

ORDINANCE NO. 1439

AN ORDINANCE AMENDING CHAPTER 10.40, TITLE 10 - VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY ADDING SECTION 10.40.065 - NO PARKING – SPROLES DRIVE TO RESTRICT PARKING ON A PORTION OF SPROLES DRIVE; 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 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, the City Council has the authority to regulate traffic and the parking of vehicles along roadways and rights-of-way within the city limits of Benbrook; and

WHEREAS, the City Council now deems it necessary to establish parking restrictions along Sproles Drive to protect the health and safety of pedestrians and the motoring public.

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

SECTION 1

That Chapter 10.40 - Parking Restrictions of the Benbrook Municipal Code (1985), as amended, is hereby revised by adding Section 10.40.065 - No Parking – Sproles Drive to read as follows:

10.40.065 - No Parking - Sproles Drive

A. It is illegal for any person to park any automobile, bus, truck, motorcycle, motor home, camper, trailer, boat or any vehicle along the northeast side of Sproles Drive, beginning at the northeast corner of the intersection of McKinley Street and Sproles Drive and extending in a southeasterly direction along the northeast curb-line of Sproles Drive approximately 81-feet to the entrance driveway of 1007 Sproles Drive.

B. For purposes of this section, the term "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power.

C. 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 section shall be fined not more than five hundred dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 2

The Public Services Director is hereby directed to post signs at appropriate locations along the street listed above as set forth in this ordinance.

SECTION 3 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 4 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 5 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, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense. Nothing herein shall affect any minimum fine prescribed by any ordinance of the city and any such minimum fine shall remain unchanged.

SECTION 6 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 platting or subdivisions 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 7
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 productive thereof, as provided in Section 3.10 of the Charter of the City of Benbrook.

**SECTION 8
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 9
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 10
EFFECTIVE DATE**

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

PASSED AND APPROVED the 7th day of March 2019.

_____ Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary

ADOPTED: _____

EFFECTIVE: _____