

CITY OF SEVEN POINTS

ORDINANCE NO. 328

Parking

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS, AND REPEALING ORDINANCE NO. 328, TO PROVIDE FOR A SECTION 8. E. TO CHAPTER 9 ENTITLED PARKING, PROVIDING FOR RESTRICTIONS FOR PARKING ON PRIVATE PROPERTY, RESIDENTIAL STREETS, AND RESIDENTIAL ZONES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seven Points, Texas, deems it necessary and proper and in the best interest of the citizens of Seven Points to amend Section 8.E to Chapter 9 of the Code fo Ordinances of the City of Seven Points entitled "Parking" to amend and clarify the regulations pertaining to the parking of commercial vehicles as hereinafter set forth; and

WHEREAS, the City Council of the City of Seven Points, pursuant to the authority in Texas Local Government Code 431.003, (A municipality by ordinance may regulate the parking of motor vehicles on private property and may enforce the ordinance in the same manner that it enforces ordinances regulate parking public non-parking zone, including the impoundment of offending vehicles) in desires to regulate the parking of vehicles; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS that:

SECTION 1. The City Council of the City of Seven Points hereby amends Chapter 9 Section 8 E of the Code of the City of Seven Points to read as follows:

E. Parking

A. Parking certain vehicles.

Parking certain vehicles on private property, streets or right-of-ways within a zoned district designated as Residential (Zoning Ord. No. 272).

No person shall stop, stand or park a commercial vehicle, as that term is defined herein, truck tractor, pole trailer, bus or special mobile equipment upon any private property, street or public right-of-way within a residential zone, except as follows:

1. While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 6:30 am and 9:30 pm;
2. While effecting emergency repairs when a vehicle is so disabled as to render it

- unsafe to proceed further;
3. Vehicles and equipment engaged in street construction, maintenance and repair, or the construction, maintenance or repair of public service utilities;
 4. Vehicles serving as emergency vehicles;
 5. Vehicles owned or under the control of a business legally operating on the property where the vehicle is parked, providing that business is not zoned as Residential;
 6. Vehicles parked in the private parking lot of a business engaged in providing overnight lodging when the operator is a customer of that business and lodging overnight, provided that the property is not zoned Residential.

This section does not apply to church, school, nursing home, or retirement home vehicles parked upon property owned by such institutions.

B. The term "commercial vehicle" means a vehicle or combination of, used to transport passengers or property that:

1. Has a manufacturers's rated carry weight to or **greater than one and one-half (1 ½) tons;**
2. Is designed to transport **16 or more passengers**, including the driver;
3. Is transporting **hazardous material** and is required to be placarded under 49 C.F. R. Part 172, Subpart F;
4. Is a "**road tractor**" as that term is defined in Chapter 541 of the Texas Transportation Code (a motor vehicle designed and used to draw another vehicle but not constructed to carry a load independently or part of the weight of the other vehicle or its load);
5. Is a "**truck tractor**" a that term is defined in chapter 541 of the Texas Transportation Code (means a motor vehicle designed and used primarily to draw another vehicle but not constructed to carry a load other than a part of the weight of the other vehicle and its load):
6. Is a "**pole trailer** as that term is defined in chapter 541 of the Texas Transportation Code (a vehicle without motive power:
 - (A) designed to be drawn by another vehicle and secured to the other vehicle by pole, reach, boom, or other security device; and
 - (B) ordinarily used to transport a long or irregularly shaped load, including poles, able of sustaining themselves as beams between the supporting connections.
7. Is a "**semitrailer**" as that term is defined in Chapter 541 of the Texas Transportation Code (a vehicle with or without motive power, other than

a pole trailer:

- (A) designed to be drawn by a motor vehicle and to transport persons or property; and
- (B) constructed so that part of the vehicle's weight and load rest on or is carried by another vehicle.

C. Overnight parking/storage of commercial vehicles.

Overnight parking/storage of commercial vehicles on private property, public streets, public right-of-way or public parking areas are prohibited. No person shall park or store a commercial vehicle overnight on private property, a public street with public right-of-way or within a publicly-owned or operated parking area. **This section shall not apply to the parking of vehicles owned or operated by federal, state, or local government authority.**

Section 2. Impoundment of vehicles parked in violation of section.

Any vehicle found stopped standing or parked in violation of any provision of this section is subject to being removed and impounded at the owners expense.

Section 3. Penalty Clause

Whoever shall be found guilty of violating any portion of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00).

Section 4. Cumulative Clause

This ordinance shall be and is hereby declared to be cumulative of all other ordinance of the City of Seven Points, and this ordinance shall not operate to repeal or affect any of such other ordinance, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provision, if any in such other ordinance or ordinances are hereby superseded.

Section 5. Severability Clause

If any provision of this ordinance or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 6. Publication

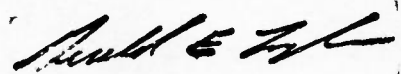
The sub-caption of this ordinance was published in the Official News Paper "The Monitor" on the 27th day of January, 2008, under the Public Notice Section. The entire ordinance was made available for public review before the February 5, 2008 Council Meeting in the city secretary's

office during normal business hours.

Section 7. Effective Date

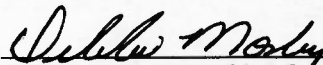
The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and in full force upon the signing of this ordinance.

PASSED AND APPROVED ON THIS THE 5TH DAY OF FEBRUARY, 2008.



Mayor Gerald Taylor

ATTEST:


Debbie Mosley, City Secretary



Approved by:

Blake Armstrong, City Attorney