

ORDINANCE NO. 2639

AN ORDINANCE OF THE CITY OF TERRELL, TEXAS, AMENDING ORDINANCE NO. 2302 - PARKING IN RESIDENTIAL AREAS AND CHAPTER 11, SECTION 11-42 (i)(1) AND (2) OF THE CITY OF TERRELL CODE OF ORDINANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Terrell finds that parking of heavy or commercial vehicles in residential neighborhoods is detrimental to the quiet enjoyment and safety of the residents; and

WHEREAS, parking of vehicles in general on unimproved surfaces anywhere on the premises in residential neighborhoods attracts and harbors vermin, reptiles and other pests and is detrimental property values and the health, safety and welfare of the public.

THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, TEXAS THAT:

ARTICLE I.

That Chapter 11, Section 42, Parking in Residential Areas of the City of Terrell Code of Ordinances is hereby amended and shall read as follows, in all other respect, said Code to remain in full force and effect:

PARKING IN RESIDENTIAL AREAS

A. *Parking in Residential Areas.*

- 1.) *Definitions.* Vehicle Parking Code and shall be hereinafter referred to in this article as the "code."
2. *Purpose.* The purpose of this code is to provide minimum standards to protect the health, safety, morals, and welfare of the citizens of the City of Terrell by establishing regulations applicable to the parking of vehicles in residential districts within the city.
3. *Compliance.* This code is found to be remedial and essential to the public interest, and it is intended that this code be liberally construed to effect its purpose. All existing vehicles as defined herein parking in residential districts

within the City on the effective date of this code, or brought into the city thereafter, must comply with the provisions of this Code.

4. *Scope.* This code shall apply to all residential zoning districts, residential streets, alleys, land, properties, structures, and premises within the City, including all vacant, occupied, improved or unimproved land.
5. *Other Ordinances.* If any other ordinances or codes of the City conflict with this code and the standards or regulations established herein, the higher or stricter standard or regulation shall prevail.

B. Definitions

The following definitions shall apply in the interpretation and enforcement of this code. When terms are not defined in this code, they shall have their ordinary accepted meanings within context with which they are used.

1. ***Commercial or heavy vehicle*** shall mean any truck-tractor, road tractor, semi-truck trailer or combination thereof, box truck, bobtail, flatbed, or any commercial vehicle utilized for hauling goods or materials, bus, or any vehicle with a rated capacity of two and one-half tons (2.5) or more according to the manufacturer's classification.
2. ***Enforcement authority*** means the code enforcement supervisor or his designee.
3. ***Heavy Equipment*** shall mean any heavy-duty vehicle, specially designed for executing construction or farming tasks, most frequently ones involving earthwork operations. They are also known as tractors, excavators, graders, cranes, lift equipment, back hoes, front-end loaders, bull dozers, trenchers, heavy machines, heavy trucks, construction equipment, engineering equipment, heavy vehicles, etc., including any implements or attachments thereto.
4. ***Heavy Trailer*** shall mean any trailer over sixteen (16) feet in length, open or enclosed, goose-neck or fifth wheel hitch, or ball hitch over two (2) inches in diameter or has more than two axles.
5. ***Improved surface*** shall mean concrete, asphalt paving, crushed rock or masonry pavers.
6. ***Nuisance.*** The following shall be defined as nuisances under this code:
 - a. Any commercial, heavy vehicle, or heavy trailer as defined above parked or stored in a residential district except for bona fide business or construction activities.

- b. Free standing shipping containers shall not be used for storage or accessory structures in any residential district.
 - c. Any attractive nuisance which may prove hazardous to children whether on a public residential street or on a private residential lot or premises or upon an unoccupied vacant lot which is caused by the presence of any commercial or heavy vehicle or heavy trailer even if parked for a legitimate purpose if left unattended or unsecured from entry.
 - d. Any vehicle regardless of type or purpose including passenger, recreational, trailers, etc. parked on an unimproved or unsuitable surface anywhere on a residential lot or premises including front, side, or rear yards or on vacant lots without structures.
7. **Owner** means a person claiming, or in whom invested, the ownership, dominion, or title of real property, including but not limited to:
- a. Holder of fee simple title;
 - b. The holder of a life estate;
 - c. The holder of a leasehold estate for an initial term of five years or more;
 - d. The buyer in possession, or having right of possession under a contract for deed;
 - e. The mortgagee, receiver, executor, or trustee in possession or control or having the right of possession or control of real property; but not including the holder of a leasehold estate or tenancy for initial term of less than five years; and
 - f. In the case of a cooperation or partnership, “owner” includes an officer, partner, or manager of the entity.
8. **Person** means any individual, guest, invitee, contractor, corporation, organization, partnership, association, or any other legal entity.
9. **Premises** means a lot, plot or parcel of land including the buildings, structures, or open space thereon.
10. **Property** means a lot, plot, or parcel of land, including any structures on the land.
11. **Shipping container** means a steel container typically used for shipping goods and materials through various modes of transportation which can be removed from a trailer or other vehicle and stored independently of the transportation mode which are often re-purposed as stationary storage buildings.
12. **Suitably paved surface** shall mean an improved surface built to minimum standards as specified herein.

13. ***Tenant*** means any person or their agent who occupies a structure or property.

14. ***Unauthorized*** means without the permission of the owner or the person in control of the property, whether public or private.

C. Enforcement

1. The enforcement authority for this code shall be the code enforcement supervisor or his designee.
2. The enforcement authority is authorized at reasonable times to inspect:
 - a. Premises which contain no structure; and
 - b. The exterior of a structure and premises which contain a structure, provided, however, if such structure is occupied, the enforcement authority shall first present proper credentials and request entry on the premises;
 - c. The rear yard of a residential property, if the permission of the owner, occupant, or person in control is given.
3. The enforcement authority shall have the power to obtain search warrants allowing the inspection of any specified premises to determine the presence of a health hazard or unsafe condition caused by vehicle parking on an unimproved or unsuitable surface.

D. Violations

1. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to park any commercial or heavy vehicle or trailer, or cause or permit the same to be done in violation of this code.
2. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to park or store a vehicle or piece of equipment of any type on an unimproved or unsuitable surface on any residential property.
3. It shall be unlawful for any owner, tenant, guest or invitee, person, firm or corporation to place, park or locate a shipping container on any residential property or to utilize same for storage or as an accessory building except when a shipping container is temporarily (not to exceed 7 days) placed on the property for the loading and transportation of personal property or effects to an offsite commercial storage facility.

E. Minimum standards; improved or suitably paved surface

1. *Concrete.* Minimum construction standards for a residential parking space or surface shall be four (4) inches of concrete with #3 rebar on 18 inch centers.
2. *Asphalt.* Minimum construction standards for a residential parking space or surface shall be four (4) inches of compacted base with two (2) inches of rolled asphalt.
3. *Concrete pavers.* Concrete pavers a minimum thickness of three and one-half inches (2-1/2) and at least sixteen (16) inches square shall be allowed as a suitable paving surface for parking of vehicles on the side and rear yards only. No pavers shall be allowed to be substituted for the required driveway or required primary parking spaces.
4. *Crushed rock.* Crushed rock shall only be allowed on residential lots which have pre-existing rock driveways or parking areas. No new parking areas shall be created using crushed rock.
5. *Grading and drainage.* No parking space or surface shall cause filling, excavation or other improvement to be performed or constructed on any property which will have an adverse effect on an existing drainage pattern on an adjacent property.

ARTICLE II

A. Severability

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, it shall not invalidate or impair the validity, for or effect of any section or sections or part of a section or paragraph of this Ordinance.

B. Penalties

It shall be unlawful for any owner, tenant, person, guest, invitee, contractor, corporation or other entity to park or allow to be parked any private or commercial vehicle, heavy vehicle or heavy trailer in violation of this Ordinance, and anyone found guilty of such an offense shall be punished by a fine not to exceed \$500.00 and each and every day's violation shall constitute a separate and distinct offense.

C. Effective date

This Ordinance will take effect immediately from and after its adoption and the publication of the caption as the law in such cases provides.

PASSED on the first reading on the 7th day of July, 2015.

ADOPTED on the second reading on the 18th day of August, 2015.

Hal Richards, Mayor

Attest:

John Rounsavall, City Secretary

Approved as to form:

Mary Gayle Ramsey, City Attorney