

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE PROHIBITING OVERNIGHT PARKING OF COMMERCIAL MOTOR VEHICLES AND CAMPERS UPON PRIVATE PROPERTY; CREATING OFFENSES AND PROVIDING PENALTIES FOR VIOLATION; PROVIDING FOR PUBLICATION; AND AUTHORIZING SUBMISSION INTO THE CITY'S CODE OF ORDINANCES**

**WHEREAS**, the utilization of commercial motor vehicles and campers upon private property within the City of Buda for temporary residential purposes or temporary storage presents public safety concerns due to fire danger, increased crime, overcrowding, unsanitary conditions and accumulations of waste and debris due to lack of adequate potable water, wastewater, and solid waste facilities, and is contrary to the character and established uses of zoning districts within the City of Buda; and

**WHEREAS**, Local Government Code section 601.001 grants a municipality by ordinance to regulate the parking of motor vehicles on private property; and

**WHEREAS**, the City Council finds that it is in the best interest of the citizens of the City to implement commercial parking regulations.

**BE IT ORDAINED** by the City Council of the City of Buda, Texas as follows:

**Section 1.** There is enacted a newly created division of Article 22.04 of the Code of Ordinances of the City of Buda, Texas entitled "Division 3. Overnight Parking" consisting of Section 22.04.032 to read as follows:

**Section 22.04.032. Parking Overnight**

(a) Except as otherwise provided in the Unified Development Code, including but not limited to bona fide permitted truck stops, truck dealerships, truck repair, freight services and warehousing and industrial facilities, it is unlawful for any person to park and leave unattended any commercial vehicle or camper on non-residential private property in the City of Buda between the hours of 9 p.m. and 9 a.m.

(i) This restriction does not apply to private parking lots of hotels, motels or other establishments providing overnight accommodations.

(ii) This restriction does not apply to private parking lots of establishments providing accommodations, meals, and other services for travelers between the hours of 9 p.m. and 9 a.m.

(b) The term "*commercial vehicle*" shall mean truck-tractor, road tractor, semi-trailer, bus, truck or trailer or any other commercial vehicle with a rated carrying capacity of two (2) tons or more according to the manufacturer's classification.

(c) The term "*camper*" shall include all travel trailers, towed trailers, folding camping trailers, fifth wheels, and truck campers.

(d) Upon approval by resolution, the City Council may temporarily suspend the restrictions imposed by section 22.04.032(a) in order to accommodate special events held within the City. The resolution of suspension shall become effective forty-eight (48) hours prior to the official start of the scheduled event and shall terminate forty-eight (48) hours after official conclusion of the event.

(e) Each day that a person remains in violation of this ordinance shall constitute a separate offense. In the prosecution of an alleged violation of this ordinance no proof of a culpable mental state shall be required. A person who violates this section shall be guilty of a class C misdemeanor and shall be punished by a fine not to exceed \$500.00 for each day or part thereof that the violation occurs. The registered owner of the vehicle and/or the driver is considered the responsible party.

**Section 2. Severability.** If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.

**Section 3. Publication and Effective Date.** This Ordinance shall become effective following passage on second reading and publication in accordance with Section 3.11(D) of the City of Buda Home Rule Charter.

PASSED AND APPROVED on first reading by an affirmative vote of the City Council of the City of Buda, this 5<sup>th</sup> day of March, 2013.

PASSED, APPROVED AND ADOPTED on second reading by an affirmative vote of the City Council of the City of Buda, this 19<sup>th</sup> day of March, 2013.

APPROVED:

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Todd Ruge, Mayor

ATTEST:

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City Secretary