

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE CITY OF UVALDE, TEXAS, AMENDING SUBSECTION 17.20.020 (B) OF, TITLE 17 - ZONING, UVALDE CODE OF ORDINANCES, TO ESTABLISH REGULATIONS FOR THE PARKING OF REGULATED VEHICLES, AS DEFINED IN SECTION 10.44.010 OF THE CITY CODE, BEING REGULATED FEDERAL HIGHWAY ADMINISTRATION CLASS EIGHT VEHICLES IN RESIDENTIAL DISTRICTS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AND OPEN MEETINGS CLAUSES.

WHEREAS, the City Council of the City of Uvalde (the “City”) recognizes there is a large number of regulated vehicles operating within the City;

WHEREAS, due to the size and weight of these vehicles and the resulting damage to City’s roadway infrastructure, the City recognizes the need to regulate their operation and parking within the corporate boundaries of the City.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Regulated Vehicle Off Street Parking Regulations Adopted. Title 17 (Zoning), Uvalde Code of Ordinances, is hereby amended by amending section 17.20.020 (B), entitled Certain Uses to be Located by Special Permit, to allow for the issuance of a special use permit to permit the parking of regulated vehicles, as defined in section 10.44.010, in residential areas of the City as follows:

USE	SPECIAL CONDITIONS	DISTRICTS
Regulated Vehicle	1. A resident of the City may, in appropriate conditions and circumstances, on or before October 8, 2015 and not thereafter, obtain a special use permit to park a regulated vehicle and trailer that are owned/leased and operated by them on residential property that is occupied by them. No fee will be charged for the permit. After initial application, permits will renew in March each year.	All R

USE	SPECIAL CONDITIONS	DISTRICTS
	2. The residential property must connect to a public street by a paved driveway constructed in such a manner that minimizes damage to the street surface. Such driveway and parking area must have adequate drainage and be constructed of limestone, crushed rock or a similar material.	
	3. There must be adequate ingress and egress to allow the regulated vehicle safe maneuvering off and onto the public roadway.	
	4. The permit must be prominently displayed on the driver's side of the regulated vehicle during the time it is parked or operating in the residential area.	
	5. Number of regulated vehicles per residential lot will be determined by available space and set-backs with a minimum space of 80x10' per vehicle.	
	6. The vehicle must have proof of inspection, insurance, license plate, ownership/leasehold interest and be operational and ready for use. No such vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or any location approved for such use.	

Section 3. Amendment Of Ordinances. Title 17 (Zoning), Uvalde Code of Ordinances, is hereby amended by adding the provisions for a special use permit as provided in this Ordinance, and all prior ordinances of the City or parts thereof are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 5. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any

phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Penalties. Any person convicted of violating any provision of this Section shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Five Hundred Dollars (\$500.00) and each day of such violation shall be a separate violation. Proof of a culpable mental state shall not be required to establish a violation of this Ordinance.

Section 7. Enforcement. The administration of this Section shall be the responsibility of the Police Department, code enforcement officers or such department, officer or employee of the City designated by the City Council.

Section 8. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, *Ch. 551 Tex. Gov't. Code.*

PASSED AND APPROVED on the 9th day of June, 2015.
JUNE

ATTEST:

CITY OF UVALDE, TEXAS

Susan Conley
Susan Conley, City Secretary

Don McLaughlin
Don McLaughlin, Mayor