CITY OF MARSHALL

COMMISSION AGENDA INFORMATION SHEET:

MEETING DATE: August 11, 2016

PROJECT: Consider approval of an Ordinance approving an amendment to Chapter 27, Section 27-15.3 of the City Code of Ordinances to prohibit heavy trucks from parking on public property anywhere in the City, including streets, highways or rights-of-way (Commissioner Lewis, Public Services Director, City Attorney, Police Chief)

DESCRIPTION: This was an item brought to our attention by City Commissioner Doug Lewis because of as many as five large trucks parking on the shoulder of Highway 43 North overnight, between Bausley Road and Loop 390. Chapter 27, Section 27-15.3 prohibits non-emergency parking of heavy trucks on city residential streets, but it does not prohibit large trucks from parking on shoulders of State Highways. The trucks are parking on the shoulders overnight for convenience purposes and are not setting out reflective warning devices, which create a possible danger to the traveling public.

Police Chief Eddie Campa is in agreement that we to address this issue because of safety concerns. The attached Ordinance is intended to address the issue.

COST: -0-

FUNDING:	**Acct. Name & No**	**Original Budget**
	N/A	N/A

RECOMMENDED ACTION:
Consider approval of an Ordinance approving an amendment to Chapter 27, Section 27-15.3 of the City Code of Ordinances to add No Parking on shoulders of State of Texas Highways inside the City Limits. (Commissioner Lewis, Public Services Director, City Attorney, Police Chief)

CITY CONTACT: J. C. Hughes, Public Services Director 903-503-4503
Todd Fitts, City Attorney

ATTACHMENTS: Amending Ordinance to Section 27-15.3

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 27, TRAFFIC OF THE CODE OF ORDINANCES OF THE CITY OF MARSHALL, TEXAS, AMENDING SECTION 27.15.3 REGARDING PARKING OF HEAVY VEHICLES IN RESIDENTIAL AREAS BY EXPANDING RESTRICTED PARKING AREAS TO ALL PUBLIC STREETS; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTD IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Chapter 27 Section 27.15.3 of the City of Marshall Code of Ordinances prohibits large vehicles from parking in residential streets within the corporate City limits of Marshall, Texas; and,

WHEREAS, the City Commission finds and determines that the prohibition of parking of heavy and large vehicles on all public streets and rights-of-way within the City of Marshall will better preserve the health, safety and general welfare of the citizens of Marshall;

NOW, THEREFORE, pursuant to the authority granted by the Constitution, laws of the State of Texas,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MARSHALL:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved.

Section 2. That Chapter 27 Traffic, section 27-15.3 titled "***Same-Heavy Vehicle in residential areas***" Code of Ordinances of the City of Marshall, Texas is hereby amended as follows:
(Underscored text to be added, strikeout text to be deleted):

"Sec. 27-15.3. - Same~~—~~Heavy vehicle ~~in residential area~~ <u>parking.</u>

(a) *Definitions.* For the purposes of this section, the following words and terms shall have the meanings respectively ascribed to them:

(1) *Parking* is defined as the leaving of any vehicle unattended.

~~(2) *Residential streets* are defined as streets, avenues, boulevards, roads, alleys, lanes, viaducts and other public roadways that are within areas zoned single-family residential, duplex, apartment or mobile home districts and which are directly controlled and maintained by the city.~~

(3) *Rights-of-way* are defined as that portion of a street between the curbline and the adjacent property line.

(4) *Heavy vehicle* is defined as any motor vehicle, truck, truck-tractor, trailer or semi-trailer having a gross weight of ten thousand (10,000) pounds or more.

(b) *Parking prohibited on ~~residential streets~~ on public property; exceptions.*

(1) It shall be unlawful for any person, firm or corporation to park a heavy vehicle upon any public property, including but limited to public streets, alleys, rights-of-way, sidewalks or other public property, except in designated parking spaces on such public streets or rights-of-way, ~~on a residential street a motor vehicle, truck, truck-tractor, trailer, or semi-trailer having a gross weight of ten thousand (10,000) pounds or more,~~ excluding the following cases:

a. Postal vehicles or delivery vehicles that are in the actual process of being loaded or unloaded.

b. Vehicles of an electric utility, gas utility, telephone company, cable company, the City of Marshall, or their agent or contractor actually engaged in the repair, maintenance and/or installation of utilities serving the city.

~~c. Marked parkways.~~

~~d. Streets or highways controlled and maintained by the State of Texas.~~

c. The parking of heavy vehicles within residential districts shall be limited to the use of such vehicles, trailers or equipment in the performance of a service to the subject property for the period of time necessary to complete such service or construction and shall be limited to temporarily leaving the vehicle; in the event the same becomes disabled in the performance of service, to adjacent property in such a manner and to such an extent that it is impossible to move such vehicle or equipment until proper repair and/or towing assistance can be obtained by the owner or operator of such vehicle or equipment.

(2) The chief of police or his designee is hereby authorized to grant an exception or exceptions to the no-parking regulations upon the showing that special conditions and/or circumstances exists which justify an exemption.

(c) *Violations, penalties.*

(1) A person, firm, or corporation violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in a sum as follows:

a. First violation—Not less than twenty-five dollars ($25.00).

b. Second violation—Not less than fifty dollars ($50.00).

c. Additional violations—Not less than fifty dollars ($50.00), but not to exceed two hundred dollars ($200.00) for each additional violation.

(2) For the purposes of this section, each day that a violation continues shall constitute a separate offense."

Section 3. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551).

Section 4. That all other prior ordinances or portions of ordinances of the City of Marshall in conflict with the terms and provisions of this ordinance are hereby repealed to the extent of such conflict only.

Section 5. That the repeal of any ordinance or portion of an ordinance by this ordinance shall not affect the validity of any pending enforcement action or fines outstanding and due and payable on or before the effective date of this ordinance.

Section 6. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or in violation of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Commission of the City of Marshall that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 7. That this ordinance shall become effective immediately after its passage and publication as required by, law.

PASSED AND APPROVED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2016.

AYES: _____

NOES: _____

ABSTAINED: _____

_____

CHAIRMAN OF THE CITY COMMISSION OF THE
CITY OF MARSHALL, TEXAS

ATTEST:

City Secretary