

ORDINANCE NO. CO32.16.02.25.C2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CHAPTER 17 TRAFFIC AND VEHICLES, ARTICLE 17.04 STOPPING, STANDING AND PARKING REGULATIONS OF THE CITY OF CEDAR PARK CODE OF ORDINANCES AND APPENDIX A, ARTICLE 10.000 STOPPING, STANDING AND PARKING FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council desires to safeguard the health, safety and general welfare of the City and its citizens; and

WHEREAS, Texas Transportation Code Sections 545.302, 642.002, 681.011, and 683.002 provide for restrictions relating to parking and the City Council desires to streamline its ordinance and yield to those statutory parking provisions; and

WHEREAS, the City Council desires to prevent the obstruction of sidewalks and public roadways by vehicles and other personal property to improve safety for drivers and pedestrians alike; and

WHEREAS, the City Council desires to provide for the safe parking of large vehicles in residential subdivisions through a permitting process; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council may adopt, publish, amend or repeal an ordinance, rule, or police regulation that is for the good government, peace, and order of the municipality.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. That Cedar Park Code of Ordinances Chapter 17 Traffic and Vehicles, Article 17.04 Stopping, Standing and Parking Regulations, is hereby amended as set forth in the attached Exhibit A.

SECTION 2. That Cedar Park Code of Ordinances Appendix A, Article 10.000 Stopping, Standing and Parking Fees, is hereby amended as set forth in the attached Exhibit A.

SECTION 3. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

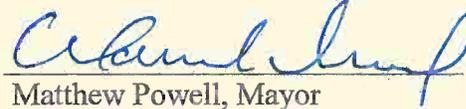
SECTION 5. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

SECTION 6. This Ordinance shall be and remain in full force and effect from and after the date of approval.

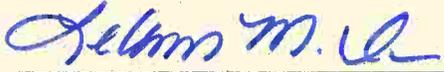
READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 11th day of February, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 25th day of February, 2016, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

CITY OF CEDAR PARK, TEXAS

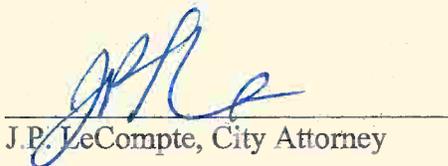

Matthew Powell, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:


J.P. LeCompte, City Attorney



ORDINANCE NO. CO32.16.02.25.C2

EXHIBIT A

ARTICLE 17.04 STOPPING, STANDING AND PARKING REGULATIONS*

Sec. 17.04.001 Purpose

The purpose of this article is as follows:

- (1) To establish general parking requirements and regulations, ~~providing including~~ definitions of terms, ~~address parking regulations~~ for all ~~motor~~ vehicles on public roadways within the City, parking of recreational vehicles, and clarifying regulations relating to abandoned vehicles in order to make the wording read clearly and enhance the enforceability of the ordinance.
- (2) To provide for the safety of pedestrians and bicycles by maintaining safe sight clearance within residential subdivisions neighborhoods, and clearing pedestrian ways ~~and establishing regulations for bicycle lanes.~~
- (3) ~~To address defined commercial and recreational vehicles which, when parked in certain areas, can cause traffic hazards by blocking the sight of traffic utilizing adjacent driveways to back out and/or bicycles or vehicles traveling on neighborhood streets.~~
- ~~(4)~~ To provide for accessibility to residences by emergency vehicles.

Sec. 17.04.002 Application of aArticle

The provisions of this aArticle prohibiting the stopping, standing or parking of a vehicle on a public roadway shall apply at all times, ~~unless otherwise or at those times~~ herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or into ~~compliance~~ with the directions of a police officer or official traffic-control device.

Sec. 17.04.003 Regulations not exclusive

The provisions of this aArticle imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 17.04.004 Definitions

~~Types of vehicles named shall have the meanings ascribed to them in Texas Transportation Code, Sec. 502.001, as it maybe amended.~~

~~Types of traffic areas and roadways named shall have the meanings ascribed to them in Texas Transportation Code, Sec. 541.302, as amended.~~

Abandoned Motor vehicle. Is abandoned if the motor vehicle:

~~(1) Is inoperable, does not have a current license sticker or inspection sticker, and has been left unattended on public property for more than forty-eight (48) hours; or~~

~~(2) Has remained illegally on public property for more than forty-eight (48) hours; or~~

~~(3) Has been left unattended on the right of way of a city street, county road, state, or federal highway for more than forty-eight (48) hours. Shall have the meaning ascribed by Texas Transportation Code Sec. 683.002, as amended. For purposes of this Article, the term shall also include motor vehicles left unattended on the right of way of a city street for more than forty-eight (48) hours.~~

Bicycle lane. An area within the roadway specifically designated for the use of bicycles.

Bicycle path. An area adjacent to a roadway specifically designated for the use of bicycles.

Commercial vehicle. Any motor vehicle designed, used, or maintained primarily for the transportation of material or property and which is used for the loading and unloading of such material or property. For the purpose of parking in a commercial service zone, a commercial vehicle shall have the name of the commercial enterprise utilizing said vehicle either permanently inscribed or painted on each side of the vehicle in letters no less than two (2) inches by one (1) inch in contrasting colors to that of the vehicle; or temporarily affixed to each side of the motor vehicle by a magnetic sign or other similar temporary device constructed of durable material not less than eight (8) inches in height by twenty-four (24) inches in width with letters no less than two (2) inches by one (1) inch in contrasting color to that of the sign.

Fire zone lane. A means of access or other passageway designated and identified to provide access for emergency apparatus where parking is not allowed. Fire zones shall have the meaning ascribed and be identified by signage "Fire Zone" with curbs painted red to designate the length of the zone markings consistent with Sec. 5.01.002 of this Code, as amended.

Motor vehicle. A self-propelled vehicle.

Recreational vehicle. Any motor vehicle or trailer designed for temporary or seasonal dwelling, camping, or recreational purposes. The term shall include travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks, vans, and buses, boats, boat trailers, personal water crafts, and personal water craft trailers.

Residential subdivision. Any platted subdivision zoned or used for any permitted residential use in the city.

Stopping, standing, and parking. Shall have the meanings ascribed to them in [Texas Transportation Code, Sec. 545.300541.401](#), et seq. as it may be amended.

Trailer. ~~Includes a semi-trailer, boat or boat trailer, recreational vehicle, house trailer, pole trailer or any other trailer as defined by Texas Traffic Laws. A vehicle with or without motive power designed to be drawn by a motor vehicle and to transport persons or property. For the purposes of this Article the term shall include house trailers, pole trailers, and semitrailers, as defined by Texas Transportation Code, Sec. 541.201, as amended.~~

~~(1) — For purposes of this article, a recreational vehicle is any vehicle or trailer designed for temporary dwelling or recreational purposes, and includes travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks, vans, and buses, boats, boat trailers, personal water crafts and personal watercraft trailers.~~

Vehicle. ~~A device that can be used to transport or draw persons or property on a highway. The term shall include motor vehicles and trailers.~~

 **Sec. 17.04.005 Parking prohibited on public roadways~~streets or in right-of-ways~~ in residential subdivisions**

It shall be unlawful for any person to stop, stand or park any vehicle having a manufacturer's rated carrying capacity of more than one and one-half (1½) tons or exceeding twenty-one (21) feet in length (measured from the outer most edge of the bumper or any appurtenances attached to such vehicle to the outer most edge of the bumper or appurtenance attached to the opposite end of such vehicle), any trailer, recreational vehicle, or any abandoned motor vehicle on any public roadway~~street or right-of-way~~ in any residential subdivision~~area zoned for residential uses~~ at any time, except as follows:

- (1) Where the operator is using such motor vehicle or trailer as defined above to make bona fide pickups or deliveries, or for the temporary loading or unloading of the vehicle, provided that the operator furnishes evidence to that effect upon demand by a peace officer and provided that the operator removes such motor vehicle or trailer from the subdivision roadway immediately upon completion of a said pickups, or deliveries, loading, or unloading;
- (2) Maintenance vehicles, trailers and equipment owned and operated by, or on behalf of, the eCity, or any public utility or governmental entity, where the person operating the vehicle, trailer or equipment is engaged in maintenance work;
- (3) Any authorized emergency vehicle as defined in Texas Transportation Code Sec. 541.201, and any amendments thereto, provided such vehicle is conclusively identified;
- (4) Any bus or school bus actively engaged in the receiving or discharging of passengers;
- (5) Recreational vehicles and roll-off dumpsters displaying valid permits issued under Section 17.04.013 of this Code; or may be parked on the street for a period of not more than seven (7) consecutive days and not more than fifteen (15) days within calendar year, provided they hold a valid permit issued by the city. Such permit shall

~~be issued to the resident or owner of the property and displayed upon the vehicle in public view noting the address where the vehicle is to be parked, date of validation and expiration date, and vehicle registration number;~~

(6) Motor vehicles and trailers left at or on an active job site under a current valid permit issued by the City;~~or~~

~~(7) It shall be unlawful to connect a recreational vehicle or utility trailer to any water or electricity, except when it is being readied for use elsewhere or for routine maintenance. It shall be unlawful under any circumstance to connect a recreational vehicle to any sewer, gas, television cable, or other utility line not listed in this section.~~

 **Sec. 17.04.006 Parking prohibited ~~at all times~~ at designated locations**

(a) When signs are erected or pavement markings are provided giving notice of a designated No Parking or restricted parking area as provided in [chapter 17, section 17.02.002](#) and [section 17.02.005](#), no person shall stop, stand or park a vehicle at any time upon any public roadway street or right-of-way at the locations so specified within the corporate limits of Cedar Park.

(b) The City shall have the authority, when reasonably necessary in the interest of public health, safety, and welfare as determined by the Chief of Police or Fire Chief or their respective designees, to temporarily prohibit or restrict the parking of vehicles along a public roadway. The City shall post signs or barricades to such effect, and no person shall stop, stand or park a vehicle on a roadway at any time while such signs or barricades are displayed.

(Ordinance CO-01-08-09-9.d adopted 8/9/01)

 **Sec. 17.04.007 Parking not to obstruct traffic ~~or bike lanes~~; angle parking**

(a) No person shall park any vehicle upon a public roadway street or alley in such a manner or under such conditions as to leave available less than ten (10) feet in width of the roadway for free movement of vehicular traffic. ~~No person shall park any vehicle upon a street in such a manner or under such conditions so as to obstruct a designated bike lane.~~

(b) Subject to subsection (a) above and except when necessary to avoid conflict with other traffic in compliance with the law, or to obey the directions of a police officer or traffic control device, angle parking is allowed in cul-de-sacs of all residential subdivisions within the corporate limits of Cedar Park ~~unless and until a demonstrated problem exists. The Cedar Park Police Department shall adopt a policy concerning cul-de-sac parking and shall investigate all complaints to determine if a problem exists. Should the Cedar Park Police Department determine that a problem exists in a cul-de-sac, the Cedar Park Police Department may take whatever steps it deems necessary to eliminate such problem, including but not limited to, recommendation to the city council to require striping of such parking areas or prohibiting angle parking in such cul-de-sac, in accordance with such policy.~~

(Ordinance CO25-02-05-23-8.A. adopted 5/23/02)

 **Sec. 17.04.008** **Parking in designated fire ~~zones~~lanes**

Except for emergency response vehicles, no person shall park any vehicle within a designated fire ~~zone~~lane.

 **Sec. 17.04.009** **Parking on public roadway~~street~~ for sale or repairing**

No person shall park a vehicle upon any public roadway ~~or public right-of-way or City-owned property~~ for the ~~principal~~ purpose of displaying such vehicle for sale, ~~greasing, or~~ repairing, servicing, or maintaining such vehicle, except repairing or servicing necessitated by an emergency.

 **Sec. 17.04.010** **~~Commercial vehicle parking~~Overnight parking of certain vehicles restricted**

No vehicle having a manufacturer's rated carrying capacity of more than one and one-half (1½) tons or exceeding 21 feet in length (measured from the outer most edge of the bumper or any appurtenances attached to such vehicle to the outer most edge of the bumper or appurtenance attached to the opposite end of such vehicle), or any trailer, recreational vehicle, or abandoned ~~motor~~ vehicle shall be parked upon any public ~~roadway~~street or public right-of-way in the eCity between the hours of 10:00 p.m. and 6:00 a.m. except for repairing or servicing necessitated by an emergency, or pursuant to a permit issued under Section 17.04.013.

 **Sec. 17.04.011** **Prohibited parking areas where no signs are required**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic in compliance with the law, or to obey the directions of a police officer or traffic control device, ~~or if the vehicle is located in a designated parking space~~, in any of the following locations:

- (1) ~~On a sidewalk or~~ In a place or manner which obstructs ~~ing~~ any portion of ~~a such~~ sidewalk;
- (2) Within street right-of-way in front of or within five (5) feet of a public or private driveway serving single-family or duplex uses ~~except in cul-de-sacs~~, or in front of or within twenty (20) feet of a driveway serving a use other than single-family or duplex (for purposes of this section, the driveway does not include the rounded or clipped corner at the intersection of the driveway and the public street);
- (3) ~~Within an intersection of two public roadways or within~~ Within the rounded corner (curb return) at ~~the an~~ intersection;
- (4) Within fifteen (15) feet of a fire hydrant;
- (5) ~~On a marked crosswalk;~~

~~(6) Within twenty (20) feet of a marked crosswalk at an intersection of two public streets;~~

~~(7) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;~~

~~(8) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;~~

(95) Adjacent to the curb of any public street unless parking is parallel and immediately adjacent to the curb of the street, the vehicle is oriented in the correct direction of travel and parking is not otherwise prohibited on the street, or unless parking is in compliance with Sec. 17.04.007(b) of this Article; or

~~(106) Within the roadway or right of way of any state maintained highways or arterial roadway so designated by the eCity within the corporate limits of the eCity;~~

~~(11) On a bridge or other elevated structure; or~~

~~(12) On a railroad track or within railroad right of way.~~

Sec. 17.04.012 Habitation of a vehicle

No person shall inhabit a vehicle, including a recreational vehicle, at any time when such vehicle is parked upon a public ~~roadway street or public right of way~~ located within the corporate limits of the eCity.

Sec. 17.04.013 Issuance of permits; fee

(a) The ~~city~~ Building Official or their designee shall may issue a permit that will allow a recreational vehicle with proof of current valid registration to be parked on ~~the streets a public roadway. The permit for a recreational vehicle shall be valid~~ for a period of not more than seven (7) consecutive days, and no recreational vehicle shall be issued such a permit for and not more than fifteen (15) days within a calendar year.

(b) The Building Official or their designee may issue a permit allowing a roll-off dumpster to be parked on a public roadway if necessary for public health and safety purposes. The permit for a roll-off dumpster shall be valid for a period of not more than seven (7) consecutive days. The Building Official may grant additional permits valid for a period of seven (7) consecutive days if necessary for public health and safety purposes.

(c) The ~~Such~~ permits shall be evidenced by an official City-issued sticker or tag that shall be prominently displayed on ~~either the door into the recreational vehicle or on the dash of a recreational vehicle~~ the recreational vehicle or roll-off dumpster, noting the address where the vehicle is to be parked, the date of validation and expiration, ~~date~~ and the vehicle registration number, if applicable.

(c) The owner or resident of the residence where the ~~recreational-permitted~~ vehicle shall be parked shall apply for such permit.

(d) Fees for the recreational vehicle permit authorized under this ~~a~~Article shall be as provided for in the fee schedule found in the ~~a~~Appendix of this ~~e~~Code.

(e) It shall be unlawful to connect a recreational vehicle parked on a public roadway to any water or electricity, except when it is being readied for use elsewhere or for routine maintenance. It shall be unlawful under any circumstance to connect a recreational vehicle to a sewer, gas, television cable, or other utility line not listed in this section.

(Ordinance CO-01-08-09-9.d adopted 8/9/01)

Sec. 17.04.014 Removal of illegally parked vehicle

(a) The ~~Chief of Police~~police department, or, in an emergency, the ~~Fire~~ eChief, Emergency Management Director, or their designee or incident commander is hereby authorized to direct the removal of any vehicle that is stopped, standing, or parked in violation of this Article or the Texas Transportation Code.~~remove and tow away, or have removed by commercial towing service, any vehicle which is stopped, standing or parked at any of the locations specified in this section, or any vehicle which is parked where signs are specifically posted as being a no parking tow-away zone.~~ A vehicle removed or towed away shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of the removal or towing fee plus a storage charge, as prescribed in ~~the city wrecker ordinance~~Appendix A of this Code, as amended.

(b) ~~The Chief of Police or their designee is hereby authorized to direct the removal of any abandoned motor vehicle from a public roadway, right-of-way, or public property. Once a motor vehicle is determined to be abandoned by the police department, or other designated employee of the city, such authorized personnel shall be authorized to remove and tow away, or have removed or towed away by commercial towing service, any vehicle that is abandoned on public property.~~ In the event, and only when, it is determined by the officer or authorized employee that the vehicle is not an immediate hazard, a sticker will be placed on the front windshield notifying the owner that the vehicle is to be towed twenty-four (24) hours after posting of the sticker if the vehicle is located on the roadway or right-of-way of a controlled-access highway, or forty-eight (48) hours after the posting of the sticker if the vehicle is located on any other public roadway, right-of-way, or public property. A vehicle removed or towed away shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of the removal or towing fee plus a storage charge, as prescribed in ~~the city wrecker ordinance~~Appendix A of this Code, as amended.

(Ordinance CO61-09-09-10-C2 adopted 9/10/09)

~~Sec. 17.04.015 Handicap zones~~

~~No person shall stop, stand, or park a vehicle other than a vehicle operated by or for a physically handicapped person and bearing a special device or decal pursuant to Texas Transportation Code~~

~~Sec. 681.011 and as it may be amended, for any length of time in any place marked as "Handicap Zone."~~

Sec. 17.04.015 Obstruction by personal property

No person shall place or position any personal property in a location or manner which obstructs any portion of a sidewalk or interferes with the flow of traffic on a public roadway. Any personal property placed in violation of this Section shall be subject to removal without notice by the Chief of Police or their designee, or by any peace officer having jurisdiction within the City.

Sec. 17.04.016 Owner's responsibility for violations

No person shall knowingly cause, allow, permit or suffer any vehicle owned by him or registered in his name or operated by him to stop, stand or be parked in violation of any provision of this ~~a~~Article or state law.

(1) If a vehicle is found to be in violation of this article or state law, it is presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place the offense occurred, ~~unless the registered owner can prove that the vehicle was operated without his express or implied consent.~~

(2) A vehicle owner who is engaged in the business of renting or leasing vehicles under written rental or leasing agreements shall not be liable for fines, costs, and fees imposed by the ~~e~~City on a rented or leased vehicle if, within thirty (30) days after receiving written notice of a parking violation, the owner provides in affidavit form the true name, address and driver's license number and state of issuance of the person in possession of the vehicle at the time the parking citation was issued, or a true copy of the lease or rental agreement in effect at the time the parking citation was issued.

(Ordinance CO-01-08-09-9.d adopted 8/9/01)

Sec. 17.04.017 Enforcement

It shall be the duty of the ~~e~~Chief of ~~p~~Police or their designee, or any other peace officer having jurisdiction within the corporate limits of the ~~e~~City, ~~a parking enforcement controller, or another individual who is designated by the chief of police~~ to enforce the provisions of this ~~a~~Article. The Fire Chief or their designee shall have authority to enforce the provisions of Sections 17.04.008 and 17.04.011(4) of this Article. (Ordinance CO-01-11-08-10.D. adopted 11/8/01)

Sec. 17.04.018 Parking violations made offense

A violation of this ~~a~~Article constitutes a Class C Misdemeanor as provided in chapter 1, article 1.01, section 1.01.009 of the Cedar Park Code of Ordinances. (Ordinance CO-01-08-09-9.d adopted 8/9/01)

APPENDIX A

FEE SCHEDULE

ARTICLE 10.000 STOPPING, STANDING AND PARKING FEES

 **Sec. 10.100 Permit fee for recreational vehicles parked on public street**

The permit that allows an owner to park a recreational vehicle on a public street shall be effective for a maximum period of not more than seven (7) consecutive days and not more than fifteen (15) days per calendar year. The permit fee shall be ~~one~~ten dollars (\$10.00) per day. (Ordinance CO-01-10-25-13.A adopted 10/25/01)