

**CITY OF COCKRELL HILL, TEXAS**

**ORDINANCE NO. 2017 -01242017 O-A**

**AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 72, “STOPPING, STANDING AND PARKING,” REGARDING CERTAIN PARKING REQUIREMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE, PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (“City Council”) of the City of Cockrell Hill (“City”) recently reviewed and studied certain aspects of the City’s parking regulations; and

**WHEREAS**, the City Council has determined that certain aspects of the City’s parking regulations should be amended to remove potential inconsistencies and to better serve the public interest; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City and its residents to make certain changes to the Code of Ordinances of the City of Cockrell Hill, Texas (“Code”), to reflect the desired changes to the City’s parking regulations and the City’s truck route regulations as reflected in this Ordinance.

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

**Section 1.** That 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 following sections of Chapter 72 of the Code are hereby amended to read as follows:

**CHAPTER 72: STOPPING, STANDING AND PARKING**

- 72.01 Parking prohibited for certain purposes
- 72.02 Fifteen feet of roadway to be left available for traffic
- 72.03 Designation and marking of parking stalls and areas where parking is prohibited or limited
- 72.04 Parking in prohibited areas; overtime parking
- 72.05 Parallel and angle parking
- 72.06 Parking or standing in alleys
- 72.07 Parking near schools
- 72.08 Parking on narrow streets
- 72.09 Parking in hazardous or congested places
- 72.10 Loading and unloading generally
- 72.11 Backing to curb for loading and unloading; permit
- 72.12 Loading zones
- 72.13 Presumption that owner of vehicle illegally parked same
- 72.14 Authority of police to move standing vehicles

- 72.15 Parking on unapproved surfaces in residential districts
- 72.16 Parking on unapproved surfaces in commercial districts
- 72.17 Parking of certain vehicles
- 72.18 Screening of certain parked vehicles and equipment in residential districts
- 72.99 Penalty**

**§ 72.01 PARKING PROHIBITED FOR CERTAIN PURPOSES.**

Any person who shall park or permit to be parked any vehicle on any street in the city for the purpose of exhibiting the vehicle for sale, for the purpose of washing the vehicle or for the purpose of making repairs to the vehicle, except the repairs as may be necessary as emergency repairs, shall be deemed guilty of a violation. ('97 Code, § 15-121) Penalty, see § 72.99

**§ 72.02 FIFTEEN FEET OF ROADWAY TO BE LEFT AVAILABLE FOR TRAFFIC.**

No person shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than five feet of each lane of a roadway (a total of ten feet in the center of the roadway) for free movement of the vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a police officer. ('97 Code, § 15-122) Penalty, see § 72.99

**§ 72.03 DESIGNATION AND MARKING OF PARKING STALLS AND AREAS WHERE PARKING IS PROHIBITED OR LIMITED.**

(A) The Superintendent of Public Works shall cause parking stalls to be maintained and marked off in and on such streets and parts thereof as may be designated by the City Council from time to time, and she shall cause spaces in which parking is prohibited to be maintained and marked off in and on the streets and parts thereof as may be designated by the City Council from time to time. The Superintendent of Public Works shall also cause time limit parking areas to be maintained and marked off in and on such part or parts of streets as may be designated by the City Council from time to time. All such spaces or areas shall be clearly indicated by appropriate signs or by markings on the pavement or curb.

(B) In areas designated as time-limit parking areas, parking may be limited to any period prescribed by the Council, the same to be designated with clearly distinguished markings or signs at both ends of the time limit area and at reasonable intervals between the beginning and ending of such time limit area, indicating the time allowed for parking in such area.

(C) Any prohibition of or time limit on parking established under this section shall apply on such days and between such hours as prescribed by the Council. ('97 Code, § 15-123)

## **§ 72.04 PARKING IN PROHIBITED AREAS; OVERTIME PARKING.**

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle 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 or remain in any space or area in which parking is prohibited as provided in § 72.03 or in a time limit parking area for a longer period of time than that designated by the markings on the street or by clearly visible signs, or on any public street for any period of longer than 48 hours without being moved.

('97 Code, § 15-124) Penalty, see § 72.99

## **§ 72.05 PARALLEL AND ANGLE PARKING.**

(A) No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway, except as otherwise provided in this section. On one-way streets, vehicles may be parked on the left side of the street, with the left-hand wheels within 18 inches of the curb or edge of the roadway, unless signs prohibit parking.

(B) In residential streets it shall be prohibited to head in park, angle park and double park on the r.o.w. and vehicles in violation can be removed

(C) The Superintendent of Public Works, with the approval of the City Council, shall determine upon which streets angle parking shall be permitted and shall mark or sign the streets, but the angle parking shall not be indicated upon any federal-aid or state highway within this city unless the State Highway Engineer has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or upon any railway tracks.

(D) Upon those streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.

(E) Whenever parking spaces are marked by lines on the pavement, whether for parallel or angle parking, a vehicle must be parked entirely within the lines of the parking space.

('97 Code, § 15-125) Penalty, see § 72.99

*Statutory reference:*

*Similar provisions, see Tex. Transp. Code, §545.303*

## **§ 72.06 PARKING OR STANDING IN ALLEYS.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to block the free passage of other vehicles in the alley.

('97 Code, § 15-126) Penalty, see § 72.99

## **§ 72.07 PARKING NEAR SCHOOLS.**

The Superintendent of Public Works is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when the parking would, in his or her opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

('97 Code, § 15-127) Penalty, see § 72.99

## **§ 72.08 PARKING ON NARROW STREETS.**

The Superintendent of Public Works is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by the signs, when the width of the roadway does not exceed 30 feet. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

('97 Code, § 15-128) Penalty, see § 72.99

## **§ 72.09 PARKING IN HAZARDOUS OR CONGESTED PLACES.**

The Superintendent of Public Works is authorized to determine and designate, by proper signs, places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

('97 Code, § 15-129) Penalty, see § 72.99

## **§ 72.10 LOADING AND UNLOADING GENERALLY.**

All freight trucks shall be, and are required to be, loaded and unloaded from the alley entrance, if practicable. Where conditions are such as to make the loading or unloading thereof from an alley impracticable, the trucks shall be parked on the streets in accord with all applicable provisions of this chapter.

('97 Code, § 15-130)

## **§ 72.11 BACKING TO CURB FOR LOADING AND UNLOADING; PERMIT.**

The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. The permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein stated and authorized herein, and it shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

('97 Code, § 15-131) Penalty, see § 72.99

## **§ 72.12 LOADING ZONES.**

(A) For the purposes of this section, a *LOADING ZONE* is that designated parking space for commercial motor vehicles to allow the loading and unloading of commercial items from the vehicle.

(B) 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.

(C) 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.

(D) 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."

(E) 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.

(F) 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.

(G) 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 or as a R-M Multiple-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 subgrade 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  $\frac{1}{8}$ -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) and which has the approval of the City Building Inspector.

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

(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 subgrade 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.

(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 commercial district within the corporate limits of the city.

(' 97 Code, § 15-155) (Ord. 1983-C, passed 7-12-83) Penalty, see § 72.99

## § 72.17 PARKING OF CERTAIN VEHICLES.

(A) For purposes of this section, Commercial Motor Vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, panel delivery truck, or pick-up truck. Truck-tractor, road tractor, semi-trailer, bus, trailer, and truck have the meanings as defined in V.T.C.A., Transportation Code, Sec. 541.201. For purposes of this section, Commercial Motor Vehicle means any motor vehicle designed or used for the transportation of property, not including a passenger bus, passenger automobile, motorcycle, panel delivery truck, or pick-up truck. Truck-tractor, road tractor, semi-trailer, bus, trailer, and truck have the meanings as defined in V.T.C.A., Transportation Code, Sec. 541.201.

(1) This section shall not apply to street construction, maintenance and repair equipment being used for construction, maintenance or repair of public streets or highways within the corporate limits of the city; trucks, equipment, trailers and vehicles used by public service utilities; vehicles being operation by or at the direction of public safety entities; motor buses when taking on or discharging passengers at customary bus stops; other vehicles when actually parked at a designated loading zone or where it is lawful to park a commercial motor vehicle for the purpose of accepting or delivering transportable goods; or a vehicle with a mechanical defect, making it unsafe to proceed further , in which event, it shall be lawful to stand or park the vehicle during the time necessary to make emergency repairs.

(B) In all residential districts or areas used for residential purposes:

(1) it shall be unlawful for any truck-tractor, road tractor, semi-trailer, bus, trailer, commercial vehicle, truck with a rated capacity in excess of one and one-half (1½) tons according to the manufacturer's classification, or any "modified" vehicle, such as flatbed trucks, vehicles with mounted



equipment, mechanical or hydraulic devices designed to assist in loading or unloading freight or the transporting of other vehicles, to be parked or stored in the street, yard, driveway, or any other area.

- (2) Motorhomes, recreational vehicles, campers, boats and trailers which have a length of less than twenty-five (25) feet shall not be parked in the front yard and may be parked on any side or rear yard when such vehicle is parked upon an approved surface and screened from view from any public way or from private property by a screening fence. A motor home or recreational vehicle owned by an out-of-town guest of a residential property owner may be parked on the street adjacent to the property owned by such person for a period not to exceed twenty-four (24) hours, provided such parking does not impair the regular two-way flow of traffic or cause a visibility obstruction to vehicular and pedestrian traffic.
- (3) Screening fence is defined as barrier at least six (6) feet, but not more than eight (8) feet in height constructed of stone, brick, pierced brick or block, uniformly colored wood or other permanent material which forms a visual barrier of equal character, density and design and is in conformity with Section 153.065 of the Cockrell Hill Code of Ordinances.

(C) Any truck-tractor, road tractor, semi-trailer, pole trailer, bus, trailer, commercial vehicle, truck with a rated capacity in excess of one and one-half (1½) tons according to the manufacturer's classification, a passenger vehicle designed to carry more than 16 persons including the driver, or any "modified" vehicle such as flatbed trucks, vehicles with mounted equipment, mechanical or hydraulic devices designed to assist in loading or unloading freight or the transporting of other vehicles are not allowed to be parked or stored upon any public street, alley, parkway, boulevard, or public place in any districts within the corporate limits of the city . A person commits a violation if he or she permits the parking of such vehicles in residential or commercial neighborhoods as prohibited herein. Penalty, see § 72.99

## **§ 72.18 SCREENING OF CERTAIN PARKED VEHICLES AND EQUIPMENT IN RESIDENTIAL DISTRICTS.**

REPEALED

## **§ 72.99 PENALTY.**

Any person who shall violate any provision of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be punished as provided in § 10.99. Each day of noncompliance with this chapter shall constitute a separate offense punishable by a separate fine.

(' 97 Code, § 15-158) (Ord. 1981-C, passed 5-12-81; Am. Ord. 1993-M, passed 9-14-93)

**Section 3.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions hereof; however, any complaint pending in the Municipal Court and filed under the previous versions of Chapter 72 prior to the Effective Date of this Ordinance shall not be affected by anything herein.

**Section 4.** If any section, article, paragraph, sentence clause, phrase or word in this Ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 5.** Any person, firm, or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be fined a sum in accordance with Code of Cockrell Hill, Section 10.99 for each offense, and each and every violation or day such violation shall continue or exist, shall be deemed a separate offense.

**Section 6.** 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 24th day of January, 2017.



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Luis D. Carrera, Mayor

ATTEST:



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Bret Haney, City Administrator

APPROVED AS TO FORM:



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Robert F. Brown, City Attorney