

CITY OF BALCH SPRINGS, TEXAS

ORDINANCE NO. 3241-22

AN ORDINANCE OF THE CITY OF BALCH SPRINGS, TEXAS, AMENDING CHAPTER 78, TRAFFIC AND VEHICLES, ARTICLE III, PARKING, SECTION 78-175, PARKING ON UNIMPROVED SURFACES OF THE CODE OF ORDINANCES OF THE CITY OF BALCH SPRINGS, TEXAS TO DEFINE WHAT CONSTITUTES A VIOLATION AND REQUIRE WARNING NOTICES TO BE POSTED OR MAILED; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; SETTING AN EFFECTIVE DATE; AND PROVIDING FOR PROPER NOTICE AND MEETING.

WHEREAS, the City of Balch Springs, Texas (hereinafter referred to as “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City is authorized to regulate the parking of vehicles and equipment in required yards to protect the public health, safety, and welfare; and

WHEREAS, the changes contained within this Ordinance are made pursuant to such authority and for the good government of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BALCH SPRINGS, TEXAS, that:

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Chapter 78, Traffic and Vehicles, Article III, Parking, Section 78-175, Parking on Unimproved Surfaces, of the Code of Ordinances of the City of Balch Springs is hereby modified to read as follows with strikethrough denoting a deletion and underline denoting an addition:

Sec. 78-175. Parking on unimproved surfaces.

- (a) A person within the city commits an offense if such person causes, suffers, permits or allows:
 - (1) The parking or storage of a vehicle or equipment within a front yard upon any surface other than a driveway or other minimum improved parking surface;
 - (2) The parking or storage of a vehicle or equipment within a side or back yard upon any surface other than a driveway or other minimum improved parking surface; or

- (3) The parking or storage of any vehicle or equipment upon any portion of any real property not zoned as residential upon any surface other than a driveway or other minimum improved parking surface.
- (b) For purposes of this section:
- (1) *Back yard* means a parcel of land within a lot between the back building line and the back lot line.
 - (2) *Front yard* means a parcel of land within a lot between the front building line and the front lot line.
 - (3) *Side yard* means a parcel of land within a lot between the side building line and the side lot line.
 - (4) *Vehicle or equipment* shall include boats and boat trailers, campers and camper cabins, house trailers, mobile homes, motorcycles, motor homes, motor vehicles, passenger motor vehicles, recreational vehicles (RVs), trailers, or trucks.
 - (5) *Improved Surface* shall mean:
 - a. In the case of a business establishment, a surface paved according to city specifications for parking lots; or
 - b. In the case of a residence, a standard driveway or an approved parking space consisting of reinforced concrete having a minimum depth of four (4) inches.
 - c. Within that portion of the back yard between the side yards, Improved Surface shall also include:
 1. Compacted gravel or crushed rock contained within a distinct border and having a minimum depth of four (4) inches;
 2. Asphalt having a minimum depth of two (2) inches over a four-inch stabilized base consisting of compacted crushed stone, cement treated base or soil cement base; or
 - d. In the case of a residence, the gross area of Improved Surface shall not cover more than fifty (50) percent of a front, back or exterior side yard, provided that front yard coverage shall not exceed sixty-five (65) percent where a circular driveway is allowed.
 - e. Runners, as defined herein, are not an Improved Surface.
 1. *Runners* shall mean a parking surface consisting of the materials consistent with current driveway material installed only under the wheels of a vehicle or equipment with an unimproved area under the body of the vehicle or equipment.
- (c) Prior to issuing any citation or filing any charge for an offense under this section, a code enforcement or law enforcement officer shall issue a warning notice by:
- (1) Affixing a conspicuous notice to a window of the offending vehicle or equipment or mailing a notice to the registered owner of the offending vehicle or equipment or to the property owner.
 - (2) A code enforcement or law enforcement officer shall not issue a warning notice to such vehicle or equipment owner or to a property owner until and unless the vehicle or equipment remains in violation for a period of at least 24 hours.

- (d) If the registered owner of the offending vehicle or equipment or the property owner has been issued a warning notice within the last twelve (12) months, no additional warning notices shall be required for subsequent violations by the same vehicle or equipment or the same property owner.
- (e) It is an affirmative defense to prosecution under this subsection if:
 - (1) The front yard adjoins a street on which parking is prohibited or restricted by ordinance on that portion of the street abutting the yard; or
 - (2) A vehicle is parked or stored on residential property in which the lot is at least one acre in size.
- (f) Exceptions.
 - (1) The provisions of this section shall not apply to
 - a. city-owned or school district-owned maintenance vehicles or equipment or to other vehicles or equipment during such time as they are actively engaged in authorized construction, repair, maintenance or mowing work on any property; or
 - b. vehicles or equipment parked while property is being viewed and/or inspected by the owner or person acting on behalf of the owner thereof, including prospective purchasers, with the owner's consent.
- (g) Violation; penalty.
 - (1) Any person who violates any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not to exceed \$500.00. Each day a violation of this section continues shall constitute a separate offense.
 - (2) Nothing in this section is intended to diminish in any respect deed restrictions that may impose more stringent requirements than this section.

SECTION 3. All provisions of the ordinances of the City of Balch Springs in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of such conflict, and all other provisions of the ordinances of the City of Balch Springs not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

SECTION 6. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

DULY PASSED AND ADOPTED by the City Council of the City of Balch Springs,
Texas, on the 28th day of March, 2022.

APPROVED:

Carrie F. Gordon, PhD, Mayor

ATTEST:

Cindy Gross, City Secretary