

MOTION WAS MADE BY COUNCILMAN PARR, SECONDED BY COUNCILMAN WALLACE THAT THE FOLLOWING ORDINANCE BE PASSED:

ORDINANCE NO 315

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, 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 ONE TON FROM PARKING ON CITY STREETS AND RESIDENTIAL PROPERTY; PROHIBITING PARKING OF MOTOR VEHICLES, TRAILERS, AND RECREATIONAL VEHICLES ON CITY STREETS; PERMITTING A NON-CONFORMING, NON-TRANSFERABLE WAIVER AND 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 City of Roman Forest, Texas, desires to establish 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 restrictive covenants of the Roman Forest Subdivision, Sections I through II, which are duly recorded in the Real Property records of the County Clerk of Montgomery County, Texas, provide:

NUISANCES: No noxious or offensive trade or activity shall be carried on or maintained on any residential lot in said subdivision, nor shall anything be done thereon which may be or become a nuisance in the neighborhood. A nuisance shall include but not be limited to: A-truck larger than one ton parked on residential lots or roads or permanently kept on residential property; any motor vehicle not properly licensed; junk automobiles, trucks or other vehicles used for parts.

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;

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. **"City Council"** means the city council for the City of Roman Forest, Texas.
- C. **"Hard Surface"** means cement, rock, asphalt, or grass parking surface, which is free of liter, debris, weeds, or other objectionable material or objects.
- D. **"Front Yard"** means the area on a residential lot between the city street and the setback/building line.
- E. **"Person"** means any individual, firm, trust, partnership, association or corporation.
- F. **"Police Department"** means the police department of the City of Roman Forest.

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- G. **"Recreational Vehicle"** means a motor home, motorized

dwelling, boat, jetski, boat trailer, travel trailer, utility trailer, livestock trailer, pop-up tent trailer, self-contained pickup camper, and the like, if applicable by law.

- H. **"Motor Vehicle"** means an automobile, truck, golf cart, and any other motorized device, if applicable by law.
- I. **"Trailer"** means a vehicle that is (a) designed or used to carry a load wholly on its own structure (b) is drawn or designed to be drawn by a motor vehicle.
- J. **"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.
- L. **"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 loading or unloading equipment and only during daylight hours:

- A. A motor vehicle exceeding 1 ton.
- 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 one-ton unless unloading equipment and not to exceed day light hours.

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 from the application of this Section.

SECTION III

PROHIBITED PARKING OF LARGE TRUCKS ON PROPERTY

1. The City Council adopts the above preamble to this Ordinance and Section 5, "Nuisances", to the Roman Forest Subdivision restrictive covenants.
2. 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 larger than one-ton in front of property setback.
 - 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 the setback/building line. Special consideration for corner lots will be reviewed by City Council.

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.

SECTION V

EXCEPTIONS TO THE RECREATIONAL VEHICLE PARKING REGULATIONS

1. A non-conforming, non-transferable waiver may be authorized by the City Council to current City residents who own recreational vehicles on the effective date of this Ordinance, subject to the following;

A. The recreational vehicle is not parked or stored except on a driveway or other hard surface.

B. The recreational vehicle is not parked within ten (10) feet of the edge of the pavement of the street.

C. The person has filed with the City Secretary a registration of non-conformity applicable to the recreational vehicle within sixty (60) days following the date of the adoption of this Ordinance. However, no non-conformity allowed under this section shall be permitted to continue following conveyance of the lot in question to another person, or following abandonment of the non-conforming use for a period of ninety (90) consecutive days.

D. A resident who has received a non-conforming waiver from the City under this Section may replace the recreational vehicle with another recreational vehicle.

2. No non-conforming waivers will be granted for any additional recreational vehicles from the effective date of this Ordinance.

3. 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.

4. 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 City Council may approve a reasonable extension of time for the parking of a visiting

guest's recreational vehicle, upon application by the resident with the City Secretary.

5. All recreational vehicles of any type shall be currently licensed and inspected where applicable.

6. 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.

In case of a City declared disaster or unforeseen damage due to nature or fire, this time can be extended or modified.

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 person is in violation of this Ordinance will constitute a separate offense.

SECTION VII

REPEALING CLAUSE

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 12th day July of 2011.

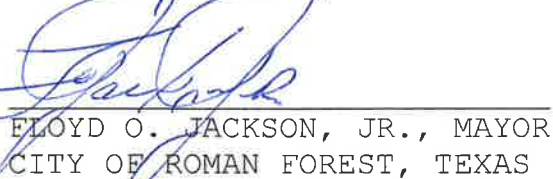


JO NELL SNIDER, City Secretary

APPROVED:



LARRY L. FOERSTER, City Attorney



FLOYD O. JACKSON, JR., MAYOR
CITY OF ROMAN FOREST, TEXAS