

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GEORGETOWN, TEXAS, AMENDING SECTION 10.16.080 OF THE CODE OF ORDINANCES RELATING TO RESTRICTIONS ON THE PARKING OF MOTOR VEHICLES; PROVIDING A CONFLICT CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND SETTING AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Georgetown, Texas, deems it necessary and proper and in the best interest of the citizens of Georgetown to amend Section 10.16.080 of the Code of Ordinances of the City of Georgetown entitled "*Parking in certain areas restricted*", 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 Georgetown, pursuant to the authority in Texas Local Government Code § 431.001, desires to regulate the parking of vehicles for sale; and

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

SECTION 1. The facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim. The City Council hereby finds that this ordinance implements the following Century Plan - Policy Plan Elements:

- Transportation Policy End 10.00 -- "Citizens and commercial goods move safely and efficiently throughout all parts of the City"; and
- Urban Design Focus End 11.07 -- "The impact of commercial and industrial land uses on single-family neighborhoods are minimized; and

further finds that the enactment of this ordinance is not inconsistent or in conflict with any other Century Plan Policies, as required by Section 2.03 of the Administrative Chapter of the Policy Plan.

SECTION 2. The City Council of the City of Georgetown hereby amends Section 10.16.080 of the Code of the City of Georgetown to read as follows:

**10.16.080 Parking in certain areas restricted.**

- A. Parking certain vehicles on streets or rights-of-way within a zoning district designation as an "R District—Residential" or within 300 feet of the property line of a residence located in such district. No person shall stop, stand or park a commercial vehicle, as that term is defined herein, truck tractor, road tractor, trailer, semi-trailer, pole trailer, utility trailer, house trailer, travel trailer, camper trailer, boat trailer, motor home, bus, or special mobile equipment upon any street or public right-of-way within a residential district or within 300 feet of the property

line of a residence located within such district, except as follows:

1. While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 8:00 a.m. and 9:00 p.m.;
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 the property is not zoned as "R District—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 as "R District—Residential."

B. Parking certain vehicles on public or private property within any zoning district designated as an "R District—Residential" or within 300 feet of the property line of a residence located within such district. No person shall stop, stand or park a commercial vehicle, as that term is defined herein, upon public or private property located in a district zoned as an "R District – Residential" under the City's Zoning Ordinance or within 300 feet of the property line of a residence located within such district, except as follows:

1. While expeditiously loading or unloading passengers, freight, materials or merchandise between the hours of 8:00 a.m. and 9:00 p.m.;
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; or
4. Vehicles serving as emergency vehicles.
5. Vehicles owned or under the control of a business operating on the property where the vehicle is parked, providing that the property is not zoned as "R District—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 as "R District—Residential."

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

C. Parking on public or private property for certain purposes prohibited. No person shall park any motor vehicle:

1. Upon any public or private property for the purpose of displaying such vehicle for sale, unless (a) such vehicle is owned by the person who owns, leases, or otherwise controls the property upon which it is displayed, or (b) the property is the authorized location of a commercial auto sales, rental, or repair business;

2. Upon public property for the purposes of washing, greasing or repairing such vehicle, except emergency repairs. Provided, that emergency repairs shall consist only of such repairs as are necessary to enable such vehicle to be safely removed from the streets, either under its own power or by towing.
- D. Overnight parking/storage of commercial vehicles on public street, public right-of-way or public parking area prohibited. No person shall park or store a commercial vehicle overnight on a public street, within 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 authorities.
- E. 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 owner's expense.
- F. The term "commercial vehicle" means a vehicle or combination of used to transport passengers or property that :
1. Has a manufacturer's rated carrying weight equal 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 materials 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;
  5. Is a "truck tractor" as that term is defined in chapter 541 of the Texas Transportation Code;
  6. Is a "pole trailer" as that term is defined in chapter 541 of the Texas Transportation Code; or
  7. Is a "semitrailer" as that term is defined in chapter 541 of the Texas Transportation Code.

SECTION 3. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Georgetown, and this ordinance shall not operate to repeal or affect any of such other ordinances, except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any in such other ordinance or ordinances are hereby superseded.

SECTION 4. 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 5. The Mayor is hereby authorized to sign this ordinance and the City Secretary to attest. This ordinance shall become effective and be in full force and effect in accordance with the provisions of the Charter of the City of Georgetown.

PASSED AND APPROVED on First Reading on the \_\_\_\_ day of \_\_\_\_\_, 2001.

PASSED AND APPROVED on Second Reading on the \_\_\_\_ day of \_\_\_\_\_, 2001.

ATTEST:

THE CITY OF GEORGETOWN:

\_\_\_\_\_  
Sandra Lee, City Secretary

By: \_\_\_\_\_  
MaryEllen Kersch, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney