



Maya Sanchez
Mayor

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Alderson Place 1

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Alderson Place 3

Rebecca Martinez-Juarez
Alderson Place 4

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Alderson Place 5

ORDINANCE NO. 1608.02

AN ORDINANCE ESTABLISHING REGULATIONS FOR ON STREET PARKING; AND PROVIDING FOR THE FOLLOWING: RESTRICTIONS ON AND PROHIBITIONS OF PARKING ON CERTAIN STREETS; ENFORCEMENT INCLUDING A FINE NOT TO EXCEED \$500.00 PER DAY AND CIVIL PENALTIES NOT TO EXCEED \$100.00 PER DAY AND INJUNCTIVE RELIEF; AND EFFECTIVE DATE.

WHEREAS the City Council (“City Council”) of the City of San Elizario, Texas (“City”) seeks to promote the health, safety and general welfare of the City residents and visitors by maintaining convenient and safe streets and parking areas; and

WHEREAS the City Council finds that there is increased congestion on the City streets and parking areas; and

WHEREAS the City Council has authority to abate or remove encroachments or obstructions on a highway, street, or alley pursuant to Texas Transportation Code Section 311.001, as may be amended; and

WHEREAS the City Council has authority to regulate traffic by traffic-control devices and to regulate stopping, standing or parking of vehicles pursuant to Section 542.202 of the Texas Transportation Code, as may be amended; and

WHEREAS the City Council has authority to remove and store vehicles parked in unauthorized areas pursuant to Section 684.053 of the Texas Transportation Code, as may be amended; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION 2. LIMITATIONS FOR ON-STREET PARKING

A. Prohibitions.

Except as provided in subsection (B) below, it shall be unlawful for any person to park or permit, or cause to be placed, stored, or parked on any public rights-of-way listed in *Exhibit A*, attached hereto and incorporated fully herein for all intents and purposes:

- (1) Any motor vehicle;
- (2) Any trailer, semi-trailer, boat trailer, trailer house, or other non-motorized device or equipment designed or intended to be towed upon the public streets by means of attachment to a motor vehicle or other self-propelled vehicle or equipment; or
- (3) Any self-propelled motor home or other motor vehicle containing permanently installed sleeping facilities or human sanitary treatment or disposal facilities or both.

B. Exceptions.

Subsection (A) above shall not apply to vehicles:

- (1) owned or operated by the City; or
- (2) owned or operated by contractors, vendors or professional services providers engaged by the City; or
- (3) police, fire, emergency medical, or other public safety vehicles; or
- (4) utilized by a public utility providing service in the city limits; or
- (5) employed in the service of any county, state or federal agency.

SECTION 3. TOWING AND IMPOUNDMENT OF MOTOR VEHICLES

A. Removal of Unauthorized Vehicles.

Where the City has posted one or more signs in the right-of-way stating that parking is prohibited, the City Council or its designee shall have authority to remove an unauthorized vehicle parked in the right-of-way of the public roadway. A sign posted by the City must:

- (1) State that a vehicle parked in the right-of-way may be towed at the expense of the owner or operator of the vehicle; and

- (2) Be placed facing the public roadway on the parking facility owner's property not more than two (2) feet from the common boundary line and at intervals so that no point in the boundary line is less than twenty-five (25) feet from a posted sign.

B. Costs for Storage and Removal of Vehicles.

A determination of the person responsible for payment of the costs for storage and removal of a vehicle must comply with the hearing procedures established in chapter 685 of the Texas Transportation Code, as may be amended.

SECTION 4. ENFORCEMENT

A person who violates this Ordinance commits an offense for which enforcement action may be brought as follows:

A. Civil and Criminal Penalties.

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

B. Criminal Prosecution.

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding five-hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies.

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with this Ordinance; and
- (2) A civil penalty up to one-hundred dollars (\$100.00) a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of this Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) Other available relief.

SECTION 5. PRIMA FACIE EVIDENCE

When any person is charged with having parked or left standing a vehicle on any street in the City at a place on the street where parking of vehicles is prohibited, or with parking such vehicle on street in a manner which violates the manner of parking a vehicle as designated, or with parking a vehicle for a length of time in excess of that allowed in the space where the vehicle was parked, proof that the vehicle was, at the date of the offense alleged, owned by the person charged with the

offense, shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged by the owner, but the owner shall have the right to introduce evidence to show that the vehicle was not parked by him as charged in the complaint.

SECTION 6. SIGNAGE AUTHORIZED

The Mayor is hereby authorized and otherwise empowered to erect or cause to be erected signage designating allowed parking areas, and areas in and times for which parking is prohibited.

SECTION 7. REPEALER AND SEVERABILITY

A. Repealer.

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated herein.

B. Severability.

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

PASSED AND APPROVED this, the 9th day of February 2016, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor

PARKING ON CERTAIN STREETS PROHIBITED

The parking of any vehicle is expressly prohibited on both sides of the following street rights-of-way.

- (1) at Lorenzo G. Loya Primary School
50 yards north of the property line at approximately 13705 Socorro Rd., Region 19 Headstart which will add to Socorro Rd. an additional 50 yards north.
- (2) at Lorenzo G. Alarcon Elementary
50 yards north of the property line at approximately 12496 Socorro Rd. to 50 yards south of property line approximately 12707 Socorro Rd. 50 yards east of property line at approximately 1363 Paseo del Convento. 50 yards east of property line at approximately 1312 FM 1112.
- (3) at Ann M. Garcia-Enriquez Middle School
50 yards north of property line at approximately 12170 Socorro Rd. to 50 yards south of property line approximately 12309 Socorro Rd. at the intersection of Socorro Rd. and Bob Neil Dr., 50 yards east of the intersection.
- (4) at Josefa L. Sambrano Elementary and San Elizario High School
50 yards east of the property line of San Elizario High School on Herring Rd. and 50 yards south of the property line of San Elizario High School, approximately 13980 Socorro Rd.
- (5) at Alfonso Borrego Sr. Elementary
50 yards north of the property line on Socorro Rd. and 50 yards south of the property line on Socorro Rd. At the intersection of Socorro Rd. and Chicken Ranch Rd., 50 yards west of the property line on Chicken Ranch Rd.