

ORDINANCE NO. 1641

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAMPASAS, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAMPASAS, CHAPTER 26 "CEMETERIES" BY AMENDING ARTICLE 1-IN GENERAL, SECTION 26-73, RULE 13 MISCELLANEOUS PROVISIONS TO ESTABLISH (j) OPERATION OF MOTOR VEHICLES, PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED \$500.00 PER OFFENSE; AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, the City of Lampasas is a Home Rule Municipality located in Lampasas County, Texas which is enabled by its Charter and the laws of Texas to enact local legislation related to public safety; and

WHEREAS, in response to citizen input City Council requested staff review the benefits and burdens associated with allowing motor vehicles and golf carts to operate in any City of Lampasas cemetery.

WHEREAS, the City Council finds it to be necessary to establish (j) "Operation Of Motor Vehicles" for the protection of public safety to prohibit the operation of vehicles and golf carts, in any public cemetery within the city, except when legally upon on roadways constructed and designed for such vehicle traffic or designated parking areas;

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

SECTION 1. The City of Lampasas Code of Ordinances Chapter 26 "Cemeteries", Section 26-73 Rule 13, Miscellaneous Provisions adding paragraph **(j) Operation of Motor Vehicles**, to include Motor Vehicle definition; Operation Prohibited; Erection of Traffic Control Devices for Enforcement; Applicability of Section, and Penalties to read as follows:

(j)- Operation of motor vehicles.

(1) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Motor Vehicle means a vehicle as defined by the Texas Transportation Code 501.002, including but not limited to: Any motor driven or propelled vehicle required to be registered under the laws of the state; A trailer or semitrailer, other than manufactured housing, that has a gross weight that exceeds 4,000 pounds; A travel trailer; An off-highway vehicle, as defined by Texas Transportation Code Section 551A.001; or a motorcycle or moped that is not required to be registered under the laws of this state.

(a) *Operation prohibited.* It shall be hereafter unlawful for any person to operate any motor vehicle in any cemetery within the city, except legally on roadways or designated parking areas constructed and designated for such motor vehicle. No off-highway vehicles, as defined in Texas Transportation Code 551A.001, may be operated at the Cemetery.

- (b) *Erection of traffic control devices for enforcement.* The Chief of Police or Street Supervisor or their designated agents are hereby authorized and instructed to erect such barriers, signs and traffic control devices as may be necessary to effectively enforce this section.
- (c) *Applicability of section.* This section shall not apply to the legal operation of motor vehicles, or golf carts on the designated roadways in the cemetery.
- (1) Written permission is required from the City Manager with the date and time permission is granted for non-roadway areas to be accessed by a motor vehicle and/or golf cart.
- (d) *Operation of Golf Carts:* The Lampasas City Council in accordance with Texas Transportation Code 551.404 allows an operator to operate a golf cart on all or part of a highway in the following manner:
- (1) The posted speed limit is not more than 35 miles per hour; if the golf cart is operated;
- (2) during the daytime; and
- (3) not more than two miles from the location where the golf cart is usually parked and or transportation to and from a City of Lampasas cemetery.
- (e) *Penalty.* Any person violating any provision of Section 56-166, Section 26-73 Rule 13, Miscellaneous Provision (j) shall be guilty of a Class C Misdemeanor; and upon conviction, shall be punished by fine not to exceed \$500.00.

SECTION 2. The provisions of this Ordinance are severable and, thus, the invalidity of any word, phrase, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.


SECTION 3. All Ordinances or part of Ordinances in conflict with the provisions of this Ordinance are hereby repealed, and are specifically replaced by the terms set forth in the amendments.

SECTION 4. It is hereby officially found and determined that the meeting at which this is passed is open to the public and public notice of the time, place and purpose of said meeting was given as required by law.

SECTION 5. This Ordinance shall be effective at the time that its publication, if required by state law, has been accomplished by the City.

READ AND CONSIDERED ON FIRST READING by the City Council of Lampasas at a regular meeting held on the 9 day of November, 2020 at which a quorum was present and for which due notice was given pursuant to Section 551.001, et.seq. of the Local Government Code.

READ AND CONSIDERED, PASSED, AND APPROVED ON THE SECOND AND FINAL READING by the City Council of Lampasas at the regular meeting on the 23 day of November, 2020, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et.seq. of the Local Government Code.


Misti Talbert, Mayor

ATTEST:



Christina Marez, City Secretary

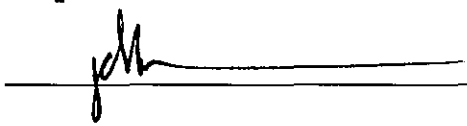
APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney

(Signature of Attorney provided on separate page, to be attached)

CITY OF LAMPASAS ORDINANCE NO. 1641

I, Jo-Christy Brown, City Attorney for the City of Lampasas, Texas hereby approve the form of the above-noted City Ordinance, passed and approved by the City Council of Lampasas Texas on Second Reading on the 23rd of November, 2020, as shown by my signature affixed hereto below.

A handwritten signature in black ink, appearing to read 'JCB', is written over a horizontal line.

Jo-Christy Texas Brown
Lampasas City Attorney
Texas State Bar No. 03141980