ORDINANCE NO. 2018-4057

AN ORDINANCE AMENDING CHAPTER 38, "TRAFFIC AND VEHICLES," ARTICLE II "STOPPING, STANDING AND PARKING," DIVISION 1 "GENERALLY," SECTION 38-43 "PARKING, STANDING, OR STORING OF RECREATIONAL VEHICLES, TRAILERS OR TRUCKS IN RESIDENTIAL AREAS," RELATING TO RESIDENTIAL AREA VEHICLE PARKING OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing and Parking," Division 1 "Generally," Section 38-43 "Parking, Standing, or Storing of Recreational Vehicles, Trailers or Trucks in Residential Areas," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"** attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance upon a finding of liability thereof shall be deemed liable for a civil offense and punished with a civil penalty of not less than one dollar ($1.00) and not more than two thousand dollars ($2,000.00) or upon conviction thereof guilty of a misdemeanor, shall be punished by a fine of not less than twenty five dollars ($25.00) and not more than five hundred dollars ($500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this 19th day of November, 2018.

ATTEST:

City Secretary

APPROVED:

Mayor

APPROVED:

City Attorney

Exhibit A

That Chapter 38, "Traffic and Vehicles," Article II "Stopping, Standing and Parking," Division 1 "Generally," Section 38-43 "Parking, Standing, or Storing of Recreational Vehicles, Trailers or Trucks in Residential Areas," is hereby amended to read as follows:

Sec. 38-43. - Residential Area-Recreational Vehicles, Trailers or Trucks Parking, Standing or Storing.

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

Camper means a separate vehicle designed for human habitation which can be attached and detached to or towed by a motor vehicle.

Commercial Vehicle means a motor vehicle or combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds; or has a gross vehicle weight or gross vehicle weight rating of 26,001 or more pounds.

Driveway means any paved concrete, asphalt, gravel and/or other impervious surface area on a lot designed and required to provide direct access for vehicles between a street and private garage, carport, or other permitted parking space, or parking area or loading area, garage and attached or detached accessory building located on a lot developed with a residential dwelling used by the occupant of the premises principally for, but not limited to, the storage of passenger vehicles or other vehicles and equipment. Driveways or paved parking areas must be substantially free from grass, weeds, or other vegetation and must be adequately maintained.

Motor home means a self-contained vehicle designed for human habitation with its own motive power and with a passageway from the body of the home to the driver and front passenger seats.

Motor vehicle means a self-propelled device in, upon or by which any person or property is or may be transported.

Recreational vehicle means any motor vehicle or trailer designed or used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, camping trailer, or other similar purposes.

Residential area **or** ***residential lot*** means any area or lot occupied by residential dwellings though the area may be zoned for use other than residential.

Trailer means a vehicle without motive power designed for carrying persons, animals, or property on its own structure and to be drawn by a vehicle with motive power. The term "trailer" shall include, but not be limited to, semi-trailer and utility trailer. The term "trailer" shall not include any trailer defined as a recreational vehicle.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property, with a manufacturer's rated carrying capacity exceeding 2,000 pounds.

Truck-tractor means any motor vehicle designed or used primarily for drawing other vehicles. It is intended that the term "truck tractor" includes a motor vehicle that is otherwise a truck-tractor that may be engaged with a semi-trailer.

Unapproved surface means any surface not approved by the City according to this Code as a parking surface for vehicles

(b) ***Parking Regulations.***

(1) ***Owner, Occupant or Person in Charge*****.** It shall be unlawful for the owner, occupant or person in charge in a residential area to:

a. Permit or allow the parking, standing or storing of commercial vehicles, trucks, trailers, or truck-tractors on residential streets, unless used for actual supervised loading or unloading of goods or passengers or providing an active service to the property.

b. Permit or allow the parking, standing or storing of recreational vehicles on residential streets for a period of time in excess of seventy-two (72) hours within any thirty (30)-day period.

c. Permit or allow the parking, standing or storing of motor vehicles, recreational vehicles, commercial vehicles, trucks, trailers, or truck-tractors on yards or lawns, unless parked in areas screened from the right-of-way by permanent fencing.

(2) ***Commercial Vehicles*****.** It shall be unlawful for the owner, driver, or person in charge of a commercial vehicle to park, stop, or store a commercial vehicle on residential streets in residential areas, unless used for actual supervised loading or unloading of goods and passengers or for vehicles providing an active service to the property.

(3) ***Yards and Lawns*****.** It shall be unlawful for the owner, driver, or person in charge of a motor vehicle, recreational vehicle, commercial vehicle, truck, trailer, or truck-tractor park or permit the parking, standing or storing of such vehicle on the yards or lawns in a residential area or residential lot, unless parked in areas screened from the right-of-way by permanent fencing.

(4) ***Solid Waste Containers*****.** It shall be unlawful for owner, driver, or person in charge of a vehicle to park, place, allow, permit, or cause to be parked or placed any motor vehicle, trailer, boat, or any similar obstruction or item ("obstructing item") within fifteen (15) feet of, or obstruct in any manner, the collection of solid waste contained in a City-owned container larger than ninety (90) gallons. If an obstructing item prevents the collection of a City-owned solid waste container larger than ninety (90) gallons, the City is authorized to remove the obstructing item. The cost of the removal shall be the responsibility of the owner of the obstructing item. All City-owned solid waste containers larger than ninety (90) gallons shall be marked with a sign or label stating: "*Do Not Block or Park Within 15 Feet of Container - Tow Away Zone*."

(c) ***Zoning Board of Adjustment Special Exceptions.***

(1) A special exception may be granted to any person identified in Subsection (b) of this section, upon application to and approval by the Zoning Board of Adjustment. The Zoning Board of Adjustment shall have the authority to accept applications for special exceptions for the parking of vehicles on front yard lawns in residential areas.

(2) The Zoning Board of Adjustment shall hear and consider applications for special exceptions for the parking of vehicles on residential yards. The Board may issue special exceptions where it determines that the issuance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the section will result in unnecessary hardship, and so that the spirit of the section shall be observed and substantial justice done. In the event that the Board determines that a special exception shall be issued, then it may impose such restrictions as it deems necessary to protect the character of the neighborhood. Such restrictions may include, but are not limited to, screening and landscaping.

(3) The Zoning Board of Adjustment shall have the authority, upon ten days' written notice, to set a hearing date to consider whether or not the terms of the special exception have been complied with upon presentation of evidence by the City staff and the permittee. Upon a finding that the terms of the special exception have been violated, the Zoning Board of Adjustment shall have the authority to revoke, suspend, maintain or alter the terms of the special exception issued.

(d) ***Exemptions.***

(1) Residential properties zoned R Rural or E Estate are exempt from the regulations in Subsection (b) of this section.

(2) Commercial properties zoned GC General Commercial, CI Commercial Industrial, BP Business Park and BPI Business Industrial Park are exempt from the regulations in Subsection (b) (1 & 4) of this section.