

ORDINANCE NO. 315-20

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, REPEALING CITY ORDINANCE NO. 315-18, REGULATING THE PARKING AND STORAGE OF MOTOR VEHICLES, TRAILERS, RECREATIONAL VEHICLES; MOTORIZED EQUIPMENT AND TRUCK TRACTORS WITHIN THE CITY OF ROMAN FOREST; PROVIDING DEFINITIONS; PROHIBITING CERTAIN RECREATIONAL VEHICLES FROM BEING PARKED OR STORED AT A RESIDENCE; PROHIBITING TRUCKS OF MORE THAN A CURB-WEIGHT OF 8000 POUNDS FROM PARKING ON CITY STREETS AND RESIDENTIAL PROPERTY; PROHIBITING PARKING OF MOTOR VEHICLES, TRAILERS, AND RECREATIONAL VEHICLES ON CITY STREETS; PROHIBITING MOTOR VEHICLES TO BE PARKED IN FRONT OF A RESIDENCE ON AN UNIMPROVED SURFACE; PERMITTING EXCEPTIONS FOR CERTAIN RECREATIONAL VEHICLES ONLY; PROVIDING A PENALTY OF UP TO \$500.00 PER DAY FOR VIOLATING THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING THE EFFECTIVE DATE AFTER PUBLICATION

WHEREAS, the City Council of the City of Roman Forest, Texas, desires to repeal City Ordinance No. 315-18, dated May 15, 2018, by amending the established guidelines for the parking and storage of certain motor vehicles and recreational vehicles as defined herein at residences within the City to eliminate the occurrence of non-residential use, on-street parking and traffic congestion and public health and safety hazards caused by certain vehicles; to enforce certain restrictive covenants imposed upon all residential lots within the City; and to insure that such vehicles do not interfere with the use and enjoyment of adjoining property owners' property; and

WHEREAS, the City Council as a general-law municipality has exclusive control over the highways, streets, and alleys of the City pursuant to Section 311.002 and Section 311.003 of the Texas Transportation Code; and

WHEREAS, pursuant to the Texas Local Government Code, the City Council may require compliance with a restriction contained or incorporated by reference in a properly recorded plan, plat, or other instrument that affects a subdivision located inside the boundaries of the municipality; and

WHEREAS, the City Council desires to regulate the parking of certain motor vehicles and recreational vehicles that may impair the line of sight and value of residential

lots within the City; and

WHEREAS, the City Council desires to prohibit the parking of motor vehicles in front of any residence on an unimproved surface;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, THAT:

**SECTION I.
DEFINITIONS**

- a. **"City"** means the City of Roman Forest, Montgomery County, Texas.

- b. **"Code Enforcement Officer"** means an authorized agent of the City of Roman Forest who enforces the city's established code requirements, ordinances, zoning laws and building ordinances.

- c. **"Hard Surface"** means cement, rock, asphalt, or grass parking surface, which is free of litter, debris, weeds, or other objectionable material or objects.

- d. **"Unimproved Surface"** means surface other than a city approved paved surface.

- e. **"Improved Surface"** means a continuous area used for the movement or parking of vehicles that is constructed of concrete.

- f. **"Front Yard"** means the area on a residential lot between the city street and the setback/building line.

- g. **"Approach"** means an area or improvement between the roadway of a public street to a definite area of the private property intended for the use of ingress and egress of vehicles.

- h. **"Person"** means any individual, firm, trust, partnership, association, or corporation.

- f. **"Recreational Vehicle"** means a motor home, motorized dwelling, boat, personal watercraft, boat trailer, travel trailer, utility trailer, livestock trailer, pop-up tent trailer, self-contained pickup camper, and the like if applicable by law.

- g. **“Motor Vehicle”** means an automobile, truck, and any other motorized device, if applicable by law.
- h. **“Trailer”** means a vehicle that is (a) designed or used to carry a load wholly on its own structure and (b) is drawn or designed to be drawn by a motor vehicle.
- i. **“Truck Tractor”** as that term is defined in Section 502.001(23) of the Texas Transportation Code means a vehicle typically with three axles, designed to pull a semi-trailer or other vehicle.
- j. **“Vehicle”** means a device in or by which a person or property is or may be transported or drawn on a public street or highway.

SECTION II.

PARKING OF CERTAIN VEHICLES PROHIBITED ON RESIDENTIAL STREETS

1. No person shall park or permit or cause to be placed, stored, or parked on any street within a residential area within the City, unless unloading or unloading equipment and only during daylight hours:
 - a. A motor vehicle exceeding the curb-weight of 8000 pounds.
 - b. A trailer that is not attached to a towing vehicle.
 - c. A recreational vehicle.
 - d. A truck tractor, with or without a trailer attached.
 - e. A truck larger than a curb-weight of 8000 pounds unless unloading equipment and not to exceed day light hours

SECTION III.

PROHIBITED PARKING OF LARGE TRUCKS ON PROPERTY

1. It shall be unlawful for any person to store or park, or allow any person to store or park visible from the roadway on residential lots, or roads within the City:
 - a. A truck tractor or vehicle larger than a curb-weight of 8000 pounds in front of the property setback.
 1. Exceptions: All publicly owned or franchised emergency vehicles required by the various municipal, state or publicly franchised utility departments to be taken home by its on-call employees charged with making emergency utility service repairs shall be exempt.
 - b. Any motor vehicle not legally licensed, if applicable by state law, within three months of expiration.
 - c. Any motor vehicle not legally inspected, if applicable by state law, within

- three months of expiration.
- d. Automobiles, trucks, or other vehicles used for parts.

SECTION IV.
RESIDENTIAL OFF-STREET/ONSITE PARKING REGULATIONS

1. It shall be unlawful for any person to park or store, or allow any person to park or store any recreational vehicle in the City of Roman Forest:
 - a. In front of any portion of a residence to include any portion of a front yard of any lot and side yard of any corner lot which are zoned or used for residential purposes.
 - b. On any vacant unimproved lot unless owned by homeowner and adjacent to house.
 - c. On any City easement, public street, or public right-of-way.
 - d. On any driveway in such a way as to constitute a clear and demonstrated traffic hazard or threat to public health and safety.
2. Recreational vehicles may be parked on the grass or on a hard surface behind or adjacent to a residence, but in no case in front of any portion of the setback/building line. Special consideration for corner lots will be reviewed by a Code Enforcement Official and may be taken before City Council for consideration for a variance.
3. Under no circumstance may a recreational vehicle parked at a residence extend over the front property line onto the City street or road right-of-way.
4. It shall be unlawful for any person to park or store, or allow any person to park or store a motor vehicle on an unimproved surface in front of any portion of a residence to include any portion of a front yard or approach, of any residential lot and side yard of any corner residential lot within view of the roadway.

SECTION V.
EXCEPTIONS TO THE RECREATIONAL VEHICLE PARKING REGULATIONS

1. A recreational vehicle may be parked for no more than seventy-two (72) hours so that it can be loaded, unloaded, and/or cleaned. However, no recreational vehicle may be parked on a public street or public easement or road right-of-way during this temporary time.

2. The recreational vehicle of a visiting guest may be permitted to park at a residence for no more than seventy-two (72) hours, so long as it is not parked on a public street, road right-of-way, or public easement. The Code Enforcement Official may approve a reasonable extension of time for the parking of a visiting guest's recreational vehicle, upon application by the resident.
3. All recreational vehicles of any type shall be currently licensed and inspected where applicable by law.
4. No recreational vehicle shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, except for the temporary sleeping of guests or residents not to exceed two (2) consecutive weeks, in a thirty (30) day period.

SECTION VI.
PENALTY

Any person who violates this Ordinance shall be guilty of a misdemeanor and shall be assessed a fine not to exceed \$500 per offense. Each day that the vehicle is parked in violation of this Ordinance will constitute a separate offense.

SECTION VII.
REPEALING CLAUSE

City Ordinance No. 315-18, dated May 15, 2018, and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION VIII.
SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holdings shall not affect the validity of the remaining portion hereof.


SECTION IX.
OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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, of the Texas Government Code.

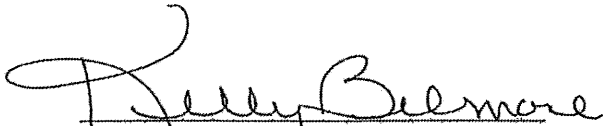
SECTION X.
EFFECTIVE DATE

This Ordinance and each section hereof shall take effect and be in full force from the date of its passage and publication as provided by law.

PASSED AND APPROVED this 21st day of July 2020.


CITY OF ROMAN FOREST, TEXAS

Chris Parr, Mayor


Kelly Belmore, City Secretary

APPROVED AS TO FORM:


LARRY L. FOERSTER, City Attorney

