

ORDINANCE NO. 2021-60

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING ARTICLE VI (STOPPING, STANDING, AND PARKING) OF CHAPTER 110 (TRAFFIC AND VEHICLES) OF THE WYLIE CODE OF ORDINANCES, CREATING SECTION 110-190 RESIDENT ONLY PARKING PERMIT AREAS; PERMITTING PARKING IN CERTAIN AREAS BY PERMIT ONLY DURING THOSE TIMES SET FORTH IN THIS ORDINANCE; ESTABLISHING AN OFFENSE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Wylie, Texas (“City Council”) has investigated and determined that it is in the best interest of the City of Wylie, Texas (“Wylie”) to establish resident only parking permit areas (the “Permit Area”); and

WHEREAS, The City Council wishes to alleviate chronic levels of non-resident parking along streets with adjacent residential properties by establishing the Permit Area; and

WHEREAS, the City Council further finds that it is a reasonable exercise of its police power to prohibit the stopping, standing, or parking of a vehicle in the Permit Area; and

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

SECTION 1: FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances is amended by adding Section 110-190 (Resident Only Parking Permit Areas) to read as follows:

Section 110-190. – Resident only parking permit areas

- (a) *Definitions.* As used in this section, the following terms shall have the meanings ascribed in this subsection, unless the context of their usage clearly indicates another meaning:

City Engineer means the City Engineer of the City of Wylie, or their designee.

Designated Permit Area means a contiguous area of a single-family residential use containing not less than ten single-family residential lots, upon which the city council imposes a requirement for a parking permit under this section. Where there are less than ten single family residential lots on the entire length of the street, then the entire length of the street may be considered for a designated permit area.

Guest Permit means a permit issued by the city pursuant to this section to a guest of a resident located within a designated permit area for display on a vehicle owned or used by a guest which is parked or left standing within the designated permit area.

Resident means a person whose place of residence or property is located in the city as to render him or her eligible for procurement of a parking permit under this section.

Resident Permit means a permit issued by the city pursuant to this section to a resident or property owner within a designated permit area for display on a vehicle owned or used by such resident or property owner which is parked or left standing within the designated permit area

(b) Parking Regulations within a Designated Permit Area

- 1) Except as provided in subsection (b), no vehicle shall be parked in a Designated Permit Area between the hours of 6:30 a.m. - 8:30 a.m. and 2:30 p.m. - 4:30 p.m. on weekdays, Monday through Friday, without displaying a valid resident permit or guest permit.
- 2) To facilitate student safety and motorist safety, the following shall apply:
 - i. Except for persons who reside in the designated permit area, there shall be no student drop off or pick up in the designated permit area between the hours stated above in subsection a.
 - ii. Do not block a crosswalk (marked or unmarked) or a sidewalk.
 - iii. Do not stop, park, or leave your vehicle within an intersection.
 - iv. Do not stop, park or leave your vehicle in front of a private driveway.

(c) Exemptions

- 1) A motor vehicle that is owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the designated permit area by the City.
- 2) A motor vehicle that is identified as owned by or operated under contract to a federal, state or local governmental agency and being used in the course of official government business.
- 3) Motor vehicles that are stopped temporarily for loading or unloading passengers or goods to a location within the designated permit area.
- 4) Motor vehicles that are used in transporting individuals, equipment, and goods necessary for making improvements and repairs, providing labor, and performing other services at a location within the designated permit area.
- 5) The designated permit area shall not be effective on weekdays that Harrison Intermediate School is not in session.

(d) Resident permits

- 1) All residents of a designated permit area who register with the city engineer, or his/her designee, shall be issued, free of charge, one resident permit for each motor vehicle owned and kept by the resident at the premises located within the designated permit area. The residential parking permits must be placed in the lower left-hand corner of the rear window of the motor vehicle.
- 2) Each permit issued to a resident will be assigned to a specific vehicle, and will only be valid for the particular vehicle to which it is assigned. No permit may be transferred to any other individual or used for a different vehicle other than the one to which the permit is assigned.

- 3) Two temporary guest permits will automatically be issued, free of charge, for each residential lot situated within the designated permit area.
- 4) All -residents applying for a permit or permits must use the application developed by the city engineer.
- 5) The city engineer shall, upon receiving a completed application, issue a resident permit to any individual that is eligible for the permit. An individual is eligible to obtain a permit if the individual:
 - i. Owns a motor vehicle; and
 - ii. Resides within the designated permit area.

(e) Designated Permit Area

- 1) Angel Fire Drive
- 2) Aspen Lane
- 3) Breckenridge Drive
- 4) Cloudcroft Drive
- 5) Enchanted Forest Drive
- 6) Pajarito Mountain Drive
- 7) Red River Drive
- 8) Sandia Peak Court
- 9) Sierra Blanca Drive
- 10) Silvercreek Drive
- 11) Sipapu Court
- 12) Taos Lane
- 13) Vail Lane

SECTION 3: ENFORCEMENT: No person shall stop, stand or park a motor vehicle in a designated permit area between the hours of 6:30 a.m. - 8:30 a.m. and 2:30 p.m. - 4:30 p.m., Monday through Friday, without displaying a valid parking permit, in accordance with this ordinance. The Police Chief, or his/her authorized representatives, is authorized to issue citations and/or remove or cause to be removed any material or vehicle obstructing the area in which stopping, standing, or parking is prohibited at the expense of the owner of such material or vehicle. The City shall not be responsible or liable for any damage to any vehicle or personal property removed from the area where stopping, standing, or parking is prohibited and shall not be responsible for any damage resulting from the failure to exercise the authority granted under this Ordinance.

SECTION 4: SAVINGS/REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PENALTY PROVISION. Any person violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not more than Five Hundred Dollars (\$500.00). Each continuing day's violation or separate act under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: AMENDMENTS. For clarity in reading amendments to the Wylie Code of Ordinances, any language intended to be added to the code may be underscored in the amending ordinance, and any language intended to be deleted from the code may be placed in brackets and stricken through. These markings, when used, and the deleted portions shall be removed when amendments are printed in the code. The amended provisions as set forth in this Ordinance have also been renumbered for ease of reading.

SECTION 8: EFFECTIVE DATE. This Ordinance shall be effective upon its passage and publication as required by law.

DULY PASSED AND APPROVED by the City Council of the City of Wylie, Texas, this 14th day of December, 2021.

Matthew Porter, Mayor

**ATTESTED AND CORRECTLY
RECORDED:**

Stephanie Storm, City Secretary

Date of publication in *The Wylie News* - December 22, 2021