

CITY OF SWEETWATER –

CITY CODE
CHAPTER 21 NUISANCE
ARTICLE III-NEW

**ORDINANCE NO.
2023-05**

AN ORDINANCE OF THE CITY OF SWEETWATER, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 21 NUISANCES TO ADD A NEW “ARTICLE III, “MOTOR VEHICLE AND SPECIAL VEHICLE PARKING”, TO REVISE CERTAIN REGULATIONS FOR THE PARKING OF MOTOR VEHICLES AND SPECIAL VEHICLES; PROVIDING FOR A PENALTY, SAVINGS, CUMULATIVE, REPEALER, AND SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of Sweetwater, Texas (“City”) is a home-rule municipality organized under the laws of the State of Texas; and

WHEREAS, Ignite Sweetwater focuses on the preservation, well-being and improvements to the Sweetwater neighborhoods; and

WHEREAS, it is the intent of the City Council of the City of Sweetwater, Texas (the “City Council”) to protect the health, safety and welfare, and well-being of its citizens; and

WHEREAS, it is the intent of the City Council of the City of Sweetwater, Texas to provide for opportunities to enforce this ordinance through Sweetwater certified peace officers and designated Code Enforcement officials; and

WHEREAS, the City Council has investigated and determined that it is advantageous, beneficial, and in the best interest of preserving and protecting our neighborhoods, the City and its citizens to adopt the parking regulations set forth herein.

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

Section 1. Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

Section 2. Chapter 21 “Nuisances” is hereby amended to include a new Article III, “Motor Vehicle and Special Vehicle Parking,” of the City of Sweetwater Code of Ordinances as follows:

Section 3 - Definitions.

- (a) The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Driveway shall mean an improved parking surface providing ingress and egress from a public road or alley to a house or garage.

Front yard shall mean that portion of a residential lot between the street and the building face of a structure. See illustration labeled "Typical Residential Lot" in Subsection (b) of this section.

Improved parking surface shall mean a standard concrete driveway or other paved surface of similar characteristics, quality, and durability (asphalt, paving stone, crushed granite constructed with a metal ledge, or brick).

Motor vehicle means every vehicle which is self-propelled.

Park, parking means the standing of a vehicle, whether occupied or not, other than temporarily while presently engaged in loading or unloading merchandise or passengers.

Paved surface means an area continuously surfaced by concrete, hot mix asphalt, brick, stone pavers or crushed granite as provided for in Section 24-31 (a) (6); provided, however, that gravel may be used in a back yard provided the perimeter of the parking surface and is constructed with a metal edge.

Rear yard shall mean that portion of a residential lot between the rear building face and the rear lot line.

Right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, drainage or utility easement, or any property owned or possessed by the city for these purposes.

Side yard shall mean that area between the property line of a lot and the side of a building wall extending from the front building wall to the rear building wall. See illustration labeled "Typical Residential Lot" in subsection (b) of this section.

Special vehicle means any commercial motor vehicle, truck-tractor, trailer, semi-trailer or combination thereof, boats or boat trailers, personal watercraft or personal watercraft trailers, all-terrain vehicles or all-terrain vehicle trailers, motor homes or recreational vehicles, manufactured homes or mobile homes or any vehicle designed for occupancy, any vehicle exceeding a gross weight of 8,500 pounds, or any vehicle not legally registered in accordance with the provisions of the Texas Transportation Code.

Street yard means with respect to a corner lot, the area of a lot lying between the property line adjacent to a street or right-of-way and a building wall and extending from

the building wall to the street and the rear corner of the building wall to the right-of-way. See illustration labeled "Corner Residential Lot" in subsection (b) of this section.

Truck-tractor means 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.

(b) Illustration "Typical Residential Lot" is attached.

Sec. 21-34 – Parking of certain vehicles in all zoning districts.

(a) It shall be unlawful for an owner, occupant, or person in charge of property in any zoning district to permit the parking, standing or storing of motor vehicles and/or special vehicles upon the property without locating same on an improved parking surface and in accordance with the following provisions or exceptions:

- (1) No special vehicle shall be parked on required off-street parking.
- (2) No part of a motor vehicle or special vehicle shall extend over a public easement, sidewalk, alley way, street or right-of-way.
- (3) No motor vehicle or special vehicle stored or parked on a residential lot shall be used for housekeeping, living, or sleeping quarters.
- (4) All special vehicles shall be secured with wheel stops or similar safety devices.
- (5) Motor vehicles may be parked on a driveway or improved parking surface. The parking surface of motor vehicles shall be at a minimum equal to the motor vehicle

- (6) Special vehicles may be parked on an improved parking surface or driveway that is not a required off-street parking space. The parking surface of special vehicles shall be contiguous with and be an extension of the driveway, and the area of the parking surface and extension shall not be less than the full dimensions of the special vehicle.
 - a. Special vehicles shall be stored behind the front building line in the side or rear yard unless the lot is served by a driveway from a public street and which is its only point of vehicular access, or the lot does not have access to a City alley.
 - b. Where permissible in subsection (a) above, a maximum of two special vehicles may be stored in the front yard, and the special vehicle length shall be oriented perpendicular to the street.
- (7) The location and construction of required improved parking surface must be in compliance with all city ordinances, regulations and standards. Parking or paving over sidewalks, easements or public access property is prohibited.

Sec. 21-35. - Exemptions.

- (a) The provisions of this division shall not apply to:
 - (1) Emergency vehicles operating in response to an emergency call or incident.
 - (2) City or other governmental entity vehicles while in the performance of official public business or activities.
 - (3) Vehicles operated by utility companies, telecommunication companies, or other public utilities, while providing or performing official business.
 - (4) Vehicles parked to perform deliveries, repairs, or other services to private property or persons, and the parking of such vehicle does not exceed four hours per day.
 - (5) Motor vehicles or special vehicles parked in the rear or side yards which is screened from public view may be parked on an unimproved surface. Access to a parking location permitted by this exemption may also be an unimproved surface provided the access surface remains free from erosion and is consistent with and comparable to other surfaces in the neighborhood and immediate vicinity.
 - (6) Lots in the Industrial Zoning District and lots that are in use as or are zoned for residential purposes that are greater than three-quarter (0.75) acres are exempt from the provisions of this article.
 - (7) A person displaying a valid, state issued disabled parking placard / plates are exempt from the requirement of this section at their personal residence.

Sec. 21-36. - Penalty.

An offense under this article shall be deemed to be a misdemeanor and, upon conviction, is punishable by a fine in accordance with Section 1-11 of the Code of Ordinances, as amended

Section 4. Penalty Clause. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to a penalty as provided by Section 1-11 of the Code of Ordinances of the City of Sweetwater, Texas

Section 5. Savings Clause. All rights and remedies of the City of Sweetwater, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 6. Cumulative/Repealer Clause. This Ordinance shall be cumulative of all provisions of state or federal law and other ordinances of the City of Sweetwater, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 7. Severability Clause. It is hereby declared to be the intention 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 shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 8. Effective Date.

Sec. 21-37 - Effective Date for Motor Vehicles

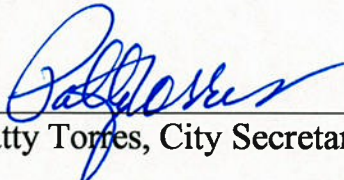
The effective date for enforcement of this ordinance for vehicles defined as “Motor Vehicles” above in Section 3 – Definitions, shall become effective immediately upon its passage and publication as required by law.

Sec. 31-38 – Effective Date of Special Vehicles

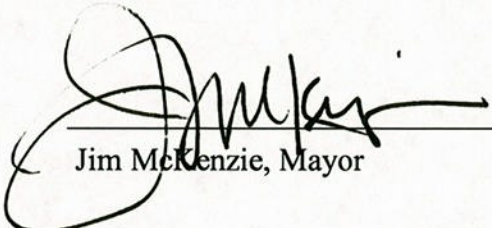
The effective date of enforcement of this ordinance for vehicles defined as “Special Vehicles” above in Section 3 – Definitions, shall become effective six (6) months after its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sweetwater, Texas, on this the 11th day of April, 2023.

ATTEST:

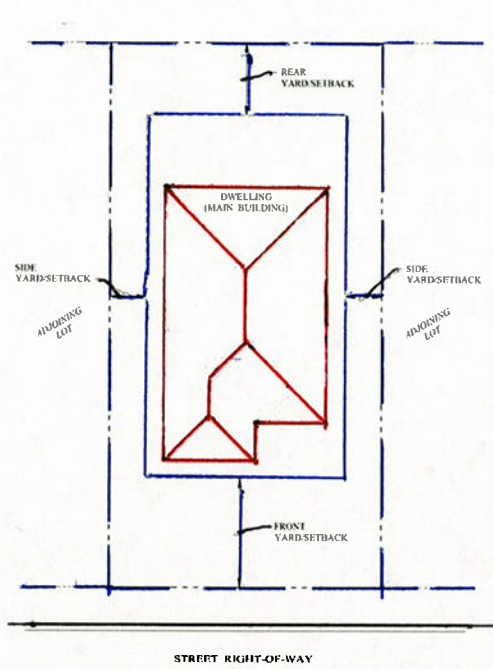


Patty Torres, City Secretary

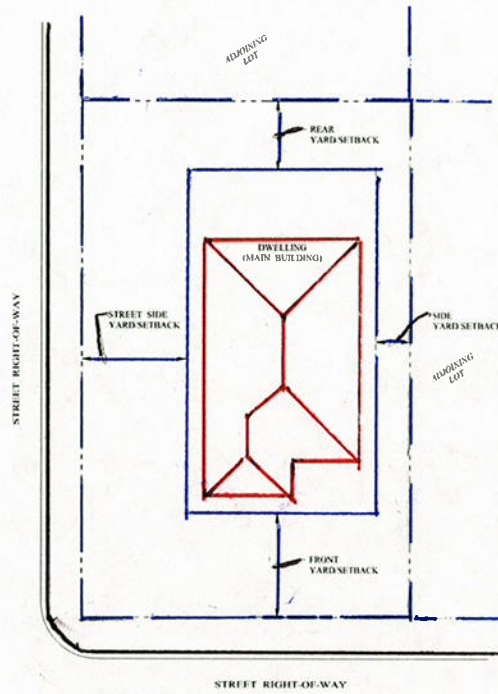


Jim McKenzie, Mayor

CHAPTER 21, ARTICLE III, SECTION 3(b) DEFINITIONS



**TYPICAL
RESIDENTIAL LOT**



**TYPICAL
CORNER RESIDENTIAL LOT**