

ORDINANCE NO. 1384

**AN ORDINANCE REGULATING THE STOPPING, STANDING AND PARKING OF NON-MOTOR AND RECREATIONAL VEHICLES ON ANY PUBLIC STREET, ALLEY OR RIGHT-OF-WAY; PROVIDING FOR A FINE OR PENALTY FOR VIOLATION OF THIS ORDINANCE; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, there are a growing number of Non-Motor and Recreational Vehicles parked on the public streets, alleys, and rights-of-way; and

WHEREAS, the City Council finds that the parking of Non-Motor and Recreational Vehicles on public streets, alleys or rights-of-way is a public safety hazard and is harmful to the integrity of neighborhoods; and

WHEREAS, the City Council has determined that certain traffic and parking regulations are needed to minimize any obstruction to vision by Non-Motor and Recreational Vehicles that may prove a public hazard or undermine the safety, atmosphere and environment of residential areas.

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

Section 1. Definitions

*Non-Motor Vehicles* - Any vehicle, including boat and boat trailers, utility trailers, box trailers, stock trailers, trailer-mounted equipment, or wheel mounted machinery, in excess of 7 feet in height or 8½ feet in width or 10 feet in length.

*Recreational Vehicle* – A vehicular portable structure designed for temporary or short-term occupancy for travel, recreational or vacation uses which can be towed, hauled or driven. Such vehicles shall include, but not be limited to: vacation travel trailers, converted buses, tent trailers, motor homes or similar devices used for temporary portable housing, but shall not include pickups (with campers) which do not exceed 1 ton in rated capacity and are not longer than 22 feet in length, with campers mounted thereon.

Section 2. Compliance

A. Non-Motor Vehicles

It shall be unlawful for any Non-Motor Vehicle to park, stand, or stop on any public street, alley or right-of-way except for the purpose of expeditiously loading or unloading passengers, equipment, freight or merchandise.

A Non-Motor Vehicle may be parked on a public street for up to 30 consecutive days if parked pursuant to the remodeling, construction or other business activity at the location or address where the work is being performed.

B. Recreational Vehicles

It shall be unlawful for any Recreational Vehicle to park, stand or stop on any public street, alley or right-of-way, except for the purpose of loading or unloading passengers, goods or equipment for a maximum, consecutive period of 72 hours.

C. Non-Motor and Recreational Vehicles

Non-Motor or Recreational Vehicles parked for a limited period of time must:

- Be operable and in working condition
- Have a valid license plate, current vehicle registration and inspection sticker attached thereto; and
- Be legally parked facing the correct direction on any public roadway

In no instance, for any period of time, shall a Non-Motor or Recreational Vehicle encroach upon a public sidewalk or be parked within or obstruct an intersection visibility triangle, as defined by the Code of Ordinances.

Non-Motor or Recreational Vehicles parked in the front or side yard adjacent to public property (street, alley or right-of-way) in the Local Retail, Central Business District or in a Residential/Single Family zoning district must be placed upon an improved surface (asphalt, concrete, gravel, chat, caliche or other all-weather surface) and be provided with a similarly improved driveway connecting to a street or alley. Vehicles shall observe a 5' side yard setback when adjacent to a dwelling or building.

Section 3. Hardship

In the event of an immediate personal or family hardship, the Building Inspector or City designee may grant the use of a Recreational Vehicle as living quarters for a temporary period of time not to exceed 180 days. The Building Inspector may establish specific terms and conditions for the temporary hardship waiver to minimize the safety hazard and/or any potential adverse impact to property owners in the area.

Section 4. Offense

- A. Any person, firm or corporation who shall be in violation of this Ordinance, as described by Section 2, shall be guilty of a misdemeanor; and upon conviction, said person, firm or corporation shall be fined a sum not to exceed \$500.00 (Five hundred and no/100 Dollars). Each and every day the violation exists shall constitute a separate and distinct offense. In the event the owner of said property is a corporation, each officer of said corporation may be held separately liable for the penalties herein provided.

B. The Court shall order abatement of the nuisance upon conviction.

Section 5. Cumulative

The provisions of this ordinance are to be cumulative of all other ordinances, or parts thereof, governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

Section 6. Savings and Severability

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Andrews hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 7. Publication

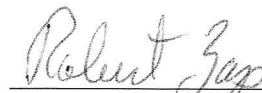
The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance, together with the penalty provision contained herein, in the manner and for the length of time prescribed by law.

Section 8. Effective Date


BE IT FURTHER ORDAINED that this ordinance shall take effect on July 1, 2007.

PASSED AND ADOPTED on first reading the 22<sup>nd</sup> day of February, 2007.

PASSED AND ADOPTED on second reading the 23<sup>rd</sup> day of March, 2007.

  
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Robert Zap, Mayor

ATTEST:

  
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Kitty Bristow, City Secretary