

**CITY OF MARFA, TEXAS
ORDINANCE NO. 16-03**

AN ORDINANCE OF THE CITY OF MARFA, TEXAS, PROHIBITING OVERNIGHT OCCUPANCY OF RECREATIONAL VEHICLES AND SIMILAR VEHICLES PARKED ON PUBLIC ROADWAYS AND OTHER RIGHTS OF WAY DURING NIGHTTIME HOURS; PROVIDING PENALTIES UP TO \$500.00 PER OFFENSE; PROVIDING FINDINGS OF FACT, PROPER NOTICE AND MEETING, SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE

WHEREAS, Texas Transportation Code section 311.002(a) provides that “A general-law municipality has exclusive control over the highways, streets, and alleys of the municipality”; and

WHEREAS, the City Council of the City of Marfa is thereby fully empowered to regulate the stopping, standing and parking of recreational vehicles on streets and highways within the City’s territorial limits; and

WHEREAS, the City Council finds that allowing persons to occupy RVs and similar vehicles parked in public rights of way at night presents a hazard to such persons and to motorists and pedestrians within the City; and

WHEREAS, the City Council finds that this ordinance promotes the health, welfare, and safety of the City of Marfa and its citizens;

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

SECTION 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated for all purposes into the body of this Ordinance as if copied in their entirety.

SECTION 2. Occupancy of Parked RVs Prohibited at Night.

(a) This Ordinance shall apply to the following types of vehicles and trailers:

1. buses,
2. motor homes,
3. recreational vehicles,
4. campers,
5. any trailer having a carrying capacity in excess of one ton or which is more than eighteen (18) feet in length, seven (7) feet in width or seven (7) feet in height.

(b) It shall be unlawful for any person to occupy, sleep in, or inhabit any of the types of vehicles described in subsection (a) during nighttime hours when such vehicle is parked on, along, or in a public street, alley, or other right-of-way within the corporate limits of the City.

(c) The provisions of this section shall not be deemed to prohibit the temporary occupation of such a vehicle that is parked or standing for the purpose of the loading or unloading of persons, goods, merchandise, or equipment.

(c) "Loading" and "Unloading" as used in this section shall be limited to the actual time necessary to conduct such operations.

(d) For the purposes of this Ordinance, "nighttime hours" or "at night" shall mean any period of time between 7 p.m. and 7 a.m. or, depending on the season of the year, any time other than such hours after sunset and before sunrise.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 4. All provisions of the ordinances of the City of Marfa in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Marfa not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the City's ordinances as a whole.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

SECTION 7. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.


DULY PASSED AND ADOPTED by the City Council of the City of Marfa, Texas, on the 31st day of March, 2016.

APPROVED:



Dan Dunlap, Mayor

ATTEST:



James R. Mustard, Jr.,
City Secretary/City Administrator