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April 19, 2002

Honorable Lara Edwards, Councilmember  
Lowry Crossing City Council  
505 Stage Coach  
McKinney, TX 75069

**RE: Vehicles Parked in Roadway**

Dear Councilmember Edwards:

This letter responds to your inquiry regarding vehicles illegally parked on public roads, received by our office on April 11, 2002, and how the City can address this matter.

Pursuant to City Ordinance No. 136, it is unlawful for any person to park a vehicle or any portion of a vehicle and leave it unattended on the driving portion or driving surface of a public street. To address this matter, the particular site should be provided to Mr. Dwayne Hall. Mr. Hall could then investigate and write-up a report providing the date, time and location of the violation. Since the ordinance requires that the vehicle or a portion of it be on the driving portion or surface of the road, pictures should be taken to provide evidence that the vehicle was parked unattended on the driving portion of the street. Such pictures should also show the license plate of the vehicle. The City should then obtain a copy of the vehicle registration from the county or state to establish ownership. A violation may then be issued to the owner. If you have any questions, please give me a call.

Sincerely,

Angela K. Washington

AKW/yjr

c: Honorable Mayor and Members of the City Council  
Ms. Patricia Francen, City Secretary  
Mr. Dwayne Hall, Building Official

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS**

**ORDINANCE NO. 136**

AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS MAKING IT UNLAWFUL TO PARK VEHICLES ON THE DRIVING PORTION OR DRIVING SURFACE OF ANY PUBLIC STREET WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING THAT THE OWNER OF AN ILLEGALLY PARKED AND UNATTENDED VEHICLE SHALL BE PRESUMED TO HAVE PARKED THE UNATTENDED VEHICLE; PROVIDING A REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING HOWEVER, WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW FOR SUCH OFFENSE THE PENALTY SHALL BE THAT FIXED BY STATE LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWRY CROSSING, TEXAS:

**SECTION 1. NO PARKING IN STREET EASEMENTS**

A. It shall be unlawful for any person to park a vehicle or any portion of a vehicle, and leave it unattended, on the driving portion or driving surface of any public street within the corporate limits of the city, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or traffic control device.

B. If any vehicle is found unattended or unoccupied and in violation of this or any parking ordinance of the city, the fact that such vehicle is unattended or unoccupied shall be prima facie evidence that the owner of the vehicle unlawfully stopped, placed, or parked the vehicle at such location. Proof of ownership may be made by copy of the registration of the vehicle from the state department maintaining such registrations or the County Motor Vehicle License Department showing the name of the person to whom the vehicle is registered. Such proof shall constitute prima facie evidence of ownership of the vehicle by the person to whom the Certificate of Registration was issued.

**SECTION 2. REPEALING CLAUSE.**

All parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.**

If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION 4. SAVINGS CLAUSE.**

An offense the date of which is alleged to be prior to the effective date of this ordinance, shall be governed by the prior law and ordinances, as amended, in effect on the date the offense is alleged to have been committed, and the former law is continued for this purpose.

**SECTION 5. PENALTY CLAUSE.**

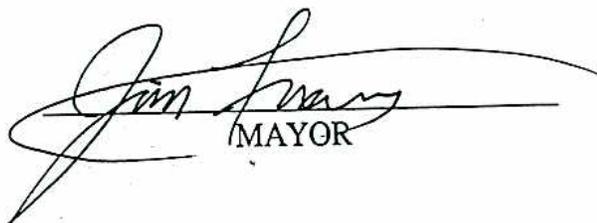
Any person firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense; providing however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law. Each day that a violation occurs or continues constitutes a separate offense.

**SECTION 6. EFFECTIVE DATE.**

This ordinance shall take effect immediately after its passage and publication of the caption, as the law in such cases provided.

**DULY ADOPTED**, by the City Council of the City of Lowry Crossing, Texas, on the 10 day of July, 2001.

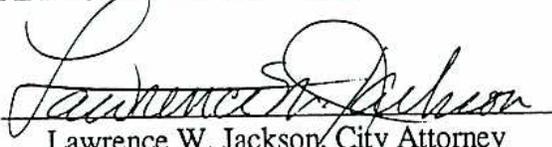
APPROVED:

  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lawrence W. Jackson, City Attorney