

ORDINANCE NO. 14-10-14
(Amended 9-21-2015)

AN ORDINANCE OF THE CITY OF LYFORD, TEXAS, PROHIBITING THE PARKING OF TRUCKS AND TRAILERS ON CITY STREETS, STREET RIGHT OF WAYS OR ALLEYS IN RESIDENTIAL ZONES; INCLUDING ALL PRIVATE PROPERTIES LOCATED WITHIN RESIDENTIAL ZONES; PROVIDING AN ESTABLISHED TRUCK ROUTE; PROVIDING EXCEPTIONS THERETO; PROVIDING A PENALTY OF NOT LESS THAN \$25.00 NOR MORE THAN \$200.00 (per incident); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERANCE CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commissioners ~~has~~ determined that the parking and traveling of certain trucks and trailers on City streets, street right of ways and alleys in residential zones, and private property located within residential zones, can create a nuisance, safety hazard and cause unnecessary wear on residential streets and alley ways; and,

WHEREAS, the City Commissioners have determined that in order to provide for the general welfare of the citizens of the City and **prohibit** the parking of certain trucks and trailers on City streets, street right of ways and alleys, and private property located within residential zones.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSIONERS OF THE CITY OF LYFORD:

SECTION 1.

DEFINITIONS.

- (1) Trucks. Any vehicle registered as a truck with an overall width greater than six (6) feet, overall length greater than thirty (30) feet and/or more than one (1) rear axle.
- (2) Trailers. Any vehicle specifically designed to be towed or pulled by connection to a truck as defined herein.

SECTION 2.

PROHIBITION OF PARKING OF TRUCKS
OR TRAILERS ON RESIDENTIAL STREETS AND PROPERTY

It shall be unlawful for any person to park any truck(s) and/or trailer(s) as defined in Section 1 on any street, street right of way or alley, or private property in any residential zone as shown on the zoning map of the City.

SECTION 3.

ESTABLISHED TRUCK ROUTE FOR TRUCKS AND/OR TRAILERS PATRONIZING THE LYFORD GIN

The following route is hereby made mandatory for trucks and/or trailers patronizing the Lyford Gin:

- (1) Trucks going to or from the Lyford Gin must use Glen Lofton Avenue, Broadway Avenue, or Park Avenue and must enter or depart from those streets via Business Highway 77.

SECTION 4.

EXCEPTIONS TO THE PROHIBITION

The following are exceptions to the prohibition of parking of trucks and trailers as provided in Section 2:

- (1) While being used in the delivery and loading or unloading of materials or other property to residential property, commercial property or industrial property located within a residential zone.
- (2) On a temporary basis during special circumstances as designated (and approved) by the City of Lyford and/or its police department.

SECTION 5.

ENFORCEMENT

The prohibition of parking of trucks or trailers as provided for in this Ordinance shall be enforced by the Lyford Police Department in the following manner:

- (1) Upon receiving a complaint by a citizen that a truck and/or trailer has been parked on a City street, street right of way or alley in a residential zone, or private property located in a residential zone, the Police Department shall dispatch, as soon as practical given the availability of personnel, an officer to the location of the truck and/or trailer.
- (2) Upon arrival at the location, the police officer shall attempt to make contact with the registered owner, the driver, or the operator of the truck and/or trailer if they can be located. If it is determined to the satisfaction of the police officer that the truck and/or trailer has been parked in violation of

this Ordinance, the police officer may issue a citation to the registered owner, driver, or operator of the truck and/or trailer, if they can be located.

- (3) If the owner, driver, or operator of the truck and/or trailer parked in violation of this Ordinance cannot be located, the police officer may attach the citation to the windshield of the truck or the rear of the trailer and a summons to appear in the municipal court shall be issued to the registered owner of the truck and/or trailer.
- (4) Any police officer that has personal knowledge that a truck and/or trailer has been parked on a City street, street right of way, or alley in a residential zone, or upon private property located in a residential zone, in violation of this Ordinance, may issue a citation to the registered owner, driver or operator of the truck and/or trailer if they can be located. If they cannot be located, the police officer may issue the citation as provided in the preceding paragraph.

SECTION 6.

REMOVAL OF TRUCK AND/OR TRAILER

In the event that a truck and/or trailer is (a) determined to be in violation of this Ordinance, (b) said truck and/or trailer is obstructing the safe flow of traffic, and (c) the registered owner, driver or operator of said truck and/or trailer cannot be located or if located, refuses to move the truck and/or trailer, a City police officer may order removal of said truck and/or trailer from the city street, street right of way or alley by a towing company registered with the City. The registered owner, driver or operator shall be responsible for all costs associated with the towing and storage of said truck and/or trailer. (In the circumstances described above, if it becomes necessary for the City police to remove a truck and/or trailer from private property in a residential zone, then the same legal procedures would apply as in the current city Ordinance dealing with junk or abandoned motor vehicles.)

SECTION 7.

PENALTY FOR VIOLATION OF THIS ORDINANCE

Any person violating the terms of this Ordinance shall, upon conviction be deemed guilty of a Class C Misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) (per incident) plus any applicable court costs. (A person continuing to be in violation of this Ordinance for more than 24 hours can be cited for additional violations each twenty-four hour period thereafter.)

SECTION 8.

REPEALER CLAUSE

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 9.

SEVERABILITY CLAUSE

It is hereby declared the intention of the City of Lyford that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, such unconstitutional or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the City Commissioners without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

SECTION 10.

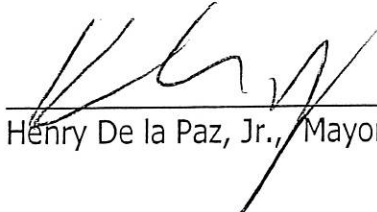
EFFECTIVE DATE

This Ordinance shall be effective upon its passage and adoption by the City Council Commissioners and the publication of the caption of this Ordinance as required by law.

PASSED ON SECOND READING ON THIS THE 17TH DAY OF NOVEMBER, 2014.

AMENDED ON THIS THE 21ST DAY OF SEPTEMBER, 2015.

CITY OF LYFORD



Henry De la Paz, Jr., Mayor

ATTEST:



City Secretary