

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 118, TRAFFIC AND VEHICLES, OF THE CITY OF BRYAN CODE OF ORDINANCES BY ADOPTING A PRESUMPTION OF REGISTERED OWNER FOR STOPPING, STANDING, AND PARKING OFFENSES; CLARIFYING THAT IT SHALL BE UNLAWFUL TO PARK IN DESIGNATED NO PARKING AREAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR CODIFICATION; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Bryan has adopted Chapter 118, Traffic and Vehicles, of the City of Bryan Code of Ordinances, which provides standards for motor vehicle traffic, including restrictions on stopping, standing, and parking of vehicles; and

WHEREAS, an offense for violation of restrictions on stopping, standing, and parking of vehicles may be prosecuted under city ordinance or state law; and

WHEREAS, Section 545.308 of the Texas Transportation Code authorizes a presumption that the registered owner of a vehicle is the person who stopped, stood, or parked the vehicle at the time and place that the state law parking offense occurred; and

WHEREAS, Chapter 118 of the City of Bryan Code of Ordinances does not currently provide for a presumption of ownership for an offense under city ordinance or state law; and

WHEREAS, the City Council recognizes the need from time to time to amend the City of Bryan Code of Ordinances to update and clarify language in the interest of public safety, health, and general welfare of the City of Bryan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

SECTION 1.

That the City Council finds and determines the foregoing recitals to be true and correct and hereby makes them part of this ordinance.

SECTION 2.

That Bryan Code of Ordinances, Chapter 118, Traffic and Vehicles, Section 118-97, No parking areas, is hereby amended by modifying subsection (a) to read as follows:

- (a) ~~It shall be unlawful for any person to stop, stand, or park a vehicle where signs or painted curbs indicate that parking is prohibited in violation of this division or state law. When signs are erected or curbs painted giving notice that parking is prohibited on certain streets or on sides of streets or portions thereof, no person shall park a vehicle at such prohibited locations.~~

SECTION 3.

That Bryan Code of Ordinances, Chapter 118, Traffic and Vehicles, Section 118-99, Prima facie proof that signs or markings are official, is hereby amended by revising the section title, modifying the section, and adding subsections to read as follows:

Sec. 118-99. – Presumptions ~~Prima facie proof that signs or markings are official~~

- (a) Proof that a sign or marking was in place at the time that a person violates the prohibition or restriction indicated by such sign or marking ~~shall constitute is prima facie evidence proof~~ that the sign or marking was installed or placed in accordance with this division.
- (b) If a vehicle is found stopped, standing, or parked in violation of this division or state law, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred.

SECTION 4.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5.

That the Bryan Code of Ordinances, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6.

That if any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

SECTION 7.

That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meeting was given, pursuant to all applicable law.

SECTION 8.

That it is the intention of the City Council that this ordinance shall become part of the Bryan Code of Ordinances and it may be renumbered and codified therein accordingly.

SECTION 9.

That a person who violates any section of this ordinance is guilty of a misdemeanor and upon conviction is punishable in accordance with Section 1-14 of the Bryan Code of Ordinances.

SECTION 10.

That the City Secretary is directed to publish this ordinance in a newspaper of general circulation in the City of Bryan in compliance with the provisions of the City Charter, which publication shall be sufficient if it contains the title of this ordinance, the penalty provided therein for violation thereof, and the effective date of the ordinance.

SECTION 11.

That this ordinance shall take effect immediately upon its first and only reading and publication in a newspaper of general circulation.

PASSED, ADOPTED AND APPROVED the _____ day of _____, 2026, at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of ____ yeses and ____ noes.

ATTEST:

CITY OF BRYAN, TEXAS

Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper, City Attorney