

TOWN OF LITTLE ELM

ORDINANCE NO. 1107

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN, BY AMENDING CHAPTER 98 (TRAFFIC & VEHICLES) ARTICLE V (PARKING, DRIVEWAYS, AND VEHICULAR USE AREAS) TO REVISE SECTIONS 98-103 AND 98-104 TO MODIFY POLICIES ON RESIDENTIAL AND COMMERCIAL DISTRICT PARKING, AND TO CREATE NEW SECTION 98-110 (SPECIAL EVENT PARKING) TO ESTABLISH PARKING REGULATIONS FOR SPECIAL EVENTS AND TO PROVIDE ENFORCEMENT POWER TO PUBLIC SAFETY PERSONNEL; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Little Elm ("Town") is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Charter adopted on May 1, 2001; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate parking and otherwise regulate traffic, including those powers provided by Title 7 of the Texas Transportation Code; and

WHEREAS, the Town has identified a need to empower the Chief of Police and/or Fire Marshal, by and with the approval of the Town Manager, to impose and enforce temporary parking and other traffic control regulations for special events, emergency situations, and special conditions; and

WHEREAS, the Town Council desires to amend existing district parking regulations to clarify internal policy, close loop-holes, refine language, correct redundancies and contradictions, and improve application in the field; and

WHEREAS, after due deliberations and consideration of any other information and materials received at the open meeting, the Town Council has determined that the amendments set forth herein should be adopted, and that such amendments are in the best interest of the public health, safety, and welfare of the citizens of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises

are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT AND ADOPTION. That Chapter 98 (Traffic & Vehicles) of the Town of Little Elm Code of Ordinances, is hereby amended, in part, by amending Article V (Parking, Driveway, and Vehicular Use Areas), in part, per the following:

1. Sections 98-103 and 98-104 are hereby repealed and replaced, in their entirety, to read as shown on the attached regulatory document.
2. Section 98-110 (Special Event Parking) is hereby created and established to read as shown on the attached regulatory document.

SECTION 3. SAVINGS. This Ordinance shall be cumulative of all other ordinances of the Town, and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 4. PENALTY. A person commits an offense, if he or she knowingly performs an act prohibited by this ordinance or knowingly fails to perform an act required by this ordinance. Any person or business establishment who violates any provision of this ordinance shall be subject to a fine of not more than \$500 for each offense.

SECTION 5. SEVERABILITY. The sections, paragraphs, sentences, phrases, and words of this Ordinance are severable, and if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid or unconstitutional, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the Town of Little Elm, Texas, and the Town Council hereby declares that it would have adopted the valid portions and applications of the ordinance without the valid parts and to this end the provisions of this ordinance shall remain in full force and effect.

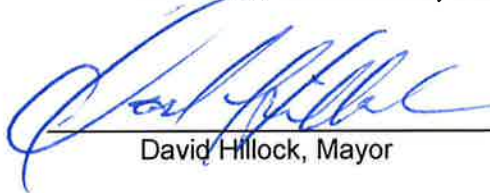
SECTION 6. REPEALER. That all ordinances of the Town of Little Elm in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 7. EFFECTIVE DATE. That this Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the Town

Charter.


PASSED AND APPROVED BY LITTLE ELM TOWN COUNCIL ON AUGUST 21, 2012.

The Town of Little Elm, Texas



David Hillock, Mayor

ATTEST:



Kathy Phillips, Town Secretary

Sec. 98-103. – Parking in Non-Residential Districts

- 1) It shall be unlawful for any person to park or store, or allow to be parked or stored, a truck tractor, tractor trailer, or recreational vehicle on any public street, alley, parkway, boulevard, public right-of-way, public access drive, public parking area, or public thoroughfare in any non-residentially zoned district (or use thereof) for a period longer than a two-hour duration.
- 2) The parking or storing of any automobile, boat, trailer, or any other motor vehicle is prohibited on lots without a primary structure in existence that is actively occupied, used, and in possession of a valid Certificate of Occupancy. Undeveloped lots shall not have vehicles stored on them.
- 3) Display of vehicles for sale or storing vehicles for profit is prohibited, except for where prescribed by Chapter 106 (Zoning) of this Code.
- 4) All new parking and vehicular use areas must be constructed with concrete to the Town's engineering design criteria.
- 5) Parking shall be provided according to the parking regulations in Chapter 106 (Zoning) of this Code.

Sec. 98-104. – Parking in Residential Districts

- 1) Parking in residential districts (to include residential uses and all residential areas) shall comply with the following provisions:
 - A. No recreational vehicle, travel trailer, motor home, boat, boat trailer, jet skis, or stock trailer shall be parked or stored on a public thoroughfare in any residential district. The provisions of this section shall not prevent the parking or standing of such vehicles upon the public thoroughfare in such zoned district for a period not to exceed 72 hours.
 - B. No motorized vehicle or other equipment shall encroach upon public sidewalks or alleys.
 - C. Display of vehicles for sale or storing vehicles for profit is prohibited, unless legally parked in the driveway and not otherwise a junked or inoperable vehicle.
 - D. No junked vehicle, as defined in Article III of Chapter 46 of this Code, shall be parked or stored in violation of Article III of Chapter 46 of this Code. Any such vehicle shall be subject to the procedures set forth in Chapter 46.
 - E. For the purposes of this section, a vehicle shall be considered stored if it has remained parked at or nearly the same location for a continuous period of time in excess of five days. A stored vehicle is deemed to be a vehicle, which is illegally parked on public property, and such vehicle shall be subject to removal and disposal as an abandoned vehicle according to Division 3, Article III of Chapter 46 of this Code.

- F. No recreational vehicle, motor home, travel trailer, boat, boat trailer, camper, camper top, or any other type of vehicle shall be connected to utilities except for the purpose of maintenance. Utilities shall only include electricity and water. Habitation is prohibited.
- G. All new parking and drives must be constructed with concrete to the Town's engineering design criteria. Where drives exceed 100 feet in length, an all weather surface is permitted beyond the drive approach. Vehicles stored legally in the rear yard and/or side yard are exempt from needing a concrete parking space.

2) Parking on private residential property shall also comply with the following provisions:

- A. The parking or storing of any vehicle, including but not limited to trailers, farm implements, recreational vehicles, or forklifts, is prohibited on lots without a primary structure in existence that is actively occupied, used, and in possession of a valid Certificate of Occupancy. Undeveloped lots shall not have vehicles stored on them.
 - B. No vehicle shall be parked or stored between the building and street frontage, unless parked on the driveway. Parking off the driveway in the front yard area (area between building and the street, to include the side yard of corner and irregular shaped lots) is prohibited.
 - C. All parked or stored vehicles not on the driveway shall be located in the rear yard area, enclosed by a permitted fence, generally screened from public view, and at least ten feet (10') from adjoining property lines. Up to 1 water craft or trailer may be parked in the side yard when sufficient space exists and stored neatly adjacent to the primary structure.
 - D. A maximum of four (4) recreational vehicles can be parked or stored on a residentially zoned lot, excluding enclosed garage spaces.
- 3) For the purposes of this section, the court may take judicial notice of an owner's manual, dealer brochure, and other such similar literature, which may constitute a prima facie presumption of the size and weight of the vehicle. This presumption is rebuttable and shall have the effects and consequences set forth in Texas Penal Code § 2.05.

Sec. 98-110. – Special Event Parking

“Sec. 98-110. Authority of the Police Chief to Impose and Enforce Temporary Regulations for Parking and other Traffic Control Measures for Special Events, Emergency Situations, and Special Conditions.

- (a) The Chief of Police (or his/her designee), by and with the approval of the Town Manager, is hereby empowered to impose and enforce regulations necessary to make effective the provisions of this Chapter and other traffic ordinances of the Town, and to make and enforce temporary or experimental regulations to cover emergency or special conditions. No such temporary or experimental regulation shall remain in effect for more than forty-five (45) days.
- (b) In addition to the powers granted by Section 98-110(a), the Chief of Police (or his/her designee), by and with the approval of the Town Manager, is hereby empowered to impose and enforce regulations necessary to regulate parking and vehicular traffic at special events held in or near the Town including, but not necessarily limited to, water carnivals, boat regattas, music festivals, dramatic presentations, special recreation programs, sporting events and others events which, in the opinion of the Chief of Police(or his/her designee), will create traffic congestion and/or parking problems on a temporary basis as a result of the event.
- (c) After taking into consideration the anticipated parking and traffic congestion problems reasonably likely to occur as a result of the special event including, but not necessarily limited to, on street parking problems, congestion created by on street parking, and traffic safety and danger to vehicles and pedestrians in the area of the special event, the Chief of Police (or his/her designee), by and with the approval of the Town Manager, is hereby empowered to impose and enforce regulations necessary to regulate parking and vehicular traffic at special events held in or near the Town including, but not necessarily limited to, the following enumerated powers:
 - (1) To install traffic control devices and signage, and to regulate the operation of vehicles upon the streets of the Town impacted by the special event including, but not necessarily limited to, the placement of temporary “no parking” signs in locations as necessary to prohibit parking along streets, in fields, and in other areas determined to be inappropriate for parking for the special event.
 - (2) To establish and designate temporary fire lanes in which the parking of vehicles is prohibited.
 - (3) To designate areas available for public parking, reserved or permitted parking, and no parking, and to designate times and dates for which the parking restrictions are to be in place.
 - (4) To re-designate otherwise designated handicapped parking spaces as non-handicapped public parking spaces, provided that other parking and transportation arrangements are made for those persons who would have

been entitled to lawfully park in the otherwise designated handicapped parking spaces.

- (5) To designate areas as “no camping” areas during certain times and dates for which camping will be prohibited.
 - (6) To designate non-police personnel and appointed civilians to direct traffic by voice, hand, or signal as conditions may require.
- (d) A vehicle parked in violation of a parking restriction, or in violation of a “no camping” restriction, established under the authority of this Section is hereby deemed injurious to the health, safety and general welfare of the public within the Town. The Chief of Police (or any other officer of the police department of the Town) and the Town’s Fire Marshal (or any official of the Office of the Fire Marshal of the Town) is authorized to order the removal of such vehicle and/or camping equipment, including the immediate impounding and towing of the vehicle, at the vehicle owner’s expense, as provided for in Section 98.109 of this Chapter.
- (e) A driver of a motor vehicle shall obey the instructions of any temporary traffic control device, sign, signal or marking, as well as the directions of authorized personnel, unless otherwise directed by a police officer.
- (f) Temporary traffic control devices and signage, parking regulations, fire lanes, and other measures temporarily established pursuant to the authority of this Section need not comply with the standards required for permanent traffic control devices and related measures including, but not necessarily limited to, the Texas Manual on Uniform Traffic Control Devices and other standards promulgated by the Town for permanent traffic control devices and related measures.
- (g) All temporary traffic control devices and signage established under the authority of this Section shall be subject to the enforcement provisions of Article II, “Traffic Control Devices,” of this Chapter. All parking regulations established under the authority of this Section shall be subject to the enforcement provisions of Article V, “Parking, Driveways and Vehicular Use Areas,” of this Chapter. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine not to exceed the sum of \$500.00.”