

**ORDINANCE NO. 2018-27**

**AN ORDINANCE OF THE TOWN OF ARGYLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 12 "TRAFFIC AND VEHICLES", BY ADDING ARTICLE 12.07 "PARKING PERMITS" TO ADD REGULATIONS APPLICABLE TO THE DESIGNATION OF PARKING ZONES WITHIN THE TOWN OF ARGYLE; AMENDING APPENDIX A "FEE SCHEDULE" TO ADD FEES FOR PARKING PERMITS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the streets of some residential subdivisions are restricted in width and travel;  
and,

**WHEREAS**, the close proximity to high volume parking traffic generators has caused excessive day time traffic and parking issues during various times of the day; and,

**WHEREAS**, such congestion and parking has resulted in congested streets and public safety concerns the town cause has determined to institute a neighborhood parking permit program for certain neighborhoods in order to alleviate such issues.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ARGYLE, TEXAS:**

**SECTION 1.** That the Code of Ordinances of the Town of Argyle, Texas, be and the same is hereby amended by amending Chapter 12, Parking, stopping or standing", Article 12.07, "Parking Permits" is hereby to add regulations applicable to the parking zones in the Town of Argyle, to read as follows:

**"CHAPTER 12 "Parking, Stopping or Standing"**

....

**ARTICLE 12.07 "Parking Permits"**

**Sec. 12.07.01.** - Designation of permit parking zones.

The following areas of the Town are hereby designated as permit parking zones, and any streets referenced as boundaries shall be deemed included as part of such zones:

- (A) 200 to 500 block of Boonesville Bend;

- (B) 300 to 400 block of Nora Lane; and
- (C) 300 to 500 block of Ellison Trace.

**Sec. 12.07.02.** - Creation of new zones.

Based on recommendations from the traffic engineer with the concurrence of the town manager, the town council may, from time to time, delineate additional residential areas of the town as permit parking zones, by adopting an ordinance amending Section 12.07.01. All permit parking zones established by council shall be delineated on the official residential permit parking map.

**Sec. 12.07.03** - Establishment of trial permit parking areas.

Notwithstanding any other provision of this article, the town council may, by resolution, establish one or more restricted parking areas on a trial basis, for a temporary period specified in such resolution. During the temporary time period specified, no other petitions for establishment of a restricted parking area for that location shall be acted on by the town staff or town council. Any restricted parking areas established on a trial basis pursuant to this section shall, at the expiration of the trial period established by the town council, continue to be restricted unless and until otherwise declared by the town council.

**Sec. 12.07.04** - Permit required; hours.

- (A) It shall be unlawful for any vehicle to be parked on a public right-of-way or street during specified hours in a parking permit area except upon display of a valid permit issued pursuant to section 12.07.05 of this article.
  - (1) The parking limitations of this article shall not apply to vehicles owned or leased by a public agency, marked service or delivery vehicles which are being used to provide services or make deliveries to dwellings within the restricted parking area, non-motorized vehicles, or to commercial vehicles engaged in business at a residential address within or reasonably near to a restricted parking area.
  - (2) The parking limitations of this article shall not apply to street frontage along a restricted parking area which is allocable to commercial, public or special uses (other than residential special uses), and parking along such frontage shall be unrestricted under this article; however, parking along such frontage may otherwise be restricted by authority of the town traffic engineer or town manager in accordance with applicable law. Nothing contained within this article shall in any way limit the power of the town manager, the town traffic engineer, the chief of police, or the director of public works to restrict the stopping, standing or parking of vehicles as may be required in the interests of the public safety and convenience.

- (B) Unless otherwise specified by town council within a resolution designating a particular restricted parking area, the hours during which the restricted parking regulations authorized by this article shall apply shall be 7:00 a.m. to 5:00 p.m., Monday through Friday, excepting holidays, for the following areas identified in Section 12.07.01. The specified hours shall be identified on signs erected by the town within a restricted parking area.

**Sec. 12.07.05. - Application.**

- (A) Any person desiring a parking permit required by this article shall apply for such permit at the office of the town manager. Application shall be made as follows:
  - (1) If the owner or agent of a property within a restricted parking block assumes responsibility for distributing permits to the inhabitants of the property, only the owner or agent may apply for such permit as may be available.
  - (2) If the owner or agent of a property within a restricted parking block does not assume responsibility for distributing permits, then the inhabitants of the property may apply for such permits as may be available.
- (B) For each permit requested, an applicant shall provide the registration number (license plate) with the state vehicle registration of the vehicle for which the residential decal is sought, the make and model of the vehicle, the residence address for which a permit is sought, the name and address of the person to whom the vehicle is registered, and the name and address of the person for whose use the vehicle has been authorized, if different from the person to whom the vehicle is registered.
- (C) Each permit issued, including each guest permit, shall be assigned a permit/serial number.

**Sec. 12.07.06 - Administration of permits.**

- (A) Permits to allow parking during restricted hours within a restricted parking area shall be issued by the town, block-by-block within a restricted parking area, on a permit year basis.
- (B) Permits, in the form of decals, shall be issued for a period of up to twelve (12) months, except that permits issued anytime during 2019 shall be valid until December 31, 2020. A new permit year shall begin on January 1<sup>st</sup> of each calendar year. Only one permit shall be issued per vehicle.
- (C) Except as otherwise provided, upon proof of vehicle ownership, proof of an applicant's residence on a block within a restricted parking area and payment of applicable fee(s), the town shall issue permits authorizing the parking of a vehicle in a restricted parking area, as follows:

- (1) To a person who resides within an affected household, for a vehicle owned by such person, or for a vehicle not owned by such person if the vehicle is used exclusively by such person ("residential decal"). The maximum number of permits issued with respect to any single-family dwelling shall be four (4).
  - (2) To a person who resides within an affected household, to authorize parking by persons who are guests in that affected household ("guest permit"). No more than two (2) guest permits shall be issued to any affected household which is a single-family dwelling.
  - (3) Proof of vehicle ownership shall consist of one (1) of the following: registration for the vehicle in question, or a Town of Argyle property tax record for such vehicle, either of which must indicate that the vehicle is registered at an address within the restricted parking block for which a permit is sought.
  - (4) Proof of residency shall be made as follows, provided all such proof shows an address within the restricted parking block for which a permit is sought:
    - (a) Any one (1) of the following: a Texas driver's license or Texas state identification card; and
    - (b) Proof of ownership of the property at the address within the restricted parking block for which a permit is sought or a signed agreement establishing occupancy thereof.
- (D) The Town shall charge an annual administrative fee for each permit issued under this article which shall be established and included in Appendix A Fee Schedule of the Town's Code of Ordinances by the Town Council. The fee shall be as follows:
- (1) For each permit for a "residential decal" issued pursuant to paragraph (c)(1), above shall be established by the Town Council.
  - (2) For each permit for a "guest permit" issued pursuant to paragraph (c)(2), above, shall be established by resolution of Town Council;
  - (3) For permits applied for and acquired after June 1<sup>st</sup> of each permit year beginning on June 1, 2020, the fee will be one-half of the applicable rate(s) set forth in paragraphs (c)(1)-(2), above.
  - (4) A person who continues to reside at the same address, upon disposing of a vehicle for which a permit has been issued, may obtain a new permit for a replacement vehicle upon surrender of the previous permit and application

for a new permit for the replacement vehicle. This transaction shall be deemed a "transfer" of the permit and pay a transfer fee.

- (5) A person who moves from a block or disposes of a vehicle without replacement within a restricted parking area must surrender such permit. Any person who surrenders a permit in the months of January through June of a permit year shall be entitled to a partial fifty (50) percent refund of the fee paid pursuant to this section for such permit. When a permit is not surrendered as required, no new permit(s) for the permit year in question shall be issued to a person having the same residence address, unless an applicant can show convincing proof that the residence address of the person to whom the non-surrendered permit was issued has changed to a location which is outside the town limits.

**Sec. 12.07.07.** - Proper display and use of decals.

Decals and permits shall be properly displayed, in accordance with the following:

- (A) A residential decal shall be displayed in the lower left corner of the rear window of the vehicle for which the permit has been issued. The decal must be adhered to the window and may not be taped or affixed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or the rear window is legally obscured (i.e., louvers), the decal may be displayed on the driver's side of the vehicle, adhered to the lower right corner of the window furthest to the rear of the vehicle. If a convertible has no permanent rear window, the decal may be adhered to the driver's side of the windshield. A decal issued with respect to a motorcycle shall be displayed beside the state inspection sticker and the town license on the motorcycle front fork.
  - (1) Any alteration of a residential decal shall deem the decal invalid.
  - (2) A person to whom a residential decal has been issued shall not loan, assign, sell or otherwise convey such decal to any other person or vehicle, except as specifically provided by the regulations set forth within this article.
  - (3) Residential decals, if destroyed or lost, may be re-issued within the same permit year, upon written explanation, satisfactory to the town treasurer, and upon payment of an additional fee as established by resolution of town council.
- (B) A guest permit shall be displayed by hanging from the center (interior) rear view mirror so that the printing on the guest permit faces the front windshield. Any alteration(s) to a guest permit or obscuring of information printed on a guest permit (e.g., folding such permit so any printed information is not visible), including, without limitation, any changes to the address to which the guest permit is issued, shall deem the guest permit invalid.

- (1) Guest permits shall be displayed within a vehicle only while the owner or operator of such vehicle is a guest at the affected household to which the permit has been issued.
  - (2) Guest permits may be temporarily loaned by the member(s) of one affected household to another within the same restricted parking block, for the purpose of accommodating a large gathering of guests at a particular household. Otherwise, an applicant to whom a guest permit is issued may not loan, assign, sell or otherwise convey a guest permit to a person who is not a guest in his household.
  - (3) Guest permits, if lost or misplaced, shall not be re-issued within the same permit year.
- (C) In addition to any other remedy which may be available to the town, upon receipt of information indicating that any regulation set forth within this section has been violated, the treasurer may revoke a permit, and deny any issuance of a replacement, for a period of up to three (3) full permit years.

**Secs. 12.07.08. Fees**

All fees or charges as set forth in this article shall be established by resolution of Town Council.

**Secs. 12.07.09 -12.07.12. - Reserved.”**

**SECTION 2.** That the Code of Ordinances of the Town of Argyle, Texas, be and the same is hereby amended by amending Article A1.000, Administrative, User or Regulatory Fees, by adding a new Subsection (4)(L), Residential Parking Zone Permits,” applicable to the parking zones in the Town of Argyle, to read as follows:

**"ARTICLE A1.000 ADMINISTRATIVE, USER OR REGULATORY FEES**

.....

(4) Special permits and fees

.....

(L) Residential Parking Zone Permit fees:

- (i) Annual Residential Parking Permit (“residential decal”) in accordance with Section 12.07.06: \$10 per year for the first two decals, each additional decal is \$3.00 for a maximum of four per address.

- (ii) Annual Residential Guest Parking Permit (“guest permit”) in accordance with Section 12.07.06: \$5 per year for each guest permit (hang tag), for a maximum of two per address.
- (iii) For permits applied for and acquired after June 1<sup>st</sup> of each permit year beginning on June 1, 2020, the fee will be one-half of the applicable rate(s) set forth in subsections (i) and (ii) above.
- (iv) Transfer Fee (in accordance with Section 12.07.06): \$5 per decal.”

**SECTION 3.** That all provisions of the ordinances of the Town of Argyle in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Argyle not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, 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, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Argyle as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the Town Council of the Town of Argyle, Texas, on the 11th day of  
December, 2018.

**APPROVED:**

  
DONALD MOSER, MAYOR

**ATTEST:**

  
ERIKA MCCOMIS, TOWN SECRETARY



**APPROVED AS TO FORM:**

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ROBERT E. HAGER, TOWN ATTORNEY



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**WHEREAS**, the streets of some residential subdivisions are restricted in width and travel; and,

**WHEREAS**, the close proximity to high volume parking traffic generators has caused excessive day time traffic and parking issues during various times of the day; and,

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**"CHAPTER 12 "Parking, Stopping or Standing"**

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**ARTICLE 12.07 "Parking Permits"**

**Sec. 12.07.01.** - Designation of permit parking zones.

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(C) 300 to 500 block of Ellison Trace.

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**Sec. 12.07.03 - Establishment of trial permit parking areas.**

Notwithstanding any other provision of this article, the town council may, by resolution, establish one or more restricted parking areas on a trial basis, for a temporary period specified in such resolution. During the temporary time period specified, no other petitions for establishment of a restricted parking area for that location shall be acted on by the town staff or town council. Any restricted parking areas established on a trial basis pursuant to this section shall, at the expiration of the trial period established by the town council, continue to be restricted unless and until otherwise declared by the town council.

**Sec. 12.07.04 - Permit required; hours.**

(A) It shall be unlawful for any vehicle to be parked on a public right-of-way or street during specified hours in a parking permit area except upon display of a valid permit issued pursuant to section 12.07.05 of this article.

(1) The parking limitations of this article shall not apply to vehicles owned or leased by a public agency, marked service or delivery vehicles which are being used to provide services or make deliveries to dwellings within the restricted parking area, non-motorized vehicles, or to commercial vehicles engaged in business at a residential address within or reasonably near to a restricted parking area.

(2) The parking limitations of this article shall not apply to street frontage along a restricted parking area which is allocable to commercial, public or special uses (other than residential special uses), and parking along such frontage shall be unrestricted under this article; however, parking along such frontage may otherwise be restricted by authority of the town traffic engineer or town manager in accordance with applicable law. Nothing contained within this article shall in any way limit the power of the town manager, the town traffic engineer, the chief of police, or the director of public works to restrict the stopping, standing or parking of vehicles as may be required in the interests of the public safety and convenience.

- (B) Unless otherwise specified by town council within a resolution designating a particular restricted parking area, the hours during which the restricted parking regulations authorized by this article shall apply shall be 7:00 a.m. to 5:00 p.m., Monday through Friday, excepting holidays, for the following areas identified in Section 12.07.01. The specified hours shall be identified on signs erected by the town within a restricted parking area.

**Sec. 12.07.05. - Application.**

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  - (1) If the owner or agent of a property within a restricted parking block assumes responsibility for distributing permits to the inhabitants of the property, only the owner or agent may apply for such permit as may be available.
  - (2) If the owner or agent of a property within a restricted parking block does not assume responsibility for distributing permits, then the inhabitants of the property may apply for such permits as may be available.
- (B) For each permit requested, an applicant shall provide the registration number (license plate) with the state vehicle registration of the vehicle for which the residential decal is sought, the make and model of the vehicle, the residence address for which a permit is sought, the name and address of the person to whom the vehicle is registered, and the name and address of the person for whose use the vehicle has been authorized, if different from the person to whom the vehicle is registered.
- (C) Each permit issued, including each guest permit, shall be assigned a permit/serial number.

**Sec. 12.07.06 - Administration of permits.**

- (A) Permits to allow parking during restricted hours within a restricted parking area shall be issued by the town, block-by-block within a restricted parking area, on a permit year basis.
- (B) Permits, in the form of decals, shall be issued for a period of up to twelve (12) months, except that permits issued anytime during 2019 shall be valid until December 31, 2020. A new permit year shall begin on January 1<sup>st</sup> of each calendar year. Only one permit shall be issued per vehicle.
- (C) Except as otherwise provided, upon proof of vehicle ownership, proof of an applicant's residence on a block within a restricted parking area and payment of applicable fee(s), the town shall issue permits authorizing the parking of a vehicle in a restricted parking area, as follows:

- (1) To a person who resides within an affected household, for a vehicle owned by such person, or for a vehicle not owned by such person if the vehicle is used exclusively by such person ("residential decal"). The maximum number of permits issued with respect to any single-family dwelling shall be four (4).
  - (2) To a person who resides within an affected household, to authorize parking by persons who are guests in that affected household ("guest permit"). No more than two (2) guest permits shall be issued to any affected household which is a single-family dwelling.
  - (3) Proof of vehicle ownership shall consist of one (1) of the following: registration for the vehicle in question, or a Town of Argyle property tax record for such vehicle, either of which must indicate that the vehicle is registered at an address within the restricted parking block for which a permit is sought.
  - (4) Proof of residency shall be made as follows, provided all such proof shows an address within the restricted parking block for which a permit is sought:
    - (a) Any one (1) of the following: a Texas driver's license or Texas state identification card; and
    - (b) Proof of ownership of the property at the address within the restricted parking block for which a permit is sought or a signed agreement establishing occupancy thereof.
- (D) The Town shall charge an annual administrative fee for each permit issued under this article which shall be established and included in Appendix A Fee Schedule of the Town's Code of Ordinances by the Town Council. The fee shall be as follows:
- (1) For each permit for a "residential decal" issued pursuant to paragraph (c)(1), above shall be established by the Town Council.
  - (2) For each permit for a "guest permit" issued pursuant to paragraph (c)(2), above, shall be established by resolution of Town Council;
  - (3) For permits applied for and acquired after June 1<sup>st</sup> of each permit year beginning on June 1, 2020, the fee will be one-half of the applicable rate(s) set forth in paragraphs (c)(1)-(2), above.
  - (4) A person who continues to reside at the same address, upon disposing of a vehicle for which a permit has been issued, may obtain a new permit for a replacement vehicle upon surrender of the previous permit and application

for a new permit for the replacement vehicle. This transaction shall be deemed a "transfer" of the permit and pay a transfer fee.

- (5) A person who moves from a block or disposes of a vehicle without replacement within a restricted parking area must surrender such permit. Any person who surrenders a permit in the months of January through June of a permit year shall be entitled to a partial fifty (50) percent refund of the fee paid pursuant to this section for such permit. When a permit is not surrendered as required, no new permit(s) for the permit year in question shall be issued to a person having the same residence address, unless an applicant can show convincing proof that the residence address of the person to whom the non-surrendered permit was issued has changed to a location which is outside the town limits.

**Sec. 12.07.07. - Proper display and use of decals.**

Decals and permits shall be properly displayed, in accordance with the following:

- (A) A residential decal shall be displayed in the lower left corner of the rear window of the vehicle for which the permit has been issued. The decal must be adhered to the window and may not be taped or affixed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or the rear window is legally obscured (i.e., louvers), the decal may be displayed on the driver's side of the vehicle, adhered to the lower right corner of the window furthest to the rear of the vehicle. If a convertible has no permanent rear window, the decal may be adhered to the driver's side of the windshield. A decal issued with respect to a motorcycle shall be displayed beside the state inspection sticker and the town license on the motorcycle front fork.
  - (1) Any alteration of a residential decal shall deem the decal invalid.
  - (2) A person to whom a residential decal has been issued shall not loan, assign, sell or otherwise convey such decal to any other person or vehicle, except as specifically provided by the regulations set forth within this article.
  - (3) Residential decals, if destroyed or lost, may be re-issued within the same permit year, upon written explanation, satisfactory to the town treasurer, and upon payment of an additional fee as established by resolution of town council.
- (B) A guest permit shall be displayed by hanging from the center (interior) rear view mirror so that the printing on the guest permit faces the front windshield. Any alteration(s) to a guest permit or obscuring of information printed on a guest permit (e.g., folding such permit so any printed information is not visible), including, without limitation, any changes to the address to which the guest permit is issued, shall deem the guest permit invalid.

- (1) Guest permits shall be displayed within a vehicle only while the owner or operator of such vehicle is a guest at the affected household to which the permit has been issued.
- (2) Guest permits may be temporarily loaned by the member(s) of one affected household to another within the same restricted parking block, for the purpose of accommodating a large gathering of guests at a particular household. Otherwise, an applicant to whom a guest permit is issued may not loan, assign, sell or otherwise convey a guest permit to a person who is not a guest in his household.
- (3) Guest permits, if lost or misplaced, shall not be re-issued within the same permit year.

(C) In addition to any other remedy which may be available to the town, upon receipt of information indicating that any regulation set forth within this section has been violated, the treasurer may revoke a permit, and deny any issuance of a replacement, for a period of up to three (3) full permit years.

**Secs. 12.07.08. Fees**

All fees or charges as set forth in this article shall be established by resolution of Town Council.

**Secs. 12.07.09 -12.07.12. - Reserved."**

**SECTION 2.** That the Code of Ordinances of the Town of Argyle, Texas, be and the same is hereby amended by amending Article A1.000, Administrative, User or Regulatory Fees, by adding a new Subsection (4)(L), Residential Parking Zone Permits," applicable to the parking zones in the Town of Argyle, to read as follows:

**"ARTICLE A1.000 ADMINISTRATIVE, USER OR REGULATORY FEES**

.....

(4) Special permits and fees

.....

(L) Residential Parking Zone Permit fees:

- (i) Annual Residential Parking Permit ("residential decal") in accordance with Section 12.07.06: \$10 per year for the first two decals, each additional decal is \$3.00 for a maximum of four per address.

- (ii) Annual Residential Guest Parking Permit (“guest permit”) in accordance with Section 12.07.06: \$5 per year for each guest permit (hang tag), for a maximum of two per address.
- (iii) For permits applied for and acquired after June 1<sup>st</sup> of each permit year beginning on June 1, 2020, the fee will be one-half of the applicable rate(s) set forth in subsections (i) and (ii) above.
- (iv) Transfer Fee (in accordance with Section 12.07.06): \$5 per decal.”

**SECTION 3.** That all provisions of the ordinances of the Town of Argyle in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the Town of Argyle not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, 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, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.


**SECTION 5.** That an offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the Town of Argyle as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such violation shall continue shall be deemed and constitute a separate offense.

**SECTION 7.** That this Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED by the Town Council of the Town of Argyle, Texas, on the 11th day of  
December, 2018.

APPROVED:

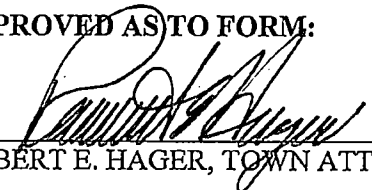
  
DONALD MOSER, MAYOR

ATTEST:

  
ERIKA MCCOMIS, TOWN SECRETARY



APPROVED AS TO FORM:

  
ROBERT E. HAGER, TOWN ATTORNEY