

# Ordinance Comparison: Prior Draft vs. Mesquite-Based

Topic Area	Prior Draft	Mesquite-Based	Staff Commentary
<b>Affected Vehicles</b>	Includes campers in addition to commercial vehicles	Includes only commercial vehicles	The definition of commercial vehicle is virtually identical in both ordinances. Staff included campers in the prior ordinance due to concern about RVs (particularly a modified school bus) parking behind Cabela's mentioned at the 2/5/13 meeting. Staff can modify the prior draft to remove "campers" if City Council feels it is not necessary.
<b>Approach to Commercial Vehicles Integrated with Business</b>	Addressed within the actual regulation. Ordinance references UDC, exempting bona fide permitted truck stops, dealerships, truck repair, freight services and warehousing & industrial facilities	Addressed using a definition, which is then referenced later in the ordinance. Definition emphasizes vehicle use as necessary to the operation of the lawfully zoned business without which operation of said business would be substantially hindered. Use simply for advertising, name exposure and promotion not allowed.	Both effectively accomplish the same thing. The Mesquite-based ordinance goes on to address commercial vehicles that are primarily for advertising/name exposure purposes. The City of Buda addresses this to some degree in the UDC under the sign regulations, which prohibit use of a vehicle as a business sign.
<b>Parking on Public Streets</b>	Not addressed	Prohibits a commercial vehicle from parking, standing or being left on any public street or property owned or controlled by any unit of gov't, with certain exceptions (buses, infrastructure, designated loading zone, expeditious delivery/pick-up, unsafe mechanical failure).	This is a provision staff can easily add to the draft ordinance if City Council is interested. Staff's understanding from prior meetings was parking on public streets was not the primary issue in need of addressing, but doing so is straightforward.
<b>Parking in Residential Areas</b>	Not addressed; addressed elsewhere in Code of Ordinances	Prohibited except for expeditious delivery/picking up merchandise in normal course of business.	Section 22.03.001(b) of the Code of Ordinances already prohibits operation of commercial vehicles on residential streets except for occasional and irregular deliveries, though the definition of commercial vehicle is slightly different (gross weight rather than rated capacity). Prohibiting parking would achieve greater clarity.
<b>Technical Specifications</b>	Not addressed; addressed in UDC and technical manual	Parking surface design specifications for commercial vehicle parking listed in ordinance.	Technical specifications should not appear in the Code of Ordinances to the extent possible. In the case of Buda, such specifications already appear in either the Unified Development Code or a referenced technical manual. To add a specification by ordinance creates opportunities for conflict & inconsistency.

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<p><b>Parking in Non-Residential Areas</b></p>	<p>Prohibits <i>unattended</i> commercial vehicles &amp; campers between 9pm and 9am (based on Cabela’s operating hours)</p>	<p>Prohibits leaving, parking or standing of commercial vehicles on property zoned <i>nonresidential</i> unless it is:</p> <ul style="list-style-type: none"> <li>• zoned industrial,</li> <li>• loading/unloading/passengers/freight/merchandise,</li> <li>• integral to the particular business (see definition),</li> <li>• a bus parked in a parking lot designated by the owner for bus parking and the passengers are customers of the retail center/hotel/ motel, it is at an exhibit hall (subject to parking permit),</li> <li>• a rental truck for the purposes of moving, or it is parked in a truck parking area at a motel or hotel within the City which has been specifically approved for truck parking by the City Council (application, notification, review criteria)</li> </ul>	<p>Staff believes the approach in the Draft Ordinance will functionally solve the problem of vehicles being left unattended for extended periods of time. It does not, however, address truckers taking their “rest” overnight. Prior discussions with City Council seemed to indicate unattended vehicles as the primary problem. To do more would involve either a full prohibition (i.e. Mesquite) or a time restriction. Staff believes a full prohibition would result in the businesses along I-35 responding negatively, while a time restriction would be viewed as more reasonable.</p> <p>In the Mesquite ordinance, it is difficult to determine whether the commercial vehicle driver is actually a customer of the business. The police cannot simply wait next to a truck to see if the driver comes out with a receipt—even then, the driver simply may not have found what he/she was looking for and has nothing to reflect being a customer. Instead, this could be resolved using a maximum parking time restriction (i.e. 3 hour maximum). That allows for shopping, etc., but prevents the problems we’ve been having. This could be enforced by police stopping in known problem locations every couple of hours to note license plates. It creates some enforcement burden, but is easier to enforce &amp; prosecute.</p> <p>Also, many of the restaurants along I-35, particularly restaurants, rely on buses stopping with groups of some kind. These businesses often lack actual designated bus/truck parking, instead relying on oversized parking lots nearby (i.e. Cabela’s and Walmart). This can be rectified by removing the parking area designation and instead placing a time limit restriction. Likewise, hotels/motels do not have specifically designated spaces for bus parking.</p>
<p><b>Fines</b></p>	<p>\$500, with the ordinance clearly identifying the driver or registered owner as the responsible party.</p>	<p>\$500, but does not clearly establish who the responsible party is. The penalty is not part of the codified sections.</p>	<p>Draft ordinance is better in this regard, as it clearly establishes who the responsible party is. This, in turn, improves enforcement. Also, the penalty is part of the codified language in the Draft ordinance.</p>