

ORDINANCE O-48-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AMENDING ARTICLE VII "PARKING" OF CHAPTER 102 "TRAFFIC AND VEHICLES", DIVISION 2 "PARKING CONTROL ZONE" OF THE CITY'S CODE OF ORDINANCES BY RENUMBERING SECTION 22-271, "DEFINITIONS; ZONE ESTABLISHED" AS SECTION "102-271. DEFINITIONS; ZONE ESTABLISHED" AND BY AMENDING AND RENAMING SECTION 102-273. PARKING OF TRUCKS, TRAILERS, ETC., RESTRICTED" TO PARKING OF TRUCKS, TRAILERS, RECREATIONAL VEHICLES, ETC. PROHIBITED" TO AMEND EXISTING REGULATIONS REGARDING PARKING RECREATIONAL VEHICLES IN ORDER TO INCLUDE BOATS WITHIN THE DEFINITION OF RECREATIONAL VEHICLES IN THE RENUMBERED SECTION 102-271, TO PROHIBIT PARKING OF SUCH RECREATIONAL VEHICLES WITHIN THE STREETS AND PUBLIC RIGHTS OF WAY, AND TO EXTEND THE PROHIBITION OF PARKING SUCH VEHICLES IN AREAS ZONED SINGLE-FAMILY RESIDENTIAL OR MULTI-FAMILY RESIDENTIAL FOR ANY PURPOSE OTHER THAN LOADING AND UNLOADING AS SET FORTH IN THE RENAMED SECTION 102-273; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING AMENDMENTS; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE, AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Kaufman, Texas ("City") is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has authority to regulate parking in and upon streets and private property for the purpose of protecting public health, safety and welfare; and

WHEREAS, the City currently has in place an ordinance codified in Chapter 102, "Traffic and Vehicles", Division 2, "Parking-Control Zone" which defines certain types of recreational and commercial vehicles and prohibits the parking of those vehicles in and upon public streets and property zoned for single family and multi-family use; and

WHEREAS, a numbering error exists in Chapter 102 in that the section entitled "Definitions; Zone Established" is currently incorrectly numbered as 22-271; and

WHEREAS, the City has determined it necessary to correct that numbering error to be consistent with the remaining provisions of Chapter 102 to renumber Section 22-271 as Section 102-274 and to rename and amend Section 102-273 of Chapter 102, Division 2, in order to include boats in the definition of recreational vehicle so that parking restrictions apply to boats; and

WHEREAS, having reviewed the proposed amendments, the City Council has determined that the amendment to include boats within the definition of recreational vehicles and to extend the parking prohibitions to those vehicles will be beneficial to traffic safety by limiting visual obstructions and lessening congestion caused by such vehicles as well as ensuring that emergency vehicles may access homes and property when responding to emergency calls; and

WHEREAS, having made the foregoing findings, the City Council finds that the proposed amendments to adopt newly renumbered, renamed and amended Sections 102-271 and 102-273 serves the public health, safety and welfare and therefore should be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct findings of the City Council and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENTS.

2.1 Section 22-271 "Definitions; Zone Established" of Division 2 "Parking Control Zone" of Article VII "Parking of Chapter 102 "Traffic and Vehicles" of the Code of Ordinances of the City of Kaufman, is hereby renumbered as Section 102-271, "Definitions; Zone Established" and such section is amended to add the following definition in alphabetical order, with all other definitions contained therein and not expressly amended hereby to remain in full force and effect:

"Sec. 102-271. Definitions

Recreational Vehicle means (1) any vessel propelled on water by oars, sails, or an engine; and (2) any vehicular type portable structure without permanent foundation, which can be towed, hauled, or driven and primarily designed to serve as temporary living accommodations for recreational, camping, or travel use, including, but not limited to travel trailers, camping trailers, converted buses, and self-propelled motorhomes."

2.2 Section 102-273 "Parking of Trucks, Trailers, etc., Restricted" of Division 2 "Parking Control Zone" of Article VII "Parking of Chapter 102 "Traffic and Vehicles" of the Code of Ordinances of the City of Kaufman, is hereby amended to repeal subparagraphs (a) and (b) of Section 102-273 in their entirety and to adopt the following subparagraphs (a) and (b) which shall be and read in their entirety as follows, with all other provisions of Section 102-273 not expressly amended hereby remaining in full force and effect:

"Sec. 102-273. Parking of Trucks, Trailers, Recreational Vehicles, etc. Prohibited

(a) It shall be unlawful for any person to leave, park or stand any truck, tractor, road-tractor, trailer, semitrailer, recreational vehicle, bus or any commercial motor vehicle upon any public street, alley, parkway, boulevard or public place except as expressly provided in this section. The provisions of this section shall not apply to the following:

- (i) Street construction and maintenance vehicles and equipment, maintenance and repair equipment trucks, rollers and implements trucks, equipment, trailers and vehicles used by a governmental entity or by a public service utility company engaged in repairing or extending public service utilities.
- (ii) Motor buses when taking on or discharging passengers at the customary bus stops and all other vehicles designated in this division when parked in a designated loading zone in those areas of limited parking where loading zones are designated or where it is lawful to park any commercial motor vehicle for the purpose of then accepting from the immediate shipper or then delivering to the consignee or the addressee any transportable thing.
- (iii) Any vehicle defined or designated in this Division which develops a mechanical defect after such vehicle has commenced the run, is enroute, and such defect makes such vehicle unsafe to proceed further; provided however, in this event, it shall be lawful to stand or park the vehicle during the time reasonably necessary to make emergency repairs, but in no event longer than twenty-four (24) consecutive hours.

(b) It shall be unlawful for any person, or any owner, to leave, park or stand any truck-tractor, road-tractor, semitrailer, bus, recreational vehicle, truck or trailer, or any other commercial vehicle with a rated capacity in excess of one ton, according to the manufacturer's classification (collectively referred to as "Vehicle" in this section), upon property within any area zoned as either a single-family residential district or multifamily residential district, according to the zoning ordinance of the city except in the following circumstances:

- (i) Behind Front Building Line. Unless such Vehicle is parked on an improved surface and is located behind the front building line of such property.
- (ii) Temporary 72 Hour Parking. Such Vehicle is owned by a resident of the City, the Vehicle is parked in a manner that does not meet the requirements of subsection b(i) and does not remain on the property for longer than seventy-two (72) consecutive hours in any thirty (30) day period.
- (iii) Parked in Loading Zone. Such Vehicle is parked or is standing in an area zoned for the temporary purpose of expeditiously loading and unloading passengers, freight or merchandise, but not

otherwise, and in no event longer than twenty-four (24) consecutive hours.

..."

SECTION 3. CUMULATIVE REPEALER. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim, or lawsuit, which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase or provision of this Ordinance, or any application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsections, clauses, phrases and provisions of this Ordinance, or any application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 5. PENALTY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage and publication as required by law and Charter.

PASSED AND ADOPTED this 27 day of September 2021.



JEFF JORDAN
MAYOR

ATTEST:



MYRA MANRIQUEZ
INTERIM CITY SECRETARY

APPROVED AS TO FORM:

Emily Bushin, Ass. City Att.,
PATRICIA A. ADAMS on behalf of
CITY ATTORNEY