

ORDINANCE NO. 2021-11

AN ORDINANCE AMENDING SECTION 12.06.002 “AUTHORITY TO MOVE UNLAWFULLY PARKED VEHICLE” OF ARTICLE 12.06 “PARKING” OF CHAPTER 12 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS TO CLARIFY THE AUTHORITY OR A PEACE OFFICER TO REMOVE AN UNLAWFULLY PARKED VEHICLE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Dalworthington Gardens previously adopted an ordinance providing peace officers the authority to move unlawfully parked vehicles; and

WHEREAS, the City Council deems it necessary and advisable to clarify the authority of a peace officer to move an unlawfully parked vehicle.

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

SECTION 1.

Section 12.06.002, “Authority to move unlawfully parked vehicle” of Article 12.06, “Parking” of Chapter 12, “Traffic and Vehicles” of the Code of Ordinances, City of Dalworthington Gardens is hereby amended to read as follows:

Sec. 12.06.002 Authority to move unlawfully parked vehicle

Whenever any peace officer shall find a vehicle in violation of the provisions of this article, the peace officer is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this article.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances of the City of Dalworthington Gardens, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4.

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 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 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 unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

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) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 6.

All rights and remedies of the City of Dalworthington Gardens are expressly saved as to any and all violations of the provisions of the Code of Ordinances, City of Dalworthington Gardens, Texas, as amended, or any other ordinances affecting speed which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

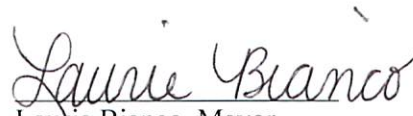
The City Secretary of the City of Dalworthington Gardens is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City of Dalworthington Gardens as authorized by Section 52.011 of the Local Government Code.

SECTION 8.

This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 19th DAY OF AUGUST, 2021.

APPROVED:


Laurie Bianco, Mayor

ATTEST:



Lola Hazel, City Secretary