

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING A NEW SECTION 44-167, PARKING IN DESIGNATED AREAS UNLAWFUL DURING SPECIAL EVENTS AND FESTIVALS, OF DIVISION 1, GENERALLY, OF ARTICLE V, STOPPING, STANDING, AND PARKING, OF CHAPTER 44, TRAFFIC AND VEHICLES; MAKING IT UNLAWFUL TO PARK IN DESIGNATED AREAS DURING SPECIAL EVENTS AND FESTIVALS AND PROVIDING FOR REMOVAL OF SUCH UNLAWFULLY PARKED VEHICLES; PROVIDING FOR A PENALTY OF AN AMOUNT NOT TO EXCEED \$200.00 FOR EACH VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A NEW VIOLATION; MAKING FINDINGS OF FACT; AND PROVIDING FOR OTHER MATTERS.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas has determined that it is in the best interest of the health, safety and welfare of its citizens, and the public as a whole, to establish “No Parking” zones during special events and festivals at areas designated herein; and

WHEREAS, the City Council desires to establish “No Parking” zones during special events and festivals at the locations designated below; now, therefore,

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

Section 1. The facts and matters contained in the preamble of this ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Tomball, Texas is hereby amended to add a new Section 44-167, No Parking During Special Events and Festivals, of Division 1, Generally, of Article V, Stopping, Standing and Parking, of Chapter 44, Traffic and Vehicles, the new Article IX to read as follows:

“Section 44-167. Parking in Designated Areas Unlawful During Special Events and Festivals.

(a) For purposes of this Section, “Special Event or Festival” shall mean an event or festival of the City approved by the City Council.

(b) It shall be unlawful for any person to stop or park a vehicle at the following locations within the City during a Special Event or Festival when a “No Parking” sign has been posted at such location:

1. North Elm Street from Houston Street to Main Street;
2. Commerce Street from North Elm Street to Cherry Street;
3. North Walnut Street from Houston Street to Main Street;
4. Market Street from South Elm Street to South Pine Street;
5. South Elm Street from Main Street to Market Street;
6. South Walnut Street from Main Street to Fannin Street;
7. South Oak Street from Main Street to Fannin Street; and
8. South Pine Street from Main Street to James Street.

(c) City employees are hereby authorized and directed to place “no parking” signs at the locations designated in subsection (b) hereof during Special Events and Festivals.

(d) Any vehicle found in violation of this Section shall be towed pursuant to the authority contained in Section 44-128 of the City of Tomball Code of Ordinances and the person responsible for such vehicle shall be responsible for all costs related to the removal, storage and release of such vehicle.”

Section 3. Any person who intentionally, knowingly, recklessly or with criminal negligence violates any provision of this ordinance shall be subject to a fine in an amount not to exceed \$200.00.

Section 4. It is the intent of the City that this Ordinance shall comply in all respects with the applicable provisions of the United States Constitution, the Texas Constitution, and the Charter of the City of Tomball. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF AUGUST 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF AUGUST 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

Gretchen Fagan
Gretchen Fagan, Mayor

ATTEST:

Doris Speer
Doris Speer, City Secretary