

ORDINANCE NO. 2021-55

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING SECTION 110-173 (a) (10) (STOPPING, STANDING, OR PARKING PROHIBITED IN CERTAIN PLACES) OF ARTICLE VI (STOPPING, STANDING, AND PARKING) OF CHAPTER 110 (TRAFFIC AND VEHICLES) OF THE WYLIE CODE OF ORDINANCES; PROHIBITING PARKING, STOPPING OR STANDING OF A VEHICLE ALONG THE NORTH SIDE OF CLOUDCROFT DR. FROM S. BALLARD AVE. EAST TO THE POINT OF INTERSECTION WITH THE PRIVATE DRIVE OF 101 CLOUDCROFT (APPROXIMATELY 115 FEET), AND ON THE SOUTH SIDE OF CLOUDCROFT DR. FROM S. BALLARD AVE. EAST TO THE POINT OF INTERSECTION WITH ASPEN LN. (APPROXIMATELY 245 FEET); 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 prohibit the stopping, standing, or parking of a vehicle along the north side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), and on the south side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln. (approximately 245 feet) (the “Zone”); 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 Zone; and

WHEREAS, the City Council further finds that the stopping, standing, or parking of a vehicle in the Zone is dangerous and creates a traffic hazard that threatens the health, safety, and welfare of motorists and pedestrians; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie and promote the public health, safety and welfare of the school children to prohibit the stopping, standing, or parking located in Wylie, as set forth below.

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: Amendment to Section 110-173 (a) (10) (Stopping, Standing, or Parking Prohibited in Certain Places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances. Section 110-173 (a) (10) (Stopping, Standing, or Parking Prohibited in Certain Places) of Article VI (Stopping, Standing, and Parking) of Chapter 110 (Traffic and Vehicles) of the Wylie Code of Ordinances is amended to read as follows:

“...

- (k) North side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with the private drive of 101 Cloudcroft (approximately 115 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday when school is in session.
- (l) South side of Cloudcroft Dr. from S. Ballard Ave. east to the point of intersection with Aspen Ln (approximately 245 feet), in effect between the hours of 6:30a - 8:30a and 2:30p-4:30p Monday thru Friday.

SECTION 3: ENFORCEMENT: In no way shall those areas where stopping, standing, or parking is prohibited be obstructed and no parking shall occur therein. 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