

AN ORDINANCE OF THE CITY OF SMITHVILLE, TEXAS AMENDING SECTION 12.05.001, CITY OF SMITHVILLE CODE OF ORDINANCES, TO RESTRICT PARKING IN THE REAR OF CITY HALL TO CITY EMPLOYEES FROM 7:00 AM TO 5:30 PM AND TO RESTRICT USE OF PARKING SPACES DESIGNATED FOR POLICE DEPARTMENT USE ONLY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to amend Section 12.05.001, Code of Ordinances, City of Smithville, Texas to restrict parking to City employees in the rear of City Hall from 7:00 am to 5:30 pm and to restrict use of parking spaces designated for police department use only;

WHEREAS, the City Council finds and determines that adoption of this Ordinance promotes the health, safety, and welfare of the public; and

WHEREAS, the City Council finds and determines that the meeting at which this Ordinance was passed was open to the public, 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;

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

1. **Findings of Fact.** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.
2. **Enactment.** Section 12.05.001, Code of Ordinances, City of Smithville, Texas is amended as set forth in Exhibit A.
3. **Repealer.** All ordinances, resolutions, or parts thereof, that are in conflict or are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict or inconsistency, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated herein.
4. **Severability.** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.
5. **Effective Date.** This Ordinance shall be effective as of the date of adoption.

PASSED, APPROVED, AND ADOPTED THIS 14th DAY OF NOVEMBER 2022.

APPROVED:


Sharon Foerster, Mayor

ATTEST:


Jennifer Lynch, City Secretary

EXHIBIT A

Section 12.05.001, Code of Ordinances of the City of Smithville, Texas is amended as shown below, with insertions indicated by underlines (e.g. underlines) and deletions indicated by strikethroughs (e.g. ~~strikethroughs~~):

Sec. 12.05.001 Parking restricted in certain; places blocking traffic

It shall be unlawful for any person in charge of any automobile, truck or other motor-driven vehicle to park the same in violation of the provisions of this section. Any automobile, truck or other motor-driven vehicle parked, stopped, left unattended, or left standing in violation of the provisions of this section is a nuisance and a public safety hazard and may be towed at the direction of a peace officer or employee of the City of Smithville and retained until such time as any towing and storage fees are paid; provided, however, that the prohibited parking area must be posted with a sign giving notice that vehicles are subject to being towed.

(1) It shall be unlawful for any person in charge of any automobile, truck or other motor-driven vehicle to leave the same unattended by a competent driver on Main Street at any point thereon between First Street and Fifth Street or on any street in the business district in the city, unless said vehicle be parked at the curb and between the marked lines of the street, and in such position at the curb that the driver of any other automobile, truck or other motor-driven vehicle may have free access to the street. "Business district" shall include the area between N. 1st Street and N. 5th Street along Main Street and one block east and one block west of Main Street from said 1st through 5th Streets inclusive.

(2) Three blocks east of Main Street on both sides of N. 3rd Street (Loop 230) and three blocks west of Main Street on both sides of N. 3rd Street (Loop 230) is hereby declared a no parking zone and no motor vehicle shall park there.

(3) Parking along Loop 230 and Highway 95 and in front of residences shall be parallel with the curb, and wheels nearest to the curb shall be within eighteen (18) inches of the curb.

(4) It shall be unlawful for any driver of any motor vehicle, truck or trailer to block any street or any portion of the width thereof, so that the street will not accommodate the normal flow of traffic and prevent the normal passage of vehicles, for a longer time than five (5) consecutive minutes. No alley should be blocked longer than fifteen (15) consecutive minutes.

(5) It shall be unlawful for any person in charge of any automobile, truck or other motor vehicle to park or leave the same unattended at any point on Highway 95 between West 4th Street and West 5th Street in the city.

(6) It shall be unlawful for any person in charge of any automobile, truck or

other motor vehicle to park or leave the same unattended at or adjacent to any public utility site, owned by the city, within the city.

(7) It shall be unlawful for any person in charge of any automobile, truck or other motor vehicle to park or leave the same unattended at or adjacent to the Smithville Regional Hospital along the east side of Hill Road from the Nichols Street and Hill Road intersection to approximately 450 feet of Hill Road southbound towards Loop 230.

(8) It shall be unlawful for any person in charge of any automobile, truck or other motor vehicle to park or leave the same unattended at any point along the fence line north and south of Chuckwagon Square. (See the drawing attached to Ordinance 2811-460.

(9) Except for employees of the City of Smithville, Texas, it is unlawful for any person to park, stop, leave unattended, or stand a motor vehicle, trailer, or other vehicle in the parking spaces located between Main Street and Ramona Street behind Smithville City Hall, 317 Main Street, Smithville, Texas 78957 between 7:00 am to 5:30 pm.

(10) Except for licensed peace officers and police department staff of the City of Smithville Texas, it is unlawful for any person, at any time, to park, stop, leave unattended, or stand a motor vehicle, trailer, or other vehicle in the parking spaces marked for police department use only located between Main Street and Ramona Street behind Smithville City Hall, 317 Main Street, Smithville, Texas 78957.