

**ORDINANCE NO. 2019-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS AMENDING ARTICLE 12.04 "PARKING" OF THE CODE OF ORDINANCES TO ADD A NEW SECTION 12.04.007 "PARKING ON PRIVATE PROPERTY" TO PROVIDE FOR THE ENFORCEMENT OF PARKING RESTRICTIONS ON PRIVATE PROPERTY, NEGATING AND DISPENSING WITH THE CULPABLE MENTAL STATE REQUIREMENT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bridgeport is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, Texas Local Government Code Section 601.001 provides that a municipality by ordinance may regulate the parking of motor vehicles on private property and may enforce the ordinance in the same manner that it enforces ordinances regulating parking in public no-parking zones, including the impoundment of offending vehicles; and

**WHEREAS**, the City Council deems it necessary to add Section 12.04.007 to the City Code of Ordinances to provide for the enforcement of parking restrictions on private property as set forth herein for the health, safety and welfare of the citizens of the City.

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

**SECTION 1**

That Section 12.04.007 "Parking on Private Property" be and is hereby added to Article 12.04 "Parking" of the Code of Ordinances of the City of Bridgeport, Texas, to read as follows:

**ARTICLE 12.04 PARKING**

...

**"Sec. 12.04.007      Parking on private property**

(a)      Offense.

(1) It shall be unlawful to park a motor vehicle on private property where a sign has been posted that prohibits such parking and contains the language of (A), (B), (C), or (D) below or language substantially similar thereto:

- (A) "PARKING PROHIBITED AT ALL TIMES  
UP TO \$500 FINE.  
VEHICLES MAY BE IMPOUNDED AT OWNER'S EXPENSE.  
BY CITY ORDINANCE."
- (B) "PARKING PROHIBITED FROM [THE HOUR INDICATED] TO [THE  
HOUR INDICATED].  
UP TO \$500 FINE.  
VEHICLES MAY BE IMPOUNDED AT OWNER'S EXPENSE.  
BY CITY ORDINANCE."
- (C) "PARKING OF [THE TYPE(S) OF MOTOR VEHICLE(S)  
INDICATED] PROHIBITED AT ALL TIMES.  
UP TO \$500 FINE.  
VEHICLES MAY BE IMPOUNDED AT OWNER'S EXPENSE.  
BY CITY ORDINANCE."
- (D) "PARKING OF [THE TYPE(S) OF MOTOR VEHICLE(S)  
INDICATED] PROHIBITED FROM [THE HOUR INDICATED] TO  
[THE HOUR INDICATED].  
UP TO \$500 FINE.  
VEHICLES MAY BE IMPOUNDED AT OWNER'S EXPENSE.  
BY CITY ORDINANCE."

A sign described by this subsection may specify the day or days during which parking is prohibited.

(2) The definition of an offense under this ordinance does not require a culpable mental state. The definition of an offense under this ordinance plainly dispenses with any mental element as authorized by Section 6.02 of the Texas Penal Code. It is hereby declared that for an offense under this ordinance, the culpable mental state required by Section 6.02 of the Texas Penal Code is specifically negated and clearly dispensed with.

(b) Punishment.

(1) A violation of this ordinance shall be punishable by a fine of not more than \$500.00.

(2) For purposes of this Section, it is presumed that the registered owner of the motor vehicle is the person who parked the motor vehicle at the time and place the offense occurred.

(3) For purposes of this Section, it is presumed that the following person or entity owns the property on which the motor vehicle is parked:

- (A) The person or entity whose name is on the City of Bridgeport utility billing records for the property;
- (B) The person or entity who is paying the taxes or owns the property according to records of the Wise County Appraisal District; or
- (C) The person or entity who is paying the taxes or owns the property according to records of Wise County, Texas.

(4) The City of Bridgeport Municipal Court upon its own motion may, or upon the motion of a party shall, take judicial notice of this Section, all records of the City of Bridgeport, Texas, including utility billing records, all records of the Wise County Appraisal District, and all records of Wise County, Texas.

(c) Affirmative Defenses.

(1) It is an affirmative defense to prosecution of any violation under subsection (a):

- (A) That the required signage was not conspicuously located at all paved, curb cut entrances to the property where the violation is alleged to have occurred.
- (B) That the motor vehicle was parked for a purpose specifically associated with the private property, including, but not limited to loading, unloading, delivery, or security purposes, or for a demonstrable emergency purpose.

(d) Impoundment. A motor vehicle parked in violation of this ordinance may be impounded only by or under the direction of a peace officer.”

## **SECTION 2**

This ordinance shall be cumulative of all provisions of all ordinances and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 3**

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 4

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 Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

#### SECTION 5

The City Secretary of the City of Bridgeport is hereby directed to publish a descriptive caption, penalty clause, and the effective date clause in the official City newspaper one time as authorized by Section 3.11 of the City Charter and Section 52.013 of the Texas Local Government Code.

#### SECTION 6

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

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 28<sup>th</sup> DAY OF JANUARY, 2019.**

APPROVED:



Randy Singleton, Mayor

ATTEST:



Rachael Lynch, City Secretary

