

ORDINANCE NO. 2020-44

AN ORDINANCE OF THE CITY OF HARKER HEIGHTS, TEXAS, AMENDING SECTION 155.061(A) OF THE CODE OF ORDINANCES RELATING TO SURFACES REQUIRED FOR PARKING AND LOADING SPACES AS WELL AS AISLES AND MANEUVERING AREAS RELATING THERETO; ADDING A NEW §155.069 RELATING TO PARKING IN YARDS IN RESIDENTIAL AREAS; PROVIDING AN AFFIRMATIVE DEFENSE; PROVIDING EXCEPTIONS; PROVIDING FOR A PENALTY; PROVIDING A REPEALER CLAUSE; CONFIRMING THE HEALTH, SAFETY AND WELFARE PURPOSE OF THE ORDINANCES; CONFIRMING THE EFFECT; AND PROVIDING FOR AN EFFECTIVE DATE OF THE AMENDMENTS

WHEREAS, the City Council ("*Council*") of the City of Harker Heights ("*City*") finds that it is necessary and desirable to amend the Code of Harker Heights ("*Code*") as hereinafter provided in order to preserve the public peace in residential areas; and

WHEREAS, the parking of vehicles and trailers on lawns in residential areas creates safety hazards and diminishes the perception of these areas; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Section 155.003 Definitions of the Code of Ordinances of the City of Harker Heights is hereby supplemented with the following:

ALL WEATHER SURFACE. An impervious surface cover consisting of asphalt, concrete, or other similar permanent hard surface material sufficient to prevent ruts, mud, dust, loose material, and other nuisances.

ALTERNATIVE PARKING SURFACE. An All Weather Surface that can additionally be constructed with decomposed granite or pavers.

TRAILER. A vehicle, other than a pole trailer or semi-trailer, with or without motive power:

(A) designed to be drawn by a motor vehicle and to transport persons or property; and

(B) constructed so that no part of the vehicle's weight and load rests on the motor vehicle.

UTILITY TRAILER. A trailer which generally features an open-top cargo area (bed) and is

used for the hauling of light loads such as personal effects, articles of household furniture, loads of trash and rubbish, and does not exceed twenty (20) feet in length or seven (7) feet in width.

SECTION 3: Section 155.061 (A) of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

§ 155.061 GENERAL STANDARDS.

- (A) Parking spaces and loading berths required herein, together with aisles and maneuvering areas, enclosed or unenclosed shall be surfaced and maintained with an all weather surface. Parking spaces and loading berths shall be connected by an all weather surfaced driveway to a public street or alley.

SECTION 4: Chapter 155 of the Code of Harker Heights is hereby supplemented by the addition of Section 155.069, to read as follows:

§ 155.069 PARKING IN YARDS IN RESIDENTIAL AREAS

- (A) Except as provided herein, no person shall cause, allow, permit or suffer any vehicle, trailer, or recreational vehicle to be stopped or parked in the front, side, or rear yard of residentially zoned property except on an all-weather surface as defined in § 155.003 of this Code.
- (B) It shall be an affirmative defense to prosecution under this section that at the time of the alleged offense the vehicle was parked or left standing due to a mechanical defect which made it unsafe to move, provided that the person having ownership or control of the vehicle, as soon as reasonably possible, but taking no more than seventy-two (72) hours, has completed emergency repairs or summoned tow removal equipment, as appropriate.
- (C) Parking spaces in addition to driveways and those parking spaces required in Chapter 155 Table 21-D are permitted in residentially zoned yards, provided they are improved with an alternative parking surface.
- (1) Such additional parking spaces shall be limited to 50% of the area of the front yard or side yard.
 - (2) Such additional parking spaces shall be limited to 25% of the area of the rear yard.
- (D) The prohibition found in § 155.069 (A) does not apply to:
- (1) The parking of vehicles owned or leased by the City while being used by employees or agents of the City in the performance of their City duties; or

- (2) The parking of vehicles or trailers otherwise lawfully parked or left standing:
 - a) At a construction site while construction is in progress; or
 - b) By public utility companies at a location where public service utilities are being repaired, installed, maintained, relocated, or extended; or
- (3) The parking of Agricultural machinery or implements, including horse trailers; or
- (4) The parking of any vehicle, trailer, or recreational vehicle on an existing parking space. For the purpose of this section, an existing parking space means a clearly defined area where the soil has been compacted due to extended use so as not to create ruts when parked upon in wet weather and which is surfaced with gravel, provided said conditions existed prior to the effective date of this prohibition; or
- (5) The parking of any vehicle, trailer, or recreational vehicle on an existing driveway. For the purpose of this section, an existing driveway means a clearly defined area where the soil has been compacted due to extended use so as not to create ruts when driven upon in wet weather and is used to access an existing parking space, provided said conditions existed prior to the effective date of this prohibition; or
- (6) The parking of any utility trailer that is screened to not be visible from a public street or right-of-way, provided it is empty and does not pose a risk of fire or contamination of the soil or water table.

(E) Penalty

- (1) It shall be the duty of the Building Official to enforce the provisions of this chapter.
- (2) In case any structure is erected, constructed, reconstructed, altered, repaired, or converted or any building or land is used in violation of this chapter, the Building Official is authorized and directed to institute any appropriate action to put an end to any such violation.
- (3) Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall build or alter any structure in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$2,000, and each day such violation shall be permitted to exist shall constitute a separate offense.

SECTION 5: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 6: All regulations provided in this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this Ordinance, acting for the City in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 7: The change in the law made by this Ordinance applies only to an offense committed on or after the effective date of this Ordinance. For purposes of this section, an offense is committed on or after the effective date of this Ordinance if every element of the offense occurs on or after that date.

SECTION 8: An offense committed before the effective date of this Ordinance is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 9: This Ordinance shall be effective from and after **October 1, 2021**, and the City Clerk shall publish the caption or title of hereof within ten days of approval as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on September 8, 2020.


Spencer H. Smith, Mayor

ATTEST:


Juliette Helsham, City Secretary