

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KYLE, TEXAS, IN
ACCORDANCE WITH CHAPTER 47, ARTICLE III
AUTHORIZING AND DIRECTING THE INSTALLATION AND
ERECTION OF NO PARKING SIGNS TO PROHIBIT PARKING
ON THE RESIDENTIAL SIDE OF KIRBY (1700-1900 BLOCKS)
AND HELLMAN (5100-5200 BLOCKS) IN THE CITY LIMITS OF
KYLE; FIXING A PENALTY THEREFOR; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING
ORDINANCES; AND ORDAINING OTHER PROVISIONS
RELATED TO THE SUBJECT MATTER THEREOF.**

Whereas, the regulation of parking of vehicles within the limits described above prohibits a free flow of traffic in the vicinity of the park near Kirby and Hellman, and is detrimental to the safety of pedestrians and other persons travelling through this street and;

Whereas, City staff and City Council have reviewed the situation and issues that are the subject matter of this Ordinance, and;

Whereas, after inquiry and review by the Fire Marshal, the City Council has found the installation of No Parking signs on the residential side of Kirby and Hellman, hereinafter set forth and listed in this Ordinance are reasonable and necessary for the public safety and are supported by sound and accepted public safety criteria.

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

Section 1. Findings. The following recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Ratification and Confirmation. The installation, placement, erection, and enforcement of No Parking signs are hereby confirmed and ratified by the City Council.

Section 3. Enforcement and Traffic Control Signs. The City Council hereby orders and directs that new No Parking signs hereinafter set forth be placed, installed and erected at the appropriate locations and that each such sign and/or device be hereafter maintained and enforced by the City on the residential side of Kirby (1700-1900 blocks) and Hellman (5100-5200 blocks).

Section 4. Severability. All parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of the most restrictive ordinance shall govern.

Section 5. Violation and Penalties. It shall be unlawful for any person to stop, stand or park any portion of a vehicle within the designated No Parking areas on the residential side of Kirby (1700-1900 blocks) and Hellman (5100-5200 blocks). Further, it shall be unlawful for any person to tamper with, alter, remove, destroy, cover or hinder the visibility, of any traffic device

control device erected by this Ordinance in a manner which is inconsistent with its use as a traffic control device. Any person who violates this Ordinance or part thereof shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$50.00 nor more than \$200.00.

Exceptions: The following vehicles are exempt from the terms of this section while engaged in the listed activity:

1. Emergency vehicles (as defined by state law) responding to or from, or at the scene of, an emergency call;
2. Vehicles being used to provide municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.; and
3. Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, television cable, gas, water or sewer line.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Loc. Gov't. Code.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after the date of its final passage and adoption in accordance with the provisions of the Kyle City Charter.

PASSED AND APPROVED on this the ____ day of _____, 2018.
FINALLY PASSED AND APPROVED on this the ____ day of _____, 2018.

ATTEST:

The City of Kyle, Texas

Jennifer A. Vetrano, City Secretary

Travis Mitchell, Mayor