

ORDINANCE 2015-O-168

AN ORDINANCE AMENDING CHAPTER 19 (MOTOR VEHICLES AND TRAFFIC) OF THE CODE OF THE CITY OF LAREDO, BY AMENDING SECTION 19-1 (DEFINITIONS) TO INCLUDE SIX NEW DEFINITIONS: "AGRICULTURAL EQUIPMENT," "COMMERCIAL MOTOR VEHICLE," "OVERNIGHT," "SEMITRAILER," "TRAILER," AND "TRUCK TRACTOR;" BY AMENDING ARTICLE VIII (STOPPING, STANDING OR PARKING) TO ADD A NEW SUBSECTION (L) TO SECTION 19-347(A)(1) TO PROHIBIT OVERNIGHT PARKING OF CERTAIN COMMERCIAL VEHICLES AND TRUCKS ON PUBLIC STREETS; AND ADDING A NEW SUBSECTION (13) TO SECTION 19-350(A) AUTHORIZING THE IMPOUNDMENT OF CERTAIN COMMERCIAL VEHICLES AND TRUCKS IN VIOLATION HEREOF; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Laredo, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Laredo previously adopted regulations which have been codified in Article VIII of Chapter 19 of the Laredo City Code that prohibited the stopping, standing or parking of vehicles exceeding 35 feet in length or 10 feet in width at any time on any public street or property;

WHEREAS, the City Council now finds that parking certain commercial vehicles and trucks 35 feet or less in length or 10 feet or less in width overnight on public streets, poses a dangerous risk to the health, safety and welfare of other motorists and pedestrians; and,

WHEREAS, the City Council further finds that in order to promote the public safety and general welfare of its residents, the current Ordinance should be amended to prohibit overnight parking of these commercial vehicles and trucks on any street belonging to the city.

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

Section 1: Chapter 19 of the Laredo Code of Ordinances be and is hereby amended by alphabetically adding six definitions to Section 19-1 (Definitions) to read as follows:

Agricultural equipment means any tractor, tractor trailer or other attachment, and any other motorized equipment meant primarily for use in farming or agricultural activities.

Commercial motor vehicle means any motor vehicle (other than a motorcycle or passenger car) designed or used primarily for the transportation of property, including any passenger car which has

been reconstructed so as to be used and which is being used primarily for delivery purposes, with the exception of passenger cars used in the delivery of the United States mail.

Overnight means anytime between the hours of 7:00 p.m. and 7:00 a.m. the following day.

Semitrailer means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another motor vehicle.

Trailer means every vehicle without motive power designed or used for carrying property or passengers wholly on its own structure and to be drawn by a motor vehicle.

Truck-tractors means every motor vehicle designed or used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn

Section 2: Chapter 19 of the Laredo Code of Ordinances be and is hereby amended by adding a new subsection (l) to section 19-347 (a)(1) (Stop, Stand, or Park a Vehicle) to read as follows:

19-347 (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the direction of a police officer or official traffic-control device, no person shall:

(1) Stop, Stand or Park a Vehicle

L. No person shall stop, stand, or park overnight any agricultural vehicle, commercial motor vehicle, semitrailer, trailer, or tuck tractor, irrespective of length or width, on any public street, alley, or other public place or property belonging to the city.

Section 3: Chapter 19 of the Laredo Code of Ordinances be and is hereby amended by adding a new subsection (13) to section 19-350(a) (Impoundment of Standing or Parked Vehicles) to read as follows:

19-350 Impoundment of Standing or Parked Vehicles

(a) Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place, may be removed by or upon order of the chief of police, or any police officer designated by the chief of police, or any person authorized by the city manager, and placed in storage in a privately operated garage or other place designated or maintained by the city, under the following circumstances:

(13) When any agricultural vehicle, commercial motor vehicle, semitrailer, trailer, or tuck tractor, irrespective of length or width, is left overnight standing or parked on a public street, public right-of-way or public property.

Section 4: The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

Section 5: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

Section 6: All rights and remedies of the City of Laredo, Texas, are expressly saved as to any and all violations of the provisions of any ordinance affecting motor vehicles and traffic which 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 7: Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

Section 8: This ordinance shall take effect immediately from and after its passage, and publication of the caption, as the law and charter in such case provide.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON THIS

7th DAY OF December, 2015.


PETE SAENZ, MAYOR

ATTEST:


**GUSTAVO GUEVARA, JR.
CITY SECRETARY**

APPROVED AS TO FORM:

**RAUL CASSO
CITY ATTORNEY**


**BY: KRISTINA LAUREL HALE
ASSISTANT CITY ATTORNEY**

