

**CITY OF LAVON, TEXAS**  
**ORDINANCE NO. 2022-10-07**

Amending Chapter 11, Article 11.03 of the Code of Ordinances – Four-lane divided roadway with time restricted parking

**AN ORDINANCE OF THE CITY OF LAVON, TEXAS, ADOPTING RULES AND REGULATIONS FOR REGULATING ON-STREET PARKING BY AMENDING CHAPTER 11 “TRAFFIC AND VEHICLES”, ARTICLE 11.03 “PARKING”, SECTION 11.03.002 “DEFINITIONS” AND SECTION 11.03.003 “PARKING” OF THE CITY’S CODE OF ORDINANCES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; PROVIDING SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council ("**City Council**") of the City of Lavon ("**City**") (i) has authority pursuant to Texas Local Government Code 51.001, to adopt an ordinance that is for the good government, peace, or order of the City, (ii) pursuant to Texas Transportation Code 311.002, has exclusive control over the highways, streets, and alleys of the city, and may open, change, regulate, or improve a street, and (iii) pursuant to Texas Transportation Code 542.202(a)(2), may regulate the stopping, standing, or parking of a vehicle with respect to a highway under its jurisdiction and in the reasonable exercise of the police power; and

**WHEREAS**, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of the City to amend the City’s Code of Ordinances in Chapter 11 to add regulations designating traffic flow on certain four-lane streets; and

**WHEREAS**, the City Council finds that the adoption of this Ordinance is in the best interest of the City and that the regulations provided herein will promote and provide for the health, safety, and welfare of the City.

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

**SECTION 1. RECITALS**

The City Council hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City Council hereby incorporates such recitals as part of this Ordinance.

**SECTION 2. AMENDMENTS**

Chapter 11 “Traffic and Vehicles”, Article 11.03 “Parking” of the City’s Code of Ordinances is hereby amended as follows:

1. Section 11.03.002 “Definitions” is hereby amended to add the term “Four lane divided roadway with time restricted parking” and definition to read entirely as follows:

*"Four-lane divided roadway with time restricted parking.*

(1) A street, roadway, or highway in the city with the following features:

- (a) a total of four (4) travel lanes for traffic;
- (b) divided by a barrier, island, median strip, or nature feature;
- (c) the flow of traffic on each side of the divider flows in generally opposite directions; and
- (d) where traffic flows fluctuate based on time of day, requiring the full travel way to be used for vehicle movement part of the time and parking of vehicles along the curb during other times.

(2) The following roadways are designated as a four-lane divided roadway with time restricted parking:

- (a) Presidents Boulevard between Main Street and two hundred and fifty feet (250') south of Hayes Avenue.

2. Section 11.03.003 "Offenses", subsection (b) is hereby amended to read entirely as follows, with additions underlined:

(b) It shall be unlawful for any person to stop, stand, or park any vehicle at any time upon any public street, alley, public place, or fire lane when signs are erected or curbs painted giving notice that parking there is prohibited, including, but not limited to:

- (1) Curbs, roads, or parking lots marked with red paint shall denote no parking;
- (2) A red stripe denoting no parking may include clarifying words such as "No Parking," "Parking Prohibited," or "Fire Lane"; and
- (3) A four-lane divided roadway with time restricted parking may have signs notifying any time when the roadway is designated as time restricted parking.

3. Section 11.03.003 "Offenses" is hereby amended to add subsection (s) to read entirely as follows:

(s) Unless different times are designated on a four-lane divided roadway with time restricted parking, it shall be unlawful for a person to park a vehicle along such roadway between the hours of 6:00 am and 6:00 pm.

### **SECTION 3. Effective Date**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

### **SECTION 4. Penalty.**

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum in accordance with the general penalty provided in section 1.01.009 of the City's Code of Ordinances, and as provided under Section 11.03.004. Each time that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this division is a misdemeanor. The penalty provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies to it pursuant to local, State and federal law.

## **SECTION 5. Severability**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

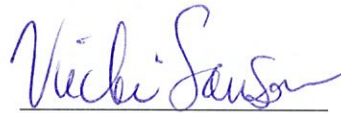
## **SECTION 6. Repealer and Savings**

This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of such ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance; whether such ordinances are codified or uncoded, and all other provisions of the ordinances of the City, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect. Any repeal occurring due to this provision shall not abate any pending prosecution or lawsuit and/or prevent any prosecution or lawsuit from being commenced for any violation occurring before the effective date of this Ordinance.

## **SECTION 7. Open Meeting**

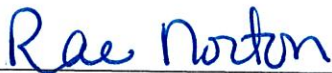
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required by law and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code and as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** by the City Council of the City of Lavon, Texas  
this 18<sup>th</sup> day of October 2022.



Vicki Sanson  
Mayor

ATTEST:



Rae Norton  
City Secretary

