

ORDINANCE NO. 18-2161

AN ORDINANCE OF THE CITY OF LAKE JACKSON, TEXAS, AMENDING CHAPTER 98 TRAFFIC AND VEHICLES IN THE CODE OF ORDINANCES TO PROHIBIT THE PARKING OF PASSENGER VEHICLES IN RESIDENTIAL YARDS; PROVIDING THAT ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH SHALL BE REPEALED TO THE EXTENT OF THE CONFLICT ONLY; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKE JACKSON, TEXAS:

Section 1: That Chapter 98, Article V, Division 3 is renamed as follows:

Division 3: Parking of Boats, Trailers, Recreational or Commercial Vehicles in Residential Areas

Section 2: That section 98-151 is amended as follows:

Sec 98-151 Definitions

Ambulance means a specialized vehicle for emergency or non-emergency care and transportation of the sick and/or injured, with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility, whether or not an emergency may exist.

Boat or Watercraft means any motorized vehicle, registered or unregistered, used for recreation or commercial use on any body of water, river, or stream.

Bus means any commercial vehicle designed to carry twelve (12) or more persons on streets, roads, or highways.

Commercial Vehicle means any vehicle designed or used primarily for transportation of persons, goods, property, or services for, or in connection with, a business, school, or church.

Converted bus means a bus that has been converted to transport property or a service.

Driveway means a private roadway leading from a public street or right-of-way to a garage, carport or parking space.

Dwelling means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

Fire apparatus means any of various large trucks that carry firemen and equipment to the site of a fire, including fire trucks, ladder trucks, hook and ladder trucks, and aerial ladder trucks. The term does not include suburban utility vehicles or pick-up trucks.

Lease means a conveyance of a commercial vehicle for a specified term and for a specified rent at the fair market value for that particular vehicle.

Motor Vehicle means any motor vehicle subject to registration pursuant to the Texas Certificate of Title Act.

Park or parking means to stop or stand an occupied or unoccupied vehicle.

Parking space means an area of a driveway that is at least nine (9) feet wide and eighteen (18) feet long.

Passenger Vehicle means any vehicle which can carry one or more passengers for transportation over a street or highway, including, but not limited to automobiles, trucks, SUVs, vans, or buses. The definition excludes recreational vehicles, golf carts, vehicles with less than four (4) wheels, and vehicles that are not self-propelled.

Recreational Vehicles means any unit primarily designed as a living quarters for recreation, camping, or travel use which either contains its own motor power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes, or recreational vans; can be temporarily or permanently mounted on a vehicle such as a coach, camper shell, truck camper or pickup camper; or is pulled by a motorized vehicle such as in the case of a “pop-up” camper.

Trailer means any unpowered vehicle or device designed for carrying property, material, or passengers wholly on its own structure and for being drawn by a motor vehicle, as in the case, but not limited to utility trailer, boat or watercraft trailer, livestock trailer, cargo trailer, horse trailer, barbecue trailer, heavy equipment trailer, and car trailer.

Truck-Tractor means a motor vehicle designed and used primarily for drawing another vehicle and is not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn, such as tractor trailer rigs and ten wheel tractors.

Vehicle means any device in, upon, or by which any person or property may be propelled, moved, or drawn or otherwise transported upon a street or highway, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term “vehicle” shall include, but is not limited to, passenger vehicle, boat or watercraft, trailer, recreational vehicle, truck, motor vehicle, motorized vehicular home, motor coach, bus, converted bus, truck-tractor, and wrecker.

Wrecker means any motor vehicle used or designed for the purpose of towing or removing disabled or wrecked vehicles.

Wrecker business means the business of towing or removing disabled or wrecked vehicles, regardless of whether or not the purpose in towing such vehicle is to remove, repair, wreck, store, trade or purchase such disabled or wrecked vehicle.

Wrecker company means any person engaged in the wrecker business.

Wrecker rotation list means the rotation list of companies prepared and used as provided in section 106-123.

Section 3: That section 98-157 is added to read as follows:

Sec. 98-157 Parking in residential yards

- (a) This section applies only to private residentially zoned property areas that are visible from the right-of-way, including multifamily properties.
- (b) The parking of a passenger vehicle in an area of private residentially zoned property that is visible from the right-of-way and that is not a driveway, parking space, carport or garage is an offense. It is presumed that the registered owner of the passenger vehicle is the person who committed the offense. However, the owner, lessee, or person in charge of the residential property is also responsible for an offense under this sub-section.
- (c) The owner, lessee, and person in charge of the residential property are required to ensure that:
 - 1. Parking spaces and driveways are graded and paved with an all-weather surface such as concrete, asphaltic concrete, gravel or crushed stone.
 - 2. If the parking spaces or driveway are paved with loose material such as gravel, the loose material is compacted and the driveway has a border that prevents the loose material from being scattered.
 - 3. The driveway has at least two parking spaces that are behind the sidewalk.
 - 4. There is sufficient space from the street to the required parking spaces so that motor vehicles can access the required parking spaces.
 - 5. The required parking spaces only contain motor vehicles.

Section 4: That section 98-158 is added to read as follows:

Sec. 98-158. Same – exceptions.

- (a) The following activities are exceptions to section 98-157(b). The exception applies only when the listed activity is occurring. Passenger vehicles may not be parked in the yard in anticipation of the activity or after the activity ceases for the day.
 - (1) Loading and unloading of the passenger vehicle;
 - (2) Activities such as construction, remodeling, and landscaping; and
 - (3) Washing of the passenger vehicle.

(b) Passenger vehicles may also be parked in the yard for special events, such as parties or overnight guests. The special event may not last more than 72 hours.

Section 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only.

Section 4: 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. 1-5 of the Code of Ordinances of the City of Lake Jackson.

Section 5: If any part or portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance.

Section 6: The City Secretary shall publish the caption of this ordinance within ten (10) days of final passage in the official newspaper of the City. This ordinance shall take effect and be in force January 1, 2019.

PASSED AND APPROVED on first reading on the 4th day of September, 2018.

PASSED AND ADOPTED on second and final reading this 17th day of September, 2018.

Bob Sipple, Mayor
City of Lake Jackson

ATTEST:

Alice Rodgers
City Secretary

APPROVED AS TO FORM:

Sherri Russell
City Attorney