

ORDINANCE NO. 362

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, PROHIBITING PARKING AND DRIVING UPON CERTAIN AREAS; PROVIDING RESTRICTIONS PROHIBITING PARKING OF VEHICLES UPON RESIDENTIAL STREETS; PROVIDING RESTRICTIONS FOR COMMERCIAL VEHICLES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING SAVINGS, SEVERABILITY, EFFECTIVE DATE, AND PENALTY CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Manor, Texas (the "City") finds that the parking and driving of vehicles across drainage improvements to include drainage ditches and swales damages City property and represents a threat to the health and safety of the citizens of the City of Manor;

Whereas the City Council of Manor finds that accessing and departing from private and public property within the City by the use of driveways and other forms of access not approved by the City damages city property and represents a threat to the health and safety of the citizens of the City of Manor ;

Whereas, the parking of certain commercial vehicles on streets within residential areas deteriorates the streets and creates safety hazards; and

Whereas, the parking of commercial vehicles on streets within residential neighborhoods detracts from the living environment;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS:

Section 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. Definitions. As used in this Ordinance the following terms shall have the meaning and definition as follows:

- a. "Commercial Vehicle" means any motor vehicle weighting more than 2,000 pounds, that is not a passenger car or light pickup truck.
- b. "Motor Vehicle" or "Vehicle" shall mean and refer to motor vehicle as defined in Title 7, Subtitle A, Chapter 501 of the Texas Transportation Code.
- c. "Non-Commercial Vehicle" means a light passenger truck or passenger car designed or used primarily for the transportation of persons.
- d. "Person" includes an individual, firm, corporation, or other business entity.

- e. "Residential Area" shall mean and refer to those areas within the city limits designated for residential use according to the City of Manor's zoning ordinance.
- f. "Residential Street" shall mean and refer to those streets, boulevards, avenues, or alleys within the city limits located within the City's Residential Area.

Section 3. Access to and From Public and Private Property. Access to public and private property to or from any private or public right-of-way, roadway, or street within the City is only permitted by, through, or upon a city-approved means of access.

Section 4. Parking or Driving in Certain Areas of the City Prohibited. It shall be unlawful for an owner of any vehicle to drive, operate, leave, park, or stand any vehicle upon any ditch, drainage easement, drainage improvement, or swale.

Section 5. Exceptions. Use of driveways that have not been approved by the City to access non-residential properties within the City may continue provided that the unapproved driveway or access has been in use for at least Ten (10) years and such use does not degrade or damage any existing ditch, drainage easement, drainage improvement, swale, street, or any public or private right-of-way, roadway, or street. The City Manager or designee is authorized to establish procedures to document non-residential properties that are subject to this exception.

Section 6. Parking of Vehicles Within Residential Areas.

(a) It shall be unlawful for any person or any owner to leave, park or stand any vehicle within a residential area on either side of a public street or highway that, in the case of a two-way street or highway, has a pavement width of less than 26 feet, or, in the case of a one-way street or highway, has a pavement width of less than 20 feet.

(b) This ordinance shall not prevent the parking or standing of the following types of vehicles for the following purposes:

- (1) Commercial vehicles in residential areas for the purpose of expeditiously loading and unloading passengers, freight or merchandise, but not otherwise;
- (2) The temporary parking of non-commercial vehicles upon a residential street provided that the non-commercial vehicles do not remain parked or standing for more than forty eight (48) hours and that the noncommercial vehicles do not block or interfere with traffic upon the residential street;
- (3) Vehicles being used to provide any municipal service such as the installation, repair or maintenance of any public street, asset or property, collection of garbage, grounds keeping, etc; or
- (4) Vehicles being used to install, repair or maintain any public service or utility such as telephone, electricity, cable television, gas, water or sewer lines.

Section 7. Exceptions. The following vehicles are exempt from the terms of this ordinance while engaged in the listed activity:

(a) Emergency vehicles (as defined by state law) responding to or from, or at the scene of, an emergency call.

Section 8. Commercial Vehicles and Routes.

(a) *Commercial Vehicles.* It shall be unlawful for any person to operate any commercial vehicle rated in excess of one (1) ton, according to the manufacturers classification, upon any street, boulevard, avenue, or alley within the limits of the City, except designated United States or State highway or a designated truck route; provided that any such commercial vehicle may leave any designated United States or State highway or a designated truck route and travel on any street, boulevard, avenue or alley within the city for the purpose of providing emergency, municipal or public utility services, or delivering or picking up goods, wares, materials, equipment, vehicles or merchandise.

(b) *Truck Routes Established.* Every United States and State highway within the limits of the city is hereby designated as a truck route under the terms of this section.

(c) *Parking of Commercial Vehicles.* Commercial vehicles shall not be parked and left over-night upon any public street or public way in the City.

(d) *Certain Diesel Powered Vehicles.* Diesel powered tractors and truck-tractors shall not be operated on any predominantly residential street between the hours of 9:30 P.M. and 6:30 A.M.

Section 9. Enforcement. The Chief of Police and members of the Police Department, both regular and reserve officers, are empowered to enforce this ordinance.

Section 10. Towing and Removal. Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place in violation of this ordinance, the owner or driver of which vehicle has been given previous notice or citation for parking such vehicle in violation of this ordinance, may be removed by or upon an order by a police officer. The owner of such vehicle shall be responsible for the payment of any fees incurred for the towing and/or storage of said vehicle.

Section 11. Penalties. Any person convicted of violating any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine in an amount not to exceed Five Hundred dollars (\$500.00).

Section 12. Prima Facie Evidence. In any prosecution charging a violation of this ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of this ordinance, together with proof that the defendant

named in the complaint was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Section 13. Amendment of Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby amended to the extent of such inconsistency or conflict. In the event of a conflict between this ordinance and another ordinance of the City, this Ordinance shall control.

Section 14. Savings Clause. All rights and remedies of the City of Manor are expressly saved as to any and all violations of the provisions of any ordinances regulating parking and the operation of motor vehicles within the City which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.


Section 15. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 16. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 17. Effective Date. This ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code and the City Charter.


PASSED AND APPROVED on this 20th day of May, 2009.

ATTEST:



Dustin Haisler, City Secretary

THE CITY OF MANOR, TEXAS



Joe Sanchez, Mayor