



City Council Agenda Item Report

March 19, 2013

Contact – Chance Sparks, AICP, CNUA, Director of Planning 312-0084

csparks@ci.buda.tx.us

SUBJECT: Deliberation and possible action on the second reading of an ordinance prohibiting overnight parking of commercial motor vehicles and campers upon private property.

1. BACKGROUND/HISTORY

The City Council requested staff prepare an ordinance to address issues with commercial vehicles & trailers being left unattended on private property. The City Council indicated desire for an ordinance that allows for enforcement action against drivers and owners rather than just the property owners given the additional steps required to pursue such issues under trespass statutes. This request was primarily in response to trucks and trailers left overnight unattended behind Cabela's.

2. FINDINGS/CURRENT ACTIVITY

The attached ordinance has been developed by Staff to address ongoing concerns about misuse of private commercial parking lots. It was prepared after examining several similar ordinances within the state as well as out-of-state, with the goal being to develop an ordinance that would be simple to implement from an enforcement perspective while also providing sufficient standards for prosecution (rather than a 'bluff' ordinance with limited enforceability).

Specifically, the proposed ordinance prohibits commercial vehicles and trailers from being left unattended between 9am and 9pm. Under this scenario, trucks would still be able to take Federally-required rest behind the Cabela's provided that they did not leave vehicles unattended, but it would put a stop to businesses treating it as a freight transportation service depot—leaving trailers and trucks unattended for extended periods overnight. In addition, it establishes a penalty not to exceed \$500, which should serve as a deterrent. Staff has updated the ordinance to clarify the responsible party for the purposes of enforcement. Strengthening beyond what was contained in the first reading may require additional meetings prior to approval in order to allow the public sufficient notice.

3. FINANCIAL IMPACT

N/A

4. ACTION OPTIONS/RECOMMENDATION

City Council may discuss and take action to approve the ordinance, approve with amendments specified, table action pending revisions, or take no action.

5. ATTACHMENTS

Draft Ordinance