

**ORDINANCE 2523**

**AN ORDINANCE AMENDING CHAPTER 24, "TRAFFIC" OF THE CITY OF HURST CODE OF ORDINANCES BY AMENDING AND REPLACING SEC. 24-116 REGARDING STREET PARKING OF COMMERCIAL VEHICLES AND BY ADDING SEC. 24-131 REGARDING PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Hurst is a home rule City acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, Section 311.001 of the Texas Transportation Code provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

**WHEREAS**, the City of Hurst has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

**WHEREAS**, the City of Hurst is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance; and

**WHEREAS**, all statutory and constitutional requirements for the passage of this Ordinance have been adhered to, including but not limited to the Open Meetings Act; and

**WHEREAS**, the purposes of this Ordinance include protecting and promoting the public health, safety, and general welfare of the citizens of the City of Hurst.

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

**SECTION 1:** That all matters stated hereinabove are found to be true and correct and are incorporated herein by reference as if copied in their entirety.

**SECTION 2.** That the City Hurst Code of Ordinances Chapter 24, Traffic is hereby amended by amending and replacing Section 24-116, which shall read as follows:

**Sec. 24-116. – Parking of large vehicles and trailers on city streets prohibited at certain times and locations**

- (a) Parking or standing of any of the following upon any public street, parkway, boulevard or other public way is hereby prohibited at any time between the hours of 9:00 p.m. on any day and 5:00 a.m. the following day:

- (1) a vehicle with a rated capacity of two thousand one hundred (2,100) pounds or more according to the manufacturer's classification;
  - (2) any combination of connected vehicles, including trailers, whose combined length exceeds thirty (30) feet;
  - (3) a vehicle, including recreation vehicles, in excess of twenty-one (21) feet long, eight (8) feet tall, or seven (7) feet in width;
  - (4) a trailer, including but not limited to a boat trailer, utility trailer, or semitrailer; or
  - (5) a truck tractor.
- (b) It shall be unlawful to park or stand a commercial motor vehicle, truck tractor, pole trailer, or semitrailer on any of the following streets at all times:
- (1) Campus Drive from W. Harwood Road to State Highway 121/183 Access Road;
  - (2) The 1600 block of Town Center Drive to State Highway 121/183 Access Road; or
  - (3) Thousand Oaks Drive from Precinct Line Road to Campus Drive.
- (c) In this section:
- (1) *Commercial motor vehicle* means a motor vehicle or combination of motor vehicles used to transport passengers or property that:
    - a. has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;
    - b. has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds;
    - c. is designed to transport 16 or more passengers, including the driver; or
    - d. is transporting hazardous materials and is required to be placarded under federal or state law;
  - (2) *Pole trailer* means a vehicle without motive power:
    - a. designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom, or other security device; and
    - b. ordinarily used to transport a long or irregularly shaped load, including poles, pipes, or structural members, generally capable of sustaining themselves as beams between the supporting connections.

(3) *Semitrailer* means a vehicle with or without motive power, other than a pole trailer:

- a. designed to be drawn by a motor vehicle and to transport persons or property; and
- b. constructed so that part of the vehicle's weight and load rests on or is carried by another vehicle.

(4) *Truck tractor* means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load.

(d) This section shall not apply to street construction, maintenance, and repair equipment; trucks, equipment, trailers and vehicles used by public service utility companies engaged in repairing or extending public service utilities; motor buses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone; municipal vehicles in the course of performance of city business; or when it is lawful to park a commercial motor vehicle for the sole purpose of actually parked at a designated loading zone; municipal vehicles in the course of performance of city business; or when it is lawful to park a commercial motor vehicle for the sole purpose of accepting or delivering portable goods.

(e) Any vehicle found in violation of subsection (b) shall be deemed to be parked in a tow-away zone, and may be towed and impounded as authorized by state law. The City Manager or the City Manager's designee is authorized to install signs for the enforcement of this section and may supplement any such sign with an additional sign designating the locations described by subsection (b) as tow-away zones.

**SECTION 3.** That the City of Hurst of Ordinances Chapter 24, Traffic is hereby amended by adding Section 24-131, which shall read as follows:

**Sec. 24-131. – Penalty; presumption**

- (a) Any person found guilty of violating a provision of this article shall be assessed a fine amount not exceeding \$200.
- (b) In a prosecution under this article, it is presumed that the registered owner of the motor vehicle is the person who left the vehicle parked or standing at the time and place the offense occurred.

**SECTION 4.** All rights and remedies of the City of Hurst are expressly saved as to any and all violations of the provisions of any ordinances affecting the regulation and control of the use, occupancy, maintenance, repair, design, construction and quality of materials for buildings and structures within the City 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 and criminal, whether

pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 5. SAVING CLAUSE.** That the Code of Ordinances of the City of Hurst, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 6. PENALTY FOR VIOLATION.** Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be assessed a fine amount not to exceed \$200.

**SECTION 7. SEVERABILITY CLAUSE.** That 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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect 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 invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 8. EFFECTIVE DATE.** This ordinance shall be in full force and effect from the date of adoption by the City Council of the City of Hurst.

**AND IT IS SO ORDERED.**

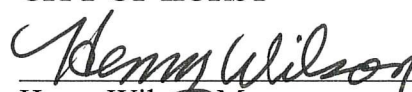
Passed on the first reading on the 11<sup>th</sup> day of October 2022 by a vote of 6 to 0.

Approved on the second reading on the 25<sup>th</sup> day of October 2022 by a vote of 6 to 0.

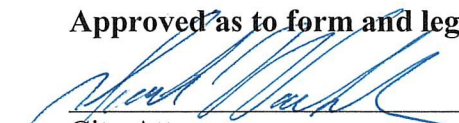
**ATTEST:**

  
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Rita Frick, City Secretary

**CITY OF HURST**

  
\_\_\_\_\_  
Henry Wilson, Mayor

**Approved as to form and legality:**

  
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City Attorney