

**CITY OF EL CAMPO, TEXAS
ORDINANCE NO. 2018-25**

AN ORDINANCE AMENDING “TRAFFIC AND VEHICLES”, ARTICLE 12.03 "PARKING" BY ADDING SECTIONS TO THE CODE OF ORDINANCES OF THE CITY OF EL CAMPO, TEXAS TO PROHIBIT ON-STREET PARKING OF OVERSIZE AND COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A PENALTY; AND PROVIDING FOR NOTICE BY PUBLICATION.

PREAMBLE

WHEREAS, the City Council of the City of El Campo, Texas (“the City”) finds that certain commercial and oversized vehicles, trailers, boats and boat trailers create traffic hazards and safety issues when parked on streets and roadways in residential neighborhoods; and

WHEREAS, the City finds that such commercial and oversized vehicles, boats and boat trailers due to their size can also create obstacles to pedestrian and bicycle traffic in such residential neighborhoods thereby damaging the quality of life of its citizens as well as causing unsightly and unwanted visual detractions to such neighborhoods; and

WHEREAS, the City Council of the City of El Campo, Texas has determined that in the interest of safety and in the interest of protecting the residential citizens use and enjoyment of city streets and roadways and preserving and protecting the visual enjoyment of such neighborhoods, it is necessary to regulate and prohibit certain vehicles and trailers from parking on public streets and roadways within the corporate limits of El Campo, Texas pursuant to the rules, regulations and limitations imposed by law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF EL CAMPO, TEXAS THAT:

Section 1. Findings of Fact.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment to the Code. That Chapter 12, Article 12.03 "Parking" of the Code of Ordinances of the City of El Campo, Texas is amended to add the following sections to read as follows:

Sec. 12.003.03. Definitions.

For the purposes of this Article 12.03 the following words and phrases shall have the meanings respectively ascribed to them by this section:

Alley shall mean land dedicated to public use and devoted to secondary access to lots.

Boat trailer shall mean a trailer and/or semi-trailer which is designed and constructed to carry a sailboat, motorboat or other vessel used upon any body of water.

Bus shall mean every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.

Commercial Vehicle shall mean a bus, semi-trailer, truck, truck tractor, house trailer, farm tractor or implement of husbandry.

Driveway, private, shall mean any entrance or exit over the sidewalk or sidewalk area of any street affording a means of ingress or egress for vehicles to or from any private property.

House trailer, travel trailer shall mean a trailer or semi-trailer which is designed, constructed and equipped as a dwelling place living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, and shall include those vehicles commonly known as recreational vehicles.

Implement of husbandry shall mean every vehicle designed and adapted for use as a farm implement machinery or tool as used in tilling the soil but shall not include any passenger car or truck.

Loading zone shall mean that portion of any roadway set apart, marked and numbered for the sole use or the public as a place for loading or unloading passengers, merchandise or other cargo.

Motor home shall mean every vehicle designed and constructed as a dwelling place, living abode or sleeping place (either permanently or temporarily) and equipped for use as a conveyance on streets and highways.

Motor vehicle shall mean every vehicle which is self-propelled.

Oversize Vehicle shall mean a motor home, any motor vehicle or trailer that exceeds twenty (20) linear feet, or any commercial motor vehicle with a rated gross weighted capacity of in excess of one and one-half (1 ½) tons according to the manufacturer's classification.

Park, parking shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Semitrailer shall mean every vehicle without motor power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Street, roadway and highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular and pedestrian travel.

Trailer shall mean every vehicle without motor power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Whenever any words and phrases used in this chapter are not defined in this chapter, but are defined in the state laws regulating the operation of vehicle, any such definition therein shall be deemed to apply to such words and phrases used in this chapter.

Sec. 12.03.004. Parking of Oversize and Commercial Vehicles, Trailers, Boats, or Boat Trailers Prohibited on Streets in Residential Districts.

(a) It shall be unlawful for any person to park or stand a commercial vehicle, oversize vehicle, trailer, semi-trailer, boat, or boat trailer or to allow such to park or stand upon any public street, highway, alley, sidewalk or public right-of-way between any street and alley, within any part of the city classified by the zoning ordinance of the city as a Single-family residence district, two-family and attached single-family residence district, multiple-family district, or multiple-family residence district (being zoning designations R-1E, R-1, R-1S, R-1M, R-2 and R-3).

(b) It is an affirmative defense to this section that the vehicles or trailers defined in Section (a) herein are:

1. In the act of loading, or unloading passengers, freight, or merchandise;
2. Publicly owned or franchised emergency or utility vehicles carrying out official duties;
3. Being used for street construction, maintenance, or repair;

4. Suffering with a mechanical defect, making it unsafe to proceed further, in which event it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs;
5. Any motor home, boat, boat trailer, trailer or house trailer being loaded, unloaded, or otherwise prepared for use or storage during a period of time that does not exceed five (5) hours; or
6. Owned or operated by a contractor who has parked the vehicle in front of a residence or residential lot for which the person is contracted to do work, provided that the vehicle is parked only between the hours of 7:00 a.m. and 8:00 p.m. and only while the work is being performed.
7. Vehicles defined herein as recreational travel trailers, motor homes, boats and boat trailers that are parked for less than a twelve (12) hour period in anticipation of immediate use and being move therefrom within such time period.

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of El Campo, Texas and that sections of this ordinance may be renumbered or re-lettered to accomplish such intention.

Section 5. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec.1.01.009 of the Code of Ordinances of the City of El Campo, which shall be a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00), and each day a violation exists shall be a separate offense.

Section 6. That this ordinance shall take effect on November 1st, 2018.

Section 7. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public, notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED by the City Council of the City of El Campo, Texas, on this 22nd day of October 2018.

CITY OF EL CAMPO, TEXAS

Randy Collins, Mayor

ATTEST:

Lori Hollingsworth, City Secretary

APPROVED AS TO FORM:

Ronald B. Collins, City Attorney

CERTIFICATION OF PUBLICATION

I hereby certify that the caption and penalty of the foregoing Ordinance was published on **Saturday October 27th, 2018** and **Wednesday October 31, 2018**.

Lori Hollingsworth, City Secretary