

CITY OF AUBREY, TEXAS

ORDINANCE NO. 411-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBREY, TEXAS ("CITY"), RELATING TO PARKING RESTRICTIONS IN RESIDENTIALLY-ZONED AREAS OF THE CITY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A PENALTY CLAUSE NOT TO EXCEED \$2,000; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Aubrey, Texas ("City Council") has determined that it would be advantageous and beneficial to the City and its citizens to pass this ordinance; and

WHEREAS, the City Council has determined that this ordinance will increase public safety by reducing congestion on residential streets and by providing necessary access to residential areas for public emergency operations and vehicles; and

WHEREAS, the City Council has determined that this ordinance will enhance property values in the City by enhancing the aesthetics of residential streets and neighborhoods;

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

Section 1. Recitals Incorporated.

The recitals and findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

Section 2. Definitions.

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

Boat means all types of watercraft, whether registered, unregistered, licensed or unlicensed. The term *Boat* shall include any wheeled *Trailer* or other device on which such *Boat* is or may be kept, stored, or transported, whether registered or unregistered, licensed or unlicensed.

Motor vehicle means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Park means to place or leave for the purpose of convenient departure from or return to the vehicle in connection with a planned trip, outing or vacation, including the processes of loading or unloading the vehicle and preparation of the vehicle.

Recreational Vehicle means any unit primarily designed as a living quarters for recreation, camping, or travel use which either contains its own motive power as in the case of, but not limited to, motor homes, motor coaches, mini-motor homes, or recreational vans or is permanently mounted on a vehicle such as a *Truck* camper or pickup camper.

Residentially-zoned means any area zoned under Sections 10-14 of City of Aubrey Ordinance 135-87 and portions of any area zoned under Section 20 of said ordinance that are residential in character.

Store means to place for the purpose of preserving, protecting and securing it for a period in excess of 48 hours.

Trailer means, but is not limited to, any vehicle designed or utilized for the transportation of a *Boat*, automobile, snowmobile, livestock, cargo or similar items or as living quarters for recreation, camping or travel use as in the case of a travel, tent, camp, popup or 5th wheel *Trailer*, which do not have motive power of its own, but is designed to be drawn by vehicle.

Truck means any semi-tractor or any commercial vehicle with a licensed weight of 6,001 pounds or above.

Utility Trailer means a vehicular structure or device with or without its own motive power, licensed or unlicensed, designed and/or used for the transportation of goods or materials.

Section 3. Parking restrictions in *Residentially-zoned* districts.

- (a) Notwithstanding any provision of this section to the contrary, the parking of any vehicle on a street or street right-of-way remains subject to regulation of parking established pursuant to the city or state traffic laws, zoning regulations, or other applicable law. In the event of any conflict, the more restrictive provision shall govern.
- (b) It shall be unlawful for any person to *Park* or leave standing on any street or street right-of-way in a *Residentially-zoned* area for a period of more than 24 consecutive hours—or for a period of more than 24 total hours during a 48-hour period—a *Boat*, *Motor vehicle*, *Recreational Vehicle*, *Trailer*, *Truck*, or *Utility Trailer*.
- (c) It is no defense to prosecution that any such *Boat*, *Motor vehicle*, *Recreational Vehicle*, *Trailer*, *Truck*, or *Utility Trailer* is parked or left standing in a

Residentially-zoned area and is then moved any number of times outside of the *Residentially-zoned* area or to any other location in a *Residentially-zoned* area during said 48-hour period, provided that it is parked or left standing anywhere on a street or street right-of-way in a *Residentially-zoned* area for a total of more than 24 hours during said 48-hour period.

- (d) Notwithstanding any provision of this ordinance, this ordinance does not authorize parking or standing in any street right of way where doing so is not otherwise permitted.

Section 4. Penalty.

Any person violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the ordinances of the City as heretofore amended and upon conviction shall be punished by a fine not to exceed the sum of \$2,000 for each offense.

Section 5. Savings, Severability and Repealing Clauses.

Except as set forth elsewhere in this ordinance, All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause, and phrase be declared unconstitutional or invalid.

Section 6. Acts committed before Effective Date.

An act governed by this ordinance committed before the effective date of this ordinance is governed by prior law and the provisions of the ordinances of the City, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose

Section 7. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective from and after its passage and upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

APPROVED by the City Council of the City of Aubrey, Texas, this 21st day of October, 2008.

APPROVED:

Mayor Gary Hammett

ATTEST:

City Secretary Nancy Downes