

ORDINANCE NO.

AN ORDINANCE OF THE TOWN OF HIGHLAND PARK, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, **CHAPTER 12, TRAFFIC AND VEHICLES, ARTICLE 12.09 BICYCLES, SECTION 12.09.006 PARKING**; PROVIDING A VALIDITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the “Town”), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the streets, sidewalks, or other public property within the Town are narrow and therefore any unauthorized parking or storage of bicycles within the Town’s streets, sidewalks or other public property impedes traffic flow and results in dangerous conditions; and

WHEREAS, the Town desires to implement those rules and regulations that protect health, life, and property and that preserve good government, order, and security of the Town and its inhabitants; and

WHEREAS, the Town has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the Town is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Highland Park;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. That, the Code of Ordinances of the Town of Highland Park, **CHAPTER 12, TRAFFIC AND VEHICLES, ARTICLE 12.09 BICYCLES, Section. 12.09.006 Parking** is amended in its entirety and replaced to read as follows:

“Section 12.09.006 – Parking

- A. No person shall park, or otherwise leave abandoned, a bicycle on a street, sidewalk, park, or other public property without permission from the Town.
- B. The owner of the bicycle shall be responsible at all times, regardless of the operator, for the duty, care, and operation of the bicycle in compliance with Town rules and regulations, including but not limited to the parking provisions contained herein.
- C. A bicycle found in violation of this section may be immediately impounded by the Town.
- D. An owner of a bicycle may not place a bicycle on a street, sidewalk or other public property for the purpose of:
 - 1. Displaying the bicycle for rent; or
 - 2. Displaying advertising from the bicycle;

E. Impoundment Fee

If a bicycle is impounded pursuant to the provisions of this ordinance, an impoundment fee of \$30.00 per bicycle shall be assessed against and collected from the owner as a condition for the redemption of such bicycle, and such charges shall include the costs of towing the bicycle and related clerical and administrative expenses incurred by the Town. If a second bicycle from the same owner is impounded, the impoundment fee shall be \$50.00 per bicycle, and such fee shall be assessed against and collected from the owner as a condition for the redemption of such bicycles. If a third bicycle from the same owner is impounded, the impoundment fee shall be \$75.00 per bicycle, and such fee shall be assessed against and collected from the owner as a condition from the redemption of such bicycles. If a fourth bicycle from the same owner is impounded, the impoundment fee shall be \$100.00 per bicycle, and such fee shall be assessed against and collected from the owner as a condition for the redemption of such bicycles. Once a fourth bicycle is impounded from the same owner, the impoundment fee for all other bicycles impounded from that owner shall be \$100.00 per bicycle.

F. Abatement of Impoundment Fee

The Director of Public Safety shall have the authority and discretion to abate such impoundment fees upon showing of good cause.

G. Sale of bicycle

If after the expiration of fifteen (15) days of the Town mailing a notice of failure by the owner to redeem the bicycle of its impoundment, and such bicycle is not redeemed by the owner or his or her agent, the Town shall proceed to sell the same by sealed bid or by public auction, after first giving notice of such sale in a legal newspaper within the Town. Such

notice shall be published not less than ten (10) days prior to the date of such sale as aforesaid, and said notice of sale shall include therein the time and place of such sale, stating further whether such sale shall be by sealed bid or by public auction or both. Determination of whether the sale shall be by sealed bid or public auction shall be left to the discretion of the Town.”

SECTION 3. That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 4. That, any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the penalty provision of Section 1.01.009 of the Code of Ordinances of the Town of Highland Park, as amended. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 5. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the Town of Highland Park as a whole.

SECTION 6. Incorporation. That, this ordinance shall be deemed to be incorporated into the Code of Ordinances of the Town of Highland Park, Texas.

SECTION 7. That, this ordinance shall take effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED by the Town Council of the Town of Highland Park, Texas, on this the 11th day of December, 2017.

APPROVED AS TO FORM:

APPROVED:

Matthew C.G. Boyle
Town Attorney

Joel T. Williams, III
Mayor

ATTEST:

Gayle Kirby
Town Secretary