

ORDINANCE NO. _____

AN ORDINANCE ADDING CHAPTER "YARD PARKING REGULATIONS"
TO THE CODE OF ORDINANCES OF THE CITY OF TAHOKA, TEXAS;

WHEREAS, the City of Tahoka, Texas is a General Law municipality incorporated and operating under the Laws of the State of Texas; and

WHEREAS, the City of Tahoka has determined that it is in the best interest of the health, safety and welfare of its citizens to regulate the parking of vehicles on private property; and

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

PART 1: This Ordinance "Yard Parking Regulations" is hereby added to the City of Tahoka Code of Ordinances to read as follows:

YARD PARKING REGULATIONS

Sec. 1. Definitions. In this chapter:

"Residential Zoned Area" Any of the areas designated as residential zoned areas R-A1, R-1, R-2 AND R-3, and the right-of-way of any street or alley which abuts any parcel of property within such residential zoned areas.

"Private Street" A privately owned drive or roadway which has been designated as a private street or road on a subdivision plat record or has been designated as a private street or road by the Tahoka City Council.

"Vehicle" means every device in, upon which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, campers, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and or antique farm equipment of a decorative nature.

"Front Yard" means the area from the front face of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area from the front building line to the front property line or street right-of-way.

"Rear yard" means the area from the rear face of a residential structure to the rear property line.

“*Side yard*” means the area from the side of a residential structure to the side property line.

“*Corner Lot*” means a residential property located at the intersection or confluence of two or more street such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

“*Driveway*” means the primary improved or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

“*Improved Parking Surface*” A surface paved, covered or improved with asphalt, gravel, rock, caliche, brick, concrete or some other impervious all-weather surface.

Sec. 2 Yard Parking Regulations

1. Parking on unimproved surfaces is prohibited by this ordinance. A person commits an offense if, upon any lot in a Residential Zoned Area, including single-family, apartment, duplex or townhouse lot or tract:
 - a. The person causes, permits or allows the parking or storage of any vehicle in the front yard and or side yard upon any surface other than an improved parking surface.
 - b. The person causes, permits or allows the parking or storage of any vehicle in the side yard or rear yard of a corner lot upon any surface other than an improved parking surface, unless otherwise concealed from view from all public street rights-of-way by:
 - i. A solid, opaque, screening or fence or wall at least six (6) feet in height;
 - ii. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
 - iii. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
 - iv. Any other form of compatible and appropriate screening approved by the City.
2. No vehicle, as described above, shall for any period of time be parked entirely or partially, within the front yard and or side yard of any lot in a Residential district or any other lot used for residential purposes, except in conformance with the following conditions:
 - a. Any vehicle during the process of loading and unloading only for a period not exceeding seven (7) days during a thirty (30) day period;

- b. The recreational vehicle of a non-Tahoka resident on the lot or parcel of a person he/she is visiting. However, the recreational vehicle shall only be allowed to be parked on the lot for a maximum of seven (7) days during a thirty (30) day period.
- 3. It is an affirmative defense to prosecution for parking or storing vehicles on an unimproved surface or in an unconcealed or unscreened manner if such vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right-of-way.

Sec. 3 Enforcement.

- 1. The Code Enforcement Officer or City Police Department shall be responsible for enforcement of all provisions of this Section pertaining to yard parking.

Sec.4 Penalty provision.

The City of Tahoka may impose a fine not to exceed \$500 for each violation of this ordinance.

AND IT IS SO ORDERED

Passed by the City Council on first reading this _____ day of _____, 2016.

JOHN BAKER, MAYOR

ATTEST:

Jerry Webster, City Manager

APPROVED AS TO FORM:

W. Calloway Huffaker, City Attorney