



TO: Mayor and Councilmembers
FROM:
DATE: April 12, 2011
SUBJECT: SECOND READING OF ORDINANCE – Consider, discuss and act upon Ordinance # O-2011-0412-001 amending Article 10 of the Farmersville Code of Ordinances regarding parking of 10 spaces and a loading dock for the use of buildings currently owned by May's Furniture

ACTION: Approve or disapprove second reading of Ordinance # O-2011-0412-001.

(V – A)

**CITY OF FARMERSVILLE
ORDINANCE # O-2011-0412-001**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF ARTICLE 10, "TRAFFIC CONTROL," THROUGH THE AMENDMENT OF SECTION 10.119.6, "PARKING PROHIBITED" BY AMENDING SUBPARAGRAPH E TO AMEND THE PROPERTY DESCRIPTION FOR HURST LAUNDRY AND ADD AN EXCEPTION THAT DESIGNATES TEN (10) PARKING SPACES AND A LOADING DOCK ON WHICH OVERNIGHT PARKING IS ALLOWED IN CONJUNCTION WITH THE USE OF THE BUILDINGS SITUATED ON LOTS 10 AND 14A, BLOCK D, OF THE FARMERSVILLE ORIGINAL DONATION; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING ENGROSSMENT AND ENROLLMENT; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Farmersville, Texas is a Type A General – Law Municipality located in Collin County having a population of less than 5,000 persons as determined by the most recent federal census, created in accordance with the provisions of Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas;

WHEREAS, the City has previously adopted restrictions that prohibit the overnight parking of vehicles in the area designated for public parking behind the buildings on the south side of the City Square (the "Southern Parking Lot");

WHEREAS, certain of the Southern Parking Lot is the subject of a long-term lease between the City and Wayne May;

WHEREAS, the current owner of Lots 10 and 14A, Block D, of the Farmersville Original Donation (Wayne May) has requested that these lots be allowed to park vehicles overnight in the Southern Parking Lot directly behind the buildings fronting on South Main Street identified as Lots 14A, 15A and 16A, Block D, of the Farmersville Original Donation;

WHEREAS, the City Council of the City of Farmersville, Texas, desires to amend said ordinance to designate the location of a loading dock and ten (10) parking spaces in the Southern Parking Lot to remove any restrictions regarding the parking of vehicles in conjunction with the use of the buildings situated on Lots 10 and 14A, Block D, of the Farmersville Original Donation at any time of day or night.

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

SECTION 1. INCORPORATION OF FINDINGS

The findings set forth above are found to be true and correct and are hereby incorporated into the body of this Ordinance and made a part hereof for all purposes as if fully set forth herein.

SECTION 2. AMENDMENT TO SECTION 10.119.6, "PARKING PROHIBITED" BY AMENDING SUBPARAGRAPH E OF THE FARMERSVILLE CODE

From and after the effective date of this Ordinance, Section 10.119.6 of the Farmersville Code, entitled "Parking Prohibited," is hereby amended by deleting Subparagraph E in its entirety and replacing said provision with a new Subparagraph E to read as follows:

"E. There shall be three exceptions to the provisions as specified above, and those three exceptions are as follows:

1. This Section shall not apply to four parking spots immediately North of and adjacent to Lot 19D, Block D, of the Farmersville Original Donation that are located on the southeast corner of the area designated for public parking behind the buildings on the south side of the City Square (the "Southern Parking Lot") by the owner of Lot 19D, Block D, of the Farmersville Original Donation.

2. This Section shall not apply to the use of a loading dock area and eight parking spots in the Southern Parking Lot immediately west of and adjacent to the buildings situated on Lots 14A, 15A and 16A, Block D, of the Farmersville Original Donation by the owner(s) of Lots 10 and 14A, Block D, of the Farmersville Original Donation.

In addition, this Section shall not apply to the use, by the owner(s) of Lots 10 and 14A, Block D, of the Farmersville Original Donation, of the two parking spots in the Southern Parking Lot that are situated adjacent to the street lamp and tree on the row of parking spaces extending in a westerly direction from Lot 14A, Block D, of the Farmersville Original Donation toward South Washington Street and which two parking spaces are the two spaces nearest to said lots. (Please see the exhibit attached hereto as Exhibit A, which exhibit is incorporated herein by reference for all purposes allowed by law for further detail regarding the location of the subject loading dock and parking spaces.)

3. Individuals may request the issuance of a parking permit which would allow that individual to park in the areas designated above during the prohibited hours. Should an individual desire such permit, he/she shall make application to the City for the issuance of such permit, and such permit may be issued by the City on an individual basis on a determination of the facts of necessity, on a situation by situation examination. The permits to be issued by the

City shall be for the time specifications and limitations as deemed necessary by the City.”

SECTION 3. SEVERABILITY

It is hereby declared to be the intention of the City Council that the several provisions of this Ordinance are severable, and if any court of competent jurisdiction shall judge any provisions of this Ordinance to be illegal, invalid, or unenforceable, such judgment shall not affect any other provisions of this Ordinance which are not specifically designated as being illegal, invalid or unenforceable.

SECTION 4. REPEALER

This Ordinance shall be cumulative of all other Ordinances, resolutions, and/or policies of the City, whether written or otherwise, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Any and all ordinances, resolutions, and/or policies of the City, whether written or otherwise, which are in any manner in conflict with or inconsistent with this Ordinance shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

SECTION 5. PUBLICATION

The City Secretary of the City of Farmersville is hereby directed to publish in the Official Newspaper of the City of Farmersville the Caption, Penalty and Effective Date Clause of this Ordinance as required by Section 52.011 of the Local Government Code.

SECTION 6. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 7. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by Texas law.

PASSED on first reading on the ____ day of _____, 2011, and second reading on the ____ day of _____, 2011 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS ____ DAY OF _____, 2011.

APPROVED:

**BY: _____
Joseph E. Helmberger, P.E., Mayor**

ATTEST:

Edie Sims, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Alan D. Lathrom, City Attorney