

ORDINANCE NO. 1624

**AN ORDINANCE OF THE CITY OF LAMPASAS, AMENDING CHAPTER 78, TRAFFIC AND VEHICLES, ARTICLE III, STOPPING, STANDING, AND PARKING; AND AMENDING SECTION 78-214, AND ADDING ARTICLE VI PROHIBITING COMMERCIAL VEHICLE PARKING IN PROVIDING PROHIBITIONS, RESTRICTIONS, TEMPORARY EXCEPTIONS BY PERMIT OPTIONS FOR COMMERCIAL VEHICLES TO PARK UPON RESIDENTIAL STREETS; PROVIDING FOR REPEAL OF ORDINANCES THAT CONFLICT; PROVIDING SAVINGS, SEVERABILITY CLAUSE; EFFECTIVE DATE, AND PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS FOR EACH OFFENSE, DECLARING AN EMERGENCY; AND PROVIDING FOR RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Lampasas, Texas (the “City”) finds that parking and driving of vehicles across drainage improvements to include drainage ditches and swales damage City property and represents a threat to the health and safety of the citizens of Lampasas;

**WHEREAS**, the City Council of Lampasas finds that accessing and departing from private and public property within the City by use of driveways or other forms of access not approved by the City damages city property and represents a threat to the health and safety of citizens of the City of Lampasas;

**WHEREAS**, the City Council of Lampasas finds that the parking of certain commercial vehicles on streets within residential areas deteriorates the streets and creates safety hazards; and

**WHEREAS**, the parking of commercial vehicles on streets within residential neighborhoods detracts from the living environment;

**WHEREAS**, the City Council of Lampasas finds that there are areas in residential neighborhoods where it is safe to issue a permit for commercial vehicle parking.

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

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purpose as findings of fact.

**Section 2. Definitions.** As used by this Ordinance the following terms shall have the meaning and definition as follows:

- (1.) **“Commercial Motor Vehicle”**, is as described in the Texas Transportation Code Section Title 7 Subtitle A, Chapter 501 and 522.003, as a motor vehicle or combination of motor vehicles used to transport passengers or property that:
  - (A) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
  - (B) has a gross vehicle weight rating of 26,001 or more pounds;
  - (C) is designed to transport 16 or more passengers, including the driver; or

(D) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F,

(E) and includes a vehicle meeting the definition regardless of whether a vehicle is used for commercial purposes; or

(F) a road tractor, truck tractor, pole trailer, semitrailer, as those terms are defined by the Texas Transportation Code section 541.201;

(2.) **“Motor Vehicle or Vehicle”** is defined by the Texas Transportation Code, Title 7, Subtitle A, Chapter 501, Section 501.002 defines as any motor vehicle driven or propelled vehicle required to be registered under the laws of this state;

(3.) **“Trailer”** is defined by the Texas Transportation Code, Title 7, Subtitle A, Chapter 501, Section 501.002 as a vehicle that (A) is designed or used to carry a load wholly on the trailer’s own structure; and (B) is drawn or designed to be drawn by a motor vehicle.

(4.) **“Semitrailer”** is defined by the Texas Transportation Code, Title 7, Subtitle A, Chapter 501 as a vehicle that is designed or used with a motor vehicle so that part of the weight of the vehicle and its load rest on or is carried by another vehicle.

(5.) **“Road Tractor”** is defined by the Texas Transportation Code, Title 7, Subtitle A, Chapter 501, Section 501.002 as a motor vehicle designed and used to draw another vehicle but not constructed to carry a load independently or a part of the weight of the other vehicle or its load.

(6.) **“Truck Tractor”** is defined by the Texas Transportation Code, Title 7, Subtitle A, Chapter 501, Section 501.002 as a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load.

(7.) **“Person”** is defined by the Texas Transportation Code, Title 7, Subtitle C, Chapter 541 includes any individual, firm, partnership, association, corporation, or other business entity.

(8.) **“Residential Area”** shall mean and refer to those areas within the city limits designated for residential use according to the City of Lampasas zoning codes. An area containing or bounded by public streets or parts thereof abutted by residential property occupying at least 75 percent of the front footage along the blockface, exclusive of vacant property that is not restricted by deed, covenant, plat, or otherwise to residential use. A residential area may be one or more blockfaces within a larger residential area, and a street of 500 feet in length or greater to be two blockfaces or approximately equal length.

- a. Residential means pertaining to use of land for premises such as single family homes, duplexes, condominiums, and apartment complexes with eight or fewer units, that contain habitable rooms for non-transient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking therein deemed to be residential in character unless it is actually occupied and used exclusively for other purposes.
- b. Hotels, suites, motels, shall not be considered residential.

(9.) **“Residential Street”** shall mean and refer to those streets, boulevards, avenues, or alleys within the city limits located within the city’s residential areas.

(10.) **“Alley”**- is defined by the Texas Transportation Code, Title 7, Chapter 54, Sub-Chapter D, section 541.302 as a street that: (A) is not used primarily for through traffic; and (B) provides access to rear entrances of buildings or lots along a street.

(11.) **“Resident Vehicle”** means a motor vehicle parked in a residential area in which it is registered with the Texas Department of Transportation.

(12.) **“Resident Residential Commercial Exemption Permits”**-the owner/operator residing in the City and having a resident exemption permit may park in accordance with the city of Lampasas parking ordinances a commercial vehicle on a residential street.

(13.) **“Continuous Operation”** shall be defined as operating in excess of five minutes the commercial vehicle engines or accessory generators or compressors.

(14.) **“Unattended Motor Vehicle”** Texas Transportation Code 545.404 an operator may not leave a vehicle unattended without: stopping the engine; locking the ignition; removing the keys from the ignition; setting the parking brake effectively; and if standing on a grade, turning the front wheels to the curb or side of the highway. Exceptions do apply for remote start.

(15.) **“Commercial Vehicle with Non-Commercial Purpose”** Commercial Vehicle for non-business purposes.

#### **Sec. 78-214 Parking of Commercial Motor Vehicles, Truck Tractors and Trailers**

In order to establish a healthy residential neighborhood atmosphere within the community and in the best interest of public safety and welfare, commercial vehicles having a manufacturer’s gross weight 26,001 or more are prohibited from parking on any residential street or portion thereof, except with respect to making pickups or deliveries from or to any building or structure, or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure located off the designated truck route.

The failure of the local street system to provide livability and safety in the residential environment can occur if the city does not mitigate traffic and parking problems. In order to identify the extent of the conflict associated with “livability” and design of residential streets, the following must be examined before a Commercial Vehicle Parking Permit can be issued.

- Efficiency of Services-public safety and utilities,
- Existing and proposed residential streets standards and regulations,
- Traffic problems associated the residential street and their causes,
- Traffic volume,
- Safety for both vehicular-pedestrian traffic,

- Land use, construction, and maintenance,
- Number of commercial vehicles parked on a residential road will be determined by the length of the street.

## **No Parking Zones**

(a) those as defined in the Texas Transportation Code, Section 545.302. Stopping, Standing, or Parking Prohibited in Certain Places, the below list includes some of 545.302:

(b) An operator may not stop, stand, or park a vehicle:

- (1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
- (2) on a sidewalk;
- (3) in an intersection;
- (4) on a crosswalk;
- (5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
- (6) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
- (7) on a bridge or other elevated structure on a highway or in a highway tunnel;
- (8) on a railroad track; or
- (9) where an official sign prohibits stopping.

(c) An operator may not, except momentarily to pick up or discharge a passenger, stand or park an occupied or unoccupied vehicle:

- (1) in front of a public or private driveway;
- (2) within 15 feet of a fire hydrant;
- (3) within 20 feet of a crosswalk at an intersection;
- (4) within 30 feet on the approach to a flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- (5) within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance, if the entrance is properly marked with a sign; or
- (6) where an official sign prohibits standing.

(d) An operator may not, except temporarily to load or unload merchandise or passengers, park an occupied or unoccupied vehicle:

- (1) within 50 feet of the nearest rail of a railroad crossing; or
- (2) where an official sign prohibits parking.
- (3) A private vehicle operated by an elevator constructor responding to an elevator emergency may be exempted from these parking regulations.

(e) Subsections (a), (b), and (c) do not apply if the avoidance of conflict with other traffic is necessary or if the operator is complying with the law or the directions of a police officer or official traffic-control device.

(f) The City Council of the City of Lampasas finds it necessary for the improvement of the economic development of our downtown/public square area and it will adversely affect public safety; therefore, no commercial vehicle shall be left unattended standing, stopped, or parked at any place in downtown/public square area of the city of Lampasas.

(g) It shall be unlawful for an owner of any commercial vehicle to drive, operate, leave, park, or stand any vehicle upon any ditch, drainage easement, drainage improvement, or swale.

(h) It shall be unlawful for any person or any owner to leave, park, or stand any commercial vehicle within a residential area or on a residential street.

(i) It shall be unlawful for any person or any owner to leave, park, or stand any commercial vehicle in an alley in the city of Lampasas.

(j) It shall be unlawful for any person or any owner to leave unattended or parked overnight any vehicle with hazardous or dangerous material.

(k) It shall be unlawful for any person or any owner to leave, park, or stand any hazardous or dangerous material on any residential street overnight.

(l) It shall be unlawful to leave, park, or stand any commercial tractor trailer/semi-trailer with animals, or odors, within a residential area or on a residential street. Odors as defined by Chapter 10 Animals, Article 1, Section 10-4 Public Nuisance.

(m) It shall be unlawful to leave, park, or stand a commercial vehicle and/or trailer for non-business purposes along a city of Lampasas street.

(n) It shall be unlawful to leave, park, or stand any commercial equipment not secured and not in use for a project on a residential street.

(p) It shall be unlawful to leave, park, or stand any commercial vehicle at a city park or city facility without written permission from the City.

(q) It shall be unlawful to leave, park, or stand any over width commercial vehicle.

**Section 78-214(01.): Unattached Trailer and Semi-Trailer parking prohibition.** A person shall not park any trailer or semi-trailer upon any highway, street, alley, public way or public place unless the trailer or semi-trailer is, at all times while so parked, attached to a vehicle capable of moving the trailer or semi-trailer in a normal manner upon the highway, street, alley, public way or public place.

**This ordinance shall not prevent the parking or standing of the following types of vehicles for the following purposes:**

- (1) Commercial vehicles in residential areas for the purpose of loading and unloading passengers, freight or merchandise,
- (2) Vehicles being used to provide any municipal service; such as, installation, repair, or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc.
- (3) Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer lines.
  - a. This does not apply to a utility employee who is on call 24 hours a day and parks at the employee's residence.
  - b. This does not apply to a wrecker employee who is on call 24 hours a day and parks at the employee's residence.
  - c. A commercial motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans, sanitation, repair, electrical, and plumbing service motor vehicles, that was parked in a residential area while conducting business at a residence or residential area.
- (4) The vehicles mentioned in 1-3 shall not block or interfere with traffic upon a residential street;
- (5) A vehicle owned by a commercial establishment that is legally parked on the street adjacent to where the establishment is located or property owned by the commercial establishment.

#### **Section 78-214 (02.): Residential Permit Parking**

The City of Lampasas Code Enforcement Officer or designee may issue on a first-serve basis to commercial owners/operators residing within the City for the purpose of parking on prohibited residential streets to and from their residence,

The applicant must be a resident in the city of Lampasas and have proof of such.

**Acceptable residency documents:** The following are acceptable as long as they include the name of the applicant and their City of Lampasas, Texas residential address.

- Current deed, mortgage, monthly mortgage statement, mortgage payment booklet, or a residential rental/lease agreement
- Valid, unexpired Texas Voter Registration Card
- Texas motor vehicle registration or title
- Non-Expired Texas CDL
- Texas concealed handgun license
- An electric, water, natural gas, satellite television, cable television, or non-cellular telephone statement.

- Current homeowner's or renter's insurance policy or homeowner's or renter's insurance statement or current automobile insurance policy or an automobile insurance statement
- Texas high school, college, or university report card or transcript for the current school year
- W-2 or 1099 tax form from the current tax year
- Mail from financial institutions; including checking, savings, investment account, and credit card statement
- Mail from a federal, state, county, or city government agency showing name and address in the City of Lampasas.
- Current documents issued by the US military
- Document from the Texas Department of Criminal Justice indicating the applicant's recent release or parole
- Medical or health card

### **Section 78-214 (03.) Residential Commercial Vehicle Parking Permits**

The City Council of Lampasas would like to assist in offering a permit type solution to those residents that are involved in the safe and efficient movement of commercial vehicles. The City of Lampasas is not immune from the commercial vehicle parking shortages that are recognized around the State of Texas. This is by no means a long term solution as the City recognizes and understands the challenges and inconveniences of our resident Commercial Vehicle Operators to find a private parking area or commercial vehicle parking area in or around the City of Lampasas; however, the City has a responsibility to the safe flow of traffic, pedestrian safety, life safety of a neighborhood, and the livability of a neighborhood; therefore, this solution is to give a Residential Commercial Vehicle Operator that can be permitted time to find a private or public commercial vehicle parking area not on city streets to park or store a vehicle.

The first thing that must be looked at is the street/road width for residential streets as this will be major concern for allowing any Commercial Vehicle to park upon a city street.

- A minimum pavement width must allow safe passage of moving traffic in each direction, exclusive of interferences, and allow for the safe passage of emergency service vehicles.
- The minimum road width for fire apparatus and/or ambulance to have safe passage with parking on either side of the public street or highway that, in the case of a two-way street or highway, has a pavement width of no less than 28 feet, or in the case of a one-way street or highway, has pavement of no less than 20 feet. 28 feet is Two-10' wide driving lanes plus 8' of parking lane/areas.
- Lane widths should be considered within the assemblage of a given street delineating space to serve all needs, including travel lanes, safety islands, bike lanes, and sidewalks,
- The street/roadway must be checked prior to ensure the granting of a permit will not result in damage to city streets or cause a pedestrian or traffic hazard or adversely affect adjacent properties,

- No hazardous material or dangerous material allowed for overnight parking. Vehicles used for the transportation of hazardous or dangerous materials shall not be issued a permit for residential parking,
- The permit shall be limited to one commercial vehicle truck and trailer or tractor and trailer combination per legal lot,
- Said vehicle shall be parked in such a manner so as to not minimize visibility from the street,
- The parking area for such vehicle shall not be less than 100 feet from any residential structure on adjoining property; however, if not practical, this condition may be waived upon written consent from the occupant of the adjoining residence,
- The applicant shall warrant that there will be no continuous operation of the commercial vehicle engines or accessory generators or compressors prior to 6:00 a.m. or after 9:00 p.m. *“Continuous operation” shall be defined as operating in excess of five minutes. Violation of this section shall be grounds for revocation of this permit at the discretion of Code Enforcement Officer,*
- Repair activity shall not be commenced before 6:00 a.m., except on Sunday and any national holiday when it shall not commence before 8:00 a.m. and after 10:00 p.m. unless repair work is done in an enclosed structure,
- Applicant shall be the property owner or renter in the City of Lampasas with written consent of the property owner. The permit shall be issued to applicant, with the permit tied to subject property, CDL driver, company and/or vehicle. The permit is not transferable, with the exception of the vehicle itself,
- The City of Lampasas has a well- established truck route. The applicant must attach proof of the known truck route and their ingress and egress by a direct route to and from the residential street the Commercial Vehicle will be parked on. Notwithstanding the provisions of this route of ingress and egress, nothing in this section authorizes or allows a commercial vehicle to operate such vehicle in violation of any provision of City Code relating to truck routes,
- The applicant must provide current Motor Vehicle Registration and Title Information,
- The applicant must provide insurance information,
- From the approved list in Section 78-216 Proof of residency,
- An approved application must be submitted and a permit fee as established by City Council must be paid. The renewal of an exemption permit required by the provisions of this ordinance shall occur on a year-to-year basis, due on the first day of October each year.
- Cul-de-Sac permit request, are influenced by the housing in the area and the need to accommodate the movement of fire apparatus, emergency services, and service trucks. A road radius of 50-foot is usually sufficient for the turning of a large fire apparatus; such as a hook and ladder, to make a safe practical turn. The Commercial vehicle driver would have to assure that no vehicles would cause a less than 50-foot road radius turn.
- Vehicles will not have more than 13 feet 6-inch vertical clearance. The use of street trees for ecological and visual benefits will outweigh higher clearance request and not be permitted.



- A permit will not be issued for parking within 1000 feet of school, place of worship, or park,
- Vehicles for which the permit is issued, shall not be loaded or off-loaded for purposes of storing or transferring materials at the residence to which the permit is issued,
- State roadways will not be issued a permit,
- Vehicle truck without trailer permits may be issued at a lesser permit fee,
- Residential streets with a speed greater than 40 mph. will not be issued a permit,
- Parking on paved driveways to park a Commercial Vehicle is not allowed, zoning ordinance regulations must be followed.
- A permitted vehicle may be parked in a gated and/or fenced property or behind a six foot high wood or privacy fence (or of permitted material of the zoning code) and shall be screened from the public view. Appropriate landscaping as additional screening is encouraged. The vehicle shall not be parked within 25 feet of the front yard property line, 25 feet from the side yard line, or 25 feet from any other property.

Only during an emergency shall any Commercial Vehicle be permitted to park on any unimproved parcel, vacant parcel or a parcel with vacant buildings in a residential area.

Only during an emergency shall a Commercial Vehicles be allowed to park overnight in any City Park in the City of Lampasas.

A permit holder shall have no more than two parking violations of this ordinance issued by the City of Lampasas Police Department.

#### **Section 78-214 (04.): Authorized Towing**

##### **Authorized towing of a vehicle parked in violation of this article.**

Should a law enforcement officer find a vehicle permitted or non-permitted that remains standing or parked upon any public or residential street, avenue, way, alley, or other public place, in violation of the provisions of this ordinance, the owner or drive of which has been given previous notice or citation for parking such vehicle in violation, may be removed by upon an order by a police officer. The officer is authorized to move such vehicle or have the vehicle removed and impounded at the expense of the owner or operator. The owner of such vehicle shall have the responsibility for the payment of any fees incurred by the towing and/or storage of the vehicle.

The provisions of a Residential Commercial Parking Permit does not give the holder any special rights to residential parking on residential streets.

The provisions of a Residential Commercial Parking Permit does not give the holder any additional parking time. The holder shall follow all laws and ordinances regarding parking.

#### **Section 78-214 (05.): Parking Survey Requirement**

Upon receipt of a completed application for designation of Residential Commercial Parking Permit, the Code Enforcement Officer shall conduct or cause to be conducted a parking survey of the proposed residential parking area. The parking survey shall be conducted in a manner

prescribed by Chief of Police. The parking survey shall determine the following information, as well as any other information that will be useful to identify any parking issues.

1. The total number of legal parking spaces in the proposed residential permit area;
2. The legal number of parking spaces that are occupied by motor vehicles;
3. The width of the roadway;
4. Hazards associated with allowing commercial parking on the requested residential street;
5. Evidence of neighborhood support, the name, address, telephone number of a resident in the proposed residential commercial parking permit;
6. Evidence of neighborhood non-support, the name, address, telephone number of a resident that is against the proposed residential parking permit;
7. The anticipated effects of the safety of the residents if a residential commercial parking permit is issued;
8. If any, the extent of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of the residential commercial parking permit;
9. Whether the problems identified in this section can reasonably and feasibly be solved at no additional cost to the city through an alternative to the designation of a residential parking;
10. Any other identifiable issue.

#### **Section 78-214 (06.): Petition For Revocation**

The residents of a residential area may petition to the Chief of Police in which the Residential Commercial Parking Permit is issued or on a street adjacent to the residential area and within 200 feet of the property line of their residence. The petition must be signed by 25 percent of the owners or tenants of residences in the residential area sighting the reasons for the petition. No more than one person for each residence may sign the petition, and each person signing must be at least 18 years of age. Promptly after the filing of a petition with the Chief of Police a petition meeting will take place to determine the validity of the petition and the Chief of Police along with the Code Enforcement Officer will determine if the permit should be removed on the basis of the petition.

#### **Section 78-214 (07.) Public Hearing**

After determining that an application meets criteria and there is non-support for the residential commercial permit to be issued the person seeking the permit can request a public hearing by the City Council of Lampasas with an administrative fee paid prior to the hearing. The request for a Public Hearing must be made within 15 days of the determination being made that the Application meets criteria for a parking permit.

The Code Enforcement Officer shall give written notice of the public hearing by mail no less than 15 days before the date of the public hearing as follows:

1. Addressed to "Occupant" of each property within, and within 200 feet of, the boundaries of the requested Residential Commercial Parking Permit area;
2. To the owner of each property located within or within 200 feet of the boundaries of the requested Residential Commercial Parking Permit area, as shown on the most recent tax rolls of the city/county of Lampasas.

3. The boundaries shall be the rear property line, and the side property line of a corner property, of each lot or tract that abuts a blockface included in the Residential Parking Area.
4. Notice shall be prescribed by Code Enforcement Officer and placed in the local newspaper of general circulation in the city at least 10 days prior to the hearing and can be posted on the city webpage and the Lampasas Police Department social media sites.
5. The notice that is given by mail shall be deemed given when it is deposited in the United States mail, properly address, postage paid. The affidavit of a person who has knowledge of the fact that the notice was mailed is prima facie evidence that notice has been given as required by this section.
6. At the public hearing, any interested person, including a traffic engineer, may present testimony, orally or in writing with respect to the proposed residential parking permit area, the proposed regulations of this section, and the permit fees.
7. The City Council of Lampasas may establish the rules for the conduct of the public hearing.
8. The party that request the hearing, shall pay an administrative fee of \$220.00.

**Section 78-214 (08.) Permit Fees:** Permit fees are based on the work that has to be completed to determine if a permit can be issued, the fee is not refundable.

A permit shall be valid only in the residential parking area for which it is issued.

When the permit holder for which the permit is issued, no longer fulfills the provisions of this Ordinance or renewal of permit, they shall be directed to surrender the permit or present evidence that the permit no longer exist.

a. The annual fee for a Residential Commercial Parking Permit	\$120.00
b. The annual fee for a Tractor with no trailer	\$60.00
c. One Day Visitor Hangtag Permit	\$30.00
d. Replacement Cost for Lost Permit	\$10.00

**Section 78-214 (09.) Display of Permits:**

Permits shall be made in a hangtag style to hang from a rear-view mirror or placed inside the bottom driver side corner of the windshield for easy visibility. Parking of a Commercial Vehicle on Residential Street with no permit displayed shall constitute a separate violation in this section.

**Section 78-214 (010.) Revocation of Permit**

In addition to the penalties provided for violation of this Section, the Residential Commercial Parking Permit shall be revoked if the person issued the permit is found to have committed three or more violations of this Section within a one-year period. Upon determination by the Chief of Police or designee that a person who holds a permit has been adjudicated to have committed three or more violations, the Chief of Police shall provide a written notification to the person issued the permit by certified mail, return receipt requested, and regular mail revoking the permit and ordering the surrender of the permit.

Failure to surrender a revoked permit when requested to do so shall constitute a separate violation of this section, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender such permit.

**Section 78-214 (011.) Effect of Issuance of Permit.**

- A permit shall not guarantee or reserve any parking areas or space within a residential area.
- A permit issued pursuant to this section shall not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing, or parking is prohibited.
- This issuance of this permit shall not excuse the observance of any traffic regulation.
- Commercial Vehicle Parking Areas Private or Public must follow zoning guidelines and rules.

**Section 78-214 (012.) Defenses/Exceptions**

1. This section shall not forbid deliveries by commercial vehicles in the usual course of business, and the right to park such commercial vehicles for the length of time reasonably necessary in order to make such deliveries is recognized and not prohibited.
2. A disabled Commercial vehicle which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving a disabled trailer or semi-trailer on that portion of the residential street, alley, public way, or public place ordinarily used for vehicle parking, shall make every effort to have the vehicle moved in accordance with all Texas and City of Lampasas laws and ordinances.
3. A Commercial motor vehicle owned by or operated under contract to a utility and in actual use in construction, removal or repair of utility property or facilities or engaged in authorized work in a residential area.
4. A Commercial motor vehicle clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, was being used in the course of official government business, and was not parked while the operator was working at his customary office or job site;
5. An authorized emergency vehicle;
6. A Commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.
7. Extreme weather events or other unplanned emergencies that close roads create a need for emergency parking. Weather events such as flooding, sandstorms, and snow/ice can close roads on their own to contribute to crashes. This is especially true for Commercial Vehicles, the lack of authorized parking may cause a need to consider emergency commercial parking in and around our city. In the event of situation as described emergency commercial vehicle parking will be allowed for a short period time during the event. TxDOT Current and Forecasted Truck Parking Needs Assessment Memo, March 23, 2020 suggest areas that trucks can park during these times. We will work with TxDOT and other public agencies and the private sector to identify potential areas for storing large numbers of trucks that provide drivers with a safe place to park and remove the vehicles from the road during these times.

As the City develops and follows comprehensive plans for the City, all Commercial Vehicle owners and operators should be aware that this Ordinance may be reviewed and changed for the safety of all.

This ordinance shall be reviewed every five years to determine a need for Commercial Vehicle Parking Permits.

Section 3. Validity That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force.

Section 4. Prima Facie Evidence In any prosecution charging a violation of this ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this ordinance, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 5 Penalty That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction by the Court/s shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

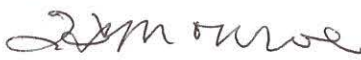
Section 6 Open Meetings That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and the public notice of the time, place, and purpose of said meeting was given as required by Open Meeting Act, Chapter 551, Local Government Code.

Section 7 Effective Date That the present ordinances of the City of Lampasas are inadequate to provide for the proper regulation of parking of commercial vehicles creates and urgency an emergency for preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND ADOPTED by the City Council of the City of Lampasas, Lampasas, Texas on the 13<sup>th</sup> day of July, 2020.

Approved the First Reading on the 22<sup>nd</sup> day of June, 2020.

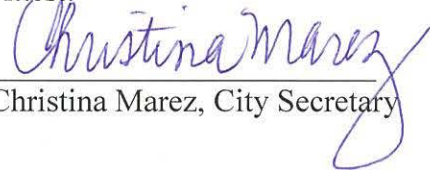
Adopted on the Second Reading on the 13<sup>th</sup> of July, 2020.

for:  


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Misti Talbert, Mayor

Attest:

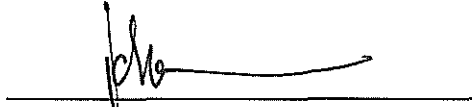
  
Christina Marez, City Secretary

APPROVED AS TO FORM:

Jo-Christy Brown, City Attorney  
(Signature of Attorney Provided on Separate Page, to be Attached)

**CITY OF LAMPASAS ORDINANCE NO. 1624**

I, Jo-Christy Brown, City Attorney for the City of Lampasas, Texas hereby approve the form of the above-noted City Ordinance, passed and approved by the City Council of Lampasas Texas on Second Reading on the 14th day of July, 2020, as shown by my signature affixed hereto below.

A handwritten signature in black ink, appearing to read 'JCB', is written over a horizontal line.

Jo-Christy Texas Brown  
Lampasas City Attorney  
Texas State Bar No. 03141980

