

ORDINANCE NO. 2024-807

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 11 “MOTOR VEHICLES AND TRAFFIC,” ARTICLE III “PARKING, STOPPING AND STANDING,” SECTION 11-125 “HANDICAPPED PARKING SPACES,” OF THE CEDAR HILL CODE OF ORDINANCES; PROVIDING FOR THE RENAMING OF THE ORDINANCE; ADOPTING THE STANDARDS AND SPECIFICATIONS FOR DISABLED PARKING SPACES AND SIGNAGE AS REQUIRED BY SECTION 681.009 OF THE TEXAS TRANSPORTATION CODE; ADOPTING REGULATIONS FOR THE USE OF DISABLED PARKING SPACES; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Cedar Hill, Texas is a home rule city within the State of Texas; and

WHEREAS, on December 8, 1987, the Cedar Hill City Council passed and approved Ordinance No. 87-946, establishing regulations and penalties relating to disabled parking spaces; and

WHEREAS, Ordinance 87-946 was codified as Chapter 11, Article III, Section on 11-125 and entitled “Handicapped Parking Spaces;” and

WHEREAS, staff of the City of Cedar Hill’s various departments periodically review the City’s ordinances and recommends revisions thereto based on, among other things, current needs, outdated provisions, changes in the law, advances in technology, changes in costs and necessary fees, administrative needs, and for the protection of citizens of the City; and

WHEREAS, the City’s Municipal Court Administrator and the Chief of Police have reviewed Section 11-125 of the City’s Code of Ordinances and have recommended revisions thereto based on changes in societal mores and current provisions of the Texas Transportation Code; and

WHEREAS, the City Council finds and determines that the recommended revisions to the said ordinance are in the best interest of the health, safety, and welfare of the citizens of the City of Cedar Hill.

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

SECTION 1. AMENDMENT OF CHAPTER 11, ARTICLE III, SECTION 11-125 OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL

Chapter 11, Article III, Section 11-125 of the Code of Ordinances of the City of Cedar Hill is hereby amended to read as follows:

Sec. 11-125. Disabled Parking.

(a) *Definition.* The term “disabled” as used herein shall have the same definition as set forth in Section 681.001 of the Texas Transportation Code, as amended.

(b) The city council does hereby authorize its city manager or his designee to designate specific parking spaces upon public property as disabled parking spaces. The owners of private property open to the public for parking purposes may, with the authorization and approval of the city manager, designate specific spaces as disabled parking spaces. All such spaces shall be designated by signs legibly stating that such parking spaces are restricted to use only by disabled persons. A record of such designation, approval and the location of such signs shall be maintained by the city manager or his designee, or under the city manager's authority, for the purpose of enforcement of the provisions of this section. The city hereby adopts the standards and specifications for disabled parking spaces and signage adopted by the Texas State Commission of Licensing and Regulation, as stated and required in Section 681.009 of the Texas Transportation Code, as they may be amended from time to time.

(c) Restricted to designated vehicles. Only disabled persons or persons transporting a disabled person shall park a vehicle in any parking space or parking area designated specifically for the physically disabled in accordance with subsection (b), and it is hereby an offense for any person not so disabled or transporting a disabled person to park a vehicle in any such designated parking space. It shall be prima facie

evidence of the fact that a vehicle is not parked or used for transportation of disabled persons, if such vehicle does not have a specially designated symbol, tab or device stating "disabled" thereupon and issued by the state highway department and properly displayed on the vehicle.

(d) It is unlawful for any person to park a motor vehicle in a disabled parking space unless such vehicle is properly identified by license plates or placards issued by the Texas Department of Transportation for persons with disabilities, or for any conduct which constitutes an offense under Section 681.011 of the Texas Transportation Code. If any vehicle is found to be in violation of this Section 11-125, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered is presumed to be the person who parked or allowed to be parked the said vehicle at the time and place the offense occurred. This presumption is rebuttable and shall have the effects and consequences set forth in Section 2.05 of the Texas Penal Code.

(e) *Enforcement and penalty.* Any person, firm, partnership, association, or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof in the municipal court of the city, shall be fined an amount not less than \$500.00 or more than \$750.00 in accordance with Section 681.011(g) of the Texas Transportation Code, as amended. A separate, punishable offense shall be deemed committed on each day during or on which a violation occurs or continues, and the penalty shall be subject to the penalty enhancements set forth in Sections 681.011(h)-(k) of the Texas Transportation Code, as amended.

SECTION 2. SAVINGS CLAUSE

If any other Ordinance of the City of Cedar Hill, Texas, is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed separate, distinct, and

independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Cedar Hill, Texas, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of health, safety, and welfare of the citizens of the City of Cedar Hill, Texas, this Ordinance shall take effect immediately after passage, approval, and publication, as required by law.

SECTION 6. PUBLICATION

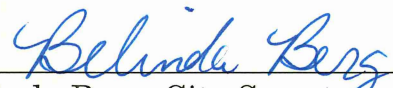
The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, APPROVED and ADOPTED by the City Council of Cedar Hill, Texas on this the 28th day of May, 2024.



Stephen Mason, Mayor

ATTEST:



Belinda Berg, City Secretary

APPROVED AS TO FORM:



Ron G. MacFarlane, Jr., City Attorney

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