

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2013-08132013B

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 72, "STOPPING, STANDING, AND PARKING" SECTION 72.15, "PARKING ON UNAPPROVED SURFACES IN RESIDENTIAL DISTRICTS" RELATIVE TO PARKING SURFACES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 72, Section 72.15. of the Code of Ordinances of the City of Cockrell Hill, Texas ("Code"), sets forth the residential parking surfaces ; and

WHEREAS, the City Council has determined that new parking surfaces need to be adopted to allow more off-street parking in single residential and duplex use; and

WHEREAS, the City Council of the City of Cockrell Hill finds that the ordinance should be amended by adding language that expands the type of surfaces that can be used for approved parking; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 72, Section 72.15 of the Code as it pertains to approve parking surfaces. .

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

Section 1. All of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 72, is hereby amended to read as follows:

Stopping, Standing and Parking

§ 72.12 LOADING ZONES.

(A) Any person desiring or requiring a loading zone shall make application to the City Council. If approval is granted, the City Council, before setting aside such zone by exhibiting signs, will have the collection of the annual fee provided for herein certified to it by the City Secretary.

(B) For the purpose of regulating and supervising loading zones and to provide a fund to cover all costs involved in installing adequate signs or curb markings designating loading zones, and to pay the costs of periodic maintenance thereof, there is imposed against the applicant for a loading zone and against any person who desires the maintenance of a loading zone abutting his or her property, a charge which is on file in the City Secretary's office. The City Secretary shall collect the annual fee, and if the same is not properly paid, he or she shall advise the Superintendent of Public Works, who will remove the signs or curb markings designating the loading zone.

(C) A loading zone established under this section shall be designated by upright signs or painted curb markings of a distinctive color imprinted with the wording "loading zone." However, if the zone applied for lies within a section of curb at which parking is normally prohibited, the zone shall be designated by red curb markings imprinted with the wording "delivery only."

(D) A loading zone established under this section shall be operative from 7:00 a.m. to 6:30 p.m., except Sundays and legal holidays.

(E) All loading zones shall be for the exclusive use of the applicant and those persons who may have loading or unloading to do with the applicant. All loading and unloading in such zones shall be done from commercial vehicles only. The loading and unloading shall be limited to commercial items.

(F) No loading zone permit shall be granted where the flow of traffic would be impeded or traffic hazards created by the zone. ('97 Code, § 15-132)

§ 72.13 PRESUMPTION THAT OWNER OF VEHICLE ILLEGALLY PARKED SAME.

In any prosecution charging a violation of any provision of this chapter or any other ordinance or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such provision, ordinance or regulation, together with proof that the defendant named in the complaint was, at the time of the parking, the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, and for the time during which, the violation occurred. ('97 Code, § 15-133)

§ 72.14 AUTHORITY OF POLICE TO MOVE STANDING VEHICLES.

(A) Whenever any police officer finds a vehicle parked or standing upon a street or highway in violation of any of the provisions of this chapter or any other ordinance, the officer is authorized to move the vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the paved or Main traveled part of the highway or street.

(B) Any member of the Police Department is authorized to remove any vehicle parked or standing in or on any portion of a highway when in the opinion of the member of the Police Department the vehicle constitutes a hazard, interferes with a normal function of a governmental agency or by reason of any catastrophe, emergency or unusual circumstance the safety of the vehicle is imperiled. ('97 Code, § 15-134)

§ 72.15 PARKING ON UNAPPROVED SURFACES IN RESIDENTIAL DISTRICTS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED PARKING SURFACE RESIDENTIAL A surface constructed of asphalt, concrete, aggregate asphalt, crushed granite and gravel over a compacted subgrade that will provide a stable surface base for parking for residential or duplex only use only.

FRONT YARD. The area from one side lot line to the other side lot line and between the main building or dwelling and the street on which the lot fronts. On corner lots (lots abutting on two or more streets at their intersections) the front yard shall face the shortest street dimension of the lot except that, if the lot is square, the front yard may face either street.

REAR YARD. The area from one side lot line to the other side lot line and from the main building or dwelling to the rear lot line. The rear yard is always on the opposite end of the lot from the front yard.

RESIDENTIAL DISTRICT. Any area located within the corporate limits of the city which is zoned by the City Council as a R-S Single-Family District.

SIDE YARD. The area from the front yard line to the rear yard line and from the main building or dwelling to a side lot line.

UNAPPROVED SURFACE. Any surface not an approved surface as set forth in this section. The surfaces shall be deemed unapproved from and after the effective date of this chapter.

YARD. An open space on the same lot as a building or dwelling.

(B) It shall be unlawful for any person to cause, allow, permit or suffer any vehicle, motor vehicle, motorcycle, trailer, mobile home or motor home registered in his or her name or owned or operated by him or her or in his or her possession or under his or her control to be on or to remain on any unapproved surface in a residential district within the corporate limits of the city. It is presumed that the registered owner of the motor vehicle is the person who parked the vehicle at the time and place the offense occurred. It is a defense that the unapproved surface existed prior to the effective date of the ordinance and has not fallen into disrepair such that less than 50% of the unapproved surface remains.

(C) A surface constructed of asphalt, concrete or other material approved by the City Building Inspector shall not be classified as an approved surface if the area of the surface exceeds the following specified percentage of the total area of the designated yards:

(1) Front yard: 30%.

(2) Side yard: 100%

(3) Back yard: 50%.

(D) The area provisions of division (C) of this section may be modified in specific instances where the owner of a lot or tract receives written approval of the City Council after a public hearing on the request.

(E) (1) For multi-family, single-family and duplex use, the surface of a parking space, maneuvering area of parking or driveway must consist of an all-weather and drainable material which is approved by the Building Official or a material specified in subsection (2).

(2) Approved surface for multi-family, single-family or duplex use, the surface of enclosed or unenclosed parking space, maneuvering area for parking or a driveway which connects to a street or alley must be on a compacted sub grade and must consist of the following:

(a) Concrete paving: a minimum of four inches in thickness, reinforced with no less than six inches of wire mesh, and the wire mesh being at least $\frac{1}{4}$ -inch in diameter.

(b) Hot mix asphalt paving which consists of a two-inch thick binder and a two-inch thick surface course. Roofing shingles, roofing chips or tables may not be used as an approved surface under this code.

(c) A material that has equivalent characteristics of subsection (a) or (b) or which is defined in this section under approved parking surfaces..

(3) A valid building permit shall be obtained from the City's Secretary's office prior to any construction, maintenance or use contemplated under this code.

(E) (1) For multi-family, single-family and duplex use, the surface of a parking space, maneuvering area of parking or driveway must consist of an all-weather and drainable material which is approved by the Building Official or a material specified in subsection (2).

(F) Approved surface must be used from and after the effective date of the ordinance. In the event a current surface, made unapproved by this section, falls into such disrepair that less than 50% of the pre-existing surface remains, any repair to the surface must be made consistent with the provisions of this section. Nothing in this section, however, shall prevent an owner of property to repair an existing surface, now unapproved by this section, to maintain same in its original condition. Notwithstanding the foregoing, no existing unapproved surface shall be increased beyond existing

dimensions. All surfaces must be consistent with these provisions, if, in the discretion of the Building Official, the existing surface fails to comply with these provisions.

(G) Violation of this section shall be punishable as provided in § 72.99 of this code. Each day any such violation shall continue shall constitute a separate offense. Each vehicle, motor vehicle, trailer, mobile home or motor home parked in violation of this section shall constitute a separate offense. ('97 Code, § 15-135) (Ord. 1982-N, passed 4-27-82; Am. Ord. 1995-G, passed 3-28-95; Am. Ord. 1997-L, passed 9-23-97) Penalty, see § 72.99

§ 72.16 PARKING ON UNAPPROVED SURFACES IN COMMERCIAL DISTRICTS.

A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVED SURFACE. A surface on a compacted sub grade consisting of:

- (a) Concrete paving;
- (b) Hot mix asphalt paving which consists of a binder and surface coarse; or
- (c) A material which has equivalent characteristics of subsection (a) or (b) above and which has the approval of the City Building Inspector.

UNAPPROVED SURFACE. Any surface not approved as defined in this division.


Section 4. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 13th day of August, 2013.



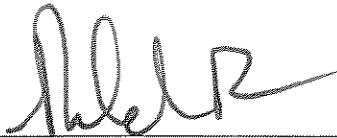
Luis D. Carrera Mayor

ATTEST:



Bret Haney Asst City Administrator

APPROVED AS TO FORM:



Robert F. Brown City Attorney