

# Commercial Vehicle Parking Ordinance Updates

December 14, 2021

The logo for the City of Addison, featuring the word "ADDISON" in a bold, blue, sans-serif font centered within a white circle. The circle is set against a blue background that is part of a larger graphic design on the right side of the slide, which includes a grey triangle pointing towards the top right corner.

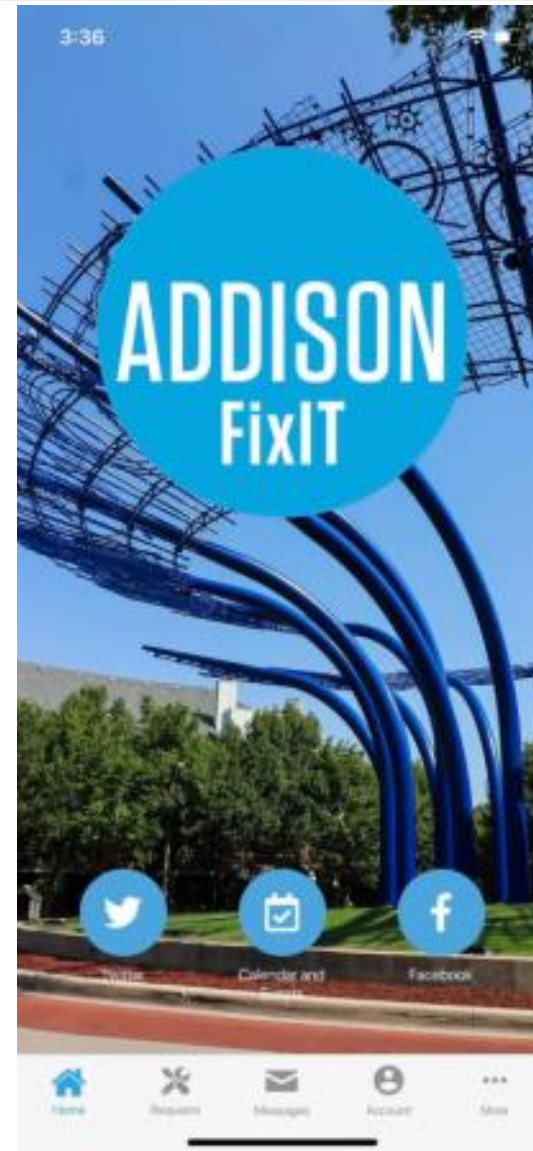
# Purpose of this Work Session Discussion

- Define the problem with the current ordinance language
- Define a commercial vehicle as it pertains to parking in residential areas of Addison.
- Highlight the current situation within many of our multi-family developments
- Facilitate a discussion with Council on feedback for an ordinance update

# Background

Commercial vehicle parking complaints, especially within our multi-family residential areas, have become a more frequent FIX IT APP request to the Town.

In response to these requests, Addison Police Department staff identified the need to update Sec 78-175 of the commercial vehicle parking ordinance which governs enforcement of these complaints.



## **Sec. 78-175. - Overnight parking of trucks and buses with more than three-quarter ton rated capacity within certain zones prohibited**

- (a) It shall be unlawful and an offense for any person to park overnight, or between the hours of midnight and 6:00 a.m., any truck-tractor, road-tractor, semitrailer, bus, truck or trailer, when such truck or trailer has a manufacturer's rated capacity in excess of three-fourths ton, **upon property within any area zoned as either single-family, duplex or multiple-family district zoning under the zoning ordinance of the town.**
- (b) This section shall not prevent the parking or standing of the vehicles described in subsection (a) of this section in such zoned areas for the purpose of expeditiously loading and unloading passenger, freight or merchandise.
- (Code 1982 § 9-132)

# Current Storage Ordinance

## Sec. 78-286. - Storage.

- (a) A person in a residentially zoned area shall not place, store or maintain on his driveway, side yard or front yard, for a continuous period in excess of 24 hours, a **mobile home, recreational vehicle, boat, trailer, camper, dismantled or inoperative truck or motor vehicle.** For the purpose of this subsection, "side yard" means an open, unoccupied space on the same lot with a building, situated between the building and sideline of the lot and extending through from the front yard to the rear yard. For the purpose of this subsection, "front yard" means the portion of a lot or tract which abuts a street and extends across the width of the lot or tract between the street and the main building.
- (b) It shall be a defense to prosecution under subsection (a) of this section if the prohibited item is enclosed in a building or structure, or concealed from view by a fence, shrubs or other landscaping. (Code 1982, § 9-205)

*\*ordinance intended for single-family home areas.*

In Addison, most housing developments are zoned as:

1. Planned Developments (PD)
2. Urban Centers (UC)
3. Mixed Use residential (MXR)

Conflicting language within current ordinance (Sec. 78-175) which calls out general residential land uses vs. specific zoning districts.

- Unfortunately, the zoning language does not support the enforcement needs of the Police Department.
- Will need to add planned-development, urban centers and/or mixed-use development language.

**PAYLOAD**



Payload is the weight of your cargo

**CURB  
WEIGHT**



Curb weight is a measurement of the vehicle's total weight -- that is, without any passengers or cargo.

**GVWR**  
Gross Vehicle Weight Rating



Gross Vehicle Weight Rating

Maximum loaded weight of a vehicle

**GCWR**  
Gross Combined Weight Rating



Gross Combined Weight Rating

Maximum towing weight of a vehicle



# Definitions – Federal

According to the Federal Motor Carrier Safety Regulations (FMCSRs), there are two different definitions for a Commercial Motor Vehicle (CMV).

1. Section 390.5 of the FMCSRs describes a CMV as any vehicle used in interstate commerce to transport passengers or property with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight of 10,001 pounds or more.

*\*This definition applies to many types of vehicles, i.e., small package delivery vehicles, pick-up trucks with trailers attached, box trucks, etc. A commercial driver's license (CDL) is not required to operate this size of vehicle.*



# Definitions – Federal Continued

The second definition of a CMV is found in Sections 382.107 and 383.5. This definition applies to motor vehicles used in commerce to transport passengers or property with a gross vehicle weight rating of 26,001 pounds or more, or a gross combination weight of 26,001 pounds or more, including a towed unit with a gross vehicle weight rating of more than 10,001 pounds.

*\*These are generally tractor/trailer vehicles. A CDL is required to operate vehicles over 26,001 pounds.*



**Commercial Motor Vehicle (Interstate) – Any self-propelled or towed motor vehicle used on a Highway in interstate commerce to transport passengers or property when the vehicle:**

- Has a Gross Vehicle Weight Rating or Gross Combined Weight Rating or actual weight, or combined weight, of 10,001 pounds or more, whichever is greater; or
- Is designed to transport more than 8 passengers (including the driver) for compensation; or
- Is designed to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation; or
- Is used to transport Hazardous Material in a quantity requiring a placard.

**Commercial Motor Vehicle (Intrastate-Texas) – Any self-propelled or towed vehicle, other than a farm vehicle with a Gross Vehicle Weight, Registered Weight, or Rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if:**

- The vehicle or combination of vehicles has an actual weight, registered weight or Gross Vehicle Weight Rating of more than 26,000 pounds; or
- The vehicle is designed or used to transport more than 15 passengers, including the driver; or
- The vehicle is used to transport hazardous materials in a quantity requiring placarding



# Examples within our Multi-Family Developments

ADDISON

These examples are NOT violations under the current ordinance.



# Examples within our Multi-Family Developments

ADDISON

These examples are violations under the current ordinance.



1. Is Council satisfied with the proposed enforcement-oriented updates to the current ordinance? *Simple solution just changes the zoning language to support enforcement needs.*
2. Is Council satisfied with the current definition (in the existing ordinance) of a commercial vehicle as it pertains to residential parking? *This is a more complex decision based on the criteria we choose (i.e., weight ratings etc.)*
3. Are there other concerns not addressed in this presentation?

Staff will take Council's direction and amend the ordinance with our City Attorney for Council consideration in January 2022.

Communicate with property management regarding changes so the residents and/or businesses understand the rules and regulations

Police Department and Code Enforcement will enforce ordinance with warnings, citations and even towing when appropriate.

# Questions?