**ORDINANCE NO.** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 22, “MOTOR VEHICLES AND TRAFFIC,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, by amending article I, “In General,” Section 22-1, “Definitions” to add the definition of pre-arranged motorbus, and amending ARTICLE VI, “STOPPING, STANDING, AND PARKING,” DIVISION 1, “GENERALLY,” TO ADD SECTION 22-158.4 CREATING A pre-arranged motorbus ZONE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS,** the City Council of the City of Fort Worth (“City Council”) seeks to promote public safety on streets by regulating parking areas throughout the City of Fort Worth (“City”);

**WHEREAS,** the City Council seeks to encourage tourism throughout the City by minimizing congestion and making parking more convenient to patrons visiting local establishments;

 **WHEREAS,** local hotels and the Fort Worth Convention & Visitors Bureau have identified an increase in traffic congestion, as well as safety concerns, in the Central Business District because pre-arranged motorbus services do not have designated zones to load and unload passengers;

 **WHEREAS,** City staff, local businesses, and pre-arranged motorbus operators have collaborated to identify locations within the Central Business District where pre-arranged motorbus services can load and unload passengers in a manner that minimizes traffic congestion and maximizes safety for the passengers;

 **WHEREAS,** the City’s Traffic Engineer has the authority to regulate parking signage within the City; however, an amendment to the City Code is necessary to enforce a designated zone;

 **WHEREAS,** the City Council has determined that the pre-arranged motorbus zone is necessary to protect health, life, and property and to preserve good government, order, and security of the City and its inhabitants; and

**WHEREAS,** it is reasonable to amend Chapter 22, Articles I and VI of the Code of the City of Fort Worth, Texas (2015), as amended, to better manage the City’s public assets and continue to encourage tourism in the City of Fort Worth.

 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:**

**SECTION 1.**

Chapter 22, “Motor Vehicles and Traffic,” Article I, “In General,” Section 22-1, “Definitions” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add the following defined term:

***Pre-Arranged Motorbus.*** A motorbus, that allows passengers to board and dismount the motorbus at pre-arranged times at fixed pick-up and drop-off locations. Passengers may schedule the pre-arranged appointments by telephone, electronic communication, or other available means with the motorbus owner.

**SECTION 2.**

Chapter 22, “Motor Vehicles and Traffic,” Article VI “Stopping, Standing, and Parking,” Division 1, “Generally” of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended to add Section 22-158.4 to read as follows:

Sec. 22-158.4 Pre-Arranged Motorbus Zone.

(a)   The driver of a vehicle or a commercial motor vehicle that is not a pre-arranged motorbus shall not stop, stand or park such vehicle for any period of time in a location specifically designated for use by pre-arranged motorbuses.

(b)   The driver or operator of a pre-arranged motorbus shall not load or discharge passengers outside of a pre-arranged motorbus zone when in downtown, or within the pre-arranged motorbus zone in an unsafe manner.

(c) A pre-arranged motorbus parked in a pre-arranged motorbus zone shall not idle its engines nor remain parked for more than the posted time limit for that pre-arranged motorbus zone, unless extenuating weather conditions require a longer period.

(d) The pre-arranged motorbus driver or operator shall enter a pre-arranged motorbus zone in such a manner that the pre-arranged motorbus shall be in a position with the right front wheel no further than 18 inches from the curb and with the pre-arranged motorbus parked parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

**SECTION 3.**

 This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

**SECTION 4.**

 It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

 All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 6.**

The violation of the provisions of this ordinance shall be civil offenses subject to civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of this Code. Accordingly, any person, firm, or corporation who violates any provision of this Code related to the parking, stopping or standing of vehicles shall be fined in an amount not exceeding two hundred dollars ($200.00) for each offense. Each violation shall constitute a separate offense.

**SECTION 7.**

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

**SECTION 8.**

 All other provisions of Chapter 22 of the Code of the City of Fort Worth, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION 9.**

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

**APPROVED AS TO FORM AND LEGALITY**: **ATTEST**:

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Jessica Sangsvang Mary J. Kayser

Senior Assistant City Attorney City Secretary

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EFFECTIVE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_