

MEMORANDUM

DATE: September 15, 2022

TO: Mayor Lankford & City Council

VIA: Mercy Rushing, City Manager

FROM: Cindy Karch, City Secretary CK

SUBJECT: Consider action on an ordinance amending Chapter 42, Article 3, Division 2, section 42-107 Parking of Trucks, Trailers, etc. in residential districts.
Council Meeting Agenda Item for September 19, 2022

Background Information:

Several weeks ago the city received a request from a resident for a permit to allow him to park his truck/tractor on the street at his residence. I advised him that no permit exists. However, the officer that sent him to city hall to obtain the permit noted that our code of ordinances does allow for the building inspector to issue a permit. We've never issued this sort of permit and don't have an application or form. This was adopted into the code in 1986 and reads:

Sec. 42-107. Parking of trucks, trailers, etc., in residential districts.

- (a) It shall be unlawful for any owner, agent, operator, person in charge or control of any bus, truck over one-ton rated capacity, truck and trailer over 19 feet in length, recreation vehicle, travel trailer, or any other commercial type vehicle of a size (height, width or length) to be an obstruction to normal traffic flow, to park, store, keep or permit such vehicle to remain standing on any public street, avenue, alley or other thoroughfare or right-of-way therewith within any residential district in the city for a period exceeding three hours in any 24-hour period, such period beginning at a time of first stopping or parking, **unless a permit is first obtained from the city building inspector, such permit not to exceed a continuous 48-hour period.**
- (b) The restrictions of subsection (a) of this section in residential districts shall not apply to deliveries and service calls by tradesmen, to disabled vehicles, or to temporary parking of vehicles where construction is under way for which a current and valid building permit has been issued, provided that adequate safety precautions pertaining to traffic flow are provided.

(Code 1977, § 16-55; Ord. of 7-29-1953, § 19; Ord. of 11-10-1986)

We've presented an ordinance to remove the last part of that last sentence. This ordinance was prepared by City Attorney Blake Armstrong and reviewed by myself and Chief Bittner.

Recommendation:

We ask the council consider this amendment or advise staff if they would like for us to keep it, at which time an official permit process will be implemented.

Final Disposition:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS AMENDING CHAPTER 42 (TRAFFIC), ARTICLE 3 (PARKING), DIVISION 2 (PARKING AND LOADING ZONES), SECTION 42-107 (PARKING OF TRUCKS, TRAILERS, ETC. IN RESIDENTIAL DISTRICTS); PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Mineola, Texas (“City”) has previously passed regulations concerning the parking of trucks and trailers in residential districts; and

WHEREAS, said regulations passed by the City Council by Ordinance have been codified in Section 42-107 (Parking of Trucks, Trailers, Etc. in Residential Districts) in the City of Mineola’s Code of Ordinances; and

WHEREAS, the City Council now desires to amend the above-referenced Section by the passing of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mineola, Texas as follows:

**I.
AMENDMENT**

- Section 42-107(a) (Parking of Trucks, Trailers, Etc. in Residential Districts) is hereby amended to read as follows:

It shall be unlawful for any owner, agent, operator, person in charge of control of any bus, truck over one-ton rated capacity, truck and trailer over nineteen feet (19’) in length, recreation vehicle, travel trailer, or any other commercial type vehicle of a size (height, width or length) to be an obstruction to normal traffic flow, to park, store, keep or permit such vehicle to remain standing on any public street, avenue, alley or other thoroughfare or right of way therewith within any residential district in the City for a period exceeding three (3) hours in any twenty-four (24) hour period, such period beginning at a time of first stopping or parking.

**II.
REPEALER**

Any and all Ordinances of the City of Mineola, Texas in conflict with the provisions of this Ordinance shall be and the same are hereby repealed, and all other provisions of the Ordinances of the City of Mineola not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**III.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared unconstitutional by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal phrase, clause, sentence, paragraph, subsection or section.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the City Council for the City of Mineola, Texas.

PASSED and APPROVED by the City Council for the City of Mineola, Texas this _____ day of September, 2022.

APPROVED BY:

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary