

ORDINANCE NO. 1572

AN ORDINANCE OF THE CITY OF LAMPASAS, TEXAS, AMENDING CHAPTER 78 (“TRAFFIC AND VEHICLES”), BY ADDING SECTIONS 78-2 TO 78-3 TO ARTICLE I (IN GENERAL)AND BY ADDING SECTIONS 78-223 TO 78-225 TO ARTICLE III (“STOP, STANDING AND PARKING”) OF THE CITY’S CODE OF ORDINANCES REGULATING THE PARKING OF VEHICLES ON PUBLIC STREETS; PROVIDING REPEALER, SEVERABILITY CLAUSES;PROVIDING PENALTIES; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to its authority under the Texas Constitution, the City Charter and the laws of this state, City Council has adopted traffic regulations in order to protect the public health, safety and welfare; and

WHEREAS, City Council finds and determines that improperly parked vehicles, recreational vehicles, and trailers are detrimental to the health, safety and welfare of the public, and has adopted parking regulations to protect the public; and

WHEREAS, City Council finds and determines that the storage of vehicles, recreational vehicles, and trailers are detrimental to the health, safety and welfare of the public, and has adopted parking regulations to protect the public; and

WHEREAS, the City Council finds and determines that to promote health, safety and welfare of the public, it is essential to delegate to the Chief of Police, the authority to cause the removal of vehicles, recreational vehicles, and trailers found to be in violation of the City’s parking regulations; and

WHEREAS, the City Council finds and determines that through the adoption of this Ordinance, the parking regulations shall be in compliance with state law and the public’s interest in prohibiting the unauthorized parking of vehicles, recreation vehicles, and trailers shall be better served; and

WHEREAS, the City Council, after consideration of the recommendations of City staff and all matters attendant and related thereto, is of the opinion that the recommended changes are in the best interest of the City and its citizens and will promote the health, safety, and welfare of the citizens of Lampasas and the general public.

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

Part 1. That Chapter 78 (“Traffic and Vehicles”) Article I (“In General”) is hereby amended to read as follows:

ARTICLE I. – GENERAL

Sec. 78-2. Applicability.

This Article shall be applicable to parking of motor vehicles and non-motor vehicles within the corporate limits of the City.

Sec. 78-3. Definitions.

In this Article, the words in italics below shall have the meanings as follows:

(1) *Boat* means any watercraft, vessel, or other personal property used or intended for use for floatation or transport upon or within a waterbody, whether for recreational or commercial purposes.

(2) *Chief of police* means the Chief of Police of the City of Lampasas authorized to enforce and administer this Article, or the Chief's designated and authorized representative.

(3) *Motor vehicle* means every device in or by which any person or property may be transported or drawn upon a public highway and which device is self-propelled.

(4) *Non-motorized recreational vehicle* means a vehicle primarily designed or used as temporary living quarters for recreational camping or travel use and includes, without limitation, a travel trailer, camping trailer, or tent trailer but not motor homes or converted buses.

(5) *Non-motor vehicle* means any vehicle or device that does not have motive power, is not self-propelled and is designed or used to carry property or passengers on or within its own structure, but is drawn by a motor vehicle. Such non-motor vehicle shall include, without limitation, boat trailers, utility trailers, trailer-mounted equipment, or wheel-mounted machinery.

(6) *Park or parking* means bringing any type of vehicle or boat defined herein to a halt and leaving it temporarily; the term includes the placement or allowing any type of vehicle or boat defined herein to remain parked.

(7) *Public Street* means a right-of-way within the City on which vehicles are authorized to travel, whether such right-of-way is designated as a street, road, highway, parkway, alleyway or other designation.

(8) *Recreational vehicle* means a motor vehicle primarily designed or used as temporary living quarters for recreational camping or travel use. Recreational vehicle includes, without limitation, a travel trailer, camping trailer, tent trailer, motor homes and converted buses, but shall not include truck campers which do not exceed one (1) ton in capacity and are not longer than twenty-two (22) feet in length.

(9) *Vehicle* shall refer to any type of vehicle or boat defined herein.

Part 2: That Chapter 78 ("Traffic and Vehicles") Article III ("Stop, Standing and Parking") is hereby amended to read as follows:

ARTICLE III. – STOP, STANDING AND PARKING

Sec. 78-223. Parking time limit generally; exception.

(a) *Obstruction prohibited.* Parking of any vehicle or other obstruction on the improved portion of any public street or alleyway that interferes with the usage of the public street by motor vehicles of such street or alleyway is prohibited.

(b) *Parking time limit.* Parking of a vehicle, if otherwise not restricted or prohibited by this Article, or placement of another obstruction on the improved portion of any public street or alleyway longer than seventy-two (72) consecutive hours is prohibited.

(c) *Emergency Access.* Parking a vehicle or obstruction on any public property, public street or other City rights-of-way when such parking of the vehicle or obstruction would obstruct emergency vehicle access to any public or private property is prohibited.

Sec. 78-224. Parking of boats, trailers and recreational vehicles.

(a) *Prohibition.* Parking or placing any boat, non-motor vehicle or recreational vehicle on any public street is prohibited, except as provided in subsection (b) immediately below.

(b) *Exception.* Exceptions to the prohibition in subsection (a), immediately above are as follows:

(1) Parking a boat, non-motor vehicle or non-motorized recreational vehicle on a public street that is connected or otherwise secured to a motor vehicle; provided such boat, non-motor vehicle or non-motorized recreational vehicle is in compliance with Section 78-223 (“Parking time limit generally”).

(2) Parking of a recreational vehicle on a public street, for no longer than seventy-two (72) hours for the sole purpose of loading and unloading the recreational vehicle.

(3) Parking utility trailers, trailer-mounted equipment, or wheel-mounted machinery on a public street specifically utilized to serve a project that has received a permit by the City’s Building Department.

Sec. 78-225. Impoundment—Vehicles violating parking restrictions.

(a) *Removal.* Any vehicle parked in violation of this Article is subject to removal and impoundment by the Chief of Police. Violations of section 78-223 & 78-224 this Article include, but are not limited to, the parking of a vehicle on the public streets over seventy-two (72) consecutive hours and the parking of a vehicle on a public street in a location where parking is prohibited

(b) *Sale*. A vehicle impounded under this Article may be sold to pay impounding fees and expenses, subject to the applicable provisions of this Code and state law.

(c) *Collection of fees*. All impounding fees and expenses shall be collected from the owner or driver of the vehicle before the release of such vehicle.

(d) *Non-release*. The payment of the impounding fee and expenses shall not excuse any citation issued in connection with the impoundment.

(f) *Notice Required*: Prior to removal of a vehicle in violation of this section, the Chief of Police or designee shall cause and attempt to contact the registered owner of said vehicle in an attempt to remedy the violation. Notice may also be provided by leaving a notice in a conspicuous location attached to the vehicle.

Part 3: All ordinances and resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.


Part 4: If any provision of this Ordinance or application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions, or application thereof, and other valid portions of this Ordinance which can be given effect without the invalid provisions or application shall be given same, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Part 5: This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

READ AND APPROVED on First Reading this 22nd day of October, 2018

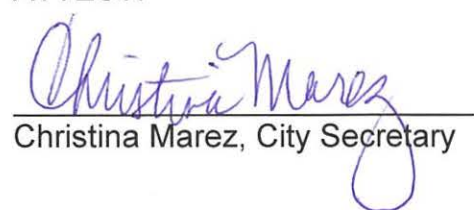
READ AND APPROVED on Second Reading this 13th day of November, 2018

APPROVED:



Misti Talbert, Mayor

ATTEST:



Christina Marez, City Secretary

APPROVED AS TO FORM:

J-Christy Brown

City Attorney's Signature of Approval on Separate Page.