ORDINANCE NO. 2024 - 47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING THE NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 126 TRAILERS AND OVERSIZED VEHICLES, TIME LIMIT. REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels, Texas is a home-rule city; and

WHEREAS, the City Council amends its ordinances from time to time to ensure they are achieving community and citizen goals; and

WHEREAS, the Comprehensive Plan, Envision New Braunfels, has multiple action items supporting updates that improve regulations, including Action Item 1.11: Update policies and codes to achieve development patterns that implement the goals of this plan; and Action Item 3.6: Pro-actively provide a regulatory environment that remains business and resident friendly; and

WHEREAS, the City Council heard a briefing on these amendments at their regular meeting on January 24, 2024 and directed staff to modify the section; and

WHEREAS, the City Council held a public hearing on said amendment on May 28, 2024; and

WHEREAS, the City Council hereby finds and determines that regularly updating the code for clarification provides improved customer service and is in the best interest of the citizens of New Braunfels.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1

THAT Chapter 126-334 Trailers and oversized vehicles, time limit, is hereby amended with additions as underlined and deletions as stricken:

Sec. 126-334. - Trailers and oversized vehicles, time limit.

(a) Time limit. It shall be unlawful for the owner to permit or for the person in charge or the operator of any trailer or semitrailer to park or leave standing such trailer or semitrailer upon any portion of any public street for one continuous period of over 30 minutes without authority from the chief of police, except as defined by subsections (c)(1), (2) and (3).

(b) Definitions. As used in this section, "trailer" means every vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle; "semitrailer" means every vehicle of the trailer type so designed or used in conjunction with a motor vehicle that some part of its own weight and that of its load rests upon or is carried by another vehicle; "commercial motor vehicle" is defined in the State of Texas Transportation Code §502.001; as used in this section, "take-home vehicle" is defined as a commercial motor vehicle the owner of which allows an employee to drive home between working hours, but not including oversized vehicles as defined in Chapter 144.

~~(c)Prohibition. It shall be unlawful for any person or owner to allow to park or stand any oversized vehicle or any commercial motor vehicle, as that term is defined in V.T.C.A., Transportation Code § 502.001, with a rated capacity in excess of 20,000 pounds, according to the manufacturer's classification, upon any public street, alley, parkway or other public right-of-way within the city that is zoned as residential.~~

(c) No one shall park or leave standing a commercial motor vehicle having a manufacturer's gross vehicle weight rating of more than 8,000 pounds, or any commercial trailer or semi-trailer regardless of weight, on any public street, highway, or right-of-way within a residential district or on any undeveloped private property.

(d) As used in this section, "residential district" means the full width of a public street, highway, or right-of-way which is located within, or adjacent to a residential zoning district as per 144.14. *Residential district* means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-1A-5.5, R-1A-4, R1A, R-2, R-2A, B-1, B-1A, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all special and planned development districts identified as residential unless otherwise specified within the special district.

(e) Exceptions:

(1) This section shall not prevent ~~the parking or standing of the above-described vehicles in such areas for the purpose of actively and expeditiously loading and unloading of passengers, freight, merchandise or property.~~ any commercial motor vehicle that is expeditiously loading or unloading passengers, or picking up or delivering goods, wares, or merchandise from or to any building, structure, or property located along the restricted streets or highways.

(2) The owner of an oversized vehicle may obtain a permit from the chief of police to park said vehicle in such areas for a period of up to 24 hours within any seven-day period. A permit will only be issued if the street is of sufficient width so that parking of the oversized vehicle would leave more than ten feet of available width of the roadway for free movement of vehicular traffic.

(3) ~~Provided further, that t~~This ~~sub~~section shall not apply to street construction, maintenance and repair equipment trucks, rollers and implements or to trucks, equipment, trailers and vehicles used by any public service utility companies, the city or its contractors engaged in repairing or extending the street or public service utilities, or providing city services, or as engaged in an active permitted construction project.

(4) This section shall not apply to any authorized emergency vehicle as defined in the State of Texas Transportation Code §541.201.

(5) This section shall not prevent the parking of any commercial motor vehicle used as a take-home vehicle, so long as it complies with the Oversized Vehicle standards set forth in Chapter 144.5.1-4

SECTION 2

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 3

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 4

THAT all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict only.

SECTION 5

THAT in accordance with the provisions of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

SECTION 6

THAT this Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office.

PASSED AND APPROVED: First reading this the 28th day of May, 2024.

PASSED AND APPROVED: Second reading this the 10th day of June, 2024.

CITY OF NEW BRAUNFELS

Andrés Campos, Mayor Pro Tem

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney