

ORDINANCE #230221-01

“NO PARKING” IN CITY ALLEYS

AN ORDINANCE OF THE CITY OF BIG LAKE, TEXAS, BY THE CITY COUNCIL TO AMEND CHAPTER 12 TRAFFIC AND VEHICLES AND REPEALING EXISTING OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE, PROVIDING FOR: A FINDING OF FACT; POPULAR NAME; PURPOSE; DEFINITIONS; REQUIREMENTS; INVESTIGATION; IMPOUNDMENT AND OR REMOVAL; ENFORCEMENT INCLUDING PENALTY; SEVERABILITY; REPEAL CLAUSE; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Big Lake (“City”) desires to safeguard the health, safety, and general welfare of the City, and:

WHEREAS, the City desires to prevent the obstruction of city alleys by vehicles or personal property, and;

WHEREAS, the City has determined the necessity to allow for “No Parking” in all alleys within the city limits of Big Lake to ensure access at all times and eliminate blocking of alley, and;

WHEREAS, the City has determined the “No Parking” in all alley will ensure public utility services are accessible at all times, and;

WHEREAS, the City; and pursuant to section 51.001, Texas Local Government Code, the City Council is authorized to adopt an ordinance that is for good government, peace or order of the City and is necessary for carrying out a power granted by law to the City; and

WHEREAS, pursuant to section 51.012, Texas Local Government Code, The City Council may adopt an ordinance, not inconsistent with state law, that is necessary for the government, interest, welfare or good order of the City as a body politic; and

NOW THEREFORE, be it ordained by the City Council of the City of Big Lake, Texas, County of Reagan, State of Texas that:

SECTION 1.0: FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Big Lake and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2.0: POPULAR NAME

This Ordinance shall be commonly referred to as “No Parking” In City Alleys.

SECTION 3.0: PURPOSE

The purpose and intent of this Ordinance is to establish policies and guidelines for enforcement of designated “No Parking” areas in order to provide safety, and protection within the City limits.

SECTION 4.0: DEFINITIONS

Unless the context requires otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

ORDINANCE #222321-01 “No Parking” In City Alleys

- 4.1 ALLEY: the thoroughfare which intersects blocks of the City at the rear of lots of said blocks or transverses blocks between City streets and or are a public right-of-way used primarily for utility service(s) located between two buildings.
- 4.2 CITY: the City of Big Lake, Texas, a municipal corporation and political subdivision within the County of Reagan, within the State of Texas.
- 4.3 CITY COUNCIL: the governing body of the City of Big Lake, Texas.
- 4.4 ORDINANCE: this ordinance establishing areas designated as “No Parking”.
- 4.5 PARK OR PARKING: when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.
- 4.6 PERSON: an individual, corporation, organization, government agency, business, trust, partnership, association or any other legal entity.
- 4.7 STAND: the word stand or standing refers to the practice of a driver keeping the vehicle in a stationary position while continuing to occupy the vehicle.
- 4.8 UTILITY SERVICE(S): a service for water, wastewater, gas and or sanitation, provided by the City.

SECTION 5.0 PARKING PROHIBITED

Prohibited Parking areas in conformance with this Ordinance are established by the City and are enforceable.

- 5.1 All areas designated as an alley and are recognized as a right-of-way of the City.
- 5.2 No person shall stop, stand or park any vehicle or personal property within any alley of the City with the exception to:
 - a. emergency vehicles such as fire trucks and ambulance apparatuses
 - b. city code enforcement or law enforcement vehicles
 - c. city utility vehicles or commercially provided services vehicles
 - d. commercial vehicles for delivery or pickup of wholesale or resale goods must remain in operation while parked

SECTION 6.0 INVESTIGATION:

- 6.1 Investigation findings and determinations for penalty are enforced by local law enforcement officers or city code enforcement.
- 6.2 The information showing the name of the person to whom the auto vehicle is registered shall constitute prima facie evidence of ownership by the named person. Evidence of a vehicle parked in a “No Parking” area shall give rise to a rebuttable presumption that said registered owner parked said vehicle in the “No Parking” area.

SECTION 7.0 IMPOUNDMENT/REMOVAL

- 7.1 Any vehicle or object obstructing a designated “No Parking” area is hereby declared a traffic hazard and may be immediately impounded pursuant to the applicable state law without prior notification to its owner or operator.

ORDINANCE #222321-01 “No Parking” In City Alleys

7.2 Pursuant to state law, the owner may be held responsible for expense of removal and storage of a vehicle or object obstructing a “No Parking” area.

SECTION 8.0 PENALTY:

Any person, firm or corporation violating any provisions of this Ordinance or failing to observe any provisions hereof, shall upon conviction, be fined a sum of not less than \$10.00, nor more than \$500.00. A separate offense shall be deemed committed on each day any violation occurs or continues.

SECTION 9.0 SEVERABILITY:

If any section, subsection, clause, phrase, or sentence of this Ordinance or the application thereof by any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance to other persons and circumstances.

SECTION 10.0 REPEAL CLAUSE

All Ordinances and Resolutions of the City of Big Lake, Texas, in conflict herewith are hereby expressly repealed.

SECTION 11.0. 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 and said meeting was given as required by the Open Meetings Act.

EACH and every provision of this ORDINANCE has been duly voted on and approved by the City Council, and all Ordinances in conflict herewith are hereby repealed from and after its passage as provided by law.


This Ordinance shall take effect upon completion of publication as provided by law.

INTRODUCED AND APPROVED ON THE 21st DAY OF FEBRUARY, 2023, AND

PASSED AND ADOPTED ON THE 7th DAY OF MARCH , 2023; by a vote of

4 (yays) to 0 (nays) and 1 (abstentions) of the City Council of the City of Big Lake, Texas.

CITY OF BIG LAKE


Cindy O'Bryan – Mayor Pro-Tem

ATTEST:



Sheri Benson – City Administrator

ORDINANCE #222321-01 “No Parking” In City Alleys