

ORDINANCE NO. 105

AN ORDINANCE OF THE TOWN OF INDIAN LAKE, TEXAS, SETTING FORTH COMMERCIAL VEHICLE PARKING REGULATIONS AND ENFORCEMENT AND RELATING EXCEPTIONS FOR CERTAIN TEMPORARY COMMERCIAL VEHICLE PARKING; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVEHUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, it has been demonstrated that the current parking regulations relating to commercial vehicles no longer serve the best interest of the Town; and

WHEREAS, the Town Council finds that it is in the best interest of the citizens of the Town of Indian Lake to have commercial parking ordinance clarifying the regulations and exceptions from such regulations certain temporary commercial vehicle parking.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN LAKE, TEXAS:

SECTION 1: Definitions.

For the purpose of this Ordinance, the following terms shall carry the meanings as set out below:

Commercial vehicle shall mean truck-tractor, road tractor; semi-trailer, bus; truck or trailer or any other commercial vehicle with a rated carrying capacity of two (2) tons or more according to the manufacturer's classification.

SECTION 2: Parking of commercial vehicles prohibited - public streets, parking lots, etc.

It shall be unlawful for any owner or person in control of a commercial vehicle, as defined herein, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle upon any public street, easement, or other property owned or controlled by any unit of government. except that this section shall not apply to:

- a. Commercial vehicles while being used for street construction. maintenance, or repair;
- b. Commercial vehicles being utilized by a company engaged in extending public service utilities;
- c. A commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and
- d. A commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.

SECTION 3: Parking of Commercial Vehicles Prohibited - Residential Areas.

It shall be unlawful for any owner or person in control of a commercial vehicle, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle within any area of the Town zoned residential according to the *Indian Lake Zoning Ordinance*, except that this section shall not apply to a commercial vehicle:

- a. Parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates, or
- b. If the commercial vehicle is owned by the owner/renter of the property and is used as a livelihood by the owner/renter of the property and is parked on a concrete driveway and not on cement blocks, cement pads, pavers, or bricks unless property is enclosed by a six (6) foot privacy fence. Such an exception is limited to one (1) commercial vehicle per address.

SECTION 4: Severability Clause

That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 5: Penalty

That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

SECTION 6: Effective

That the present ordinances of. the Town of Indian Lake are inadequate to provide for the proper regulation of parking of commercial vehicles creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the Town Council of the Town of Indian Lake, Texas, on the 19th day of June, 2019.

ATTEST:

APPROVED:

James Chambers, Mayor

Amy Lopez, City Secretary