

CITY OF WILLOW PARK

ORDINANCE NO. 439-99

AN ORDINANCE AMENDING CHAPTER 10, TRAFFIC CONTROL OF THE CODE OF ORDINANCES, CITY OF WILLOW PARK, TEXAS, TO PROHIBIT PARKING OF COMMERCIAL VEHICLES IN CERTAIN RESIDENTIAL DISTRICTS; AND PROVIDING FOR A PENALTY, EFFECTIVE DATE, REPEALER AND PUBLICATION

WHEREAS, the City of Willow Park is authorized to protect the health, safety and welfare of its residents; and

WHEREAS, the regulation of traffic and vehicles on the streets and thoroughfares in the City of Willow Park, Texas affects the health, safety and welfare of its citizens; and

WHEREAS, the municipality of Willow Park is delegated the authority under Section 51.012 of the Local Government Code to make and enact those ordinances proper further delegated under Section 542.202 of the Texas Transportation Code authority to regulate the stopping, standing or parking of a vehicle; and

WHEREAS, the municipality is specifically delegated the authority to regulate the parking of vehicles on private property under the provisions of Section 43 1.00 1, Texas Local Government Code; and

WHEREAS, the Texas Transportation Code Section 545.307 specifically recognizes the power of a municipality to regulate the parking of commercial motor vehicles;

WHEREAS, the size and nature of commercial vehicle requires reasonable regulation for public safety is necessary.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS.

SECTION 1. AUTHORIZATION

The Mayor, or appropriate City Official or Mayor's designee is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. AMENDMENT

Chapter 10, "*Traffic Control*" of the Code of Ordinances of the City of Willow Park, Texas shall be amended to add Article 10.709 to read as follows:

SECTION 10.709 PARKING COMMERCIAL VEHICLE IN RESIDENTIAL DISTRICTS

A. Definitions

1. "Oversize Commercial Vehicle" means

- a) any vehicle designed, used or maintained primarily for the transportation of persons for hire, compensation, or profit; or
- b) any vehicle designed, used, or maintained primarily for the transportation of cargo or property for hire. compensation, or profit; or
- c) having more than two axles

2. "Oversize Commercial Vehicles" shall include, but are not limited to the following:

- a) dump trucks, truck tractors, concrete mixing trucks, buses, stake bed trucks; or

- b) trailers which have:
 - 1) carrying surface or bed that exceeds twenty (20) feet in length; or
 - 2) a width at any point that exceeds 102 inches; or
 - 3) a height, with normal tire inflation, that exceeds ten feet at any point measured from the ground.
- 3. "Oversize Commercial Vehicle" does not include a recreational vehicle which:
 - a) contains a kitchen, bath and sleeping quarters;
 - b) is designed and used primarily for offsite recreational purposes;
 - c) does not have utility connections, except for temporary purposes; and
 - d) is not used habitually for overnight accommodations within the residential district.

- B. Illegal parking on streets in residential districts. It shall be unlawful to park, or allow to park, an oversize commercial vehicle on any street in a residential district when the parking is not connected to deliveries to an adjoining property or in connection with work being performed at the adjoining property.
- C. Illegal parking on private property in residential districts. It shall be unlawful to park, or allow to park, an oversize commercial vehicle upon private property in a residential district and off of a public street or thoroughfare when the parking is not connected with a delivery to that property, or work being performed on that property or property in the immediate area where the oversize commercial vehicle is parked
- D. This section does not apply to street construction, maintenance, and repair equipment trailers or vehicles used by the public service utility companies engaged in repairing or extending public service utilities.

SECTION 3. PENALTY

Any person who shall violate this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$200. Each separate occurrence constitutes a violation.

SECTION 4. REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict herewith be and the same are hereby repealed to the extent of such conflict.

SECTION 5. SEVERABILITY

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Ordinance of the City of Willow Park to which these rules and regulations relate.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect from and after its publication one time in the official publication of the City of Willow Park, Texas which publication shall contain the captions stating in substance the purpose of the ordinance and reciting the penalty provision of the ordinance.

PASSED AND APPROVED this 16th day of March, 1992.

/s/ Les Cooley

Mayor

ATTEST:

/s/ Hetty Haggard

City Secretary

APPROVED AS TO FORM:

/s/ _____

City Attorney

The Willow Park City Council in acting on Ordinance No. 439-99, did on the 16th day of March 1999 vote as follows:

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSTAINED</u>
Les Cooley, Mayor	_____	_____	_____
Gene Martin, Place 1	<u> X </u>	_____	_____
Sam Bertling, Place 2	_____	_____	<u> X </u>
Jim Davis, Place 3	<u> X </u>	_____	_____
Doral Risch, Place 4	<u> X </u>	_____	_____
Gerald Liepert, Place 5	<u> X </u>	_____	_____