

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 78, ARTICLE IV, BY AMENDING AND RESTATING SECTION 78-162 (AUTHORITY TO REMOVE ILLEGALLY PARKED VEHICLES); PROVIDING AUTHORITY FOR THE REMOVAL OF ILLEGALLY PARKED AND STORED VEHICLES; PROVIDING FOR A PENALTY; A SEVERABILITY CLAUSE; A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has adopted local regulations governing the parking and storage of vehicles within the City to protect the health, safety, and welfare of the general public and citizens of the City; and

WHEREAS, the City Council finds it necessary to modify the existing local regulations governing the removal of unlawfully parked or stored vehicles in order to mitigate the adverse effects caused by such vehicles and to ensure the safe use of public and private roadways, streets, alleys, rights-of-way, parking lots, parking facilities, and other public and private property within the City; and

WHEREAS, the City Council hereby desires to amend the City’s Code of Ordinances, Chapter 78, Article IV, by amending and restating Section 78-162, providing for the City’s authority to remove vehicles parked or stored in violation of Chapter 78 of the Code of Ordinances.

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

SECTION 1. That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

SECTION 2. That Chapter 78, Article IV, Section 78-162 is hereby amended and restated to read as follows:

“...

Sec. 78-162. – Authority to Remove Illegally Parked Vehicles.

(a) The city council has determined that vehicles parked, left standing, or stored in violation of this Chapter present an inherent threat to the health, safety and general welfare of the public and residents within the town. Accordingly, in addition to any penalty or other remedy found in this Chapter, the city manager, chief of police, or any other person duly authorized by the foregoing, including persons with whom the town may have a valid contract for the removal of vehicles, is hereby authorized to remove any vehicle parked, left standing, or stored in violation of this Chapter.

(b) It is the intent of the city council that the authority granted in this section is granted to the greatest extent permitted by law; provided, that this authority shall not apply where

removal of a vehicle in violation of this Chapter is expressly prohibited by or would be in direct conflict with other applicable law.

...”

SECTION 3. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to penalty as provided for in the Code of Ordinances, as heretofore amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 4. The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 8th day of FEBRUARY 2022.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney