

ORDINANCE NO. 2023-9-11 (9E)

AN ORDINANCE AMENDING CHAPTER 12 TRAFFIC AND VEHICLES, BY AMENDING SECTION 12.04.018 MISCELLANEOUS RESTRICTIONS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council ("Council") is the governing body for the City of Rockdale, Texas, and therefore, it must bear the initial responsibility for the integrity of governance; and

WHEREAS, parking on unimproved surfaces in residential areas has hindered grass from growing and has increased the amount of dirt and mud in the street; and

WHEREAS, parking over time on unimproved surfaces damages the grade; and

WHEREAS, the public health, safety and welfare will be served by updating certain codes heretofore adopted by the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKDALE, 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. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Amendment of Section 12.04.018 MISCELLANEOUS RESTRICTIONS. Section 12.04.018 Miscellaneous Restrictions is hereby amended as follows:

§ 12.04.018

Miscellaneous restrictions.

(a) Parking certain vehicles for longer than four hours. It shall be unlawful for any person, firm, association of persons, or corporation to park or leaving standing any motor vehicle, car, truck, tractor, bus, haul trailer, house trailer, recreational vehicle, semitrailer, trailer, boat trailer, all-terrain vehicle, dirt bike, or boat upon any public street for more than four (4) consecutive hours between the hours of 8:00 a.m. and 6:00 p.m.

(b) Parking of trailers connected to vehicles. It shall be unlawful for any person, firm,

association of persons, or corporation to park or leave standing any trailer unless it is connected to a motor vehicle.

(c) Parking near mailbox. It shall be unlawful for any person, firm, association of persons, or corporation to park or leaving standing any motor vehicle, car, truck, tractor, bus, haul trailer, house trailer, recreational vehicle, semitrailer, trailer, boat trailer, all-terrain vehicle, dirt bike, or boat within fifteen (15) feet of a mailbox unit between the hours of 8:00 a.m. and 6:00 p.m.

(d) Parking on unimproved surfaces. It shall be unlawful for the owner, occupant, or person in charge of any residential lot or the owner of a vehicle to park or to permit the parking of a vehicle on an unimproved surface, unimproved driveway, or unimproved parking area in the street yard or side yard of any residential lot.

(e) Impoundment of illegally parked vehicles. In the event any vehicle shall be found standing or parked in violation of and contrary to any of the provisions of this section, the same shall be and is hereby declared to be a nuisance per se, and shall be removed by any police officer or his designate and taken to some place designated by the city police department for such purpose, and there kept by such officer until application for its redemption shall be made by the owner of said vehicle or by his duly authorized agent, who shall be entitled to the possession thereof upon payment to the city of the fee listed in the fee schedule in appendix A of this code, together with all costs of removal and storage that may have accrued thereon. In the event the vehicle so impounded shall not be redeemed by its owner or his authorized agent within ten (10) days after said impounding, then such vehicle shall be sold for such penalty, charges, and costs, in the manner provided by ordinances of the city, so incurred by the city.

(f) Penalty. Any person who shall violate any of the provisions of this section shall be guilty of an offense, and upon conviction shall be fined as provided for in the general penalty provision found in section 1.01.009 of this code.

Section 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances, and sections of the City Code of Ordinances, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict; provided, however, that all other provisions of said ordinances not in conflict herewith shall remain in full force and effect. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the city, the terms and provision of this ordinance shall govern.

Section 4. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, unlawful, unenforceable, or unconstitutional, the same shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 5. Savings Clause. All rights and remedies of the City of Rockdale are expressly saved as to any and all violations of the provisions of any ordinances affecting zoning and all other codes affected hereby including permit issuance, or vendor registration within the City which have accrued at the time of the effective date of this ordinance; and, as

to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 6. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the City Charter and the Texas Local Government Code.

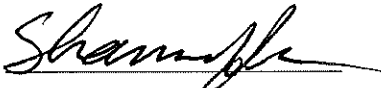
Section 7. Open Meeting Act. It is officially found and determine that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code.

PASSED AND APPROVED on first reading on this the Aug 14, 2023.

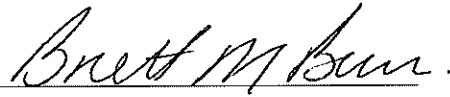
PASSED AND APPROVED on second reading on this the Sept 11, 2023.

ATTEST

THE CITY OF ROCKDALE



Shanna Johnson
City Secretary



Brett M. Boren, Mayor