

**ORDINANCE NO. 1447**

**AN ORDINANCE OF THE CITY OF BENBROOK, TEXAS, AMENDING TITLE 10 – VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE, BY REPEALING SECTION 10.40.010.A.8, CHAPTER 10.40.010 – NO PARKING ANYTIME; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN PAMPHLET FORM; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Benbrook, Texas (“City”) is a home rule City acting under its own 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**, the City Council has the authority to regulate traffic and parking of vehicles along roadways and rights-of-way within the City Limits of Benbrook; and

**WHEREAS**, the City has previously adopted parking regulations as Section 10.40.010.A.8, Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code (1985), as amended through Ordinance 1060-2000; and

**WHEREAS**, the City Council has determined that a previously hazardous condition no longer exists related to vehicles parking along certain portions of Rolling Hills Drive; and

**WHEREAS**, the City Council now deems it necessary to amend Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code to allow parking along portions of Rolling Hills Drive.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENBROOK, TEXAS THAT:**

**SECTION 1**

Section 10.40.010.A.8, Chapter 10.40 – Parking Restrictions, Title 10 – Vehicles and Traffic of the Benbrook Municipal Code, as amended, is hereby fully repealed.

**SECTION 2**

The Public Services Director is hereby directed to remove the appropriate signs along Rolling Hills Drive, from its intersection with R. M. 2871 to the intersection with Rolling Hills Court/Sorrell Court, allowing the parking of vehicles as set forth in this ordinance.

### **SECTION 3**

That all other provisions of Chapter 10.40 – Parking Restrictions of Title 10 – Vehicles and Traffic of the Benbrook Municipal Code, not included in this amendment, shall remain in full force and effect.

### **SECTION 4 CUMULATIVE CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Benbrook, Texas (1985), 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 the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 5 SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such 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 unconstitutional phrase, clause, sentence, paragraph or section.

### **SECTION 6 PENALTY CLAUSE**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety or public health and sanitation, including dumping of refuse shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that violation is permitted to exist shall constitute a separate offense.

### **SECTION 7 SAVINGS CLAUSE**

All rights and remedies of the City of Benbrook are expressly saved as to any and all violations of the provisions of the Benbrook Municipal Code (1985), as amended, or any ordinances regulating City Rights-of-Way 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 8  
PUBLICATION IN PAMPHLET FORM**

The City Secretary of the City of Benbrook is hereby authorized to publish this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 9  
ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Benbrook is hereby directed to engross and enroll the ordinance by copying the caption, penalty clause, and effective date clause of this ordinance in the minutes of the City Council and by filing the ordinance in the ordinance records of the City.

**SECTION 10  
PUBLICATION IN OFFICIAL NEWSPAPER**

The City Secretary of the City of Benbrook is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance for two (2) days in the official newspaper of the City of Benbrook, as authorized by Section 52.013 of the Local Government Code.

**SECTION 11  
EFFECTIVE DATE**

This ordinance shall be in force and effect from and after its passage and publication as required by law.

**PASSED AND APPROVED** on this the 15th day of August 2019.

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Jerry Dittrich, Mayor

ATTEST:

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Joanna King, City Secretary