ORDINANCE NO. 2008-O-92

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF VOLENTE PROHIBITING MOTOR VEHICLE PARKING ON PORTIONS OF WHARF COVE AND LIME CREEK ROAD; PROVIDING FOR THE POSTING OF "NO PARKING" SIGNS; AUTHORIZING TOWING; AND PROVIDING FOR A PENALTY OF UP TO $500 PER VIOLATION; SEVERANCE; EFFECTIVE DATE; AND PUBLIC NOTICE AND MEETING REQUIREMENTS

WHEREAS, the parking of motor vehicles on Wharf Cove and Lime Creek Road within the corporate boundaries of the Village of Volente presents a danger that threatens the public's health, safety, and welfare; and

WHEREAS, the Village finds that a prohibition on the parking of motor vehicles on the specified streets will help protect the public from this danger;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS:

Section 1. Parking Prohibited.

Parking of any motorized vehicle within twenty-five (25) feet of a posted "No Parking" sign on Wharf Cove and Lime Creek Road within the corporate limits of the Village of Volente is prohibited.

Section 2. Signs.

The Village shall erect "No Parking" signs on Wharf Cove and Lime Creek Road at intervals of no more that twenty-five (25) feet within areas where this Ordinance is applicable or where this Ordinance will be enforced stating that parking is prohibited. Such signs shall be erected in a prominent manner in the parking-restricted areas so as to give notice to operators of motor vehicles of the prohibition on parking established by this ordinance.

Section 3. Towing of Motor Vehicles in Violation of Ordinance.

A towing company with which the Village has contracted and granted written authority may remove a motorized vehicle that is parked in violation of this ordinance. A towing company with such authority must at all times comply with the regulations and requirements of Chapter 2308 of the Texas Occupations Code.

Section 4. Penalty.

A person who violates the restriction on parking established by this ordinance commits a Class C misdemeanor. A violation of this Ordinance is punishable by a fine of up to $500.00.

Section 5. Publication.

A caption that summarizes the purpose of this ordinance and the penalties for violating this ordinance shall be published as provided by Tex. Loc. Gov't Code § 52.012.

Section 6. Effective Date.

This ordinance shall take effect after publication in compliance with Section 5 of this Ordinance and as provided by law. However, no restriction on parking established by this Ordinance shall be enforced until signs have been erected on Wharf Cove and Lime Creek Road in compliance with Section 2 of this ordinance.

Section 7. Severability.

If any provision of this ordinance is found by a court of competent jurisdiction to be void or unenforceable, such void or unenforceable provision shall be severed as though it never formed a part of this ordinance, and all other provisions hereof shall remain in full force and effect.

Section 8. Public Notice and Meeting.

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.

PASSED AND APPROVED this, the _20___ day of May 2008, by a vote of the Volente Village Council of __5____ in favor to ___0____ opposed with__0____ abstentions.

Jan Yenawine, Mayor

ATTEST:

Jennifer Zufelt, Village Secretary