

CHAPTER 61: PARKING

Section

- 61.01 Parking regulations for vehicles transporting disabled persons
- 61.02 No Parking on Helen Street

§ 61.01 Parking Regulations for Vehicles Transporting Disabled Persons

(a) Definitions

(1) "Disability" means a condition in which a person has:

- (i) Mobility problems that substantially impair the person's ability to ambulate;
- (ii) Visual acuity of 20/200 or less in the better eye with correcting lenses; or
- (iii) Visual acuity of more than 20/200 with a limited field of vision in which the widest diameter of the visual field subtends an angle of 20 degrees or less.

(2) "Disabled parking placard" means a placard issued under § 681.002 of the Texas Transportation Code.

(3) "Mobility problems that substantially impair a person's ability to ambulate" means that the person:

- (i) Cannot walk 200 feet without stopping to rest;
- (ii) Cannot walk without the use of or assistance from an assistance device, including a brace, a cane, or a crutch, another person, or a prosthetic device;
- (iii) Cannot ambulate without a wheelchair or similar device;
- (iv) Is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;
- (v) Uses portable oxygen;
- (vi) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class 3 or Class 4 according to standards set by the American Heart Association;
- (vii) is severely limited in the ability to walk because of an arthritic, neurological, or orthopedic condition; or

(viii) Has another debilitating condition that, in the opinion of a physician licensed to practice medicine in this State, limits or impairs the person's ability to walk.

(b) Parking privileges for the disabled

(1) A vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if:

(i) The vehicle is being operated by or for the transportation of a person with a disability;
and

(ii) There are: a) Displayed on the vehicle special license plates issued under § 502.253 of the Texas Transportation Code; or b) Placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(2) The owner of a vehicle is exempt from the payment of a fee or penalty imposed by the City of Overton, Texas, for parking in a space with a limitation on the length of time for parking if:

(i) The vehicle is being operated by or for the transportation of a person with a disability;
and

(ii) There are: a) Displayed on the vehicle special license plates issued under § 502.253 of the Texas Transportation Code; or b) Placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(3) This section does not permit a vehicle to be parked at a time when or at a place where parking is prohibited.

(c) Designation of parking spaces

The City or a person or entity that owns or controls property within Overton, Texas, used for parking must designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.

(d) Enforcement

(1) The City, by and through its police department, may file a charge against a person who commits an offense under this ordinance. A person commits an offense if:

(i) The persons do not have a disability;

(ii) The person is not transporting a person with a disability;

(iii) The person parks a vehicle on which license plates issued under § 502.253 of the Texas Transportation Code are not displayed, or a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities;

(iv) If a person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including an access or curb ramp; or

(v) A person lends a disabled parking placard issued to a person who uses the placard in violation of this ordinance.

(2) In a prosecution under this ordinance, it is presumed that the registered owner of the motor vehicle is the person who parked the vehicle at the time and place the offense occurred.

(3) An offense under this section is a Class C misdemeanor punishable by a fine of not less than \$100 or more than \$200.

(4) If it is shown in a trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$200 or more than \$300.

(5) A law enforcement officer who believes that an offense under this section has occurred in the officer's presence shall seize any disabled parking placard involved in the offense. Not later than 48 hours after the seizure, the officer shall determine whether probable cause existed to believe that an offense was committed. If the officer does not find that probable cause existed, the officer shall promptly return each placard to the person from whom it was seized. If the officer finds that probable cause existed, the officer, not later than the fifth day after the date of the seizure, shall submit each seized placard to the Department of Transportation.

§ 61.02 No Parking on Helen Street

(1) That the parking of a motor vehicle is not permitted on either side of Helen Street from Highway 323 North to Cottonwood Street.

(2) It is further ordained that law enforcement officers are authorized to issue a citation to the owner of any vehicle parked on the above described section of Helen Street and have the vehicle towed for failure to comply with this ordinance as permitted by Texas law and Overton City Ordinances.