMERGENCY INSTALLATION OF TRAFFIC CONTROL DEVICES

The Mayor or Chief of Police is hereby empowered to install or erect temporary traffic control devices to protect the public in case of emergencies and special situations.

SECTION 5. SPEED LIMITS

A. GENERALLY

- a. No person shall drive a motor vehicle on any street, alley, or highway in the city limits at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering a highway or street in compliance with legal requirements, and it shall be the duty of all persons to use due care.
- b. If any person shall operate or drive any motor vehicle or other vehicle within the corporate limits of the city on any street or highway at a greater speed than twenty (20) miles per

hour, it shall be prima facie evidence of violation of this section, unless a special speed limit has been established and signs are erected designating another speed limit.

B. PROCEDURE FOR ESTABLISHING SPECIAL SPEED LIMIT

Whenever the city shall determine upon the basis of an engineering and/or traffic investigation that the twenty (20) miles per hour speed limit hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place, or upon any part of any street or highway, the mayor shall, upon authorization by the City Council by appropriate ordinance, establish such special speed limit as shall be effective at all times when appropriate signs giving notice thereof are erected at such intersection or other place or part of said highway or street.

C. SPECIAL SPEED LIMITS

The following special speed limits are hereby established.

- a. Mays Lane – No vehicle shall be driven on Mays Lane within the city at a speed greater than thirty (30) miles per hour.
- b. Rabbit Cove Road – No vehicle shall be driven on Rabbit Cove Road within the city at a speed greater than thirty (30) miles per hour.
- c. State Highway 276 – No vehicle shall be driven on State Highway 276 within the city at a speed greater than fifty (50) miles per hour.

D. SLOW SPEED

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law, or at the direction of a law enforcement officer.

SECTION 6. RATIFICATION OF EXISTING TRAFFIC CONTROL DEVICES

All traffic control signs, signals, devices, and markings placed or erected prior to the adoption of this Code 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 in consistent with the provision of this Chapter.

SECTION 7. TRAFFIC OBSTRUCTIONS AND VISION CLEARANCE

The following are hereby declared to be nuisance and/or traffic hazard and a violation of this Code of Ordinances.

A. VISION OBSTRUCITONS IN RIGHT-OF-WAY

Signs, plants, or obstructions of any kind, maintained, constructed, placed, planted, or grown in the right-of-way of any public street, except single tree trunks pruned and trimmed to a height of eight feet (8') above the walk grade and spaced at least ten feet (10') apart; and other plantings trimmed and pruned, so as not to encroach over and into public areas or streets, and so as not to exceed three feet (3') in height above the walk grade; except utility poles, street

name signs, traffic control signs, and other devices placed in such areas under lawful authority of the city.

B. PLANTS, OBJECTS, OR VEHICLES HIGHER THAN THREE FEET (3') PROHIBITED NEAR STREET CORNERS

It shall be unlawful, except as herein provided, for any person to place or maintain, or cause to be placed or maintained any plant, object, or vehicle having a height greater than three feet (3') above the level of the center of the nearest abutting street, on or in that portion of any corner lot in the city, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the right-of-way lines, at points twenty-five feet (25') from the street corner intersection of the right-of-way.

C. TREES NEAR STREET CORNERS TO BE TRIMMED

It shall be unlawful for any person to place or maintain, or cause to be placed or maintained any tree on or in that portion of any corner lot of the city, which portion is included in a triangle on the street corner of the lot formed by a diagonal line intersecting the right-of-way lines twenty-five feet (25') from the street corner intersection on the right-of-way lines unless all limbs, branches, and foliage on the tree are kept trimmed and pruned to a minimum clearance of eight feet (8') above the street level at the nearest curb line or to such clearance as will provide an unobstructed view of traffic signs and oncoming traffic.

SECTION 8. DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in this present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and the words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The words "shall" or "prohibited" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

- A. ALL TERRAIN VEHICLE – A motor vehicle that travels on three or more low-pressure tires, with a seat that is straddled by the operator or seats for one passenger, along with the handlebars for steering control, and is designed for off-highway travel. For the purposes of this Ordinance, all-terrain vehicle also applies to utility task vehicles, side by sides, personal water craft, and other similar vehicles.
- B. CAMPER – A portable or mobile living unit which is used for temporary human occupancy away from the user's permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
- C. GOLF CART – is a motor vehicle designed by the manufacturer primarily for use on a golf course.
- D. HEAVY LOAD VEHICLE – A self-propelled motor vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans,

and other similar vehicles. The term “truck” shall be construed to mean “Heavy Load Vehicle” unless specifically stated otherwise.

- E. IMPROVED SHOULDER – means a paved shoulder, adjacent to the roadway; designed or ordinarily used for parking; distinguished from the roadway by different design, construction, or marking; and not intended for normal vehicular travel.
- F. MOTORCYCLE – A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, motor scooters, mopeds and similar vehicles are classified as motorcycles.
- G. MOTOR VEHICLE – Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
- H. PARK – To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.
- I. “PERSON” shall mean an individual, a group of two or more individuals, proprietorship, corporation, partnership, association, wholesaler, retailer, or any licensed or unlicensed business.
- J. PUBLIC STREET – The width between the boundary lines of a publicly maintained way, any part of which is open to the public, other than the berm or shoulder, that is improved, designed, or ordinarily used for vehicular traffic.
- K. RECREATION OFF-HIGHWAY VEHICLE (ROV) – is a motor vehicle that has a seat or seats for the rider and one passenger, has four or more tires, is designed for off-highway use, and is not designed by the manufacturer for farm or lawn care.
- L. RECREATIONAL VEHICLE (RV) – A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users’ permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also “Heavy Load Vehicle”).
- M. SHOULDER – An area adjacent to a roadway, designed or ordinarily used for parking, distinguished from the roadway by different design, construction, or marking, and is not intended for normal vehicular travel.
- N. STAND OR STANDING – To halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.
- O. STREET – Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60’).
- P. STREET INTERSECTION – Any street which joins another street at an angle, whether or not it crosses the other.

- Q. STREET YARD – The area between the building front line and the front property (i.e., right-of-way) line.
- R. TRAILER, TRAVEL OR CAMPING – A portable or mobile living unit which is used for temporary human occupancy away from the users’ permanent place of residence, which does not constitute the users’ principal place of residence, and which is designated to be towed behind another vehicle.
- S. TRAILER, HAULING – A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling property, animals, produce, goods or commodities, including boats.
- T. UTILITY VEHICLE (UTV) – is a motor vehicle that has side by side seating for the operator and passenger, has four or more tires, is designed for off-highway use, and is designed by the manufacturer for utility work and not for recreational purposes.
- U. VEHICLE – Every mechanical device in, upon, or by which any person or property is or may be transported or drawn or moved upon a public street, highway, waterway, or airway, except devices moved exclusively by human power, or used exclusively upon stationary rails or tracks including, but not limited to, a motor vehicle, truck-tractor-trailer, or semitrailer.
- V. BOAT – means a vessel propelled on water by oars, sails, or an engine and/or a trailer designed and intended to transport a vessel. A boat is not considered a vehicle, for the purpose of this ordinance.
- W. OVERSIZED VEHICLE – means a tow truck (wrecker), truck tractor, semitrailer (whether or not attached to a truck or a road tractor), dump truck, bus, and passenger motor vehicle designed to carry more than 16 persons (including the driver). Any vehicle greater than 23 feet in length, or any truck with a rated capacity over 1 ½ tons, according to the manufacturer’s classification. The term “oversized vehicle” does not include any motor vehicle owned or operated by a government entity.
- X. RECREATIONAL VEHICLE – means a motor vehicle designed as temporary living quarters for recreational travel or vacation use, and a motorcycle or all-terrain vehicle designed or equipped only for off-road use. The term “vehicle for recreational use” includes a travel trailer, camping trailer, truck camper, motor home, motorcycles and all-terrain vehicles. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also “Heavy load Vehicle”).
- Y. RESIDENTIAL ZONE – means any property zoned single-family, duplex, multifamily or planned development for single-family, duplex or multifamily uses, or used for such purposes. The term “residential zone” includes both private and public property within such zoning districts.
- Z. UTILITY TRAILER – means an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, equipment, livestock or vehicles.

SECTION 8.01 EVIDENCE OF A PERSON IN VIOLATION

If any vehicle is found parked in violation of any parking provision contained herein, or of state law, such fact shall be prima facie evidence that the person in whose name the vehicle is registered parked such vehicle in violation thereof.

SECTION 8.02 PARKING IN RESIDENTIAL DISTRICTS – SPECIAL OFF-STREET PARKING PROVISIONS

- A. **PARKING TO BE LOCATED ON LOT.** Required off-street parking shall be provided on the same lot/site as the use it is to serve.
- B. **PARKING TO BE ON PAVED SURFACE.** All required vehicle parking shall be on a paved parking surface. All driveways and approaches to parking spaces shall be similarly paved except in AG district.
- C. **HEAVY LOAD VEHICLES PROHIBITED.** No residential lot shall be used for the storage of a heavy load vehicle. A camper, RV, trailer, boat, or other similar vehicle may be stored on an improved driveway in accordance with the city standards (on a concrete, asphalt, or rock surface in the side or rear yard). No part of the vehicle may extend over a public easement or right-of-way and no vehicle stored on a residential or commercial lot may be used for living or sleeping quarters. No such vehicle shall be stored or parked for more than twenty-four (24) consecutive hours or on a regular, repetitive basis on any street or upon any unimproved surface.

SECTION 8.03. PARKING PROHIBITED WHERE MARKED

It shall be unlawful for a person to stop, stand, or park a motor vehicle in violation of any official sign, curb marking, or street marking erected by the city or the state department of transportation.

SECTION 8.04. PARKING PROHIBITED ON PUBLIC STREETS

- A. **PARKING PROHIBITED GENERALLY.** It shall be unlawful to stop, stand or park any vehicle, trailer, camper, RV or any motor vehicle on any portion of a public street for more than twenty-four (24) consecutive hours or on a regular, repetitive basis on any public street in the city, except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer.
- B. **PARKING PROHIBITED ON SHOULDER –** No person shall stop, stand, or park a vehicle at any time upon any shoulder on any public street in the city, except when necessary to avoid conflict with other traffic or in compliance with the law or directions of a police officer.
- C. **AFFIRMATIVE DEFENSE –** It is an affirmative defense to violations of sections (a) and (b) if:
 - a. The person is temporarily unloading or loading for a time not to exceed fifteen (15) minutes provided such loading and unloading is done in such a manner and under conditions as to not block the street or leave insufficient width of the street available for the free movement of vehicular traffic and to not block the entrance or exit to any private driveway or building.

- b. The vehicle is a physician or emergency vehicle operating in response to an emergency call;
- c. The vehicle is operated by a public utility while cruising in an assigned area for the purpose of inspecting the facilities of such public utility or providing maintenance service to such facilities.
- d. The vehicle is operated for public service, i.e., garbage pickup, street repair, and water service; or
- e. The vehicle is traveling to or from a location which is designated as a no through truck zone for the purpose of providing repair or maintenance service or loading or unloading goods, wares, or merchandise, provided such vehicle is operated over the shortest practicable route, and the operator of such vehicle has in his/her immediate possession evidence of the local destination and point of origin.

SECTION 8.05 PARKING PROHIBITED ON UNIMPROVED SURFACES

- A. **PARKING PROHIBITED** – No person shall stop, stand, or park a vehicle on any unimproved surface or allow a vehicle to remain stopped, standing, or parked on an unimproved surface for any period of time.
- B. **VEHICLE** – for purposes of this section, a vehicle shall include boats and boat trailers, campers and camper cabins, house trailers, mobile homes, motorcycles, motor homes, motor vehicles, passenger motor vehicles, recreational vehicles (RVs), trailers, trucks, and other equipment.
- C. **IMPROVED SURFACE** – For purposes of this section, an improved surface shall mean:
 - a. In the case of a business establishment, a surface paved according to city specifications for parking lots;
 - b. In the case of a residence, a standard driveway or an approved parking space consisting of reinforced concrete having a minimum depth of four (4) inches;
- D. Within that portion of the back yard between the side yards, improved surface shall also include:
 - a. Compacted gravel or crushed rock contained within a distinct border and having a minimum depth of four (4) inches;
 - b. Asphalt having a minimum depth of two (2) inches over four (4) inches stabilized base consisting of compacted crushed stone, cement treated base, or soil cement base; and

SECTION 8.06 PENALTY

It shall be unlawful for any person, firm, or corporation to violate any provision of this article, and any person violating or failing to comply with any provision thereof shall be deemed guilty of a misdemeanor

and, be subject to the same penalty as provided for in the Code of Ordinances of the City and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500) for each offense, and each day and/or separate vehicle shall constitute a separate offense.

SECTION 9 IMPOUNDMENT OF MOTOR VEHICLE

SECTION 9.01 AUTHORITY TO REMOVE VEHICLES; REDEMPTION; FEES

- A. **AUTHORITY TO REMOVE VEHICLE.** A police officer is authorized to remove or cause the removal of a vehicle or other property of any description from a street to a place designated by the chief of police when:
- a. The vehicle or property is left unattended upon a bridge or viaduct or in a tunnel or underpass.
 - b. The vehicle is illegally parked so as to block the entrance to any private driveway
 - c. The vehicle is found upon a street and a report has previously been made that the vehicle has been stolen or a complaint has been filed and a warrant issued charging that the vehicle has been unlawfully taken from the owner
 - d. The officer has reasonable grounds to believe that the vehicle has been abandoned
 - e. A vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle
 - f. An officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by law required to take the person arrested immediately before a magistrate
 - g. The vehicle is stopped, standing, or parked in any portion of a street, and the officer has reason to believe that the vehicle constitutes a hazard or interferes with the normal function of a governmental agency or that the safety of the vehicle is imperiled
 - h. The vehicle is stopped, standing or parked in violation of the parking ban regulations
 - i. The vehicle is stopped, standing, or parked in violation of any provision of this chapter
 - j. The vehicle is the subject of a hearing officer's order for a parking violation and impoundment of the vehicle is unauthorized; or
 - k. The vehicle is in an accident and the vehicle's owner or operator fails to show evidence of financial responsibility as required under Chapter 601 of the Texas Transportation Code as amended.

- B. REDEMPTION. A vehicle removed and towed under this section must be kept at the place designated by the chief of police until application for redemption is made by the owner or the owner's authorized agent, who will be entitled to possession of the vehicle upon payment of costs of towing, notification, impoundment, and storage.
- C. FEES. The chief of police shall charge fees for storage of vehicles at city pound locations in accordance with the following regulations.
- a. The storage fee is twenty dollars (\$20.00) for each day or portion of a day that a vehicle not longer than twenty-five (25) feet is stored and thirty-five (\$35.00) for each day or portion of a day that vehicle longer than twenty-five (25) feet is stored, except that a storage fee may not be charged for more than one (1) day if the vehicle remains at city pound location for less than twelve (12) hours.
 - b. Storage fees on a stolen vehicle will be charged as outlined.
 - c. Storage fees on a vehicle owned by an arrested person will be charged as outlined on the date of impoundment.
 - d. Storage fees will not be collected when a vehicle is not involved in an accident, but is taken into protective custody and the driver is incapacitated due to physical injury or other illness to the extent that the driver is unable to care for the vehicle.
 - e. Storage fees on any vehicle involved in a motor vehicle accident will be charged commencing on the date of impoundment.
 - f. An impoundment fee of three hundred fifty dollars (\$350.00), in addition to applicable towage notification, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.
 - g. A notification fee of up to one-hundred dollars (\$100.00), in addition to applicable towage, impoundment, and storage fees, will be charged for a vehicle that has been removed and towed to a city pound location.
- D. ARRESTED PERSON'S VEHICLE. A police officer may at his/her discretion, with the express written permission of an arrested person, leave an arrested person's vehicle at the scene of the arrest or other location. In these instances, the arresting officer shall ensure that the vehicle is legally parked, not a traffic hazard, and secured.
- E. REDEMPTION WITHOUT FEES. The chief of police or designated representative may release a vehicle without payment of towage, notification, impoundment, or storage fees under the following circumstances.
- a. A vehicle was taken into protective custody when the incident did not involve an arrest, violation, or automobile accident;

- b. A vehicle is owned by or belongs to an individual who is not a citizen of the United States, who does not permanently reside in the United States, and who is entitled to Diplomatic Immunity
 - c. Subsequent investigation results in a determination that there was no violation of this code or the Texas Motor Vehicle Laws or that the arrested person did not commit a criminal offense; or
 - d. A vehicle is owned by or belongs to the victim of a violent crime and was taken into custody for evidentiary purposes.
- F. EVIDENTIARY OR EXAMINATION PURPOSES. If a vehicle was towed and stored for an evidentiary or examination purpose, the chief of police or a designated representative will release the vehicle without payment of towage and storage fees when required to do so under Article 18.23 of the Texas Code of Criminal Procedure, as amended.
- G. OFFENSE. A person commits an offense if he or she removes or attempts to remove a vehicle from a city pound location without first paying the towage, notification, impoundment, and storage fees that have accrued on the vehicle.
- H. STORAGE FACILITIES FOR COMMERCIAL PURPOSES. As a consequence of the fees to be charged for vehicles stored at city pound locations and for purposes of state law, the City Council hereby designates all city pound locations as storage facilities operated for commercial purposes.

SECTION 9.02 PENALTY

It shall be unlawful for any person, firm, or corporation to violate any provision of this article, and any person violating or failing to comply with any provision thereof shall be deemed guilty of a misdemeanor and, be subject to the same penalty as provided for in the Code of Ordinances of the City and upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500) for each offense, and each day and/or separate vehicle shall constitute a separate offense.

SECTION 10. NOTIFICATION AND DISPOSAL OF ABANDONED VEHICLES

The chief of police, or his designee, shall follow the procedures contained in the Texas Abandoned Motor Vehicle Act in;

- A. Notifying the registered owner of the motor vehicle and all lien holders
- B. Selling or disposing of the motor vehicles

Cross Reference: See also Chapter 6, Section 5 for Abandoned and Junk Vehicle Regulations

SECTION 11. PENALTY

Any person, firm, or corporation violating any of the provisions of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City, and upon conviction, shall be punished by a fine not to exceed five hundred dollars

(\$500.00) for each offense, and a separate offense shall be deemed committed to upon each day during or on which a violation occurs and continues.

SECTION 12. SAVINGS

All rights and remedies of the City, are expressly saved as to any and all violations of the provisions of any other ordinance which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 13. SEVERABILITY

If any provisions, section, subsection, article, paragraph, sentence, clause, phrase, or word in this ordinance or application thereof to any person or circumstances is held invalid, void, or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and the City Council hereby declares it would have passed such remaining portions of this ordinance, despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 14. CUMULATIVE REPEALER

This ordinance shall be cumulative of all other ordinances and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this ordinance. Ordinances or parts thereof in force at the time this ordinance shall take effect and that are inconsistent with this ordinance are hereby repealed to the extent that they are inconsistent with this ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen on the date of adoption of this ordinance or under such portion of any other ordinance shall continue to be governed by the provisions of such ordinances and for that purpose such ordinances shall remain in full force and effect.

SECTION 15. PUBLICATION

The City Secretary of the City is hereby directed to publish the caption, penalty, and effective date of this ordinance as required by law.

SECTION 16. EFFECTIVE DATE.

This ordinance shall become effective from and after its date of adoption and publication as provided by law, and it is so ordained.

DULY PASSED, APPROVED AND ADOPTED by the City Council of the City of West Tawakoni, Texas, on the ____ day of _____, 2024

Jim Turnipseed, Mayor

ATTEST:

Kim Cowley, City Secretary