

ORDINANCE NO. 1452

AN ORDINANCE AMENDING CHAPTER 10.40 - PARKING RESTRICTIONS, TITLE 10 - VEHICLES AND TRAFFIC OF THE BENBROOK MUNICIPAL CODE (1985), AS AMENDED, BY AMENDING SECTION 10.40.010.A(7) VACATING A PORTION OF THE NO PARKING RESTRICTIONS ON DEL RIO AVENUE PREVIOUSLY ESTABLISHED BY THE BENBROOK CITY COUNCIL VIA ORDINANCE NO. 1060; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; 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, on March 16, 2000, the City Council, after determining potentially hazardous conditions, prohibited parking along a portion of Del Rio Avenue via Ordinance No. 1060; and

WHEREAS, the parking of trucks and other large vehicles in the area no longer appears to be a safety issue; and

WHEREAS, on-street passenger vehicle parking on Del Rio Avenue will relieve some of the parking problems associated with the existing office complex at 8507 Benbrook Boulevard; and

WHEREAS, on-street passenger vehicle parking tends to slow motorists down; and

WHEREAS, the City Council has now determined that the previously identified hazardous parking conditions along portions of Del Rio no longer exist; and

WHEREAS, the City Council now deems it necessary to amend Chapter 10.40 of the Benbrook Municipal Code to reduce parking restrictions along portions of Del Rio Avenue.

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 modifying paragraph A.7 of Section 10.40.010 - No Parking Anytime to read as follows:

7. On the west side of Del Rio Avenue from its intersection with San Saba Avenue southward to a point thirty-six (36) feet from the intersection with San Saba Avenue;

SECTION 2

The Public Services Director is hereby directed to revise 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 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 6

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 7 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 8 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 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 November 2019.

Jerry B. Dittrich, Mayor

ATTEST:

Joanna King, City Secretary