

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 78, ARTICLES IV AND VI, BY AMENDING AND RESTATING SECTION 78-175 (OVERNIGHT PARKING OF CERTAIN VEHICLES WITHIN RESIDENTIAL AREAS PROHIBITED) AND SECTION 78-286 (STORAGE); PROVIDING FOR UPDATED REGULATIONS GOVERNING THE OVERNIGHT PARKING AND STORAGE OF CERTAIN VEHICLES WITHIN RESIDENTIAL AREAS; PROVIDING FOR A PENALTY; A SEVERABILITY CLAUSE; A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined it necessary to adopt local regulations governing the parking and storage of vehicles in residential areas to protect the health, safety, and welfare of the City’s citizens; and

**WHEREAS**, the City Council finds it necessary to prohibit the overnight parking and storage of certain vehicles in and adjacent to residential areas within the City to safeguard and protect the City’s residents and residential communities.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**SECTION 1.** That the recitals and findings set forth above are hereby found to be true and correct and incorporated as if fully set forth herein.

**SECTION 2.** That Chapter 78, Article IV, Section 78-175 is hereby amended and restated to read as follows:

“...

**Sec. 78-175. - Overnight parking of certain vehicles within residential areas prohibited.**

The city council hereby declares its purpose in enacting this section is to reduce hazardous traffic conditions and protect the health, safety, and welfare of the residents by prohibiting the overnight parking of commercial vehicles in and adjacent to residential areas within the city.

(a) The following definitions shall apply to this section:

*Commercial vehicle* means any vehicle with a manufacturer’s rating in excess of one (1) ton that is designed, intended, or used to transport passengers or property, other than a private passenger vehicle. The term shall include, but is not limited to, a truck-tractor, road-tractor, semitrailer, bus, motor home, camper trailer, special mobile equipment, truck, or trailer.

*Private passenger vehicle* means a motor vehicle which is used solely for private transportation and not used for the transportation of persons or property directly or indirectly in connection with a business or for compensation.

(b) It shall be an offense for any person to park or stand a commercial vehicle upon any public or private street, highway, alley, parking lot, driveway, or other property located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, at any time from 12:00 a.m. (midnight) until 6:00 a.m.

(c) It shall be a defense to prosecution under subsection (b) of this section if:

(i) the commercial vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise; or

(ii) the commercial vehicle is lawfully parked on private property and enclosed in a building or fully concealed from view by a fence or other lawful erected structure.

...”

**SECTION 3.** That Chapter 78, Article VI, Division 3, Section 78-175 is hereby amended and restated to read as follows:

“...

**Sec. 78-286. – Storage.**

(a) The following definitions shall apply to this section:

*Prohibited vehicle* means a mobile home, recreational vehicle, boat, trailer, camper, or a dismantled or inoperative truck or motor vehicle.

*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.

*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.

(b) It shall be an offense for any person to place, store or maintain a prohibited vehicle upon a driveway, side yard, or front yard located within, or immediately adjacent to, an area of the city classified by the comprehensive zoning ordinance for residential use, including any residential area located within a planned development, mixed-use, or other special zoning district, for a continuous period in excess of 24 hours.

(c) It shall be a defense to prosecution under subsection (b) of this section if the prohibited vehicle is enclosed in a building or fully concealed from view by a fence or other lawfully erected structure.

...”

**SECTION 4.** Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to penalty as provided for in the Code of Ordinances, as heretofore

amended, and upon conviction shall be punished by a fine set in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

**SECTION 5.** The provisions of this Ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this Ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this Ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

**SECTION 6.** All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 7.** This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law or by the City Charter or ordinance.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas, on this the 11<sup>TH</sup> day of JANUARY 2022.

**TOWN OF ADDISON, TEXAS**

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Joe Chow, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Irma Parker, City Secretary

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Whitt Wyatt, City Attorney