

**ORDINANCE 2018-226**

**AN ORDINANCE OF THE TOWN OF ANTHONY, TEXAS REPEALING IN ITS ENTIRETY THE EXISTING NO PARKING ZONES ORDINANCE (ORDINANCE NO. 2017-1113) AND REPLACING IT WITH THE ENACTMENT OF A NEW NO PARKING ZONES ORDINANCE REGULATING THE PARKING OF MOTOR VEHICLES ON PUBLIC STREETS IN RESIDENTIAL AREAS AND ON FRONT YARDS OF RESIDENTIAL PROPERTIES.**

**WHEREAS**, the GOVERNING BODY did hold a duly noticed Public Hearing; and

**WHEREAS**, the GOVERNING BODY did consider testimony from staff and the public before reaching its decision; and

**WHEREAS**, pursuant to the statutory authority granted to the GOVERNING BODY as a municipality under Texas Local Government Code Section 51.001, the GOVERNING BODY may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that: (1) is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality; and (2) is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality as a Type A General-Law Municipality under Texas Local Government Code Section 51.012, the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

**WHEREAS**, pursuant to the statutory authority granted to the municipality under Texas Local Government Code Section 601.001, the municipality may adopt an ordinance regulating the parking of motor vehicles on private property and may enforce the ordinance in the same manner that it enforces ordinances regulating parking in public no-parking zones, including the impoundment of offending vehicles; and

**WHEREAS**, the GOVERNING BODY does make the following finding:

1. That it is in the best interest of the public at large and to otherwise establish an aesthetic standardization and beautification of residential streets and front yards of residential properties within the municipal limits of the Town of Anthony, Texas.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ANTHONY, TEXAS:** that in consideration of the aforementioned findings and testimony, it hereby ordains that it does hereby approve the repeal in its entirety and

replacement of the existing no parking zones ordinance (Ordinance No. 2017-1113) as follows:

**Section I. AUTHORITY AND PURPOSE.**

**AUTHORITY:** This Ordinance is adopted pursuant to the enabling provisions of Texas Local Government Code Section 51.001 and Section 51.012 and Section 601.001.

**PURPOSE:** The purpose of this ordinance is to repeal in its entirety the existing no parking zones ordinance (Ordinance No. 2017-1113) and replace it with a more harmonious no parking zones ordinance for the purpose of establishing an aesthetic standardization and beautification of residential streets and residential front yards within the municipal limits of the Town of Anthony, Texas.

**Section II. REPEAL OF NO PARKING ZONES ORDINANCE (ORDINANCE NO. 2017-1113).**

The existing no parking zones ordinance (Ordinance No. 2017-1113) is hereby repealed in its entirety and replaced as more fully set out below.

**Section III. ENACTMENT OF A NEW NO PARKING ZONES ORDINANCE.**

**Section 1. SHORT TITLE.** This Ordinance may be cited as the “No Parking Zones Ordinance” of the Town of Anthony, Texas.

**Section 2. DEFINITIONS.** The following words, terms, phrases, and their derivations shall have the following meanings:

- (a) **“Acceptable Surfaced Area”** or **“Acceptable Surfaced Areas”** shall consist of asphalt paving, brick, brick pavers, concrete, concrete pavers, screening, or other comparable dust-free surfacing subject to the approval of the Town Inspector. All such surfaces shall be maintained in good condition, free of weeds, dust, trash and debris. Gravel is not an acceptable surfaced area material. The perimeter of any acceptable surfaced area consisting of screening material shall be delineated by edging, curbing, abutting hard surfaces or other method as approved by the Town Inspector.
- (b) **“Commercial Motor Vehicle”** means
  - (1) a commercial motor vehicle, as defined by Section 522.003 of the Texas Transportation Code, and includes a vehicle meeting that definition regardless of whether the vehicle is used for a commercial purpose; or

- (2) a road tractor, truck tractor, pole trailer, or semitrailer, as those terms are defined by Section 541.201 of the Texas Transportation Code.
- (c) **“Driveway”** means an acceptable surfaced area adjacent to a curb cut providing vehicular access between a street and an off-street parking area, including a circular driveway.
- (d) **“Front Yard”** means a yard extending the full width of a lot between the front lot line and the front setback line.
- (e) **“Interior Side Yard”** means a yard extending the depth of a lot from the front set back line to the rear set back line between the side lot line and the side setback line.
- (f) **“Lot”** means:
  - (1) a parcel of real property with a unique designation shown on a plat, record of survey, parcel map, or subdivision map recorded in the office of the County Clerk; or
  - (2) a parcel of real property established under zoning or subdivision regulations.
- (g) **“Lot Line”** means a line or series of connected line segments bounding a lot.
- (h) **“Motor Vehicle”** means a self-propelled vehicle designed for use on a highway and includes an inoperable motor vehicle.
- (i) **“Rear Yard”** means a yard extending the full width of a lot between the rear lot line and the rear setback line, excluding any area located within the street side yard of a corner lot.
- (j) **“Recreational Vehicle (RV)”** means both recreational vehicles that are motorized and non-motorized defined as follows:
  - (1) **“Motorized recreational vehicle”** means a motor home built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab. All these vehicles are powered by internal combustion engines that run on gasoline, diesel, batteries or other fuel. Van campers and pickup truck campers are excluded from the recreational vehicle definition.
  - (2) **“Non-motorized recreational vehicle”** means a conventional travel trailer or a fifth wheel trailer utilized for recreational purposes and designed to be towed by a vehicle. Boats, horse trailers, utility trailers for storing recreational equipment or other equipment and all-terrain vehicles

stored on trailers utilized for recreational purposes are considered non-motorized recreational vehicles. Pickup truck camper shells which have been removed from the vehicle and stored are considered non-motorized recreational vehicles and shall conform to the provisions of this title.

- (k) **“Side Yard”** means a yard extending the depth of a lot from the front yard to the rear lot line between the side lot line and the side setback line. For a corner lot, a street side yard is a yard that extends from the front yard to the rear lot line.
- (l) **“Yard”** means an open space on a lot adjoining a lot line.

**Section 3. NO PARKING ZONES.**

- (a) A person may not park a motor vehicle in the front yard, side yard, or rear yard of a residential property, except in a driveway or an acceptable surfaced area parking space depicted on an approved site plan as approved by the Town Inspector. Please see attached diagrams 1 and 2 for illustration purposes.
- (b) A person may not park an RV or truck tractor on a residential property, except in an acceptable surfaced area parking space situated in the interior side yard or rear yard depicted on an approved site plan as approved by the Town Inspector. Please see attached diagrams 3 and 4 for illustration purposes.
- (c) A person may not park an RV on a public street or roadway in front of a residential property. Please see attached diagram 3 for illustration purposes.
- (d) A person may not park a commercial motor vehicle on a public street or roadway in front of a residential property, except a truck tractor as provided by other Town ordinance. Please see attached diagrams 4, 5 and 6 for illustration purposes.
- (e) A person may not park a commercial motor vehicle on a residential property, except a truck tractor as provided in (b) above. Please see attached diagrams 5 and 6 for illustration purposes.
- (f) Eastside of Wildcat Dr. (Spur 6) from FM 1905 to a point five hundred (500) feet south.

**Section 4. VIOLATION PENALTY.**

- A. Any person who shall violate any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00). Each day of a violation shall be considered a separate offense.
- B. This Ordinance shall be enforced by issuance of a citation and may include the impoundment of offending vehicles.

**Section IV. SEVERABILITY.**

Should any section, paragraph, clause or provision of this Ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**Section V. REPEALER.**

All ordinances or resolutions or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency or conflict. This repealer shall not be construed to revive any ordinance or resolution or part thereof, heretofore repealed.

**Section VI. EFFECTIVE DATE.**

This ordinance shall be effective as provided by law.

**Section VII. PROPER NOTICE & MEETING.**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code 551.

**PASSED, ADOPTED AND APPROVED THIS 26th DAY OF FEBRUARY, 2018.**

**APPROVED:**

  
\_\_\_\_\_  
**Martin Lerma**  
**Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Mary Carter**  
**Town Clerk**



**ROLL CALL VOTE:**

**Mayor Pro-Tem Benjamin Romero**

Yes

**Councilor Jose Garcia**

Yes

**Councilor Shawn Weeks**

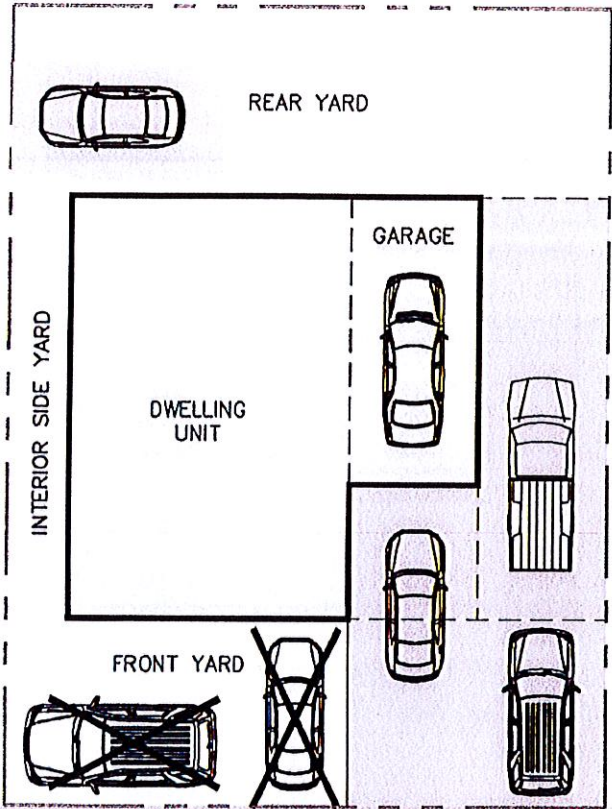
Yes

**Councilor Joanna Rivera**

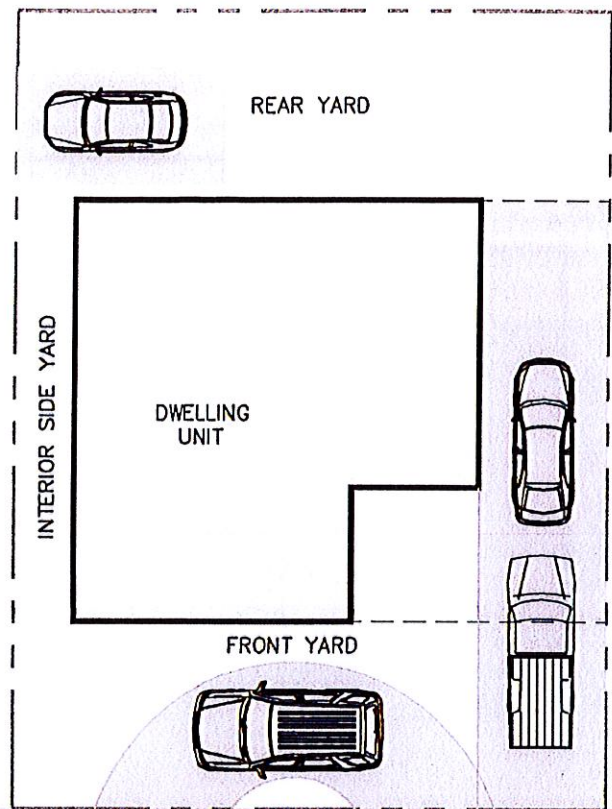
Yes

**Councilor Eddie Chavez**

Yes



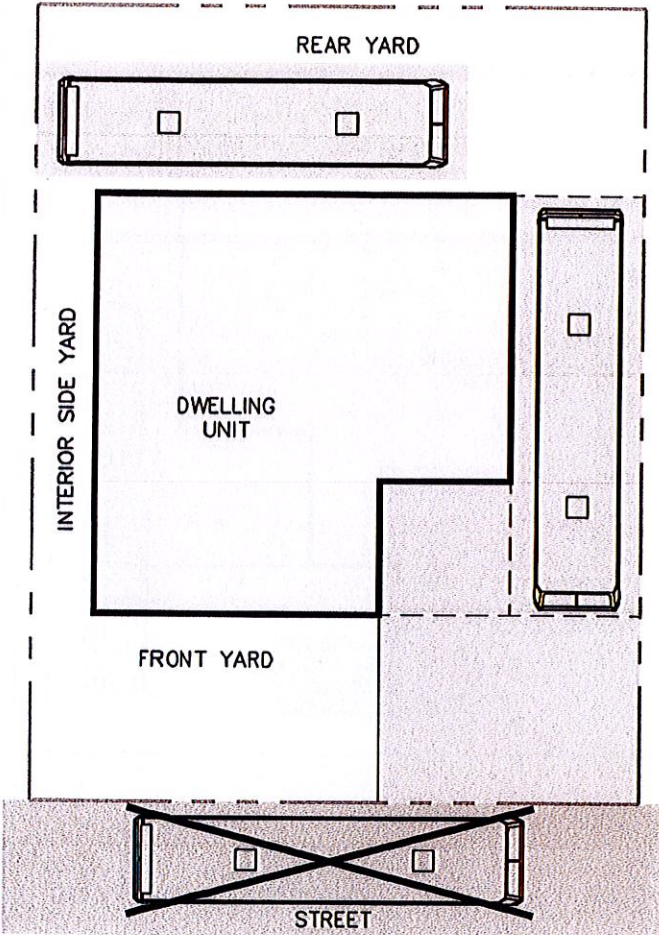
**DIAGRAM 1**  
SCALE: NTS



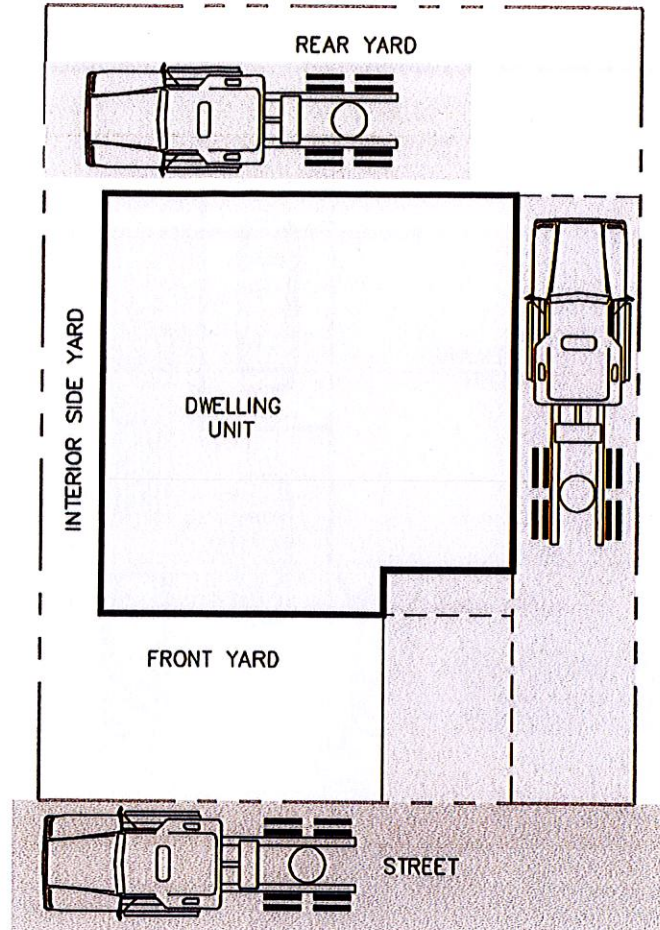
**DIAGRAM 2**  
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# TOWN OF ANTHONY

## MOTOR VEHICLE FRONT AND SIDE YARD PARKING PROHIBITIONS



**DIAGRAM 3**  
SCALE: NTS

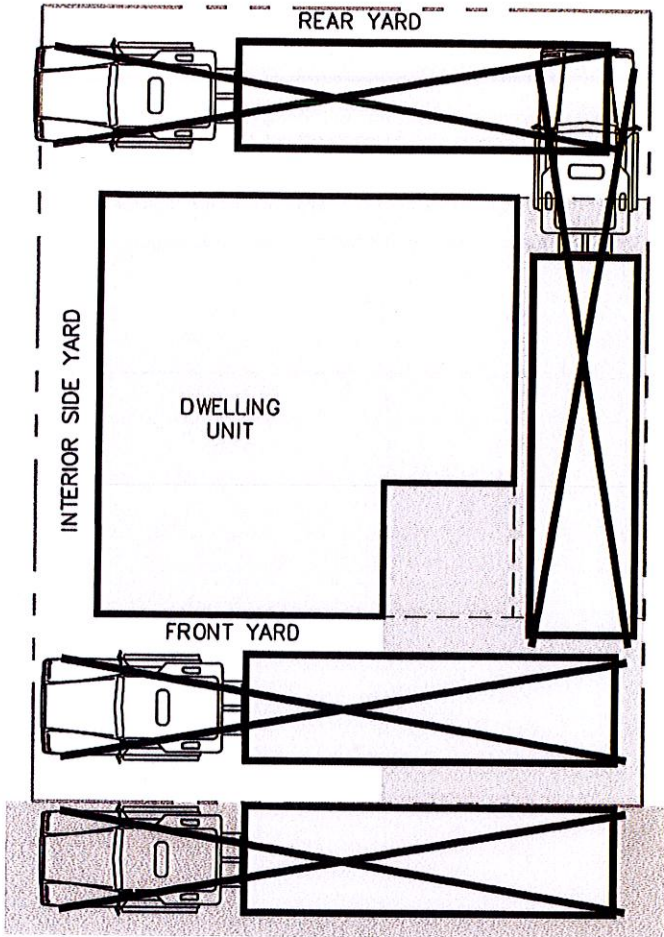


**DIAGRAM 4**  
SCALE: NTS

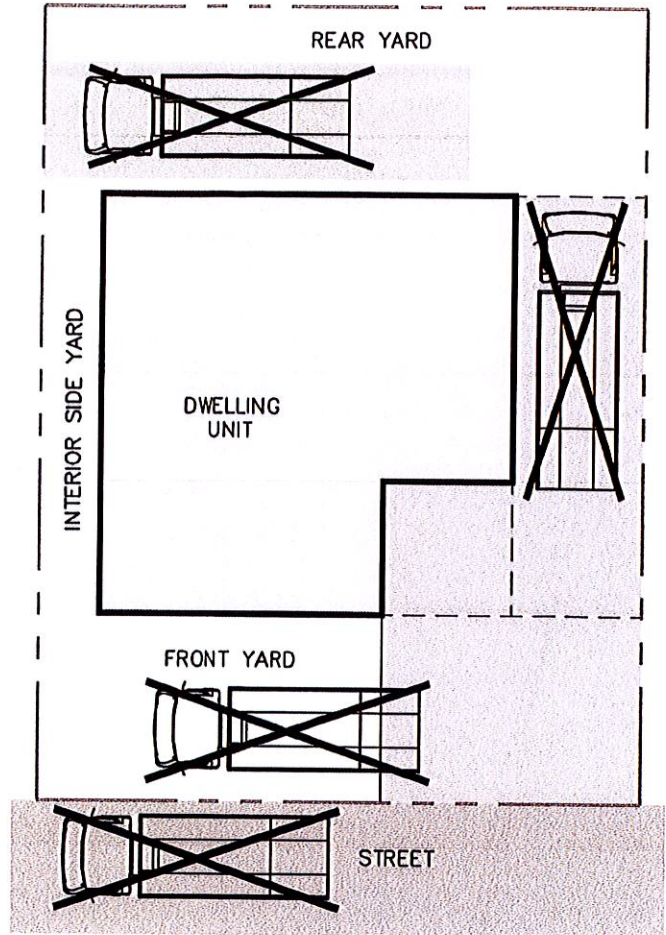
# TOWN OF ANTHONY

## RV & TRUCK TRACTOR FRONT AND SIDE YARD PARKING PROHIBITIONS





**DIAGRAM 5**  
SCALE: NTS



**DIAGRAM 6**  
SCALE: NTS

# TOWN OF ANTHONY

## COMMERCIAL VEHICLE FRONT AND SIDE YARD PARKING PROHIBITIONS