

CITY OF HORSESHOE BAY, TEXAS

ORDINANCE NO. ORD 06-12-12G

AN ORDINANCE OF THE CITY OF HORSESHOE BAY ESTABLISHING FIRE ZONES, PROHIBITING PARKING OF VEHICLES OR PLACEMENT OF OBSTRUCTIONS IN FIRE ZONES, AUTHORIZING THE CHIEF OF THE FIRE DEPARTMENT OF HORSESHOE BAY TO DESIGNATE SUCH FIRE ZONES, PROVIDING A PENALTY FOR VIOLATION; AUTHORIZING THE REMOVAL AND IMPOUNDMENT OF VEHICLES PARKED AND OBSTRUCTIONS PLACED IN FIRE ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS the City Council seeks to promote the health, safety and general welfare of the City’s residents and visitors by maintaining convenient and safe streets and parking areas; and

WHEREAS the City Council has authority pursuant to Chapter 342, Local Government Code, as well as its police power authority, to adopt rules for the prevention and extinguishment of fires and to take actions necessary to prevent and abate fires within the City; and

WHEREAS the City Council has authority to regulate traffic by traffic-control devices and to regulate stopping, standing or parking of vehicles pursuant to Section 542.202 of the Texas Transportation Code, as may be amended; and

WHEREAS the City Council has authority to remove and store vehicles parked in unauthorized areas pursuant to section 684.053 of the Texas Transportation Code, as may be amended; and

WHEREAS, the City Council has authority to regulate the parking of motor vehicles on private property pursuant to section 431.001 of the Texas Local Government Code, as may be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS, that:

Sec. 1. Definition

For the purpose of this Ordinance, a “fire zone” shall be defined as an area within the City that is accessible by a motor vehicle, particularly including streets and highways whether publicly or privately-owned, at which the parking of vehicles or the placement of

other large objects could hinder or prevent firefighters or other emergency response personnel from having reasonable access to fire hydrants, buildings, or other facilities during a fire or other emergency situation.

Sec. 2. Designation of Fire Zones

The Fire Chief or Acting Fire Chief of the City of Horseshoe Bay Fire Department is authorized to designate fire zones within the City of Horseshoe Bay, subject to the approval of the City Council. After designating such zones but prior to marking the same, the Fire Chief or Acting Fire Chief shall advise the City Council at a public meeting of the Council where such zones shall be located. Unless the City Council votes to disapprove a particular fire zone, the Fire Chief's designation shall be final and such fire zone shall be approved. The Fire Chief shall maintain an updated and accurate record of the location of all approved fire zones in the City.

Sec. 3. Marking of Fire Zones

Each fire zone shall be marked by the City with paint and/or signage that is consistent with state law and which shall reasonably inform members of the public of the existence and dimensions of such fire zone.

Sec. 4. Parking or Obstructing Fire Zones Prohibited

No person other than emergency response personnel who are responding to a fire or other emergency shall park a motor vehicle in a fire zone or place an object in a fire zone that may obstruct reasonable access to or through such zone by emergency response personnel. Such an object shall be considered to be an obstruction for the purposes of this Ordinance. A citation shall be placed on any vehicle parked or obstruction placed in a fire zone informing the person responsible that such vehicle or obstruction is violation of this Ordinance and the penalty therefore.

Sec. 5. Removal and Impoundment of Vehicles Parked or Obstructions Placed in a Fire Zone; Costs for Storage and Removal

The City, acting through any designated department of the City, shall have authority at any time to remove or to arrange the removal of a vehicle parked or an obstruction placed in a fire zone in violation of this Ordinance. A determination of the person responsible for payment of the costs for storage and removal of a vehicle or obstruction shall be made in compliance with the hearing procedures established in chapter 685 of the Texas Transportation Code, as may be amended.

Sec. 6. Penalty for Violation.

The penalty for parking a vehicle or placing an obstruction in a fire zone shall be a criminal penalty of not less than fifty dollars (\$50.00) nor more than two thousand dollars (\$2000.00).

Sec. 7. Repealer

Any ordinances or parts of ordinances in conflict herewith repealed to the extent that they are in conflict.

