

**TOWN OF LITTLE ELM**

**ORDINANCE NO. 1345**

**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 SECTION 98-104 TO MODIFY POLICIES ON RESIDENTIAL DISTRICT PARKING; 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 Council desires to amend existing district parking regulations to clarify internal policy, close loop-holes, refine language, 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 Section 98-104(a) of Article V, "Parking, Driveways and Vehicle Use Areas," of Chapter 98, "Traffic and Vehicles," of the Town of Little Elm's Code of Ordinance is hereby amended to read as follows:

Sec. 98-104. - Parking in residential districts.

- (a) Parking in residential districts (to include residential uses and all residential areas) shall comply with the following provisions:

- (1) No recreational vehicle, travel trailer, motorhome, 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.
- (2) No motorized vehicle or other equipment shall encroach upon public sidewalks or alleys.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) No recreational vehicle, motorhome, 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.
- (7) No person as driver or owner shall leave, park or stand, or allow or suffer another to leave parked or standing, any truck-tractor, semi-trailer, pole trailer, commercial vehicle or trailer, or any vehicle or trailer not listed in article (1) of this section upon any public thoroughfare or public property. This subsection shall not prevent the parking or standing of the above-described vehicles in such areas for the purpose of expeditiously loading and unloading passengers, freight, equipment or merchandise.
- (8) 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.

**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 16, 2016.**

**The Town of Little Elm, Texas**

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David Hillock, Mayor

ATTEST:

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Kathy Phillips, Town Secretary

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