

CITY OF ROCKWALL

ORDINANCE NO. 08-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, REPEALING SECTIONS 16-230 AND 16-230.1 OF THE CODE OF ORDINANCES IN THEIR ENTIRETY. AMENDING THE CODE OF ORDINANCES IN CHAPTER 16 MOTOR VEHICLES AND TRAFFIC IN ARTICLE III STOPPING, STANDING OR PARKING, TO PROVIDE FOR REGULATIONS FOR OVERSIZED AND OTHER VEHICLES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the Code of Ordinances of the City of Rockwall shall be amended in Chapter 16 Motor Vehicles and Traffic, in Article III Stopping, Standing or Parking, by amending Section 16-230, which shall hereinafter read in its entirety as follows:

“Chapter 16

Article III

Stopping, Standing or Parking

Sec. 16-230 Oversized and Other Vehicles – Restrictions in Residential Zones.

(A) Definitions:

For the purposes of this section:

- (1) *Oversized vehicle* means a tow truck (wrecker), truck tractor, road tractor, semi-trailer (whether or not attached to a truck tractor or a road tractor), dump truck, bus, and passenger motor vehicle designed to carry more than 16 persons (including the driver), any vehicle greater than twenty three feet (23') in length, or any truck with a rated capacity in excess on one and one-half (1 ½) tons, according to the manufacturer's classification. The term does not include any motor vehicle owned or operated by a governmental entity.
- (2) *Vehicle for recreational use* means a motor vehicle designed as a temporary living quarters for recreational travel or vacation use, a boat or personal watercraft, and a motorcycle or all-terrain vehicle designed or equipped only for off-road use. The term includes a travel trailer, camping trailer, truck camper, motor home, trailers used to carry boats, personal watercraft, motorcycles and all-terrain vehicles.

- (5) *Residential zone* means any property zoned single-family, duplex, multifamily or planned development for single-family, duplex or multifamily uses. The term includes both private and public property within such zoning districts.
- (6) *Utility trailer* shall mean an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, equipment, livestock or vehicles.

(B) Parking Oversized Vehicles and Utility Trailers in Residential Zones.

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of an oversized vehicle at any place within a residential zone.
- (2) A person commits an offense if the person parks or stands or allows the parking or standing of a utility trailer at any place within a residential zone, unless it meets the following screening requirements.
 - (a) Such equipment shall be located beside or behind the primary structure and back from the nearest corner of the front façade of the house a minimum of 10 feet, (if such equipment is 6 feet or less in height, the 10 feet minimum setback shall not apply), and
 - (b) On lots less than one and one-half (1.5) acres shall be screened from view of public street rights-of-way with a minimum 6-foot solid fence or equivalent landscaping, and
 - (c) If located on a lot which is less than one and one-half (1.5) acres, it shall be parked on an approved surface of concrete, asphalt or stabilized gravel.
- (4) It shall be an affirmative defense to prosecution under this section that the oversized vehicle or utility trailer is, at the time of the offense:
 - (a) being used in the loading or delivery of passengers or goods within a residential zone and only for such period of time as is actually necessary to accomplish such loading or delivery; or
 - (b) being used in the repair or construction of a public utility or for construction activities.
 - (c) the vehicle is associated with a service person performing work at a residence, other than the service person's residence.

(C) Parking of Recreational Vehicles on Public Property in Residential Zones:

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of a recreational vehicle on public property within a residential zone.

Section 2. Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction be subject to a fine in accordance with the general provisions of the Code of Ordinances.

Section 3. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other City section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

Section 4. This ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this ordinance.

Section 5. That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this _____ day of _____, 2008.

William R. Cecil, Mayor

ATTEST:

Dorothy Brooks, TRMC, CMC, City Secretary

APPROVED AS TO FORM:

Pete Eckert, City Attorney

1st Reading: _____

2nd Reading: _____