

ORDINANCE NO. 086-018

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 9, ARTICLE VII, OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS, PROHIBITING THE UNLAWFUL LOADING AND UNLOADING OF CONSTRUCTION EQUIPMENT UPON PUBLIC PROPERTY AND DECLARING SUCH TO BE A PUBLIC NUISANCE; IMPOSING RESPONSIBILITY FOR RESTORATION OF DAMAGED PUBLIC PROPERTY; PROVIDING REQUIREMENTS FOR REMOVAL, IMPOUNDING AND RETURN OF EQUIPMENT; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; DECLARING AN EMERGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances of the Town of Addison, Texas, is hereby amended to amend Chapter 9, Article VII, Sec. 9-230 through Sec. 9-238, to read as follows:

ARTICLE VII. Loading and Unloading of Equipment

Sec. 9-230. Short Title. This Ordinance shall be known and may be cited as the "Unlawful Loading and Unloading of Construction Equipment Ordinance of the Town of Addison."

Sec. 9-231. Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent

with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "Town" or "City" is the Town of Addison, Texas.

B. "Construction equipment" shall mean any type of apparatus, material, debris or supplies used in construction, including, but not limited to, the following: motorized and unmotorized vehicles, cranes, pulleys, carts, containers, wagons, tractors, trailers, components of construction and material, debris or supplies and the like.

C. "Unlawful loading and unloading" shall mean the placing of any construction equipment upon public property without first obtaining written consent of the Director of Streets or his designee.

D. "Public property" shall mean any street or highway which shall include the entire width between the boundary lines of the right-of-way publicly maintained and shall also mean any other publicly owned property, facility or landscaped areas.

E. "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

F. "Appropriate city official" shall mean the Director of Street Department, the City Traffic Engineer, the Chief of Police, the Chief Building Official, the Zoning

Administrator, or other appropriate official or his duly designated and acting representative.

Sec. 9-232. Intent and Purpose. This ordinance is enacted as an enforcement procedure for protection of the public peace, safety and welfare, and the safeguarding of property, and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from violations, and for the protection of the public rights in the use of city streets, thoroughfares and public property.

Sec. 9-233. Unlawful Unloading or Loading of Construction Equipment Prohibited; Declared a Public Nuisance. No person shall unlawfully load or unload any construction equipment upon public property of the City. The presence of such equipment upon public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this ordinance.

Sec. 9-234. Damage to Public Property. In the event public property is damaged or disturbed by such unlawful loading or unloading of equipment, the owner of such equipment shall, at its own cost and expense and in a manner approved by the Director of Streets, repair, replace and restore all paving, sidewalk, driveway, curb or surface of any public property disturbed in as good condition as before said property was disturbed. In the event that the City should repair, replace, or restore said damaged or disturbed public property, the owner of the equipment which is in

violation of this ordinance as herein described shall be held liable for and shall reimburse the City for all monies expended.

Sec. 9-235. Responsibility for Removal. Upon the order or direction of the appropriate city official, the owner of the equipment which is in violation of this ordinance as herein described, or his agent or employee, shall be responsible for its immediate removal. In the event of removal and disposition by the City, the owner shall be liable for the expenses incurred.

Sec. 9-236. Removal and Impounding of Equipment by the Town. Members of the Police Department are hereby authorized to remove or cause to be removed from public property that equipment which is in violation of this ordinance to the nearest garage or other place of storage.

Sec. 9-237. Return of Equipment. No person shall recover any equipment removed in accordance with this ordinance except as provided herein. Before the owner or person in charge of such equipment shall be allowed to recover it from the place where it has been placed or impounded, he shall present to a member of the Police Department evidence of his identity and right to possession of the equipment, shall sign a receipt for its return, shall pay the cost of removal, damage caused to public property, and shall pay any cost of storage accrued. Until paid, these charges constitute a lien on the vehicle which may be enforced in the same manner as a garage keeper's lien in accordance with the laws of the State of Texas.

Sec. 9-238. Violation. A violation of this ordinance shall also constitute a violation of the building permit issued to the property or owner of the property under whose direction, control, or supervision the person violating this ordinance is acting, and shall subject the building permit to being revoked.

SECTION 2. Penalty. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$200.00. Each act in violation of any of the provisions hereof shall be deemed a separate offense.

SECTION 3. Severability. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or be 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.

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

SECTION 5. Emergency. The fact that the present Code does not provide for the prohibition of unlawful loading and unloading of construction equipment on public property, and is therefore inadequate to properly safeguard the general public, health and

safety, creates an emergency and an imperative public necessity,
and the ordinance shall take effect and be in force from and
after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, this the 25th day of February, 1986.



MAYOR

ATTEST:



CITY SECRETARY

3-2-86
Rubb.