

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 78, ARTICLES IV, BY AMENDING AND RESTATING SECTION 78-175 PROHIBITING OVERNIGHT PARKING OF CERTAIN VEHICLES WITHIN RESIDENTIAL AREAS; PROVIDING FOR THE ADOPTION OF A RESTRICTED PARKING AREA MAP DEPICTING THE AREAS WITHIN THE CITY WHERE OVERNIGHT PARKING IS PROHIBITED; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY AND SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the Town of Addison, Texas (“City”) has determined it necessary to prohibit the overnight parking of certain vehicles in residential areas within the City to safeguard and protect the City’s residents and residential communities; and

WHEREAS, the City Council finds it would be beneficial to the public to amend the current parking regulations to further define the types of vehicles prohibited from parking in residential areas overnight and providing for the adoption of a restricted parking area map depicting those areas within the City where overnight parking of such vehicles is prohibited.

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 vehicles designed or operated primarily for commercial use within the residential areas of the city.

(a) The following definitions shall apply when used in this section:

(1) *Prohibited vehicle* means and shall include any of the following:

- (i) a box-truck, tow truck, dump-truck, concrete-mixing truck, road tractor, semi tractor, truck tractor, tractor trailer, semi-trailer, trailer, or similar vehicle;
- (ii) a recreational vehicle; or

(iii) motor vehicle, truck, van, bus or similar vehicle which is more than twenty-five (25) feet in length, eight (8) feet in width or ten (10) feet in height.

(2) *Personal business vehicle* means a prohibited vehicle described in subsection (a)(1)(iii), above, that is regularly used as the sole or primary means of transportation by a resident within a residential area to commute to and from the person's place of employment.

(3) *Residential area* means any and all residential areas depicted on the restricted parking area map.

(4) *Restricted parking area map* means the official map depicting the residential areas to which this section is applicable, adopted by ordinance and on file with the chief of police.

(b) It shall be an offense for any person to park, stand, or store a prohibited vehicle upon any public or private street, highway, alley, driveway, parking lot, on- or off-street parking area, or any other property located within a residential area between the hours of 12:00 a.m. (midnight) and 6:00 a.m.

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

- (1) the prohibited vehicle is parked for the purpose of expeditiously loading or unloading passengers, freight, or merchandise;
- (2) the prohibited vehicle is located on a public street, alley, or right-of-way and is temporarily disabled (not exceeding 48 hours) and protected by active flares or other approved signal device(s);
- (3) the prohibited vehicle is a personal business vehicle; or
- (4) the prohibited vehicle is lawfully parked on private property and enclosed in a building or fully concealed from public view by a fence or other lawfully erected opaque structure.

(d) This section does not apply to a vehicle that is owned, leased, or being operated by a state, county, or local government.

...”

SECTION 3. In conformance with Section 78-175(a)(4), as amended and restated in this Ordinance, the City Council hereby approves and adopts the Restricted Parking Area Map attached hereto and incorporated herein as **Exhibit A**. A true and correct copy of the foregoing map shall at all times be kept on file in the office of the Chief of Police and made available for public inspection in-person during the City's normal business hours and online via the Town's official website.

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 12th day of JULY 2022.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Whitt Wyatt, City Attorney

Exhibit A

RESTRICTED PARKING AREA MAP

