



**Antonio Araujo**  
Mayor

**Leticia Miranda**  
Aldersperson Place 1

**David Cantu**  
Aldersperson Place 2

**Lorenzo E. Leyva Sr.**  
Aldersperson Place 3

**Maria Covernali**  
Aldersperson Place 4

**George Almanzar**  
Aldersperson Place 5

### **ORDINANCE NO. 2008.02**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 1608.02 IN ITS ENTIRETY, ESTABLISHING REGULATIONS FOR PARKING ON CITY STREETS AND RIGHTS-OF-WAY, PARKING ON CERTAIN CITY PROPERTY, PARKING OF CERTAIN INOPERATIVE VEHICLES, AND THE PARKING OF CERTAIN LARGE VEHICLES; AND PROVIDING FOR THE TOWING AND IMPOUNDMENT OF CERTAIN VEHICLES, THE AUTHORIZATION FOR SIGNAGE AND THE DECLARATION OF CERTAIN PRIMA FACIE EVIDENCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, REPEAL AND REPLACEMENT, ENACTMENT, REPEALER, SEVERABILITY, EFFECTIVE DATE; AND DECLARING THAT A VIOLATION OF THE ORDINANCE IS A MISDEMEANOR OFFENSE WITH A MAXIMUM PENALTY OF \$500.00 FOR EACH OFFENSE.**

### **RECITALS**

**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 I. FINDINGS OF FACT**

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

#### **SECTION II. ENACTMENT**

The City of San Elizario hereby creates this Ordinance, enacting the Parking Regulations of the City of San Elizario, as set forth in Attachment "A", attached hereto and incorporated fully herein for all intents and purposes.

#### **SECTION III. REPEAL AND REPLACEMENT; ENACTMENT**

The City Council hereby repeals and replaces Ordinance No. 1608.02 in its entirety and adopts the regulations and penal provisions and penalties relating to vehicles and parking and related matters as attached hereto as "Attachment A" and incorporated fully herein in this Ordinance for all intents and purposes.

#### **SECTION IV. 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.**

**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 V. EFFECTIVE DATE**

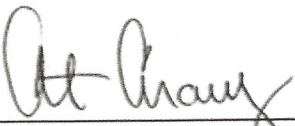
This Ordinance shall be effective immediately upon passage and publication.

**SECTION VI. PROPER NOTICE & MEETING**

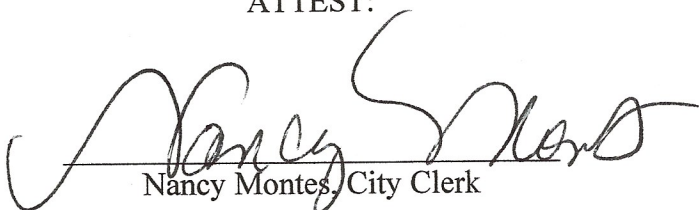
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** this, the 26 day of May, 2020, 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**

  
\_\_\_\_\_  
Antonio Araujo, Mayor

ATTEST:

  
\_\_\_\_\_  
Nancy Montes, City Clerk

**PARKING REGULATIONS OF THE CITY OF SAN ELIZARIO**

**SECTION 1. LIMITATIONS FOR ON-STREET AND RIGHTS-OF-WAY PARKING**

**A. Vehicle repairs; selling vehicles or advertising on city property.**

1. No person shall park a vehicle upon a street or alley or any city owned parking lot or other city owned property for the purpose of washing, greasing or repairing the vehicle except when repairs are necessitated by an emergency.
2. No person shall park a vehicle upon any city owned parking lot or other city owned property for the purpose of offering such vehicle for sale or selling the same, or for the primary purpose of displaying advertising; provided that the provisions of this section shall not apply to vehicles parked on such city property for a period of time of less than two hours for the conduct of city business at such location by the operator or occupant of a vehicle.

**B. Parking near Schools:**

1. Except as provided in subsection B 2 below, it shall be unlawful for any person, during school hours, to park any vehicle or permit any vehicle or cause any vehicle to be placed, stored, or parked on any public rights-of-way listed below. The parking of any vehicle is expressly prohibited on both sides of the following street rights-of-way within the stated areas. The directions given below are those of being in the general direction indicated and following the roadway, with the referenced property lines being those property lines located at the stated direction:
  - a. At Lorenzo G. Loya Primary School and Region 19 Headstart and the area 50 yards north of the property line at approximately 13705 Socorro Road, then continuing an additional 50 yards north of the property line at Region 19 Headstart.
  - b. At Lorenzo G. Alarcon Elementary and the areas: 50 yards north of the property line at approximately 12496 Socorro Road; 50 yards south of property line approximately 12707 Socorro Road; 50 yards east of the property line at approximately 1363 Paseo del Convento; and 50 yards east of property line at approximately 1312 FM 1112.
  - c. At Ann M. Garcia-Enriquez Middle School and the areas: 50 yards north of property line at approximately 12170 Socorro Road; and 50 yards south of property line at approximately 12309 Socorro Road at the intersection of Socorro Rd. and Bob Neil Dr., 50 yards east of the intersection.
  - d. At Josefa L. Sambrano Elementary and San Elizario High School and the areas: 50 yards east of the property line of San Elizario High School on Herring Road; and 50 yards south of the property line of San Elizario High School, approximately 13980 Socorro Rd.

- e. At Alfonso Borrego Sr. Elementary and the areas: 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.

The authorized personnel shall cause the appropriate signs to be erected for the above-listed no parking zones.

2. Exceptions. Subsection B 1 above shall not apply to vehicles parked by a person in the performance of official duties or necessary functions:
  - a. owned or operated by the City; or
  - b. owned or operated by contractors, vendors or professional services providers engaged by the City; or
  - c. police, fire, emergency medical, or other public safety vehicles; or
  - d. utilized by a public utility providing service in the city limits; or
  - e. employed in the service of any county, state or federal agency.

**C. Parking of inoperative vehicles and storing of vehicles on rights-of-way prohibited.**

1. It shall be unlawful for any person to store or allow the storage of any vehicle upon the public streets, alleys, sidewalks or parkways of the city.
2. For purposes of this section, a vehicle shall be considered stored if it has remained parked at or nearly at the same location for a continuous period of time in excess of five (5) days or is a vehicle described in Section 3 (b) of this Ordinance. A stored vehicle is deemed to be a vehicle which is illegally parked on public property, and such vehicle shall be subject to removal and disposal as an abandoned vehicle in accordance with this ordinance and state law.

**SECTION 2. LIMITATIONS ON PARKING OF LARGE VEHICLES**

**A. Parking of oversize commercial vehicles and large recreational vehicles.**

1. Except as provided below, it shall be unlawful for any person to park or allow to be parked any oversize commercial vehicle on any property within any portion of a front yard, side yard or rear yard of any area or district which is which is zoned for agricultural or residential uses.
2. This section shall not apply to no more than one truck-tractor alone (without trailer) and no more than one large recreational vehicle when such truck-tractor or large recreational vehicle is parked on any portion of a front yard, side yard or rear yard of any area or district which is zoned and used for residential uses under the zoning ordinance, to include multi-family dwellings, and:
  - a. Such area is a part of a hard-surfaced driveway or off-street parking area, if the size of the lot is less than 5,000 square feet in size;
  - b. Such area is part of a driveway or parking area covered with gravel/screening,

- if part of a lot 5,000 square feet in size or greater; or
- c. Such area is a part of a required driveway that provides access to a garage.

In the event that a person is grandfathered under the City's Zoning Ordinance and is using a large recreational vehicle as a dwelling on a property, such person shall not be permitted to park any other recreational vehicles on such property.

3. This section shall not apply to an oversize commercial vehicle parked at a location for the purpose of immediately delivering or picking up merchandise or other products or the loading or unloading of personal property or materials to or from the location. Said deliveries, loading or unloading shall not exceed three (3) hours in any case.
4. Gravel/screening allowed under Subsection A 2 above must consist of a coarse aggregate mixture of pebbles and/or rock fragments coarser than sand and shall be kept free of weeds.
5. The City Council by resolution may temporarily suspend the restrictions imposed by this subsection in order to accommodate special events held within the city. The restrictions suspended and the period of suspension shall be as stated in the resolution.

#### **B. Parking of large and oversize vehicles on streets.**

1. It shall be unlawful for the driver, owner, or operator of an oversize commercial vehicle to park or permit to be parked, stand, or remain motionless on any public street, alley, sidewalk, median, or any area between the curb line or the lateral lines of any roadway and the adjacent property line located within a zoning district that allows residential uses except that such vehicle may be parked in an area other than a sidewalk or median for a period not exceeding three hours, whether consecutive or not, during any eight-hour period for the purpose of loading or unloading goods or merchandise; or
2. It shall be unlawful for the driver, owner, or operator of a recreational vehicle exceeding 20 feet in total length to park or permit to be parked, stand, or remain motionless:
  - a. On a public street, alley, sidewalk, median, or any area between the curb line or the lateral lines of any roadway and the adjacent property line in any area zoned residential under the zoning ordinance or used for one-family, two-family or multi-family dwelling purposes; or
  - b. On a public street, alley, sidewalk, median, or any area between the curb line or the lateral lines of any roadway and the adjacent property line in any area not zoned residential or not used for one-family, two-family or multi-family dwelling purposes.
3. It is an exception to Subsection B 2 a above that the recreational vehicle is being parked or allowed to be parked, stand, or remain motionless for loading, unloading, maintenance, or any combination thereof, for no more than seventy-

two (72) hours in any seven-day period. Relocation of the recreational vehicle to another location on the same street or the adjoining public street does not stop the running of the seventy-two-hour period.

C. All references to zoning or zoning districts that are contained in subsections A and B of this section shall be references to the zoning provisions as set forth in the City of San Elizario's Zoning Ordinance or the El Paso Mission Trail Historical Area Zoning Regulations, as applicable, and include single-family, two-family and multi-family dwellings.

### **SECTION 3. LIMITATIONS ON PARKING OF INOPERATIVE VEHICLES**

No vehicle that is wrecked, dismantled or partially dismantled, abandoned, inoperable or unlicensed may remain on any property (improved or unimproved) (a) such that any portion of it is visible from any street in excess of thirty (30) days; or (b) is located on the public streets within the City in excess of fifteen (15) days. For the purposes of this section, a vehicle without current registration will be deemed to be an unlicensed vehicle. Placing a cover over a vehicle does not abate the violation or render a vehicle as not visible.

### **SECTION 4. LIMITATIONS FOR PARKING ON CITY PROPERTY**

(1) No person shall park, stand or stop a vehicle on property owned by the City that is not designated or marked for parking unless such use has been authorized by the City Council or is in conjunction with the provision of services, construction or making repairs at or near the area where the parking is occurring by a governmental entity or utility holding a franchise under state law or city ordinance.

B. The authorized personnel may place signs prohibiting or regulating the parking of vehicles in city owned parking lots or parking lots used in conjunction with city facilities. No person shall park a vehicle in such lots unless in compliance with such signs.

C. When signs have been posted by the authorized personnel, no person shall park, stand or stop a commercial vehicle, trailer or recreational vehicle in any city owned parking lot or parking lot used in conjunction with a city facility, except that a person may park, stand or stop such vehicle for the purpose of making deliveries to or conducting business in the city facility or attending a function therein for a period not exceeding four hours, or when authorized by the Mayor or the City Council for the purpose of providing programs or services to or for the public not to exceed twelve consecutive hours.

### **SECTION 5. TOWING AND IMPOUNDMENT OF MOTOR VEHICLES**

#### **A. Removal of Unauthorized Vehicles.**

In the event that a vehicle is stored in the streets in violation of Section 1 C of this Ordinance or where the City has posted one or more signs in the right-of-way stating that parking is prohibited or a vehicle, the Mayor or the City Administrator or their designees, to include but not be limited to the City Marshal and his deputies, 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.

The City may, through an amendment to this Ordinance, or through the adoption of a separate ordinance, establish these no parking zones.

#### **B. Costs for Storage and Removal of Vehicles.**

The procedure for the making of a determination of the person responsible for payment of the costs for storage and removal of a vehicle will be in compliance with the hearing procedures established in chapter 685 of the Texas Transportation Code, as may be amended.

### **SECTION 6. DEFINITIONS**

“Abandoned vehicle” shall have the same meaning as provided in Section 683.002 of the Texas Transportation Code.

“Commercial vehicle” shall mean a motor vehicle, other than a motorcycle, designed or used for the transportation of property or delivery purposes or any vehicle registered under any state law as a commercial vehicle or as part of a commercial fleet.

“Hard surface” and “hard-surfaced” shall mean asphalt surfacing or concrete surfacing as those terms are defined in Section 7-10 or other applicable section of the Zoning Ordinance.

“Median” shall mean an intervening strip, physical barrier or clearly indicated dividing section which separates a street into two or more roadways.

“Oversize commercial vehicle” shall mean a dump truck, truck-tractor with trailer, concrete mixing truck, stake-bed truck, bus, trailer that is more than twenty-five (25) feet in length from end to end, more than eight (8) feet wide at its widest point, or more than eight (8) feet high at its highest point, or any vehicle designed for the transport of property or cargo with a gross weight, gross registered weight or gross weight rating, as those terms are defined in the Texas Transportation Code, of more than sixteen thousand (16,000) pounds, or any vehicle designed for the transport of more than fifteen (15) passengers, inclusive of the driver.



“Recreational vehicle” shall mean a vehicle that is built on a single chassis; four hundred square feet or less when measured at the largest horizontal projections; self-propelled or permanently towable by motor vehicle or light duty truck; designed primarily not for use as permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use; and required by Texas law to have a valid vehicle registration when traveling upon public streets. “Recreational vehicle” shall not include a manufactured home.

“School hours” shall mean the days in which one or more of the schools listed within Section 1 B are in open and in session, during the time between 7:00 a.m. and 4:00 p.m. of each such day.

“Trailer” means a vehicle that is designed or used to carry a load wholly on its own structure and is drawn or designed to be drawn by a motor vehicle.

“Vehicle” shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved exclusively by human power and manufactured housing.

“Zoned for Residential Uses” shall mean the following types of zoning districts as established in the Zoning Ordinance: zoning districts for single-family and multi-family dwellings, a zoning district for manufactured homes, and that portion of a Planned Unit Development District that provides for single-family and/or multi-family dwellings.

“Zoning Ordinance” shall mean the duly adopted Zoning Ordinance of the City of San Elizario titled as the “Zoning Ordinance”, as amended or as may be repealed and replaced in its entirety from time to time, and in the case of property located within the El Paso Mission Trail Historical Area, Zoning Ordinance shall mean the duly adopted zoning regulations of the El Paso Mission Trail Historical Area.

## **SECTION 7. 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 8. PRIMA FACIE EVIDENCE**

- A. When any person is charged with having parked or left standing a vehicle on any street or right-of-way in the City at a place on the street or right-of-way where parking of vehicles is prohibited, or when parking such vehicle on a street or in a right-of-way in a manner which violates this Ordinance, 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.
- B. Whenever a vehicle is found in violation of any provision of this Ordinance or is prosecuted for an offense under Chapter 454, Subchapter G of the Transportation Code, 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 9. SIGNAGE AUTHORIZED**

The Mayor and the City Administrator and their designees are 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 and are referred to as the "authorized personnel" in this Ordinance.