

ORDINANCE NO. 2006- 6

An ordinance amending Section 22-57, "Parking for certain purposes prohibited; storage time limit" of the Victoria City Code to prohibit the display of motor vehicles for the purpose of sale from any public or private property other than the vehicle owner's property, repealing all conflicting ordinances, providing for severability, providing a savings clause, providing for codification, providing a penalty not to exceed \$500 upon conviction, providing for publication, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Section 22-57 of the Victoria City Code is amended to read as follows:

**Sec. 22-57. Parking for certain purposes prohibited, storage time limit**

(a) No person shall park a vehicle upon any roadway for the purpose of:

- (1) displaying such vehicle for sale,
- (2) repairing such vehicle, except repairs necessitated by an emergency, or
- (3) storage in excess of 24 hours.

(b) No person shall park on public or private property a motor vehicle for the purpose of displaying such vehicle for sale. The provisions of this subsection (b) shall not apply to a motor vehicle parked:

- (1) in an area by a person with a valid dealer general distinguishing number issued by the Texas Department of Transportation for the sale of motor vehicles at that location, or
- (2) on the premises of property that the owner of the vehicle resides upon, owns or legally possesses. For purposes of this subsection, if the owner or legal possessor of the vehicle or the property is not a natural person, any person that controls an entity that owns the vehicle and/or the property shall be considered to be an owner or legal possessor of the aforementioned vehicle and/or property.

(c) It shall be an affirmative defense to prosecution under this section that a person parking a car on private property for the purpose of displaying the vehicle for sale:

- (1) had written permission for such placement from the owner of the property, and
- (2) at the time the vehicle was displayed for sale, had displayed on the window of the vehicle a valid commercial outdoor sales permit, itinerant vendors permit, or charitable solicitation permit.

2.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500.00 as provided in Section 1-8 of the City Code.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this Ordinance by injunction issued by a court of competent jurisdiction.

4.

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

5.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance 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.

6.

The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

7.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly.

8.

The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II § 10 of the City Charter.

9.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria.

PASSED FIRST READING, this the 21ST day of MARCH, 2006.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

PASSED SECOND READING, this the 4TH day of APRIL, 2006.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

PASSED THIRD READING, this the 4TH day of APRIL, 2006.

AYES: 7  
NAYS: 0  
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 4TH day of APRIL, 2006.

WILL ARMSTRONG, Mayor of the City of Victoria, Texas

APPROVED AS TO LEGAL FORM:

DAVID ATMAR SMITH, City Attorney  
Copies Sent: APRIL 19, 2006

ATTEST:

SCARLET SWOBODA, City Secretary

Distribution: Legal Department  
Police Department  
The Victoria Advocate

