

Village of Salado

ORDINANCE NO. _____

Parking Ordinance

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, PROHIBITING THE PARKING OF VEHICLES OR TRAILERS IN FRONT YARDS AND REQUIRING RECREATIONAL VEHICLES, BOATS AND TRAILERS TO BE PARKED IN THE REAR YARD BEHIND A FENCE; PROVIDING FOR SEVERABILITY, PROVIDING A PENALTY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Texas Local Government Code Section 51.032, the Board of Aldermen of the Village of Salado ("Board of Aldermen") is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village; and

WHEREAS, pursuant to Texas Local Government Code Chapter 214 the Board of Aldermen is authorized by law to adopt an ordinance regarding building regulations and the municipal regulation of housing; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217 the Board of Aldermen is authorized by law to adopt an ordinance regarding public nuisances; and

WHEREAS, the Board of Aldermen finds that the parking of vehicles, recreational vehicles, boats and trailers on yards and the long term open storage of such items is unsightly, harmful to visual lines of sight, detrimental to neighboring property values, and generally a public nuisance; and

WHEREAS, the Board of Aldermen finds that the parking of vehicles, recreational vehicles, boats and trailers on yards and the long term open storage of such items contrary to the Village's goals of promoting natural beauty and responsible landscaping; and

WHEREAS, the Board of Aldermen finds that regulation of the parking of vehicles, recreational vehicles, boats and trailers on yards and the long term open storage of such items will promote the health, safety and general welfare of the community; and

WHEREAS, the Board of Aldermen finds that the regulations established by this Ordinance are for the good government, peace, or order of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO TEXAS THAT:

SECTION 1. RECITALS

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

SECTION 2. ENACTMENT

The following regulations are hereby enacted and shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment A*.

SECTION 3. REPEALER

Any ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SECTION 4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION 5. PUBLICATION

The Village Secretary is hereby directed to publish the caption and penalty of this Ordinance as required by law.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and publication as required by law.

SECTION 7. PROPER NOTICE AND MEETING

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

PASSED & APPROVED this ___ day of February 2018, by ___ *Ayes* to ___ *Nays* to ___ *Abstentions* of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO, TEXAS

Skip Blancett, Mayor

ATTEST:

Cara McPartland, Village Secretary

DRAFT

Attachment "A"

**PARKING AND STORAGE OF VEHICLES,
RECREATIONAL VEHICLES, BOATS AND TRAILERS**

Sec. 1. Definitions.

In this Ordinance, the terms described below shall have the following meanings:

- a. **Authorized Emergency Vehicle:** A fire department or police vehicle, a public or private ambulance operated by a person who has been issued a license by the Texas Department of Health, a municipal department or public service corporation emergency vehicle so designated by the Board of Aldermen, or a private vehicle of a volunteer firefighter or certified emergency medical services employee or volunteer; when responding to an emergency.
- b. **Front Yard:** An area extending the full width of an improved single-family lot between its side property lines, the front property lot line and a line that is an extension of the front line of the residential structure located on a lot, excluding the driveway. The front yard of a corner lot shall be determined by the street address of the residence located on such lot.
- c. **Improved Surface:** An area, excluding a driveway, the surface of which is comprised of selected materials constructed to a depth sufficient to distribute the weight of a vehicle or equipment over such area to preclude deterioration and deflection of the area due to vehicle or equipment load, adverse weather, or other conditions. Examples of materials with which an improved surface might be constructed include asphalt, concrete, permeable pavement or other materials approved by the Village Administrator or his designee.
- d. **Motor Vehicle:** Any vehicle designed to carry one or more persons that is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
- e. **Operator:** A person in actual physical control of a vehicle.
- f. **Owner:** A person who has (1) legal title to a motor vehicle, or (2) the right to possess or control a vehicle.

- g. Park or Parking:** To stand an occupied or unoccupied vehicle, other than temporarily.
- h. Paved Surface:** An area continuously surfaced by concrete, hot mix asphalt, brick pavers, stone pavers or gravel.
- i. Recreational Vehicle or RV:** Any vehicular, portable structure designed for temporary or short-term occupancy. Such vehicles shall include self-propelled recreational vehicles, travel trailers, converted buses, tent trailers, motor homes, or similar devices used for temporary portable housing.
- j. Rear Yard:** An area extending the full width of an improved single-family lot between its side property lines, the rear property lot line and a line that is an extension of the rear line of the residential structure located on a lot, excluding the driveway.
- k. Side Yard:** An area of an improved single-family lot circumscribed by a line parallel to and extending along the side of a residential structure located on the lot which line is joined at right angles by lines parallel to and that extend along the front and rear lines of the residential structure on the lot to the side property line of the lot, excluding the driveway.
- l. Semitrailer:** A vehicle without motive power that is designed, or used with a motor vehicle, so that some of its weight and the weight of its load rest on, or is carried by, the motor vehicle.
- m. Stand or Standing:** To halt an occupied or unoccupied vehicle while receiving property or passengers.
- n. Stop or Stopping:** To halt an occupied vehicle.
- o. Store or Storage:** To park or place a recreational vehicle, trailer, boat or watercraft in a location when it is not in use for its intended purpose. The term does not include the short term (72 hours or less) parking for loading, unloading or cleaning.
- p. Trailer:** A vehicle without motive power that is: (1) designed or used to carry property, including boats, or passengers on its own structure exclusively; and (2) drawn by a motor vehicle.
- q. Truck-tractor:** A motor vehicle designed or used primarily for pulling other vehicles and not constructed to carry a load other than a part of the weight of the vehicle being drawn.

- r. **Vehicle:** A mechanical device, other than a device moved by human power or used exclusively upon stationary rails or tracks, in, on, or by which a person or property can be transported. The term includes a motor vehicle, commercial motor vehicle, recreational vehicle, truck-tractor, trailer, semitrailer, boat or watercraft, but does not include: (1) manufactured housing as defined by the Texas Manufactured Housing Standards Act, Chapter 1201 of the Texas Occupations Code, or (2) self-propelled wheel chairs or mechanical devices while being used by disabled individuals.

Sec. 2. Prohibited Parking of Vehicles.

- a. **General Prohibition:** It shall be unlawful for any person to park or to cause, suffer or permit the parking of a vehicle, boat or equipment on any surface that is not an improved surface as defined in this ordinance, within the front or side yard of a single-family residence subject to this section. It is presumed the registered owner of the vehicle or equipment is the person who parked, caused, suffered or permitted the vehicle or equipment to be parked in violation of this ordinance.
- b. **General Prohibition:** It shall be unlawful for any person to park or cause, suffer or permit the parking of a vehicle, boat or equipment on within the rear yard of a lot with a single-family residence unless the vehicle, boat or equipment is located behind a seven (7) foot tall wooden fence. Temporary parking of a recreational vehicle, boat or equipment for the purpose of loading or unloading is permitted but shall not exceed a period of twenty-four (24) consecutive hours.
- c. **General Prohibition:** A vehicle, boat or equipment parked on the roadway shall not impede the flow of traffic or block the view of intersections, crosswalks, or traffic control signs.
- c. **Exception:** This section shall not apply to persons operating authorized emergency vehicles and vehicles displaying valid state issued disabled parking placard/plates.

Sec. 3. Penalty.

Any person violating the provisions of this Ordinance shall be guilty of a Class C misdemeanor and, upon conviction, will be subject to a fine not to exceed five hundred dollars (\$500.00) per offense. The Village is authorized in the alternative, or in conjunction, to bring civil enforcement actions, seeking injunctive relief and civil penalties. Each day that a violation continues shall constitute a separate offense.