

**ORDINANCE NO. 2022-08-095**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 70, ARTICLE III (CLEANLINESS OF PREMISES); CHAPTER 70, ARTICLE V (NOISE); CHAPTER 70, ARTICLE X (PARKING PROHIBITIONS); CHAPTER 62, ARTICLE VI (PARKING); AND CHAPTER 122 (CONSTRUCTION REGULATIONS), ARTICLE I (IN GENERAL) OF THE CODE OF ORDINANCES; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, the City of McKinney adopted the Code of Ordinances for the protection of the public health and general welfare of the people of the City of McKinney; and

**WHEREAS**, the City Council have recognized that certain provisions of the Code of Ordinances should be reviewed and updated; and

**WHEREAS**, amendments to these provisions have been proposed and the City Council of the City of McKinney are of the opinion that these chapters should be amended.

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

- Section 1. The Code of Ordinances, City of McKinney, Texas, Chapter 70, Article III (Cleanliness of Premises) is hereby amended and shall read as indicated in Exhibit "A", attached hereto.
- Section 2. The Code of Ordinances, City of McKinney, Texas, Chapter 70, Article V (Noise) is hereby amended and shall read as indicated in Exhibit "B", attached hereto.
- Section 3. The Code of Ordinances, City of McKinney, Texas, Chapter 70, Article X (Parking Prohibitions) is hereby amended and shall read as indicated in Exhibit "C", attached hereto.
- Section 4. The Code of Ordinances, City of McKinney, Texas, Chapter 62, Article VI (Parking) is hereby amended and shall read as indicated in Exhibit "D", attached hereto.
- Section 5. The Code of Ordinances, City of McKinney, Texas, Chapter 122 (Construction Regulations), Article I (In General) is hereby amended and shall read as indicated in Exhibit "E", attached hereto.
- Section 6. If any section, subsection, paragraph, sentence, phrase or clause of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are declared to be severable.
- Section 7. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance and such ordinances shall remain intact and are hereby ratified, verified and affirmed.

Section 8. This Ordinance shall become effective from and after the date of its final passage and publication as provided by law, and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THE 16TH DAY OF AUGUST, 2022.

CITY OF MCKINNEY, TEXAS

\_\_\_\_\_  
GEORGE C. FULLER  
Mayor

CORRECTLY ENROLLED:

\_\_\_\_\_  
EMPRESS DRANE  
City Secretary  
JOSHUA STEVENSON  
Deputy City Secretary

DATE: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
MARK S. HOUSER  
City Attorney

## Chapter 70 OFFENSES AND MISCELLANEOUS PROVISIONS<sup>1</sup>

### ARTICLE III. CLEANLINESS OF PREMISES<sup>2</sup>

#### Sec. 70-54. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Brush* means scrub vegetation or dense undergrowth.

*Carion* means the dead and putrefying flesh of any animal, fowl or fish.

*Dump* means to dispose, discharge, place, deposit, throw, leave, sweep, scatter, unload, toss.

*Filth* means any matter in a putrescent state.

*Garbage* means any kitchen refuse, food stuffs or related material, including all decayable waste.

*Impure or unwholesome matter* means any putrescible or nonputrescible condition, object or matter which tends, may or could cause injury, death or disease to human beings.

*Junk* means all worn out, worthless or discarded material, including, but not limited to, any of the following materials, or parts of said materials or any combination thereof: new or used iron, steel or nonferrous metallic scrap, brass or waste materials; used and/or inoperative household appliances, household electrical or plumbing fixtures, floor coverings and/or window coverings not currently in use; used lumber, brick, cement block, wire, tubing and pipe, tubs, drums, barrels, and/or roofing material not currently in use; air conditioning and heating equipment not currently in use; used vehicle components and parts not currently in use; used furniture other than that designed for outdoor use or that which would normally be considered as antique furniture; used and/or inoperative residential lawn care equipment and machinery not currently in use; used pallets, windows or doors not currently in use; new or used sheet metal, structural steel and/or chain not currently in use; used and/or inoperable vending machines, radios and/or televisions not currently in use; and any other type of used and/or inoperable machinery or equipment not currently in use.

*Matter* means that of which any physical object is composed.

*Nuisance* means any condition, object, material or matter that is dangerous or detrimental to human life or health; or that renders the ground, the water, the air or food a hazard or likely to cause injury to human life or health; or that is offensive to the senses; or that threatens to become detrimental to the public health; and shall include, but not be limited to: any abandoned wells, shafts or basements, abandoned refrigerators, stagnant or unwholesome water, sinks, privies, filth, carion, rubbish, junk, trash, debris or refuse, impure or unwholesome matter of any kind, any objectionable, unsightly, or unsanitary matter of whatever nature.

*Objectionable, unsightly or unsanitary matter* means any matter, condition or object which is objectionable, unsightly or unsanitary to a person of ordinary sensitivities.

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<sup>1</sup>State law reference(s)—Local government preempted from enacting law concerning conduct addressed by state penal code, V.T.C.A., Penal Code § 1.08.

<sup>2</sup>State law reference(s)—Regulation of nuisances by home-rule municipality, V.T.C.A., Local Government Code § 217.042; municipal power concerning weeds and unsanitary matter, V.T.C.A., Health and Safety Code § 342.004; assessment of expenses and lien for abatement by municipality, V.T.C.A., Health and Safety Code § 342.007.

*Owner* means any person or entity shown as the property owner on the latest property tax assessment rolls or any person having or claiming to have any legal or equitable interest in the property, including any agent who is responsible for managing, leasing or operating the property.

*Person* means any individual, firm, partnership, association, business, corporation or other entity.

*Property* means all privately owned, occupied or unoccupied property, including vacant land, and/or a building designed or used for residential, commercial, business, industrial or religious purposes. The term shall also include a yard, ground, wall, driveway, fence, porch, steps or other structure appurtenant to the property.

*Putrescible* means the decomposition of organic matter with the formation of foul-smelling, incompletely oxidized products.

*Refuse* means heterogeneous accumulation of worn out, used, broken, rejected or worthless materials, including, but not limited to, garbage, rubbish, paper or litter, and other decayable or nondecayable matter.

*Rubbish* means junk, trash, debris, rubble, stone, useless fragments of building materials, and other miscellaneous, useless waste or rejected matter.

*Trash and debris* means all manner of refuse including, but not limited to: mounds of dirt, piles of leaves, grass and weed clippings, paper trash, useless fragments of building-material, rubble, furniture other than furniture designed for outside use, useless household items and appliances, items of salvage, such as scrap metal and wood, old barrels, old tires, objects that hold water for an extended time, tree and brush trimmings, and other miscellaneous wastes or rejected matter.

*Vegetative growth* means any grass, weeds, shrubs, trees, brush, bushes or vines.

*Weeds* means any vegetation that because of its height is objectionable, unsightly or unsanitary, excluding: shrubs, bushes and trees, cultivated flowers, and cultivated crops.

(Code 1982, § 20-61; Ord. No. 99-12-99, § 2, 12-7-1999)

## **Sec. 70-55. Prohibited accumulations dumping, stagnant water, trash, and other unsightly or unsanitary matter declared a nuisance.**

- (a) It is unlawful and declared a nuisance for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit or allow any stagnant or unwholesome water, sinks, refuse, filth, carrion, weeds, rubbish, brush and refuse, trash, debris, junk, garbage, impure or unwholesome matter of any kind, or objectionable or unsightly matter of whatever nature to accumulate or remain upon any such real property or within any public easement on or across such real property or upon any adjacent public street or alley right-of-way between the property line of such real property and where the paved surface of the street or alley begins.
- (b) It shall be unlawful and declared a nuisance for any person to dump, or permit to be dumped, upon or along any drain, gutter, alley, sidewalk, street, park, right-of-way or vacant lot into or adjacent to water, or any other public or private property within the corporate limits of the city, any unwholesome water, refuse, rubbish, trash, debris, filth, carrion, weeds, brush, junk, garbage, impure or unwholesome matter of any kind or other objectionable or unsightly matter of whatever kind.
- (c) It shall be the duty of all such persons to keep the sidewalks in front of their property free and clear of all such matter, and to fill up, drain or regrade any lots, ground or yards which shall have stagnant water thereon, and to cleanse and disinfect any house, building, establishment, lot, yard or ground from refuse, rubbish, trash, filth, carrion, or objectionable, unsightly or unsanitary matter of any kind, or other impure or unwholesome matter of any kind.

(Code 1982, § 20-62; Ord. No. 99-12-99, § 2, 12-7-1999)

**Sec. 70-56. Weeds, brush, and other objectionable or unsightly matter, etc.**

- (a) It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the corporate limits of the city, to permit weeds, brush, or any objectionable or unsightly matter to grow to a greater height than 12 inches upon such real property within 150 feet of any property line which abuts street rights-of-way, alleys, utility easements, subdivided additions, developed property or any buildings or other structures. It shall be the duty of such person to keep the area from the line of his property to the curblin next adjacent to it, if there is a curblin, and, if not, then to the centerline of the adjacent unpaved street, or to the edge of the pavement, cleared of the matter referred to above. All vegetation (including hay unless the hay is cultivated on property which has been granted an agricultural property tax exemption on the most recent tax roll as certified by the county appraisal district), except regularly cultivated row crops, and which exceed 12 inches in height, shall be presumed to be objectionable and unsightly matter; provided further that regularly cultivated row crops shall not be allowed to grow within the right-of-way of any public street or easement nor shall they be allowed to obstruct the necessary view to and from adjacent rights-of-way, but shall be kept mowed as provided herein.
- (b) All trees or vegetation on or over a public right-of-way shall be maintained by the adjacent property owner and limbed to meet the following clear heights:
  - (1) Sidewalks and intersection visibility: minimum 7 feet
  - (2) Signs: minimum 1 foot above and around the sign
  - (3) Roadway, driveways, and drive aisles: minimum 14 feet
- (c) With respect to lots, tracts or parcels of land of five or more acres, the provisions of this section shall not apply to any area greater than 150 feet from any open public street or thoroughfare, as measured from the right-of-way line of said street or thoroughfare, and greater than 150 feet from any adjacent property under different ownership and on which any building is located or on which any improvement exists, as measured from the property line.

(Code 1982, § 20-63; Ord. No. 99-12-99, § 2, 12-7-1999)

**Sec. 70-57. Inspections.**

For the purpose of ascertaining whether violations of this Code exist, the chief building official, or his designee, is authorized to inspect:

- (1) The exterior of a structure and premises which contain no structure; and
- (2) If entry onto the property is refused, the chief building official shall have every recourse provided by law, including, but not limited to, an administrative search warrant or an injunction to secure entry. If the owner, occupant, or person in control cannot be identified or located, the chief building official may enter the property to the extent allowed by law.

(Code 1982, § 20-64; Ord. No. 99-12-99, § 2, 12-7-1999)

**Sec. 70-58. Duty of owner, occupant to cut and remove weeds, brush, and unsightly matter.**

It shall be the duty of any person owning, claiming, occupying or having supervision or control of any real property, as described in sections 70-55 and 70-56, to remove, drain and/or fill all prohibited matter or conditions and to cut and remove all weeds, brush, vegetative growth, and other objectionable or unsightly matter as often

as may be necessary to comply with sections 70-55 and 70-56 and to use every precaution to prevent the same from occurring or growing on such property.

(Code 1982, § 20-65; Ord. No. 99-12-99, § 2, 12-7-1999; Ord. No. 2019-11-074, § 1(Exh. A), 11-5-2019)

**Sec. 70-59. Notice of violation and to abate; failure to comply; correction by city.**

- (a) If such person violating the terms of this article fails or refuses to comply with the demand for compliance contained in the aforementioned notice, within seven days after the date of notification as provided herein, the city may go upon such property and do or cause to be done the work necessary to obtain compliance with this article. All costs, charges and expenses (hereinafter "charges") incurred in doing or in having such work done shall be a charge to, and a personal liability of, such person.
- (b) It shall be the duty of the chief building official or inspector or his duly appointed representative to give a minimum of seven days' official notice in writing to such person violating the terms of this article, subject to the provisions herein stated. The notice shall be in writing and may be served on such person violating the terms of this section by:
  - (1) Delivering it to him in person;
  - (2) By letter or written notice addressed to such person at the person's address as recorded in the appraisal district in which the property is located and delivered by United States certified mail, return receipt requested, with a second optional copy by United States regular mail; or
  - (3) If personal service cannot be obtained:
    - a. By publication once within seven consecutive days in the city's official newspaper;
    - b. By posting the notice on or near the front door of each building on the property to which the violations relates; or
    - c. By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates, if the property contains no buildings.
- (c) If the city mails a notice to the property owner in accordance with subsection (b) of this section and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) The city, in the notice provided herein, may inform the owner by certified mail, return receipt requested or regular mail and a posting on the property that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of such notice, the city, without further notice, may correct the violation at the owner's expense and assess the expense against the property. If the violation, covered by a notice under this subsection, occurs within said one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city, without notice, may take any action permitted by subsection (a) of this section, and assess its expenses as provided by section 70-61.

(Code 1982, § 20-66; Ord. No. 99-12-99, § 2, 12-7-1999)

**Sec. 70-60. Additional authority to abate nuisance.**

- (a) The city may abate, without notice, weeds that:
  - (1) Have grown higher than 48 inches; and
  - (2) Are an immediate danger to the health, life, or safety of any person.

- (b) Not later than the tenth day after the date the city abates weeds under this section, the city shall give notice to the property owner in the manner required by section 70-58. The notice shall contain:
  - (1) An identification, which is not required to be a legal description, of the property;
  - (2) A description of the violations of the ordinance that occurred on the property;
  - (3) A statement that the city abated the weeds; and
  - (4) An explanation of the property owner's right to request an administrative hearing about the city's abatement of the weeds.
- (c) The city shall conduct an administrative hearing before the building and standards commission on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement of the weeds, the property owner files with the city a written request for a hearing. An administrative hearing conducted under this section shall be conducted not later than the 20th day after the date a request for a hearing is filed. The owner may testify or present any witnesses or written information relating to the city's abatement of the weeds.
- (d) The city may assess expenses and create liens under this section as it assesses expenses and creates liens under section 70-61. A lien created under this section is subject to the same conditions as a lien created under section 70-61. The authority granted the city by this section is in addition to the authority granted by section 70-61.

(Code 1982, § 20-67; Ord. No. 99-12-99, § 2, 12-7-1999)

#### **Sec. 70-61. Expenses incurred by city; lien.**

- (a) If a notice describing the violation and the city's rights to impose a lien on the property without further notice as provided for herein is delivered to the owner of such real property, and he fails or refuses to comply with such demand for compliance within the seven-day time period established herein, the aforementioned charges shall be, in addition to a charge to and personal liability of said owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon.
- (b) To perfect the lien against the real property, the mayor, municipal health authority or other municipal official designated by the mayor, such as the chief building official, shall file a written statement of such charges with the county clerk of the county for filing in the county land and deed records. Said statement shall be deemed sufficient if it contains the following minimum information; however, it may also contain such other information deemed appropriate by the mayor, the chief building official or their respective designee, or his duly appointed representative:
  - (1) The name of the owner of the real property, if known;
  - (2) A legal description of the real property;
  - (3) A statement of the charges incurred by the city in doing or in having such work done as necessary to bring the real property into compliance with this article; and
  - (4) A notarized affidavit executed by the chief building official, or his duly appointed representative, stating that all prerequisites required by this article for the imposition of the charges and the affixing of the lien have been met and that all statements and/or representations made therein are true and correct. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) All such charges shall bear interest at the rate of ten percent per annum from the date of payment by the city. The lien obtained is security for the expenditures made and is inferior only to tax liens and liens for street improvements. The city may bring suit to collect the charges, institute foreclosure proceedings, or both. The written statement of such charges provided for herein, or a certified copy thereof, shall be prima

facie evidence of the city's claim for charges or right to foreclose the lien. The owner of the real property or any other person claiming, occupying or having supervision or control of the real property shall be jointly and severally liable for such charges.

(d) This remedy is in addition to any penal provision provided herein.

(Code 1982, § 20-68; Ord. No. 99-12-99, § 2, 12-7-1999; Ord. No. 2004-08-078, § 2, 8-2-2004)

#### **Sec. 70-62. Enforcement.**

The provisions of this article shall be enforced by the chief building official and his duly appointed representative, and it shall be unlawful for any person to interfere with or hinder the chief building official and his duly appointed representative in the exercise of their duties under this article. Notwithstanding any provisions contained herein to the contrary, the chief building official and his duly appointed representative are hereby granted the authority to issue immediate citations to persons violating any provision of this article in their presence.

(Code 1982, § 20-69; Ord. No. 99-12-99, § 2, 12-7-1999)

#### **Sec. 70-63. Penalty upon failure to comply.**

- (a) Any person violating or failing to comply with any provision or requirement of this article, who continues to violate or fail to comply with same after seven days after notice is given and received as set forth in section 70-59, shall also be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000.00, such offenses being violations of the health and safety ordinance of the city. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. This section shall be in addition to and cumulative of the provisions for abatement of the nuisance by the city and charging the cost of same against the owner of the property.
- (b) Notwithstanding the foregoing, any violation of any provision of this article which constitutes an immediate danger or threat to the health, safety and welfare of the public may be enjoined in a suit brought by the city for such purpose.
- (c) In addition to any other remedies or penalties contained herein, the city may enforce the provisions of this article pursuant to the applicable provisions of V.T.C.A., Local Government Code ch. 54, which chapter provides for the enforcement of municipal ordinances.
- (d) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

(Code 1982, § 20-70; Ord. No. 99-12-99, § 2, 12-7-1999)

#### **Secs. 70-64—70-84. Reserved.**



## EXHIBIT A

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## Chapter 70 OFFENSES AND MISCELLANEOUS PROVISIONS<sup>1</sup>

### ARTICLE V. NOISE

#### Sec. 70-118. Purpose.

The purpose of this article is to establish specific performance standards for the emittance of noise and to make it unlawful for any person or entity to make, cause to be made or allow any loud or unreasonably loud and disturbing noise of such character, intensity and duration as to be detrimental or offensive to the ordinary sensibilities of the inhabitants of the city, and/or which renders the enjoyment of life, health or property uncomfortable or interferes with public peace and comfort.

(Code 1982, § 20-91; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000)

#### Sec. 70-119. Definitions.

- (a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means the City of McKinney, employees or any authorized representative of the city.

*Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar action (excluding demolition) of public or private right-of-way surfaces, structures, utilities or similar property.

*Daytime hours* refers to the hours between 6:00 a.m. and 9:00 p.m. on any given day.

*Demolition* means any dismantling, intentional destruction or removal of public or private right-of-way surfaces, structures, utilities or similar property.

*Device* means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

*Emergency vehicle* means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

*Garbage* means all animal and vegetable matter, food containers, ashes, paper, small hedges and lawn trimmings, rubbish, trash, waste material, refuse including solid, liquid, semisolid, or containing gaseous material, resulting from residential, municipal, commercial, community and institutional activities.

*Motor vehicle* means any vehicle propelled by mechanical power, such as, but not limited to, any passenger car, truck, truck-trailer, semi-trailer, camper, motorcycle, minibike, go-cart, dune buggy or racing vehicle.

*Noise disturbance* means any sound which annoys or disturbs, or which causes or tends to cause an adverse psychological or physiological effect upon, the sensibilities of a reasonable, prudent, adult person; and unreasonably loud or disturbing noise which renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort.

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<sup>1</sup>State law reference(s)—Local government preempted from enacting law concerning conduct addressed by state penal code, V.T.C.A., Penal Code § 1.08.

*Noise disturbance per se* means not requiring extraneous evidence or support to establish the existence of a noise disturbance.

*Noise Measurement* means the measurement of noise using a sound level meter meeting the standards prescribed by the American National Standards Institute.

*Nonresidential district* means any district not classified by the zoning ordinance as containing residential homes, apartments or condominiums.

*Owner* means any person having supervision or control of any property.

*Power equipment* means any motorized electric or fuel powered equipment, including, but not limited to, tractors, lawnmowers, and other similar device or equipment.

*Power model vehicle* means any self-propelled airborne, waterborne, or land borne plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.

*Property* means any lot, tract, parcel of land or a portion thereof, occupied or unoccupied, improved or unimproved, public or private within the corporate limits of the city.

*Property boundary* means an imaginary line exterior to any enclosed structure, at the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person.

*Quiet zone* means any territory adjacent to or within a distance of 500 feet from the nearest property line of (1) any residential district or (2) any real property on which a school, college, hospital, clinic, library or other noise-sensitive facility is situated.

*Residential district* means any district classified by the zoning ordinance as containing residential homes, apartments or condominiums.

*Roadway* means any street, alley, parkway, sidewalk or gutter.

*Rubbish* means any refuse, garbage, litter or worthless material.

- (b) All terminology used in this article and not specifically defined above shall retain its meaning in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and/or the latest volume of Webster's Collegiate Dictionary.

(Code 1982, § 20-92; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000; Ord. No. 2017-02-024, § 2, 2-21-2017)

## **Sec. 70-120. Specific Performance Standards for Noise.**

All uses in all districts shall conform in operation, location, and construction to the specific noise performance standards listed below. For the purpose of noise measurement, the "bounding property line" shall be the nearest property line of the property on which the noise is being generated.

- (a) At no point at the bounding property line of a residential use shall the sound pressure level of any operation or activity exceed 65 dB(A) for daytime hours and 58 dB(A) at nighttime.
- (b) At no point at the bounding property line of a non-residential use shall the sound pressure level of any operation or activity exceed 70 dB(A) for daytime hours and 60 dB(A) at nighttime.
- (c) Exemptions. The following uses and activities shall be exempt from the specific performance standards for noise:
  - (1) Noises not directly under control of the property user;
  - (2) Noises emanating from construction and maintenance activities during daytime hours;
  - (3) Noises of safety signals, warning devices, and emergency pressure relief valves;

- (4) Transient noise of moving sources such as automobiles, trucks, airplanes, and railroads;
- (5) Noises necessary to immediately and reasonably prevent the threat of bodily injury, death, or loss of property;
- (6) Noises produced by lawfully scheduled events in full compliance with all issued permits including, but not limited to:
  - a. A stadium or sporting event;
  - b. A school-sponsored event;
  - c. An amphitheater event;
  - d. A musical performance;
  - e. An event, fun run, race, festival, fiesta, or concert that was sponsored or co-sponsored by the city; and
  - f. A special event as defined by the Code of Ordinances.
- (7) Reasonable activities conducted in public parks, public playgrounds, or public or private school functions; and
- (8) Noises produced as part of the provision of municipal services.

## **Sec. 70-121. Noise Disturbances.**

### **I. Specific noise disturbances prohibited.**

- (a) No person shall allow, make or cause to be made any unreasonably loud or disturbing noise that is offensive to the sensibilities of a reasonable, prudent adult person, renders the enjoyment of life or property uncomfortable, interferes with public peace and comfort, or causes a noise disturbance as defined in this article.
- (b) The following includes, but is not limited to, activities which can create unreasonably loud or disturbing noises in violation of this article, including activities which are noise disturbances per se, unless an exemption exists or a permit of variance was first obtained as provided herein, or the noise emitted is consistent with or within the parameters of section 70-120.
  - (1) *Animals.* Owning, keeping, possessing, or harboring any animal or fowl which by frequent or habitual noise making, unreasonably disturbs or interferes with the peace, comfort or repose of citizens, or causes a noise disturbance as defined herein. The provision of this section shall apply to all private or public facilities including any animal shelter or commercial kennel, which holds or treats animals.
  - (2) *Radios, television sets, musical instruments, loudspeaking amplifiers and similar devices.*
    - a. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound within a quiet zone in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday, and between the hours of 11:30 p.m. and 7:00 a.m., Friday and Saturday.
    - b. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set,

## EXHIBIT B

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loudspeaker and sound amplifiers or other machine or device for the producing or reproducing of sound within a nonresidential area in such a manner as to cause a noise disturbance.

- c. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device that produces or reproduces sound for the purpose of attracting attention to any cause or demonstration, or to any performance, show, sale or display of merchandise so as to attract attention to such cause, demonstration or premises when such use is done in a manner which causes a noise disturbance.
- d. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device on trucks or other moving vehicles for the purpose of attracting attention to any cause or demonstration, or for advertising any show, sale or display of merchandise when such use is done in a manner which causes a noise disturbance.
- e. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, musical instrument, drums, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound outdoors in a portion of Historic Downtown McKinney being the area depicted on Figure 1 below between the hours of 10:00 p.m. and 7:00 a.m.. Any such activity shall not create a disturbance if acoustic, nonamplified musical instruments are used between the hours of 10:00 p.m. and 11:30 p.m.
- f. The using, operating or permitting to be played, used or operated any sound production or reproduction device, radio, receiving set, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of sound outdoors in the area shown in Figure 1 if the source of the sound is located indoors. Furthermore, any such activity shall create a noise disturbance per se if the source of the amplified sound is located outdoors and on public property in the area shown on Illustration One, and is not:
  - i. Authorized by a special event permit;
  - ii. Part of a city-sponsored event or otherwise; or
  - iii. Serving a city function or purpose.
- g. The using, operating or permitting to be played, used or operated any amplified sound production or reproduction device, radio, receiving set, phonograph, television set, loudspeakers and sound amplifiers or other machine or device for the producing or reproducing of amplified sound outdoors on public property in the area shown in Figure 1. The following types of amplified sound shall be exempt from this provision:
  - i. Sound originating from a city-sponsored event or sound otherwise serving a city function or purpose; and
  - ii. Sound emanating from a device mounted underneath a building's awning or covered patio that extends into the public right-of-way which does not cause a noise disturbance.

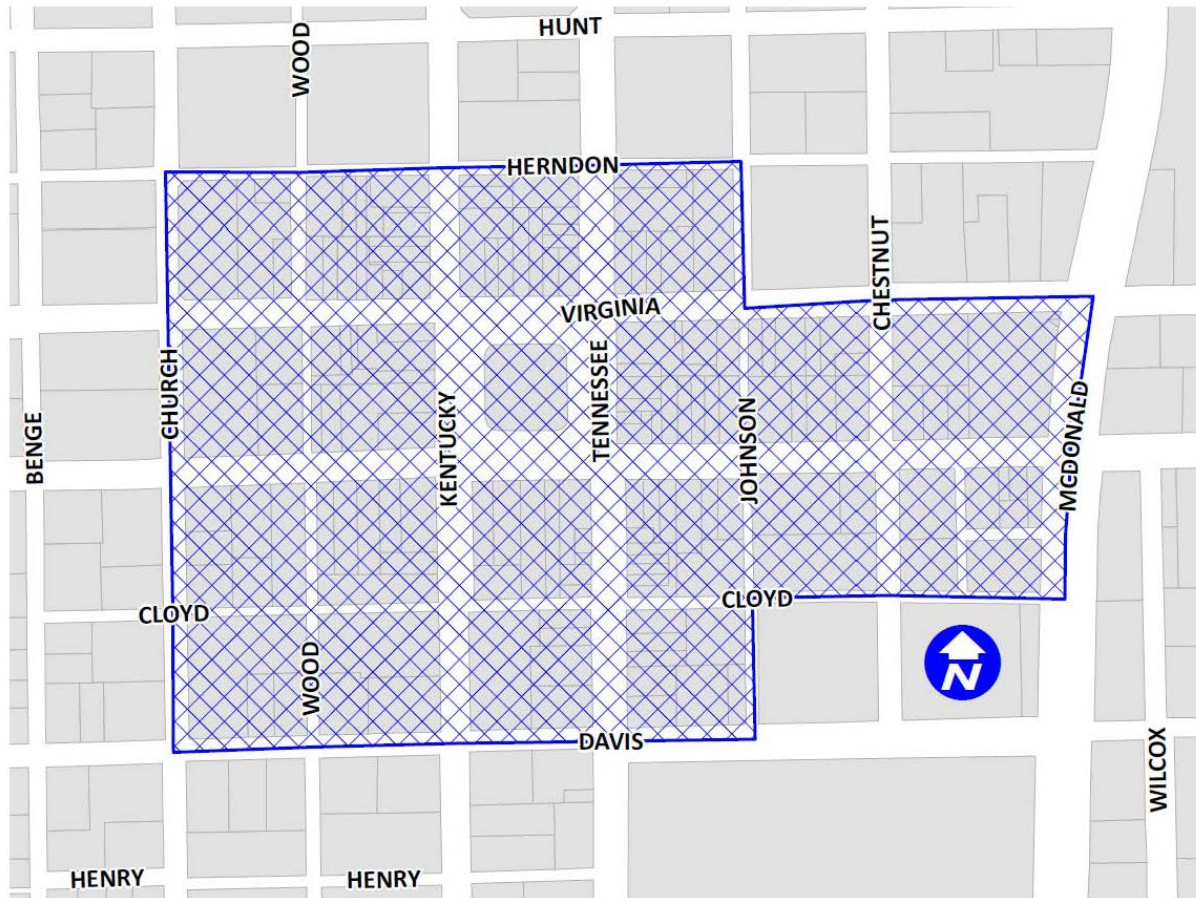


Figure 1

- (3) *Vehicular sound amplification systems.* Operating or controlling a motor vehicle in either a public or private place within the city and operating any sound device which is part of, or connected to, any radio, stereo receiver, compact disc player, cassette tape player, or other similar device in the motor vehicle in such a manner that, when operated, it is audible at a distance of 30 feet, or when operated, causes a person to be aware of the vibration accompanying the sound at a distance of 30 feet from the source when such operation is done in a manner which causes a noise disturbance.
- (4) *Yelling, shouting, etc.* The yelling, shouting, crying, hooting, whistling or singing of peddlers, hawkers or any other person in such a manner to cause a noise disturbance.
- (5) *Loading operations.* The loading or unloading of any vehicle in such a manner as to cause a noise disturbance. To the extent applicable, the provisions and standards of section 70-120 shall apply.
- (6) *Construction/maintenance work.*
  - a. Operating or permitting to be operated any equipment used in construction, maintenance, repair, alteration or demolition work on buildings, structures, streets, alleys, lawns, golf courses or appurtenances thereto and/or the erection, including excavation, demolition, alteration or repair of any building within a quiet zone, in such a manner as to cause a noise disturbance, except as provided in subparagraphs e. or f. of this section 70-121.I.(b)(6) or as provided in section 122-5. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 9:00 p.m. and 6:00 a.m.

- b. Operating or permitting to be operated any gravel pit, rock crusher, or other machinery for the separation, gathering, grading, loading or unloading of sand, rock or gravel within a quiet zone, in such a manner as to cause a noise disturbance, except as provided in subparagraphs e. or f. of this section 70-121.I.(b)(6) or section 122-5. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 9:00 p.m. and 6:00 a.m.
- c. Operating or permitting to be operated any equipment used in construction, maintenance, repair, alteration or demolition work on buildings, structures, streets, alleys, lawns, golf course or appurtenances thereto within a nonresidential district in such a manner as to cause a noise disturbance, except as otherwise provided in subparagraphs e. or f. of this section 70-121.I.(b)(6) or section 122-5.
- d. Operating or permitting to be operated any gravel pit, rock crusher or other machinery for the separation, gathering, grading, loading or unloading of sand, rock or gravel within a nonresidential district in such a manner as to cause a noise disturbance, except as otherwise provided in subparagraphs e. or f. of this section 70-121.I.(b)(6) or section 122-5.
- e. The director of engineering or his designee may grant an exception to the provisions of section 70-121.I.(b)(6)b. to allow for concrete placement between the hours of 9:00 p.m. and 6:00 a.m. if the construction is not within a quiet zone and the construction is in the public right-of-way or easement, or if denial of an exception will cause an adverse impact to public safety.

A fee as determined from time to time by city council shall be charged to each applicant for processing an application for such an exception.

- f. The chief building official or his designee may grant an exception to the provisions of section 70-121.I.(b)(6)b. to allow for concrete placement between the hours of 9:00 p.m. and 6:00 a.m. if the construction is not within a quiet zone and is on private property, or if denial of an exception will cause an adverse impact to public safety.

A fee as determined from time to time by city council shall be charged to each applicant for processing an application for such an exception.

(7) *Power equipment.*

- a. Operating or permitting to be operated any power equipment (as defined herein and excluding construction equipment which is specifically regulated above) within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.
- b. Operating or permitting to be operated any power equipment (as defined herein and excluding construction equipment which is specifically regulated above) within a nonresidential district in such a manner as to cause a noise disturbance in violation of the specific standards for noise contained in section 70-120.

(8) *Motor vehicles—Repairs or testing.*

- a. The repairing, rebuilding, modifying or testing of any motor vehicle (including off-road vehicles) or watercraft within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 9:00 p.m. and 6:00 a.m.
- b. The repairing, rebuilding, modifying or testing any motor vehicle (including off-road vehicles) or watercraft within a nonresidential district in such a manner as to cause a noise disturbance, in violation of the specific standards for noise contained in section 70-120.



- (9) *Same—Running loud or out of repair.*
- a. The use of any automobile, motorcycle, or other vehicle so out of repair, so modified, or so loaded, which emits or creates loud or unnecessary grading, grinding or rasping noise, the excessive spinning of the tires, or the racing of a motor vehicle engine unnecessarily within a residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.
  - b. The use of any automobile, motorcycle or other vehicle so out of repair, so modified, or so loaded, which emits or creates loud or unnecessary grading, grinding or rasping noise, the excessive spinning of the tires, or the racing of a motor vehicle engine unnecessarily within a nonresidential district in such a manner as to cause a noise disturbance.
- (10) *Same—Exhaust.* The discharge into the open air of the exhaust of any motor vehicle in such a manner as to cause a noise disturbance, except as discharged through a muffler or other device which effectively and efficiently prevents loud and unusual noises and annoying smoke.
- (11) *Explosive devices.* Sound sources including, but not limited to, the use of fireworks, explosives, the firing of guns or other explosive devices in such a manner as to cause a noise disturbance; provided, however, no such noise disturbance shall be deemed to exist when the activity is conducted in strict accordance with said ordinance or authority.
- (12) *Powered model mechanical devices.*
- a. The flying of model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise producing devices, within a residential district or quiet zone, or within 500 feet of any residence or quiet zone, in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 7:00 a.m.
  - b. The flying of model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise producing devices within a nonresidential district in such a manner as to cause a noise disturbance.
- (13) *Refuse-compacting vehicles.* Operating or permitting to be operated any refuse compacting, processing or collection vehicles in any residential district or quiet zone, or within 500 feet of any residence or quiet zone in such a manner as to cause a noise disturbance. Furthermore, any such activity shall create a noise disturbance per se if conducted between the hours of 10:00 p.m. and 6:00 a.m. No noise disturbance shall be deemed to occur when the noise is created in the regular course of the activity for which the equipment is designed and is designed and the noise occurs for no longer than reasonably necessary to conduct the activity and the hours of operation occur between 6:01 a.m. and 9:59 p.m.
- (14) *Quiet zone.* Creating a noise disturbance on any street adjacent to any school, hospital, clinic, library or other noise sensitive facility.
- (15) *Stationary nonemergency signaling devices.* Sounding or permitting the sounding of any electronically activated or amplified signal from any stationary bell, chime, siren, whistle, or similar device, intended primarily for nonemergency purposes, from any place for more than five minutes during any consecutive 60-minute period which causes a noise disturbance. Such signaling device is allowed if used as a danger signal, residential alarm, and/or as required by law if a vehicle is backing, starting or turning in such a way as to likely cause a collision.
- (c) In the event a conflict exists between the specific performance standards for noises set forth in section 70-120 and the specific noise disturbance prohibited set forth in section 70-121, the performance standards contained in section 70-120 shall control.



(Code 1982, § 20-93; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000; Ord. No. 2006-06-085, § 1, 6-20-2006; Ord. No. 2015-03-012, § 2, 3-17-2015; Ord. No. 2017-02-024, §§ 3, 4, 2-21-2017; Ord. No. 2021-07-064, §§ 2, 3, 7-6-2021; Ord. No. 2021-12-127, § 1, 12-21-2021)

## II. Exemptions.

- (a) The following sources of potential noise disturbance shall be exempt from the regulations of this section:
- (1) Safety signals, storm warning sirens or horns and the testing of such equipment, emergency vehicle sirens or horns used when responding to an emergency, and emergency pressure relief valves;
  - (2) Sound caused in the performance of emergency or public service work, including police, fire and public utility operations, acting in the performance of lawful duties to protect the health, safety or welfare of the community;
  - (3) Sounds caused by natural phenomena;
  - (4) Activities conducted on public parks and playgrounds which are approved, sponsored or sanctioned by the city. Activities conducted on public or private school grounds including, but not limited to, school athletic and school entertainment events which are approved, sponsored or sanctioned by the school; and
  - (5) Any activity, noise or sound exempted under section 70-120(c).

(Code 1982, § 20-94; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000; Ord. No. 2006-06-085, § 1, 6-20-2006)

## III. Permits of variance.

- (a) The director of public safety, or their designated representative, is authorized to grant permits for relief of any provision in this section on the basis of undue hardship in cases where:
- (1) The sound source will be of short duration and the activity cannot be conducted in a manner as to comply with this article;
  - (2) Additional time is necessary for the applicant to alter or modify their activity or operation to comply with this article; or
  - (3) No reasonable alternative is available to the applicant.
- (b) A special events noise variance permit allowing specific deviations from this section may be issued by the director of public safety, or his designated representative, without a demonstration of undue hardship, for events of limited duration (not to exceed seven days) which, in the opinion of the director, promote identifiable historical, cultural, artistic, economic development, or community goals (including, but not limited to, the promotion of community activity in the commercial historic district), including conditions for the variance specific to the use; provided that any noise disturbance created by such activity will be abated when such request is made by the director, or his designated representative. The fee in subsection (e) of this section shall apply to any permit issued.
- (c) An automatic variance will be granted without the payment of permit fees for the purpose of conducting parades or other public events; provided that any noise disturbance created by such activity will be abated when such request is made by the director of public safety, or his designated representative.
- (d) The director of public safety, or his designated representative, may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects and may suspend any permit issued for violating any provisions prescribed in the permit of variance.

- (e) A fee as determined from time to time by city council shall be charged to each applicant for processing permit applications.

(Code 1982, § 20-95; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000; Ord. No. 2008-08-078, 8-19-2008)

#### IV. Appeals.

- (a) Any applicant who has been denied a permit of variance or any permittee whose permit has been suspended, shall have the right to a hearing before the city manager.
- (b) Request for a hearing shall be made in writing and received by the director of public safety, or his designated representative, within ten days of the date of the denial or the date of the notice of the suspension. The city manager may review the appeal at a staff level and has the authority to reject the action of his designated representative and order that a permit be granted or to reinstate a suspended permit. However, should the city manager uphold the denial or suspension of a permit, he shall, or his designated representative shall, schedule a hearing within 30 days of receipt of the request.
- (c) The city manager shall have the authority to review all pertinent files and information regarding the applicant/permittee which are in the custody of the director of public safety, or his designated representative. Additionally, the city manager shall have the authority to accept written and verbal testimony from the director of public safety, his designated representative, any appropriate city staff member, applicant/permittee and interested citizens. The city manager shall also have the authority to place time restrictions on the testimony to be given at the hearing.
- (d) The city manager shall have the authority to assess whether the director of public safety, or his designated representative, acted properly within the powers granted under this article in the denial or suspension of a permit. Upholding the action of the director of public safety, or his designated representative, shall affirm the denial or suspension. Rejection of the action of the director of public safety, or his designated representative, shall automatically grant a permit or reinstate a suspended permit.
- (e) No person whose permit has been denied or suspended, shall create or allow the creation of the noise disturbance in dispute prior to a determination by the city manager.

(Code 1982, § 20-96; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000)

#### **Sec. 70-122. Penalty.**

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$500.00 dollars. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this article.

(Code 1982, § 20-97; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000)

#### **Sec. 70-123. Injunctive relief.**

In addition to and accumulative of all other penalties, the city shall have the right to seek injunctive relief for any and all violations of this article.

(Code 1982, § 20-98; Ord. No. 2000-06-44, §§ 1, 2, 6-20-2000)

**Secs. 70-124—70-148. Reserved.**

## EXHIBIT B

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## Chapter 70 OFFENSES AND MISCELLANEOUS PROVISIONS<sup>1</sup>

### ***ARTICLE X. PARKING PROHIBITIONS***

#### **Sec. 70-230 Vehicle Storage and Parking in Residential Districts**

- (a) No trailers, tow-behinds, boats, recreational vehicles, non-passenger vehicles, or equipment other than operational passenger vehicles shall be permitted to be parked or stored between the primary building and the street of any residential property between the hours of 7:00 p.m. and 7:00 a.m.
- (b) Trailers, tow-behinds, boats, recreational vehicles, non-passenger vehicles, or equipment may be permitted in the side or rear yard of residential properties if they are located behind an opaque fence or wall.
- (c) Exceptions to these provisions may be permitted by the Chief Building Official or their designees for property construction or maintenance activities.

#### **Sec. 70-231. Parking on Unsurfaced Areas**

Parking prohibitions on unsurfaced areas shall be as follows:

- (a) No car, truck, or other vehicle shall be parked on an unpaved area of the front yard. This provision shall not apply to those lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981).
- (b) For lots platted prior to the effective date of Ordinance No. 1270 (December 15, 1981), no car truck, or other vehicle shall be parked on an unsurfaced area of the front yard if the lot has a concrete, asphalt, or gravel driveway.
- (c) If a concrete, asphalt, or gravel driveway does exist for a lot platted prior to the effective date of Ordinance No. 1270 (December 15, 1981) and unique circumstances prevent strict adherence with the provisions of this subsection, the Director of Planning may approve an exception to the provision and impose conditions to limit the number of vehicles that may be parked on an unsurfaced area, and the extent of unsurfaced area where parking is permitted if the Director finds that:
  - (1) Unique circumstances exist on the property, such as substandard lot size, size or location of existing structures, trees, or topographical features, which make the application of provision ii of this subsection unduly burdensome;
  - (2) The exception will have no adverse impact on current or future development; and
  - (3) The exception will have no adverse impact on the public health, safety, and general welfare.
- (d) The applicant bears the burden of proof in demonstrating that the exception is warranted under the circumstances presented. A financial hardship is not sufficient cause for granting an exception.
- (e) Appeals to the decision of the director may be appealed to the Board of Adjustment.

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<sup>1</sup>State law reference(s)—Local government preempted from enacting law concerning conduct addressed by state penal code, V.T.C.A., Penal Code § 1.08.

## **CHAPTER 62 – MOTOR VEHICLES AND TRAFFIC**

### **ARTICLE VI. PARKING<sup>1</sup>**

#### ***DIVISION 1. GENERALLY***

##### **Sec. 62-348. Presumption; violations; penalty.**

- (a) For purposes of this section, a disabled person is a person with a disability as defined by V.T.C.A., Transportation Code § 681.001, as it may be amended.
- (b) From and after the effective date of the ordinance from which this article is derived, it shall be unlawful for any person to park a motor vehicle, in a handicap park space, as designated herein, unless such vehicle is properly identified by license plates or placards issued by the state department of transportation issued to persons with disabilities, or for any conduct which constitutes an offense under V.T.C.A., Transportation Code § 681.011.
- (c) A person commits an offense if the person parks a vehicle so that the vehicle blocks an architectural improvement designed to aid persons with disabilities, including, but not limited to, an access or curb ramp.
- (d) If any vehicle is found to be in violation of any provision of this section, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered is presumed to be the person who parked said vehicle at the time and place the offense occurred. This presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05. The state department of transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.
- (e) Any person violating any provision of this section shall be fined an amount not less than \$250.00 nor more than \$500.00 and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Enhancements to this penalty shall be consistent with V.T.C.A., Transportation Code § 681.011(h) to (k), as it may be amended.
- (f) Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this section.

(Code 1982, § 18-131; Ord. No. 980, § 3, 12-21-1976; Ord. No. 1001, § 4, 5-24-1977; Ord. No. 2002-02-012, § 2, 2-19-2002)

##### **Sec. 62-349. Handicapped or disabled parking.**

- (a) The city council hereby adopts as the standards and specifications for disabled parking spaces and signage for the city, the standards and specifications adopted by the state commission of licensing and regulation, as stated in V.T.C.A., Transportation Code § 681.009, being those standards and specifications adopted by the American National Standards Institute, as they may be amended. A copy of these standards and specifications may be obtained from the office of the city secretary, office of the city engineer and building official.

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<sup>1</sup>State law reference(s)—Power of local authorities to regulate stopping, standing and parking, V.T.C.A., Transportation Code § 542.202(a)(2).

## EXHIBIT D

- (b) The city, and any person who owns or controls private property, shall designate a parking space or area by conforming to the standards and specifications herein adopted, relating to the identification and dimension of parking spaces for persons with disabilities.
- (c) The city may provide at cost, a design and stencil for use to designate spaces as provided by this section. The design and stencil may also be obtained at cost from the state commission of licensing and regulations.
- (d) The city engineer shall designate the areas to be utilized as handicap parking spaces consistent with this chapter and state law requirements as may be adopted by the state commission of licensing and regulation. The city engineer shall direct the installation of signals, signs and other traffic-control devices as may be required for the designation of handicapped parking spaces.
- (e) All records, including the standards and specifications adopted herein, pertaining to the designation of handicapped parking areas shall be maintained by the office of the city engineer and shall be available for review by the public during regular business hours.
- (f) The placement of a handicap parking sign by the city engineer, or as approved by the city engineer, shall be prima facie evidence that the signage is installed and maintained pursuant to the authority granted herein, in proper position, and in full force and effect.

(Code 1982, § 18-132; Ord. No. 1302, §§ 1—5, 8-10-1982; Ord. No. 2002-02-012, § 2, 2-19-2002)

### **Sec. 62-350. Areas designated.**

The area of the public streets of the city within which certain areas are or spaces shall be marked or designated as handicapped parking shall and does include:

*Cloyd Street.* Two spaces on the south side of Cloyd Street between Chestnut Street and Tennessee Street beginning 110 feet from the intersection of Chestnut Street and Cloyd Street extending westward a distance of 30 feet.

*Kentucky Street.* One space on the east side of Kentucky Street beginning 40 feet north of the intersection of Kentucky Street and Virginia Street and extending northward a distance of 20 feet.

*Kentucky Street.* One space on the east side of Kentucky Street beginning 50 feet south of the intersection of Kentucky Street and Louisiana Street and extending southward a distance of 20 feet.

*Kentucky Street.* One space on the west side of Kentucky Street beginning 50 feet south of the intersection of Kentucky Street and Louisiana Street and extending southward a distance of 20 feet.

*Kentucky Street.* One space on the east side of Kentucky Street between Virginia Street and Louisiana Street located 50 feet from the intersection of Louisiana Street and Kentucky Street.

*Tennessee Street.* Two spaces on the west side of Tennessee Street between Virginia Street and Louisiana Street beginning 90 feet from the intersection of Louisiana Street and Tennessee Street extending northward a distance of 30 feet.

*Tennessee Street.* One space on the west side of Tennessee Street beginning 50 feet south of the intersection of Tennessee Street and Louisiana Street and extending southward a distance of 20 feet.

*Tennessee Street.* One space on the east side of Tennessee Street between Virginia Street and Louisiana Street located 55 feet from the intersection of Tennessee Street and Virginia Street.

*Tennessee Street.* One space on the west side of Tennessee Street beginning 35 feet north of the intersection of Tennessee Street and Virginia Street and extending northward a distance of 20 feet.

*Tennessee Street.* One space on the east side of Tennessee Street beginning 35 feet north of the intersection of Tennessee Street and Virginia Street and extending northward a distance of 20 feet.

## EXHIBIT D

*Virginia Street.* One space on the south side of Virginia Street between Kentucky Street and Tennessee Street located 50 feet from the intersection of Kentucky Street and Virginia Street.

*Virginia Street.* One space on the north side of Virginia Street beginning 40 feet west of the intersection of Kentucky Street and Virginia Street and extending westward a distance of 20 feet.

*Virginia Street.* One space on the south side of Virginia Street beginning 40 feet east of the intersection of Tennessee Street and Virginia Street and extending eastward a distance of 20 feet.

*Virginia Street.* One space on the north side of Virginia Street beginning 45 feet east of the intersection of Chestnut Street and Virginia Street and extending eastward a distance of 20 feet.

*Virginia Street.* One space on the south side of Virginia Street beginning 45 feet east of the intersection of Chestnut Street and Virginia Street and extending eastward a distance of 20 feet.

(Code 1982, § 18-132.1; Ord. No. 97-05-26, § 1, 7-6-1997; Ord. No. 2009-02-015, § 1, 2-17-09; Ord. No. 2009-05-036, § 1, 5-19-09; Ord. No. 2014-11-083, §§ 1, 2, 11-4-2014)

### **Sec. 62-351. Parking on posted private property prohibited; warning signs to be posted; fine for violation.**

- (a) It shall be unlawful for any person to park a motor vehicle, whether occupied or unoccupied, in any posted private drive, private parking lot or other private property without the express or implied consent of the owner of such property or the owner's representative.
- (b) In the event that the identity of the driver of such vehicle is unknown, the owner or person in whose name such vehicle is registered shall be prima facie deemed to be in violation hereof.
- (c) Such private driveway or private property shall be posted with warning signs at all entrances to such private property stating substantially that the property is for the parking of motor vehicles on the invitation or on the implied invitation of the owner of such property, and that the owner or operator of such vehicle parked in violation will be subject to a maximum fine of \$500.00.

(Code 1982, § 18-133; Ord. No. 1767, §§ 1—3, 12-22-1987)

### **Sec. 62-352. Resident parking only—Generally.**

Certain areas or portions of the public streets described in the section 62-353 have been, are hereby, and shall hereafter be set apart, marked and designated as resident parking only spaces. Parking of any vehicle within any space or spaces within the designated area which is or shall be marked "Resident Parking Only" shall be permitted only with the express or implied consent of an occupant of a residence in close proximity to the parking space.

(Code 1982, § 18-134; Ord. No. 94-01-04, § 1, 1-18-1994)

### **Sec. 62-353. Same—Areas designated.**

The area of the public streets of the city within which certain areas or spaces shall be marked or designated as "Resident Parking Only" shall and does hereby include:

*Harroun Street.* The south side of Harroun Street beginning at a point 100 feet east of McBee Street and extending to a point 220 feet east of McBee Street.

(Code 1982, § 18-135; Ord. No. 94-01-04, § 1, 1-18-1994)



**Sec. 62-354. Signs presumed lawfully erected.**

In a prosecution for an offense under this article, it shall be presumed that signs that prohibit or restrict the stopping, standing, operation or parking of vehicles have been lawfully erected. This presumption may be rebutted by a preponderance of the evidence.

(Ord. No. 2016-06-050, § 2, 6-7-2016)

**Sec. 62-355. Responsibility of registered owner.**

In a prosecution for an offense under this article, it shall be presumed that the registered owner of the vehicle is the person who committed the violation and evidence of a culpable mental state shall not be required.

(Ord. No. 2016-06-050, § 2, 6-7-2016)

**Sec. 62-356. Stopping, standing, parking prohibited.**

It shall be unlawful to stop, stand or park a vehicle within an alley located within the corporate limits of the city.

(Ord. No. 2016-06-050, § 2, 6-7-2016)

**Sec. 62-357. Truck, Trailer, or Van Overnight Parking on Public Street**

It shall be unlawful for any person to park or permit to remain parked within a public right-of-way within the City any truck, truck or utility trailer, tow-behinds, boats, recreational vehicles, non-passenger vehicles, or equipment other than operational passenger vehicles between the hours of 7:00 p.m. and 7:00 a.m., except when said motor vehicles, trailers, or equipment are engaged in loading or unloading.

**Secs. 62-358—62-379. Reserved.**

## **CHAPTER 122 – CONSTRUCTION REGULATIONS**

### **ARTICLE I. IN GENERAL**

#### **Sec. 122-1. Violations.**

Any person violating any provision of this chapter or failing to comply therewith or with any other requirements thereof shall be deemed guilty of a misdemeanor; provided, however, that nothing contained herein shall preclude the city from bringing suit for injunction for the prevention of any threatened violation or the removal of any structure in violation of this chapter.

(Code 1982, § 34-1; Ord. No. 1040, § 5, 12-13-1977; Ord. No. 1083, § 4, 9-19-1978)

#### **Sec. 122-2. Street numbers for buildings.**

- (a) All buildings fronting on any street or alley in the city shall be numbered in some conspicuous place, by the owner thereof, according to the number provided by the chief building official for such purpose, all odd numbers being on one side of the street and all even numbers on the other.
- (b) Any person desiring to have a number put on his building shall first apply to the chief building official for the proper number, and any person failing or refusing to put the proper number on his building or putting the wrong number thereon, or failing or refusing to comply with any other requirement of this section, shall be guilty of a misdemeanor.

(Code 1982, § 34-2; Ord. No. 187, 9-20-1910)

#### **Sec. 122-3. Portable water closet required at all construction sites.**

There will be a portable water closet required at all construction sites, both residential and commercial. In residential subdivisions, there will be a portable water closet provided for each lot. The exception would be if two adjoining lots were owned by the same builder, one portable water closet would be acceptable and will be located between the two lots. Portable water closets will be required for commercial projects, and provided at locations on site as approved by the chief building official. The number and placement of such facilities will be determined by the size of the project. It is further provided by this section that no portable water closet will be placed within any city right-of-way.

(Code 1982, § 34-3; Ord. No. 98-12-66, § I, 12-1-1998)

#### **Sec. 122-4. Permits within city limits and extraterritorial jurisdiction.**

- (a) It shall be unlawful for any person to erect, move, add to, or structurally alter, or to cause to be erected, moved, added to, or structurally altered, or to permit any person to erect, move, add to, or structurally alter, any building or other structure within the city limits without first having procured a permit to do so from the city.
- (b) Development permits and all other applicable construction-related permits required by this chapter are required within the city limits. All development and construction permits for the construction of the types of improvements described in sections 142-4, 142-5, and 142-6 are required within the extraterritorial jurisdiction (ETJ). Building permits required by this chapter or any adopted model codes including, but not limited to the international building code, the national electric code, and the international fire code shall only be required within the city limits.

## EXHIBIT E

- (c) No building permit, development permit or other applicable construction-related permit shall be issued except in conformity with the provisions of this chapter and all applicable construction codes of the city.

(Ord. No. 2015-03-015, § 2, 3-17-2015; Ord. No. 2017-08-083, § 1, 8-15-2017; Ord. No. 2018-12-077, § 2, 12-4-2018)

### **Sec. 122-5. Construction hours.**

*Allowable construction hours.* Allowable construction hours in all zoning districts shall be as follows:

Monday through Friday	6:00 a.m. to 9:00 p.m.
Saturday	8:00 a.m. to 5:00 p.m.
Sunday	1:00 p.m. to 5:00 p.m.

### **Secs. 122-6—122-24. Reserved.**