ORDINANCE

AN ORDINANCE OF THE CITY OF BURLESON, TEXAS, AMENDING DIVISION 1 "PUBLIC STREETS" OF ARTICLE II "PARKING" OF CHAPTER 78 "TRAFFIC AND VEHICLES" OF THE CITY OF BURLESON CODE OF ORDINANCES BY ADDING NEW SECTION 78-55 "STANDING, STOPPING, OR PARKING PROHIBITED IN FIRE LANE" MAKING IT GENERALLY UNLAWFUL TO PARK IN A FIRE LANE; INCORPORATING THE RECITALS INTO THE BODY OF THE ORDINANCE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City") 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 Texas Local Government Code; and

WHEREAS, the City Council desires to set forth parking restrictions fire lanes in the city as set forth in this ordinance; and

WHEREAS, the City Council hereby finds and determines that the parking restrictions set forth in this ordinance are reasonable and safe, in the best interest of the public, and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

SECTION 1.

Division 1 "Public Streets," of Article II "Parking," of Chapter 78 "Traffic and Vehicles," of the Code of Ordinances, City of Burleson, Texas to read amended to add Section 78-55 "Standing, Stopping, or Parking Prohibited in Fire Lane" to read as follows:

"**§ 78-55 Standing, Stopping, or Parking Prohibited in Fire Lane.**

It shall be unlawful for any person to park, place, allow, permit or cause to be parked, placed, or remain unattended, any vehicle or similar obstruction within or upon an area designated as fire lane, whether on public or private property, and marked by an appropriate sign or curb marking. Any vehicle or similar obstruction found stood, stopped, parked or unoccupied within an area designated and marked as a fire lane as set forth above is declared a nuisance and may be towed without notice in accordance with section 78-51 of this article."

SECTION 2.

The findings set forth above in the recitals of this ordinance are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 3.

It is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

SECTION 4.

This ordinance shall be cumulative of all provisions of all existing ordinances of the City, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 5.

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 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 6.

All rights or remedies of the City are expressly saved as to any and all violations of the City Code or any amendments thereto regarding parking and chapter 78 of the Code of Ordinances that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

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 Five Hundred Dollars ($500.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

The City Secretary is hereby directed to publish the caption, penalty clause, and effective date of this ordinance in one issue of the official newspaper of the City, as required by Section 52.013 of the Local Government Code.

SECTION 9.

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

PASSED AND APPROVED the ____ day of_____, 20_____.

First Reading: the ____ day of_____, 20_____.

Final Reading: the ____ day of_____, 20_____.

_____
Mayor

ATTEST:

_____
City Secretary

APPROVED AS TO FORM:

_____
City Attorney