

CITY OF OAK RIDGE
KAUFMAN COUNTY, TEXAS

ORDINANCE 39-16
COMMERCIAL TRUCK PARKING PROHIBITION
IN DISTRICTS ZONED RESIDENTIAL

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, PROHIBITING AN OWNER OR OPERATOR OF A COMMERCIAL MOTOR VEHICLE FROM PARKING IN A DISTRICT ZONED RESIDENTIAL; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge, Kaufman County, Texas (the “City”), is authorized to prohibit an owner or operator from parking a commercial motor vehicle within a district zoned residential to protect the health, safety and general welfare of the residents of the City by preserving the appearance and character of the City and preventing impediments to the ingress and egress of emergency and fire protection vehicles and equipment in the City; and

WHEREAS, the City Council of the City of Oak Ridge (the “City Council”) has determined that it is in the best interests of the City and its residents to prohibit an owner or operator from parking a commercial motor vehicle within a district zoned residential, and to create an offense and authorize a penalty upon conviction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE, KAUFMAN COUNTY, TEXAS THAT:

SECTION I

The City’s “Commercial Motor Vehicle Parking Prohibited in Districts Zoned Residential” provisions are hereby adopted and shall read as follows:

PART 1: PURPOSE

To protect the health, safety and general welfare of the residents of the City, to preserve the appearance and character of the City, and to prevent impediments to the ingress and egress of emergency and fire protection vehicles and equipment in the City by prohibiting the parking of commercial motor vehicles within a district within the City zoned residential pursuant to the comprehensive zoning ordinance of the City, Ordinance 16-11, as amended.

PART 2: DEFINITIONS

For purposes of this Ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words not defined in this part shall be given their common and ordinary meaning.

Commercial motor vehicle. A motor vehicle that either: (1) weighs over 14,001 pounds with a gross vehicle weight rating (GVWR) of Class 4 or greater; (2) exceeds thirty-five (35) feet in length; or (3) carries hazardous materials or solid waste regardless of weight or length. A commercial motor vehicle does not include a governmentally owned or leased vehicle or public utility vehicle.

PART 3: UNLAWFUL ACTS, EXCEPTION AND AFFIRMATIVE DEFENSE

- (a) No owner or operator of a commercial motor vehicle shall park or store a commercial motor vehicle upon any public property located in any zoning district in the city, including but not limited to public streets, alleys, rights-of-way, sidewalks, parkways or other public property, except in designated parking spaces on such public streets or rights-of-way.
- (b) No owner or operator of a commercial motor vehicle shall park or store a commercial motor vehicle on private property in a district zoned residential other than in an enclosed building that is constructed in compliance with all other city ordinances, except to expeditiously deliver to or from a specific designated location or loading or unloading personal property to or from a specific designated location or to provide a service at a specific designated location while in the normal course of business for which the commercial vehicle operates.
- (c) It shall be an affirmative defense to a prosecution under this ordinance that during a delivery or performance of a service to or from a specific designated location, a commercial vehicle is disabled in such a manner and to such an extent that it is impossible to move such vehicle until the owner or operator of such vehicle arranges for such vehicle to be repaired or towed.

PART 4: PENALTY PROVISION

Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum of not less than one dollar (\$1.00) nor more than five hundred dollars

(\$500.00). The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION II.

Repeal of Conflicting Ordinances. This Ordinance, upon its enactment and effective date, shall repeal all conflicting ordinances related to commercial motor vehicle parking in districts zoned residential.

SECTION III.

Severability. Should any part, subpart, section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City of Oak Ridge hereby declares that it would have passed this Ordinance each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION IV.

Effective Date. This Ordinance shall take effect immediately after its passage and publication of the caption as required by law.

DULY PASSED by the City Council of Oak Ridge, Kaufman County, Texas on the 28 day of March, 2016.

APPROVED:

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary