

ORDINANCE NO. 3-15-2022-1

AN ORDINANCE OF THE CITY OF CHICO, TEXAS, PROVIDING FOR THE REGULATION OF RECREATIONAL VEHICLES, TRAVEL TRAILERS, BOATS, OVERSIZED VEHICLES, AND UTILITY TRAILERS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Chico, Texas, is a Type A general law municipality located in Wise County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Chico recognizes the growth in popularity of Recreational Vehicles and Travel Trailers and a need to regulate the Use and Parking with in the City of Chico; and

WHEREAS, the City Council desires to provide its residents and visitors safe use and parking in the City; and

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the general public and has proposed these regulations for the use and parking within the City to further this interest; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of the public health, safety, morals, and general welfare.

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

SECTION 1.

Parking utility trailers, oversized vehicles, boats and recreational vehicles in residential zones.

1.001. DEFINITIONS

In this ordinance:

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Boat means a vessel propelled on water by oars, sails, or an engine and/or a trailer designed and intended to transport the vessel. A boat is not considered a vehicle, for the purposes of this ordinance.

Oversized vehicle means a tow truck (wrecker), truck tractor, road tractor, semitrailer (whether or not attached to a truck tractor or a road tractor), dump truck, bus, and passenger motor vehicle designed to carry more than 16 persons (including the driver), any vehicle greater than 23 feet in length, or any truck with a rated capacity over 1½ tons, according to the manufacturer's classification. The term "oversized vehicle" does not include any motor vehicle owned or operated by a governmental entity.

Recreational vehicle means a motor vehicle designed as temporary living quarters for recreational travel or vacation use, and a motorcycle or all-terrain vehicle designed or equipped only for off-road use. The term "vehicle for recreational use" includes a travel trailer, camping trailer, truck camper, motor home, motorcycles and all-terrain vehicles.

Residential zone means any property zoned single-family, duplex, multifamily or planned development for single-family, duplex, or multifamily uses, or used for such purposes. The term "residential zone" includes both private and public property within such zoning districts.

Utility trailer means an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, equipment, livestock, or vehicles.

1.002. PENALTY

Penalty. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction be subject to a fine.

1.003. PARKING RECREATIONAL VEHICLES, BOATS AND UTILITY TRAILERS IN RESIDENTIAL ZONES.

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of a recreational vehicle, boat or utility trailer at any place within a residential zone, unless it meets the following requirements (recreational vehicles, boats and utility trailers parked on the street are required to comply with 1.e., 2., & 3. only):
 - a. Such equipment shall be located beside or behind the primary structure and back from the nearest corner of the front facade of the house a minimum of ten feet (if such equipment is six feet or less in height, the ten-foot minimum setback shall not apply); and
 - b. On lots less than 1.5 acres, it shall be parked on an approved surface of concrete, asphalt, stabilized gravel, or pave stones, or other surface approved by the Code Enforcement Officer; and
 - c. On lots less than 1.5 acres, equipment taller than eight feet above grade shall respect a three-foot setback from all side and rear property lines; and
 - d. Loading and unloading. Notwithstanding other requirements of this section, such equipment may be parked anywhere in a residential zone for a period not to exceed 48 hours for the purpose of loading and unloading only. Safety Exception: No parking shall be allowed for Loading and Unloading on a street with a pavement width of less than fifteen (15') feet without first providing notice to the City of Chico's Police Department and obtaining a written permit.
- (2) Living or sleeping. No such equipment shall be occupied or be used for living, sleeping, or residency when parked or stored on any lot not approved for such purposes. Exception: in conjunction with an extended parking registration.
- (3) Connection to the City's Water or Sewer Systems is prohibited. This includes the prohibition of "Dumping" of waste into the City's Sewer System. Exception: in conjunction with an extended parking registration.

1.004. EXTENDED PARKING REGISTRATION FOR RECREATIONAL VEHICLES AND BOATS IN RESIDENTIAL ZONES.

- (1) A person who has registered their recreational vehicle or boat with the Office of the City Secretary shall be allowed to park a recreational vehicle or boat on private property within a residential zone in accordance with the following:
 - a. An extended parking registration may be issued for a period not to exceed five consecutive days.
 - b. The five-day period is in addition to the 48-hour allowance for loading and unloading, subject to the Safety Exception.
 - c. Registrations must be a minimum of 14 days apart and will be allowed four times within a twelve (12) month period.
- (2) The Extended Parking Registration process in this Section 1.004, shall also apply to Property Owners, that are owners of Recreational Vehicles or Boats, that need to repair, restore, or renovate their Recreational Vehicles or Boats.

1.005. PARKING OVERSIZED VEHICLES IN RESIDENTIAL ZONES.

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of an oversized vehicle at any place within a residential zone.
- (2) It shall be an affirmative defense to prosecution under this section that, at the time of the offense:
 - a. The oversized vehicle or utility trailer is being used in the loading or delivery of passengers or goods within a residential zone and only for such period of time as is actually necessary to accomplish such loading or delivery;
 - b. The oversized vehicle or utility trailer is being used in the repair or construction of a public utility or for construction activities; or
 - c. The oversized vehicle is associated with a service person performing work at a residence, other than the service person's residence.

1.006. EXCEPTION

Property owners who own recreational vehicles may receive an exception to the setback requirements of 1.003., a., & c., above by requesting an inspection and receiving a waiver, by the City's Fire Marshall or Fire Chief, stating that the setback does not create a fire hazard or obstruct access in the event of a fire.

1.007. PARKING NOT TO OBSTRUCT TRAFFIC.

- (1) No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.
- (2) No person shall park any vehicle upon the street in such a manner or under such conditions as to cause the obstruction of pedestrian traffic on the sidewalk area.
- (3) No pedestrian shall park any vehicle upon the street within 25 feet of a construction site or construction barricades.

1.008. IMPOUNDMENT OF STANDING OR PARKED VEHICLES—GENERALLY.

- (1) *Authority.* Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public place may be removed by or upon order of the chief of police, or any police officer designated by the chief of police, and placed in storage in a privately operated garage or other place designated or maintained by the city, under the following circumstances set forth in subsection (b) of this section:
- (2) *Removal and storage circumstances.* The circumstance for removal and placement in storage is when any vehicle is left standing or parked unattended for more than 24 hours in violation of any applicable section, the state law or city ordinances, rules or regulations; provided that, in the event such vehicle is parked or standing immediately in front of or immediately adjacent to property owned by the owner of such vehicle, or property rented by such owner, before such vehicle shall be removed, the owner thereof shall be given written notice after the expiration of 24 hours and shall be given an additional 24 hours to remove or cause to be removed such vehicle. Such written notice may be given by depositing the same in the United States mail, addressed to the owner at the address given on the registration receipt of the vehicle, or his last known address. Any vehicle moved during any given 24-hour period and relocated within 100 feet from the original parking space shall not be entitled to have the 24-hour period tolled.
- (3) *Penalty.* Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a fine.

1.011. LIABILITY OF CITY.

The provisions of section Impoundment of standing or parked vehicles – Generally, shall not be construed to relieve from or lessen the responsibility of any person who shall leave his vehicle parked on the streets of the city in such a manner that the same may be impounded; nor shall the city be held as assuming any such liability by reason of impounding or causing to be impounded such vehicle.

1.014. SPECIAL PARKING.

- (1) The Mayor with the concurrence of the chief of police may issue special permits for a definite period of time to allow parking of an unusual nature which may be contrary to or in violation of any of the provisions of this article.
- (2) It shall be unlawful for any person to use this permit for purposes, places or times other than that clearly indicated in the written permit.
- (3) It shall be unlawful for any person other than those named in the permit to use such permit for any purpose whatsoever.

SECTION 2.

CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Chico, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

SEVERABILITY CLAUSE

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

PENALTY FOR VIOLATION

Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with law. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder for violation of this ordinance.

SECTION 5.

SAVINGS CLAUSE

All rights and remedies of the City of Chico are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance or any other ordinance or regulation provision affecting platting, dedication and development which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

PUBLICATION CLAUSE

The City Secretary of the City of Chico is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official City newspaper two times as required by Section 52.011 of the Texas Local Government Code.

SECTION 7.

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication, as provided by the law.

SECTION 8.

OPEN MEETING

It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.

PASSED AND APPROVED ON THIS 15th DAY OF MARCH 2022.

COLLEEN SELF, MAYOR

ATTEST:

RHONDA RICHEY, CITY SECRETARY