

ORDINANCE 2022- X

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, AMENDING DIVISION 3 OF ARTICLE V OF CHAPTER 90 OF THE CODE OF ORDINANCES FOR THE CITY OF COMMERCE, TEXAS RELATING TO “RESIDENT ONLY” PERMITTED PARKING; PROVIDING A REPEALER, SEVERABILITY, AND SAVINGS CLAUSE; PROVIDING A PENALTY IN AN AMOUNT ESTABLISHED BY THIS CODE FOR EACH OFFENSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Commerce has determined that it is advantageous, and promotes the health, safety and welfare of the citizens of Commerce to adopt the parking regulations set forth herein; and

WHEREAS, the City of Commerce is addressing problems that arise when residential streets are used for parking motor vehicles by persons who are not residents of the area but typically are Texas A&M University-Commerce students who temporarily congest City streets for the purpose of parking their vehicles and attending class; and

WHEREAS, after some research by city staff, the City has learned that the University provides ample parking space which is under utilized by students and presumed to be a result of an unwillingness to purchase University parking permits; and

WHEREAS, the establishment of “Resident-only-Parking” zones would address these issues which include, but are not limited to, unnecessary air and noise pollution for Commerce residents; litter and the inability of the residents within these neighborhoods to easily access adequate parking near their residences as well as to improve access of emergency vehicles to these neighborhoods:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:

SECTION 1. INCORPORATION OF PREMISES. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT OF CODE. The Code of Ordinances for The City of Commerce, Texas, in Chapter 90 Traffic and Vehicles, Article V, Stopping Standing and Parking, , is hereby amended so that Division 3, Resident Only Parking shall now read as follows:

Division 3. Resident Only Parking

Sec. 90-121 Definitions

Director/Chief. The Director of Public Safety/Chief of police of the city, authorized to enforce and administer this division, or the Director’s authorized representative.

Permit. A resident-parking-only permit issued by the director/chief under this division.

Residence. Each dwelling unit of a single-family, duplex, or multifamily use.

Resident-parking-only zone. One or more blocks of a residential street designated by the director/chief under this section, upon which on-street stopping, standing, or parking is limited to residents’ motor vehicles properly displaying a valid permit during certain hours.

Sec. 90-122 Zones designated: issuance of permits

(A) The following are designated as resident-parking-only zones, to wit:

- (1) Ash Street; between Washington Street and Arp Street
- (2) Hunt Street; between Bois d’Arc and West Neal
- (3) Walnut Street; between Bryan Street and Bois d’Arc Street

- (4) Jefferson Street; between Bois d'Arc Street and West Neal
- (5) Aldridge Street; between Monroe Street and Hickory Street
- (6) Sycamore Street; specifically the south side, directly in front of 1011 Sycamore
(Property ID #54366)

(B) Exception: A suspension of the resident-parking-only requirements provided can be granted by the director/chief in accordance with the following procedure:

- (1) The request for suspension must be scheduled, with no less than five (5) days' advance notice to the director/chief;
- (2) Suspension of the requirements will be limited to ten (10) special events per calendar year, with a maximum duration of four (4) hours per event.
- (3) The requirements shall be suspended on the following holidays, provided a minimum of three days' advance notice is provided to the Director of Public Safety/Chief of Police:
 - (a) Thanksgiving Thursday;
 - (b) Good Friday;
 - (c) Easter Sunday;
 - (d) Christmas Eve;
 - (e) Christmas Day;
- (4) The requirements may be suspended with less than five (5) days' advance notice for funerals or other local tragedies, provided the city is notified as soon as possible.
- (5) Upon suspension of the requirements:
 - (a) The city will notify police employees not to enforce.

(C) The director/chief shall, upon application and payment of all applicable permit fees, issue resident-parking-only permits, up to a maximum of two (2) permits per residence, to any person who is eligible for a permit. An applicant is eligible for a resident-parking-only permit if:

- (1) The applicant owns or occupies a residence located within the resident-parking-only zone; and
- (2) The applicant and every other person owning or occupying the same residence as the applicant complies with all other requirements of this division.
 - (a) The application for a permit must contain:
 - (1) The applicant's name and Texas driver's license number;
 - (2) The name of every other licensed driver who owns or occupies the same residence as the applicant and each such person's Texas driver's license number;
 - (3) The address of the applicant's residence located within the resident-parking-only zone;
 - (4) The make, model, registration, and license plate numbers of each motor vehicle to be parked in the resident-parking-only zone;
 - (5) Any other information the director/chief determines necessary to prove that an applicant owns or occupies a residence located within a resident-parking-only zone, including, but not limited to, examination of a valid Texas driver's license showing the applicant's current home address, a utility bill at the same address, and proof of automobile liability insurance for each motor vehicle to be parked in a resident-parking-only zone, in the minimum amounts required by state law.

(D) Upon receipt of a permit application, the director/chief shall collect a permit fee to be established by an appropriate resolution of the city council as provided in this code.

Sec. 90-123 Parking restrictions

- (a) No person shall stop, stand, or park a motor vehicle on any block of the streets described in section 1.02(A)(1)–(5) as resident-parking-only zones without the appropriate city issued permit. The holder of a

resident-parking-only permit who resides on property immediately adjacent to the street which is a part of a designated zone and who has affixed to such vehicle a valid permit issued pursuant to this division shall not be prohibited from parking thereat. Provided, however, that it shall be an affirmative defense to this division that any person has stopped or parked a vehicle to avoid conflict with other traffic and remained in the vehicle or in compliance with the law or the directions of a police officer or a traffic-control device or due to a mechanical or other emergency and was unable to move the vehicle to a lawful parking space.

(b) When a vehicle is parked in violation of the provisions of this division, such fact shall be prima facie evidence that the person in whose name said vehicle is registered is guilty of a violation of the parking prohibition contained herein.

(c) The director/chief is hereby authorized and directed to erect appropriate signs and markings within the resident-parking-only zones to give notice of the requirements of this section. Such signs shall be erected in conformance with the Manual on Uniform Traffic Control Devices authorized and published by the state department of transportation.

Sec. 90-124 Temporary permits and placards

(a) A resident of the resident-parking-only zone may be issued temporary parking permits for the use of visitors attending a party or special event at the residence. An application shall be issued one visitor permit along with their residential application. Applications for more temporary parking permits must be made to the police department, on a form provided by the police department, not less than twenty-four hours nor more than seventy-two hours before the party or event is scheduled to begin. Such temporary parking permit shall be valid for a period not to exceed five days. There shall be no cost or fee associated with the issuance of a temporary parking permit under this subsection.

(b) A temporary parking permit may be displayed on a motor vehicle owned or leased by a visitor to the residence. The temporary permit must be conspicuously displayed on or in the vehicle in a manner and location approved by the police department.

(c) Residents of a resident-parking-only zone may be issued two temporary parking placards per household at no cost. Temporary parking placards must be renewed annually. Application for temporary parking placards shall be made to the police department on a form provided by the department. Placards must be conspicuously displayed, in a manner and location in the motor vehicle approved by the police department, to be clearly visible from the street.

Sec. 90-125 Effect of permit; display; expiration; replacement

(a) When a motor vehicle is parked in a resident-parking-only zone, the permit must be conspicuously displayed in a manner and location approved by the police department. A permit may only be displayed on a motor vehicle listed in the permit application.

(b) A permit authorizes the holder to stop, stand, or park a motor vehicle at any time in a resident-parking-only zone unless such stopping, standing, or parking is prohibited or restricted by regulations other than those established under this division. A permit does not guarantee or reserve to the holder a parking space within the zone and does not exempt the holder from other applicable parking and traffic regulations.

(c) A permit expires one year from the date of its issuance and may be renewed by applying in accordance with this division.

(d) A lost, destroyed, or stolen permit may be replaced for a fee to be established by appropriate resolution of the city council. The permit holder must sign an affidavit stating that the permit was lost, destroyed, or stolen.

Sec. 90-126 Offenses; revocation of permit

(a) A person commits an offense if he stops, stands, or parks a motor vehicle in a resident-parking-only zone during the times set out herein without displaying a valid permit on the vehicle as required by this division.

(b) A person commits an offense if he displays or allows the display of a permit on a motor vehicle that is not listed in the permit application.

(c) A person commits an offense if he falsely represents himself as being eligible for a resident-parking-only permit, submits false documents, or otherwise makes a false statement of a material fact on an application for a permit.

(d) It shall be an affirmative defense to prosecution under this division that the person was expeditiously loading or unloading passengers or property, was providing a maintenance, repair, delivery, or lawn service to a residence located within the zone, was in the performance of official duties as a law enforcement officer, government employee or contractor or utility company employee or contractor or was operating an authorized emergency vehicle in the performance of official duties.

(e) The director/chief may revoke the resident-parking-only permit of any person who violates any provision of this section, who has an unresolved parking citation issued by the city, who stops, stands, or parks or allows the stopping, standing, or parking of a motor vehicle, other than the one owned or leased by a visitor to the residence, in a resident-parking-only zone without a valid Texas license plate, valid inspection sticker, or automobile liability insurance coverage in at least the minimum amounts required by state law.

(f) An offense under this section shall be punished in accordance with Chapter 1, Section 1-14 of the Commerce Code of Ordinances

SECTION 3. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 4. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately from and after its second reading passing and publication of the Ordinance by caption, as V.T.C.A., Local Government Code § 52.013 and Chapter 2, Article 2, Sec. 2-26 of the City's Code of Ordinances in such cases provide.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 16th day of August 2022.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20th day of September 2022.

ATTEST:

CITY OF COMMERCE:

Molly Jacobsen, City Secretary
(seal)

Teddy Reel, Mayor

Approved as to form:

Charles Anderson, City Attorney

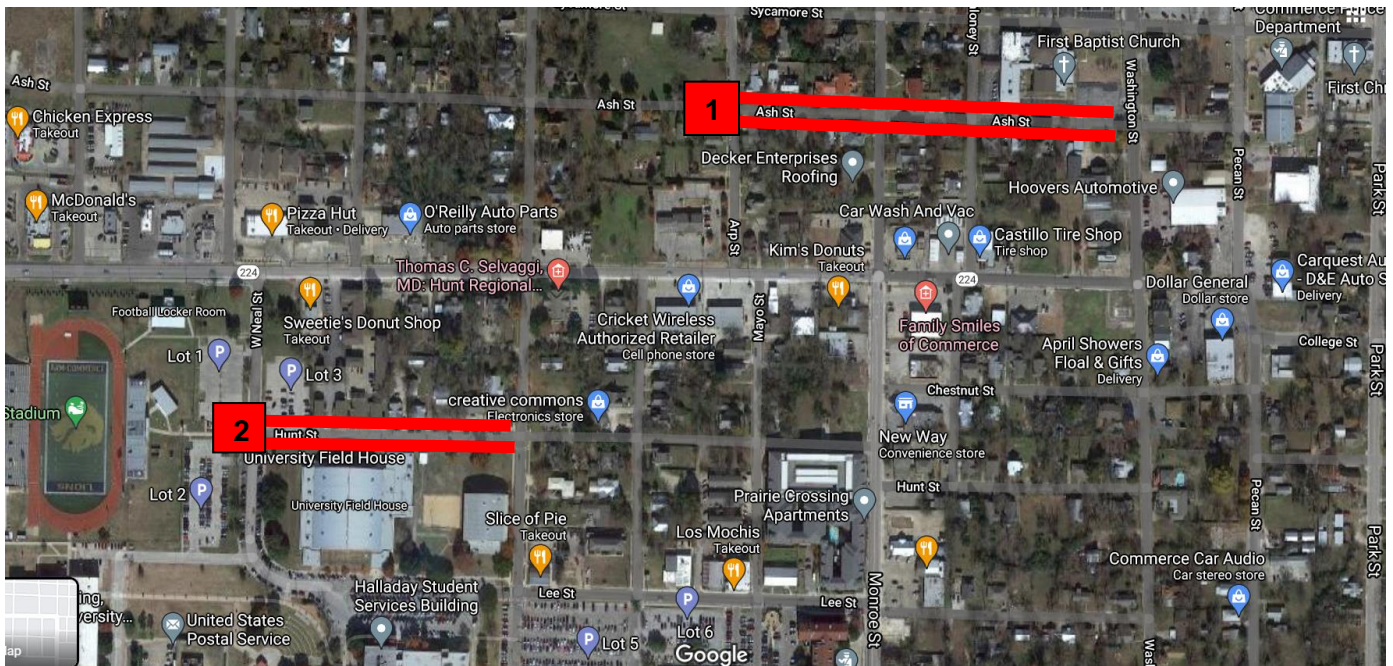
I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

Molly Jacobsen, City Secretary

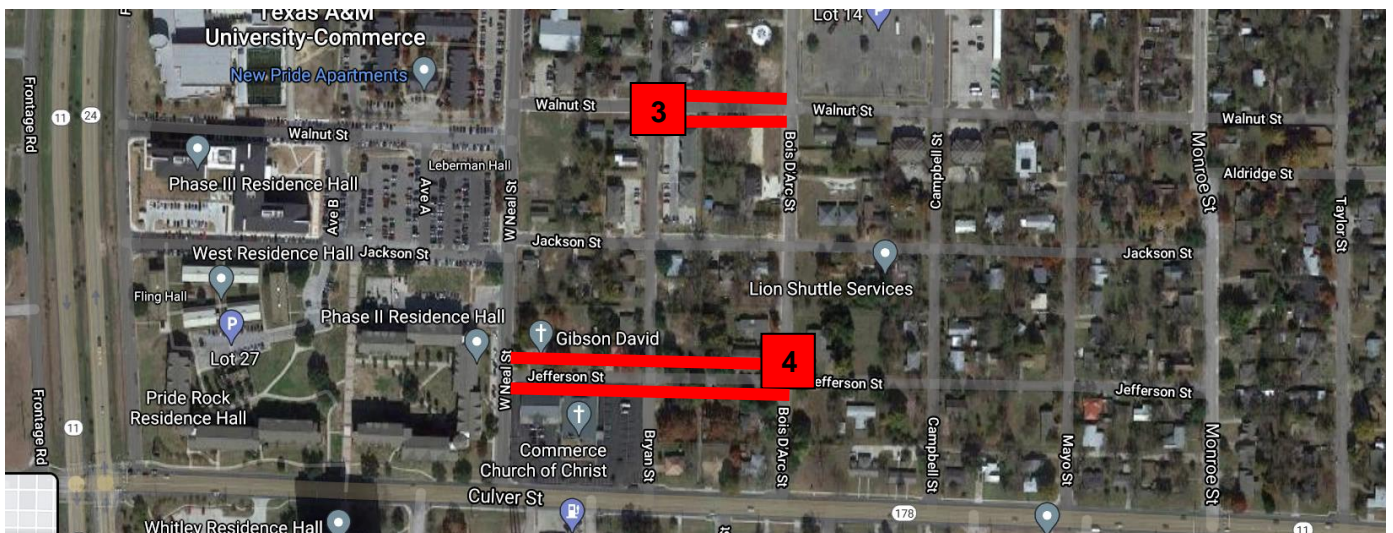
(seal)

Exhibit A- “Resident-Only-Parking Map”

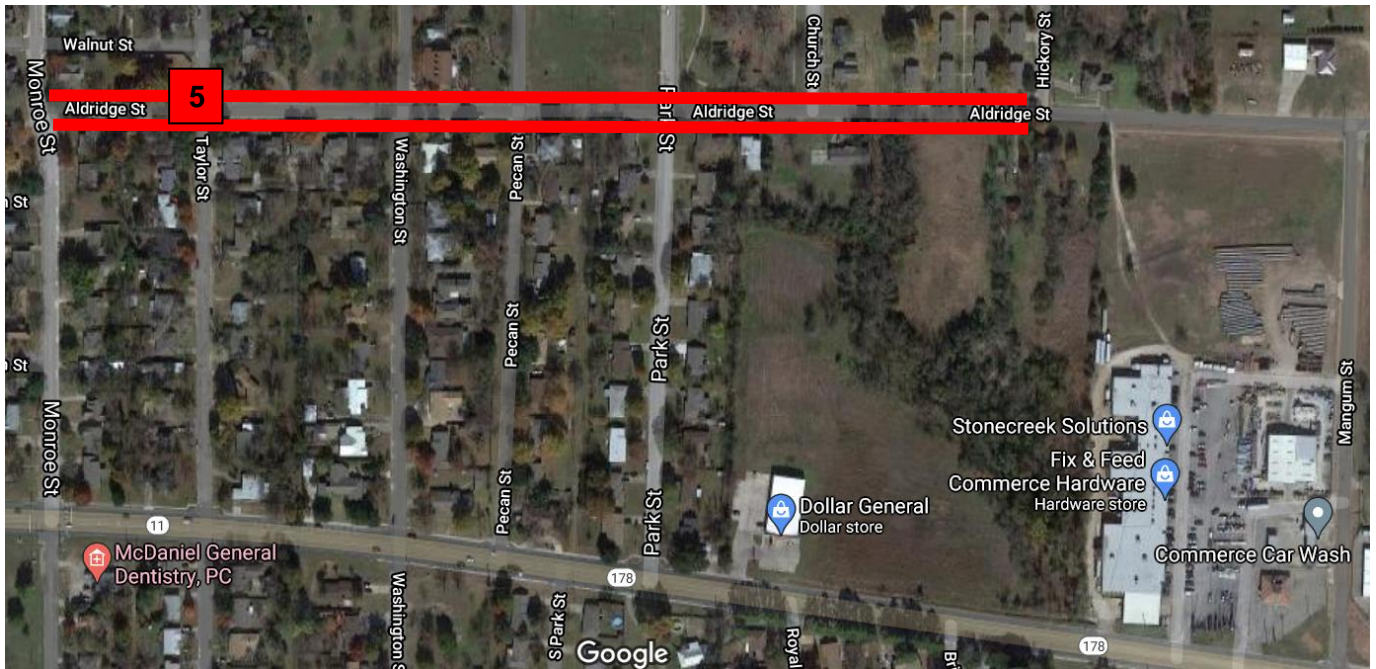
Section 1.02 (A) (1) & (2)



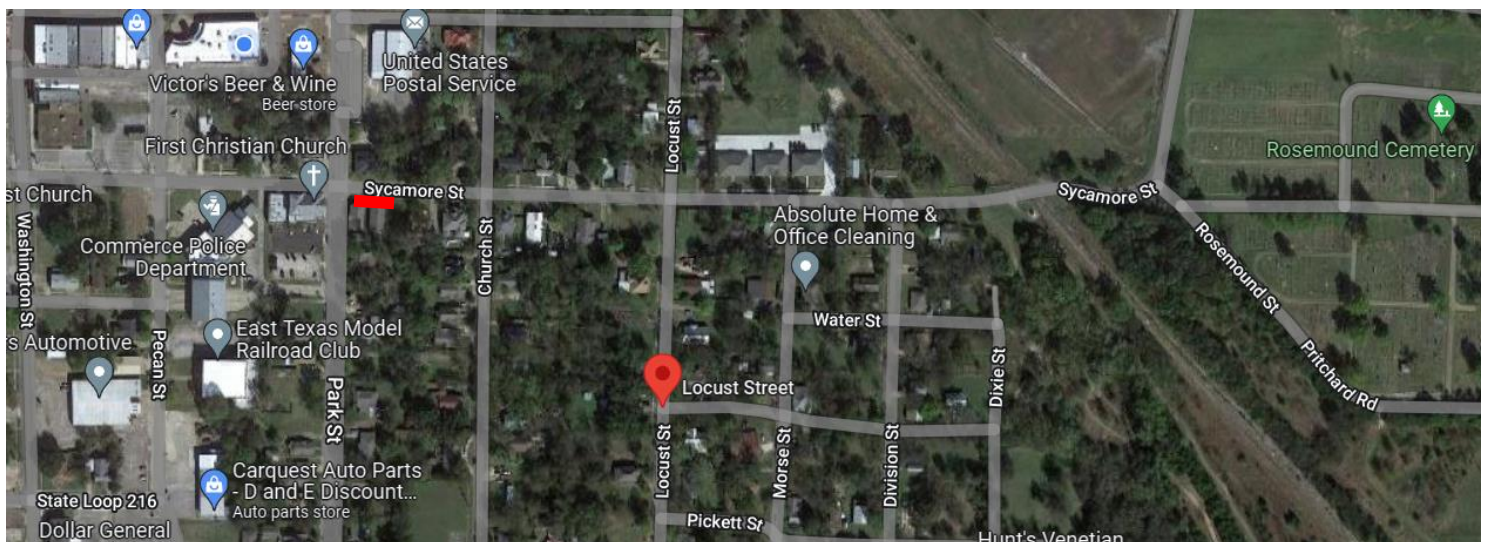
Section 1.02 (A) (3) & (4)



Section 1.02 (A) (5)



Section 1.02 (A) (6)



*Red line is not drawn to scale but represents the inclusion of an approximately 57-foot street for Resident-Only Parking at 1011 Sycamore (Property ID #54366), on the south side of the street only, beginning at Park Street and running east for approximately 57 feet.