

ORDINANCE 77-9

AN ORDINANCE PROHIBITING THE STOPPING, STANDING, OR PARKING OF VEHICLES ON THE SIDE OF SAN LUIS PASS ROAD AND ON ALL STREETS LOCATED SOUTH OF SAN LUIS PASS ROAD WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF JAMAICA BEACH, TEXAS AND PROVIDING PENALTIES FOR FAILING TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE.

WHEREAS, by virtue of the power vested in the village of Jamaica Beach, Texas by Article 6701d, Sections 27 and 95, VAATS, and based upon an engineering and traffic investigation it has been determined by the Village Council of the Village of Jamaica Beach, Texas that in the interest of public safety, no person should at any time, stop, stand, or park a vehicle upon either side of San Luis Pass Road or upon any street located South of San Luis Pass Road within the Corporate limits of the village of Jamaica Beach, Texas, unless said stopping, standing, or parking is necessary to avoid conflict with other traffic, or is in compliance with law, or the directions of any peace officer or official traffic-control device.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF JAMAICA BEACH, TEXAS:

SECTION 1. Definitions:

- a) Stop or Stopping: "Stop or Stopping" means complete cessation from movement. When prohibited it means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
- b) Park or Parking: "Park or Parking" shall mean the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in, loading or unloading merchandise or passengers.
- c) Vehicle: "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a highway.
- d) Stand or Standing: "Stand or Standing" means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

SECTION 2. No person shall, at any time, stop, stand, or park, a vehicle upon either side of San Luis Pass Road or upon any street located South of San Luis Pass Road within the corporate limits of the Village of Jamaica Beach, Texas, unless said stopping, standing or parking is necessary to avoid conflict with other traffic,

or is in compliance with law or the directions of a peace officer or official traffic control device.

SECTION 3. Whenever any peace officer finds a vehicle standing upon a street in violation of any of the foregoing provisions of this Ordinance such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, or if such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety in accordance with the following:

a) Whenever an officer removes a vehicle from a street as authorized by this Ordinance and the officer knows, or is able to ascertain from the registration records in the vehicle, the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

b) Whenever an officer removes a vehicle from a street under this Ordinance and does not know and is not able to ascertain the name of the owner or for any reason is unable to give the notice to the owner, as hereinbefore provided and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event, the officer shall immediately send or cause to be sent a written report of such removal, by mail, to the State Department whose copy of such notice with the proprietor of any public garage in which a vehicle may be stored. Such notice shall include a complete description of the vehicle; the date, time and place from which it was removed; the reasons for such removal; and the name of the garage or place where the vehicle is stored.

SECTION 4. In addition to the foregoing Section, whenever any motor vehicle, with or without driver, is found parked or stopped in violation of any of the restrictions imposed by this Ordinance or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation, of a form proscribed by law, for the driver to answer to the charge against him within ten (10) days during the hours and at a place specified in the citation.

SECTION 5. If a violator of any provision of this Ordinance does not appear in response to a traffic citation affixed to such

motor vehicle within a period of ten (10) days, the clerk of the municipal court shall send to the owner of the motor vehicle to which such traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of ten (10) days, a warrant of arrest will be issued. All notices required by this section shall be addressed to the name and address given on the license registration receipt for the vehicle to which the citation was originally attached.

SECTION 6. In any prosecution charging a violation of any law or this Ordinance, proof that the particular vehicle described in the complaint was parked in violation of any such law or Ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

SECTION 7. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make an appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails or refuses to deposit bail as and if required and within the time permitted by law, the clerk of the municipal court shall secure and issue a warrant for his arrest.

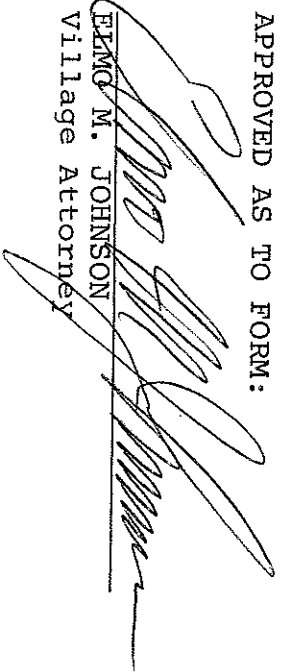
SECTION 8. Any person found in violation of any provision of this Ordinance shall, upon conviction be guilty of a misdemeanor and upon conviction shall be fined not less than Five and no/100 Dollars (\$5.00) nor more than Two Hundred and No/100 Dollars (\$200.00).

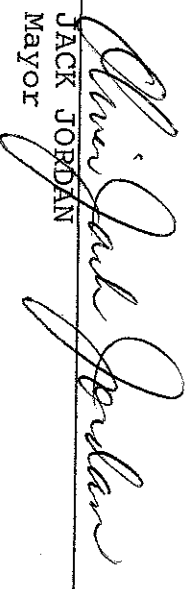
SECTION 9. Notwithstanding any provision to the contrary this Ordinance shall not be effective until official signs giving notice of such traffic regulations hereinbefore set forth are posted upon said abovementioned streets in a manner so as to give appropriate and adequate notice.

SECTION 10. That the hereinbefore recited Ordinance be enacted as 77-9 of the Ordinances of the Village of Jamaica Beach, Texas.

SECTION 11. That this Ordinance shall become effective from and after its adoption and publication as required by law.

APPROVED AS TO FORM:


  
EDMO M. JOHNSON  
Village Attorney

  
JACK JORDAN  
Mayor

CERTIFICATION

I, SYLVIA BURCH, Secretary of the Village Council of the Village of Jamaica Beach, Texas, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Village Council of the Village of Jamaica Beach, Texas, this 20<sup>th</sup> day of June, 1977, as the same appears in records of this office, and after the enactment of such ordinance, and full text thereof was published by posting the same for at least ten (10) days between the 23<sup>rd</sup> day of June, 1977, and the 3<sup>rd</sup> day of July, 1977, in three public places in the Village of Jamaica Beach, Texas.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the Village of Jamaica Beach, Texas, this 20<sup>th</sup> day of June, 1977.

  
SYLVIA BURCH, SECRETARY OF THE  
VILLAGE COUNCIL OF THE VILLAGE OF  
JAMAICA BEACH, TEXAS