

**ORDINANCE # 1191-2018**

AN ORDINANCE AMENDING ARTICLE 12.05 "STOPPING, STANDING AND PARKING", SEC. 12.05.013 "SPECIAL TIME LIMIT NO PARKING ZONES" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED BY REPEALING SECTION 12.05.013 "SPECIAL TIME LIMIT NO PARKING ZONES" SUBSECTION (e) "5400 BLOCK OF TRUMAN DRIVE" THAT DESIGNATED A TIME LIMIT NO PARKING ZONE BETWEEN THE HOURS OF 10:00 P.M. UNTIL 6:00 A.M. DAILY. ALONG THE SOUTH SIDE OF THE 50-FOOT RIGHT-OF-WAY ON TRUMAN DRIVE EASTWARDLY APPROXIMATELY 150-FEET FROM ITS INTERSECTION WITH GUSTAV TO INCLUDE THE REAR OF THE PROPERTIES DESCRIBED AS BEING LOTS 12, 13 & 14 IN BLOCK 1 OF THE WEST RIVER OAKS ADDITION AND OTHERWISE ADDRESSED AS 5400 THROUGH 5412 RIVER OAKS BLVD. AND INCLUDING 700 GUSTAV STREET; 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 Police Chief formerly recommended and was adopted by the City Council to be codified into the River Oaks Code of Ordinances as amended that time limit "No Parking Zone" be designated between the hours of 10:00 P.M. until 6:00 A.M. daily to effectively regulate unforeseen traffic conditions and maintain the fire lane on the south side of the 150-foot unimproved Right-of-Way along the rear of properties described as being Lots 12, 13 and 14 of Block 1 in the West River Oaks Addition and otherwise addressed as 5400 through 5412 River Oaks Blvd. and including 700 Gustav Street; and

**WHEREAS**, with the development Agreement executed on February 14, 2018 between 101 Guardian and the River Oaks Economic Development Corporation, the 50-foot right-of-way on Truman Drive between 5404 River Oaks Blvd to 5412 River Oaks Blvd and including 700 Gustav will be paved for use as a parking lot; and

**WHEREAS**, with the paving as a public parking lot, it necessitates that the Time Limit No Parking Zone be abolished and that "Article 12.05.013 (e) 5400 Block of Truman Drive" be repealed in its entirety; and

**WHEREAS**, the City Council has determined after due and careful consideration that based on the traffic study and recommendation from the Police Chief it is essential to remove the designation of a "Time Limit No Parking Zone" on the south side of the approximately 150-foot unimproved Right-of-Way along the rear of properties described as being Lots 12, 13 and 14 of Block 1 in the West River Oaks Addition and otherwise addressed as 5400 through 5412 River Oaks Blvd. and including 700 Gustav Street.

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

**SECTION 1.**

That Article 12.05, "Parking, Stopping and Standing" of the City of River Oaks Code of Ordinances (2006) with the adoption of this ordinance, Section 12.05.013 "Special time limit no parking zones" is amended by repealing (e) 5400 block of Truman Drive and with its repealing of (e) 5400 block of Truman Drive; Section 12.05.013 is hereby amended and revised to now read as follows:

**"SEC. 12.05.013 "Special time limit no parking zones"**

(a) 5100 block of Tulane Avenue.

(1) The street from station 1+85.5 east 178 feet on the south side of the 5100 block of Tulane Avenue to station 3+63.5 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 and mark the street designating the south side of the 5100 block of Tulane from station number 1+85.5 located 185.5 feet east from the intersection of Roberts Cut Off Road (station 21+92) and Tulane Avenue (station 0+00) and then eastward from station 1+85.5 another 178 feet along the south side of the 5100 block of Tulane Avenue to station number 3+63.5 and as plotted on the attached exhibit A to Ordinance 821-09 as a "no parking zone on school days only between the hours of 7:00 a.m. and 4:00 p.m."

(b) 5300 block of Baylor Avenue.

(1) The north side of the 5300 block of Baylor Avenue west 80 feet from the intersection of Baylor Avenue (station number 9+00) with Roberts Cut Off Rd. 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 and mark the street designating the north side of the 5300 block of Baylor Avenue from station number 9+00 located at the intersection of Baylor Avenue (station 9+00) and then westward from station 9+00 another 80 feet along the north side of the 5300 block of Baylor Avenue to station number 8+20 and as plotted on the attached exhibit A to Ordinance 821-09 as a "no parking zone on school days only between the hours of 7:00 a.m. and 4:00 p.m."

(Ordinance 821-09 adopted 8/11/09)

(c) 1100 block of Roberts Cut Off Rd.

(1) The west side of the 1100 block of Roberts Cut Off Rd. north 85 feet from the intersection of Baylor Avenue (station number 9+00) with Roberts Cut Off Rd. located in the school zone 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 and mark the street designating the west side of the 1100 block of Roberts Cut Off Rd. at the intersection with Baylor Avenue at station number 9+00 and then northward another 85 feet along the west side of the 1100 block of Roberts Cut Off Rd. as located in the school zone and as plotted on the attached exhibit A to Ordinance 822-09 as a "no parking zone on school days only between the hours of 7:00 a.m. and 4:00 p.m."

(Ordinance 822-09 adopted 8/25/09)

(d) 4500-4600 Barbara Road. Intersection of Barbara Road with Isbell Rd. west to the intersection of Barbara Rd. and Churchill Rd.

(1) From station 41+63 at the intersection of Isbell Road with Barbara Road westward along both sides of Barbara Road in the city to station 37+14 at Springer Road to station 33+95 at Palmetto to stations 30+59 and 23.35 in the intersection of Churchill and Barbara Road for an overall street distance of 1,125 feet designated as a special time limit no parking/no stopping zone for on-street vehicular stopping or parking.

(2) In accordance with this chapter, the police chief hereby directs the city public works department to place signs designating Barbara Road as a special time limit no parking/no stopping zone from 7:00 a.m. until 8:30 a.m. and again from 2:45 p.m. until 3:45 p.m. only on school days."

## **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 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). 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.**

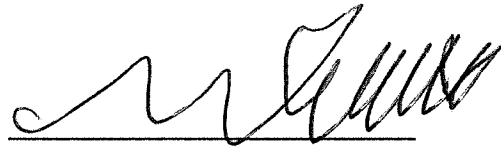
**EFFECTIVE DATE**

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 26th DAY OF JUNE 2018.**

  
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**Mayor Herman D. Earwood**

**ATTEST:**

  
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**Marvin C. Gregory III**  
**City Secretary**  
**City of River Oaks**