

ORDINANCE NO. 2025-002

AN ORDINANCE OF THE CITY OF SANTA CLARA, TEXAS PROHIBITING THE OPERATION OF MOTOR VEHICLES WITHOUT FINANCIAL RESPONSIBILITY; AUTHORIZING THE TOWING AND IMPOUNDMENT OF VEHICLES; PROVIDING FOR A PENALTY OF A FINE IN AN AMOUNT NOT LESS THAN ONE DOLLAR (\$1.00) AND NOT MORE THAN FIVE HUNDRED DOLARS (\$500.00); PROVIDING FOR ENFORCEMENT, CUMULATIVE, SAVINGS AND SEVERABILITY CLAUSES, AND AN EFFECTIVE DATE

WHEREAS, the City Council finds that those operating a motor vehicle without financial responsibility places an unfair burden on the general public; and

WHEREAS, the City Council finds that the City roadways do not have sufficient shoulder space to park or leave a motor vehicle;

WHEREAS, the City Council finds that a motor vehicle left on the roadway because the driver is unable to operate the motor vehicle constitutes a public safety hazard;

WHEREAS, the City Council finds it reasonable to remove and impound motor vehicles left on the roadway to protect the health, safety and welfare of the citizens and community of the City of Santa Clara; and

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

Section 1. Findings.

The forgoing recitals are hereby found to be true and correct and adopted by the City Council of the City of Santa Clara, Texas and are hereby incorporated into and made a part of this Ordinance for all purposes.

Section 2. Short Title.

This Ordinance shall be known as the "FINANCIAL RESPONSIBILITY ORDINANCE."

Section 3. Definitions.

- a) City
means the City of Santa Clara, Texas.
- b) *City Marshal*
means the person appointed to the Office of the City Marshal, or the City Marshal's authorized representative.

c) *Financial Responsibility*

means the ability to respond in damages for liability for a collision that: (1) occurs after the effective date of the document evidencing the establishment of the financial responsibility; and (2) arises out of the ownership, maintenance, or use of a motor vehicle.

d) *Motor Vehicle*

means a self-propelled vehicle operated on a roadway, a trailer or semitrailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails. The term does not include: (1) a traction engine; (2) a road roller or grader; (3) a tractor crane; (4) a power shovel; (5) a well driller; (6) an implement of husbandry; or (7) an electric personal assistive mobility device.

e) *Operator*

means the person in actual physical control of a motor vehicle; also referred to herein as 'Driver'.

f) *Owner*

means: (1) the person who holds legal title to a motor vehicle; (2) the purchaser or lessee of a motor vehicle subject to an agreement for the conditional sale or lease of the motor vehicle, if the person has: the right to purchase the motor vehicle on performing conditions stated in an agreement; and (i) an immediate right to possess the motor vehicle; or (ii) a mortgagor of a motor vehicle who is entitled to possession of the motor vehicle.

g) *Peace Officer*

means law enforcement officers who are required to obtain and maintain a commission through the Texas Commission on Law Enforcement as listed in Section 2.12 of the Texas Code of Criminal Procedure.

h) *Roadway*

means the entire width between property lines of a road, street, or way in the City that is not privately owned or controlled and: (1) some part of which is open to the public for vehicular traffic; and (2) over which the City has legislative jurisdiction under its police power.

Section 4. Requirement of Financial Responsibility.

It shall be unlawful for a person to operate a Motor Vehicle in the City without Financial Responsibility established for that Motor Vehicle in accordance with Chapter 601 of the Texas Transportation Code, as amended.

Section 5. Enforcement.

In addition to the enforcement of this Ordinance by a Peace Officer of the City, this Ordinance may be enforced by a Peace Officer of another jurisdiction duly authorized to issue traffic citations within the City.

Section 6. Removal; Impoundment of Motor Vehicle.

- a) A Peace Officer is authorized to remove or cause the impoundment of a Motor Vehicle from a City Roadway to a place designated by the City Marshal when:
 - (1) At the time the Motor Vehicle is in an accident, the Owner or Operator of the Motor Vehicle fails to provide, at the scene of the accident, evidence of Financial Responsibility for that Motor Vehicle in accordance with Chapter 601 of the Texas Transportation Code, as amended; or
 - (2) The Operator of the Motor Vehicle is cited for an offence of this Ordinance.
- b) A Motor Vehicle removed and towed under this Ordinance must be kept at the place designated by the City Marshal until an application for redemption is made by the Owner or the Owner's authorized agent, who will be entitled to possession of the Motor Vehicle upon payment of the applicable costs of towing, notification, impoundment, and storage.
- c) A Peace Officer may, at their sole discretion, allow a Motor Vehicle Owner or Operator to retain possession and control of the Motor Vehicle if necessary to protect the health, safety or welfare of the Owner or Operator or any other person.

Section 7. Offence; Penalties, Fines and Other Remedies.

- a) It shall be an offence for any person to violate or fail to comply with any of the provisions of this Ordinance.
- b) Any person committing an offence under this Ordinance shall, upon being found guilty of such offence by a Court of competent jurisdiction, be guilty of a Class "C" misdemeanor, and upon conviction thereof, shall be fined a sum of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00) per offence.
- c) The penal provisions imposed under this ordinance shall not preclude the City from filing suit to enjoin continued offences of this Ordinance. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 8. Cumulative.

This Ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, in which event the conflicting provisions of such other ordinances are hereby repealed. Any and all previous versions of this Ordinance are repealed.

Section 9. Severability.

It is hereby declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance or the application thereof is held to be invalid such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance or the applications thereof, which can be given effect without the invalid phrase, clause, sentence, paragraph, or section.

Section 10. Savings.

This Ordinance shall remain in full force and effect, save and except as amended or repealed.

Section 11. Meeting Open to Public.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

Section 12. Effective Date.

This Ordinance shall be effective upon passage, approval and publication as provided by law.


PASSED AND APPROVED this 27th day of January, 2025.



ATTEST:

Donna L. White

Donna L. White, City Secretary



Jeff Hunt, Mayor