

ORDINANCE # 1379-2023

AN ORDINANCE AMENDING CHAPTER 12 "TRAFFIC AND VEHICLES" SPECIFICALLY IN ARTICLE 12.05 "STOPPING, STANDING AND PARKING" UNDER SECTION 12.05.013 "SPECIAL TIME LIMIT NO PARKING ZONES" OF THE RIVER OAKS CODE OF ORDINANCES (2020) BY ADDING SUBSECTION (f) "700 SPRINGER AVE." ESTABLISHING A TIME-LIMIT NO PARKING ZONE ONLY ON SCHOOL DAYS FROM 7:00 A.M. TO 4:00 P.M. ON THE EAST SIDE OF SPRINGER AVENUE FROM ITS INTERSECTION WITH BARBARA ROAD NORTHWARD ON SPRINGER AVENUE 60-FEET; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks 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, the River Oaks Deputy Police Chief investigated a complaint with the resident at 700 Springer Avenue regarding citizens parking on the street in front of his house while waiting to pick up children; and

WHEREAS, the River Oaks Deputy Police Chief checked the records for the past year back to January 2022 and discovered that they had responded to 4 calls related to parking issues that resulted in a disturbance between the resident and citizens; and

WHEREAS, the River Oaks Deputy Police Chief discovered that the edge of the roadway appeared to be damaged from vehicles driving and parking on the edge of the roadway; and

WHEREAS, the River Oaks Deputy Police Chief also discovered that the resident at 700 Springer has a special needs child which requires the use of a wheelchair and that when cars park on the shoulder, he cannot traverse the road safely; and

WHEREAS, the River Oaks Deputy Police Chief concluded that with the addition of a time limited No Parking Zone would help deter the citizens from parking on the shoulder and would also help slow the deterioration of the blacktop along the roadway and should help ease the tension between the resident and the parents picking up their children from the school, restoring peace and civility to the corner; and

WHEREAS, the City Council has determined after due and careful consideration that based on the traffic study and recommendation from the Deputy Police Chief involving time limit on street parking would in their opinion help facilitate traffic flow and traffic congestion during student pick up and drop off times and therefore the City Council finds that it is reasonable and expedient to adopt this ordinance in order to protect the health and safety of the public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS:

SECTION 1.

That Article 12.05, "Stopping, Standing and Parking" specifically in Section 12.05.013 "Special time limit No Parking Zones" of the City of River Oaks Code of Ordinances (2020) with the adoption of this ordinance, adding subsection (f) "700 Springer Avenue" into Section 12.05.013 to now read as follows:

"(f) **700 Springer Avenue.**

(1) The street from the intersection of Barbara Road and Springer Avenue along the east side of Springer Avenue northward 60-feet on Springer Avenue is hereby designated as a "special time limit no parking zone" only on school days between the hours of 7:00 a.m. and 4:00 p.m.

(2) In accordance with section 12.05.003(a) of this code the police chief hereby directs the city public works department to place signs "No Parking Stopping and Standing School Days from 7:00 A.M. to 4:00 P.M." and mark the street designating the east side of Springer Avenue from its intersection with Barbara Road northward 60-feet on Springer Avenue as plotted on the attached Exhibit A to Ordinance Number 1379-2023 as a "no parking zone on school days only between the hours of 7:00 a.m. and 4:00 p.m."

SECTION 2. CUMULATIVE

This Ordinance shall be cumulative of all provisions of Ordinances of the city, 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 3.

SEVERABILITY

It is hereby declared to be the intentions 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.

SAVINGS

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of the City of River Oaks Code of Ordinances (2006) or any other ordinances affecting Traffic Control Devices or Stopping, Standing and Parking 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 5.

PENALTY

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2006) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00); Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

SECTION 6.

PUBLICATION

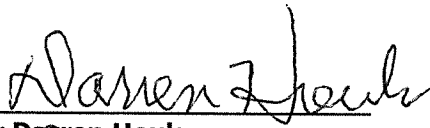
The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

SECTION 7.

EFFECTIVE DATE

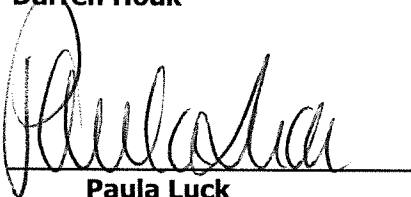
This Ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED THIS THE 13th DAY OF JUNE 2023.



Mayor Darren Houk

ATTEST:



**Paula Luck
City Secretary
City of River Oaks**



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05/09/2023

To: Marvin Gregory

Cc: Chief Stewart

Ref: No Parking Zone

Location: 700 Springer Ave

I was made aware of an ongoing issue with the resident at 700 Springer Ave and the citizens parking on the street in front of his house while waiting to pickup their children. I checked our records for the past year back to January 2022. We have had 4 calls related to parking issues with the residence that resulted in a disturbance between the resident and citizens (1 of which resulted and a temporary lockdown of AV Cato). The resident advised that the parents park on the shoulder of the road since there is not a curb. I noted that the edge of the blacktop roadway appeared to be damage from vehicles driving / parking on the edge of the roadway. The resident has made complaints of the people parking on the edge of the roadway and emptying their trash onto the shoulder while waiting for their children to be dismissed from the school. The resident also advised that he has a special needs child which requires the use of a wheelchair and that when the cars park on the shoulder, he cannot traverse the road safely. The resident has attempted to deter the citizens from pulling onto the shoulder by placing concrete barriers on the easement.

After speaking with the resident, he advised that he has no problems with the citizens parking north of his driveway approach. I believe the addition of a "no parking" zone from the resident's approach to the corner of Springer Ave and Barbara Road would help deter the citizens from parking on the shoulder. I also believe that this "no parking" zone would help slow the deterioration of the blacktop along the edge of the roadway. Ideally this will hopefully ease the tension between the resident and the parents picking up their children, restoring peace and civility to the corner.

It is my recommendation that the no parking zone only be active on school days from 7AM to 4PM. The resident advised that no one parks in the affected areas outside of the school days.

Please see the attached diagrams and pictures.

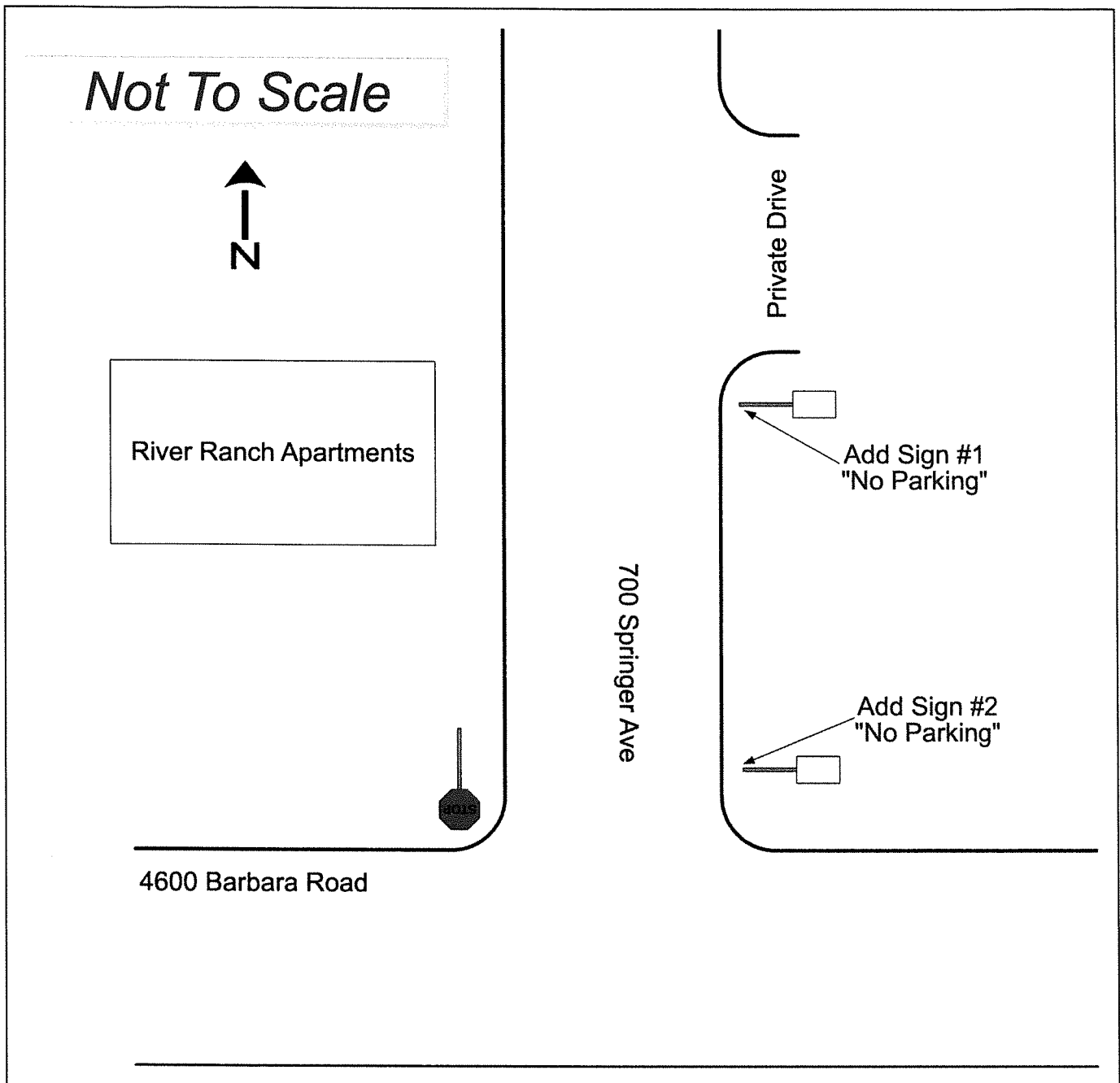
Respectfully,

Eric Perkins

Deputy Chief of Police

River Oaks Police Department

EXHIBIT A



Sign #1 - 1 Foot south of the private drive approach

"No Parking

Stopping
or Standing

----->"

"School Days

7AM - 4PM"

Sign #2 - 15 Feet north of Barbara Road

"No Parking

Stopping
or Standing

<-----"

"School Days

7AM - 4PM"

