

ORDINANCE NO. 89-5

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS, PROHIBITING THE PARKING OF MOTOR AND OTHER VEHICLES UPON A CERTAIN DESIGNATED PORTION OF STATE HIGHWAY 499 WITHIN THE CORPORATE LIMITS OF SAID CITY; AUTHORIZING THE ESTABLISHMENT, DESIGNATION, MARKING AND SIGNING OF SAID NO PARKING AREAS; MAKING IT UNLAWFUL FOR THE DRIVER, OPERATOR, OR OWNER, OR FOR THE OWNER TO PERMIT THE DRIVER OR OPERATOR OF A MOTOR VEHICLE TO STOP, STAND, OR PARK THE SAME IN ANY SUCH PROHIBITED PARKING AREAS IN AND UPON SUCH PORTIONS OF STATE HIGHWAY 499; PROVIDING FOR ASSUMPTIONS OF EVIDENCE; MAKING ANY PERSON VIOLATING ANY PORTION OR PROVISIONS OF SAID ORDINANCE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREFOR, PUNISHABLE BY FINE NOT EXCEEDING \$200.00; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING THAT SAID ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE ON AND AFTER ITS PASSAGE AND PUBLICATION.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CUMBY, TEXAS:

I

That the parking, stopping, or standing of motor vehicles in and upon State Highway 499, from the point said Highway intersects State Highway 275, in an Easterly direction for a distance of 40 feet along the North side of said Highway 499, be and is hereby prohibited.

II

That the parking, stopping, or standing of motor vehicles upon State Highway 499, from the point said Highway intersects with the Western most corporate limits of said City, to a point 180 feet West of the intersection of said Highway with State Highway 275, and from the point that said Highway 499 intersects Frisco Street, to the point where said highway intersects the Eastern most corporate limits of said City, be and is hereby prohibited, other than at such times when a motor vehicle is in the actual process of loading or unloading a shipment.

III

As used herein, motor vehicle shall mean all forms of motor propelled vehicles, including but not limited to, automobiles, pickup trucks, motorcycles, and truck tractors.

IV

There shall be erected and maintained on State Highway 499, upon the Southeastern corner of its intersection with State Highway 275, within the Corporate Limits of said City, and at a distance of 40 feet in an Easterly direction upon the **North** side of said Highway, appropriate signs reflecting the words "NO PARKING", the size, lettering and colors of said signs to comply and be in conformance with the applicable requirements of State law. There shall be further erected and maintained upon State Highway 499, at its point of intersection with the Western most corporate limits of said City, and at a point 180 feet from its intersection with State Highway 275, and at its intersection with Frisco Street, and at its intersection with the Eastern most corporate limits of said City, appropriate signs reflecting the words "NO PARKING", the size, lettering, and colors of said signs to comply and be in conformance with the applicable requirements of State law. No prohibition, designated or established, pursuant to the provisions of this ordinance shall be effective until such signs have been posted in accordance with the provisions hereof.

V

It shall be unlawful and an offense for the driver, operator, or owner, or to permit the driver or operators of a motor vehicle to stop, stand or park such vehicle in the parking area as set forth in Section I hereinabove, after the erection of signs as set forth in Section IV hereof.

VI

It shall be unlawful and an offense for the driver, operator, or owner, or for the owner to permit the driver or operators of a motor vehicle to stop, stand, or park such vehicle upon the portions of State Highway 499 designated hereinabove, after the erection of signs as set forth in Section IV hereof.

VII

It shall be the duty of the personnel of the Police Department of said City to enforce the provisions of this ordinance.

VIII

Any person violating any portion or provision of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction therefor, shall be punished by fine not more than \$200.00.

IX

All ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of conflict only.

X

Should any section, subsection, sentence, provision, clause or phrase hereof be held to be invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional, any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same shall be deemed severable for this purpose.

XI

This ordinance shall take effect and be in full force on and after its passage and publication, and it is so ordained.

PASSED AND APPROVED this 23 day of October, 1980.

James T. Beasley
MAYOR - CITY OF CUMBY, TEXAS

ATTEST:

Luis McMillin
CITY SECRETARY

APPROVED AS TO FORM:

Donald Stark
ATTORNEY FOR CITY