

ORDINANCE NO. 2012-26

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY DELETING SECTION 28-116 OF ARTICLE III OF CHAPTER 28 THEREOF, AND REPLACING WITH A NEW SECTION 28-116 OF ARTICLE III OF CHAPTER 28 THEREOF, DESIGNATING STREETS OR PORTIONS OF STREETS WITHIN THE CITY UPON WHICH IT IS UNLAWFUL TO PARK A VEHICLE; PROVIDING FOR THE INSTALLATION OF "NO PARKING" SIGNS INDICATING THE BOUNDARIES OF THE NO PARKING ZONES; PROVIDING A PENALTY IN AN AMOUNT OF NOT LESS THAN \$1.00 NOR MORE THAN \$200.00 FOR EACH VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

\* \* \* \* \*

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The Code of Ordinances of the City of Rosenberg is hereby amended by deleting Section 28-116 of Article III of Chapter 28 thereof, and adding a new Section 28-116 of Article III of Chapter 28 thereof, to provide as follows:

**"Sec. 28-116. Prohibited at any time.**

There shall be no parking of any vehicle at any time on any of the following streets or portions of streets:

\* \* \*

*3<sup>rd</sup> Street*, along the east and west sides from the North Railroad right-of-way to Avenue E.

*4<sup>th</sup> Street*, from Mons Avenue to Avenue M.

*Airport Avenue*, from Louise Street to Graeber Road.

*Avenue D*, from 1<sup>st</sup> Street to Houston Street (FM 723).

*Avenue D*, from Carlisle Street to Houston Street.

*Avenue H*, from Allen Street to Millie Street.

*Avenue I*, from Bamore Road to Radio Lane.

*Avenue J*, along the south side, between Damon Street and Georgina Street.

*Avenue M*, from State Highway 36 to 8<sup>th</sup> Street.

*Avenue N*, from 8<sup>th</sup> Street to Graeber Road.

*Benton Road*, from the south right-of-way line of the Burlington Northern and Santa Fe Railroad, same being the city limits line of the city, two thousand two hundred fifty (2,250) feet southerly along both sides of Benton Road to the city limits line of the city.

*Bernie Avenue*, from the west right-of-way line of Highway 36, one hundred fifty-six (156) feet west along the north and south side of Bernie Avenue.

*Blume Road*, from the south right-of-way line of Spur 529 to the north right-of-way line of Klauke Road along the east and west sides of Blume Road.

*Brooks Avenue*, from Bamore Road to a point six hundred (600) feet east of the intersection.

*Callender*, from Kentucky to West.

*City Hall Drive*, along the north and south curb lanes.

*Cole Avenue*, From Avenue I to Avenue H.

*FM 723*, north from Avenue H to city limits.

*Ida*, from Radio Lane to Cole Avenue.

*Kentucky Street*, from U.S. 59 to Callender Street.

*Louise Street*, along the east line, between Avenue I and Avenue J.

*Louise Street*, U.S. 59 to Avenue N.

*Main Street*, from 4<sup>th</sup> Street to State Highway 36.

*Mons Avenue*, from State Highway 36 to Louise Street.

*Peace Street*, from Radio Lane to Cole Avenue.

*Radio Lane*, from Avenue N to Avenue H.

*State Highway 36*, from Avenue H to south right-of-way of U.S. 59.

*Ward Street*, from the north right-of-way line of Avenue N, one hundred thirty-five (135) feet north along the east side of Ward Street."

*West Street*, from Bernard Street to U.S. 59.

Section 2. When any person is charged with having parked or left standing a vehicle in a "No Parking" zone designated in Section 1 hereof, proof that the vehicle was, at the date and time of the offense alleged, owned by the person charged with the offense shall constitute prima facie evidence that the vehicle was parked or left standing at the place by the owner, but the owner shall have the right to introduce evidence to show that such vehicle was not parked by him or her as charged in the complaint.

Section 3. The City Manager is hereby authorized and directed to cause the placement of official traffic control devices giving notice of the "No Parking" zone as described in Section 1 above.

Section 4. Any person who shall fail to observe and comply with a duly posted traffic control device erected pursuant to this Ordinance, or who shall in any manner

violate any provision of this Ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than \$1.00 nor more than \$200.00.

Section 5. In the event any section, paragraph, subdivision, 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, 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.

**PASSED AND APPROVED** by a vote of 6 "ayes" in favor and 1 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 21<sup>st</sup> day of August 2012.

**ATTEST:**

Linda Cernosek  
Linda Cernosek, City Secretary



**APPROVED:**

Vincent M. Morales, Jr.  
Vincent M. Morales, Jr., Mayor

**APPROVED AS TO FORM:**

Lora Jean D. Lenzsch  
Lora Jean D. Lenzsch  
CITY ATTORNEY