

ORDINANCE NO. 809-2021

AN ORDINANCE AMENDING CHAPTER 4, BUSINESS & COMMERCE, OF THE CODE OF ORDINANCES OF THE CITY OF HILSHIRE VILLAGE, TEXAS, BY ADDING SECTION 4.624 THAT REGULATES PARKING PADS IN THE PUBLIC RIGHT OF WAY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A PENALTY UP TO \$500.00 PER DAY FOR VIOLATIONS, AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILSHIRE VILLAGE, TEXAS:

Section 1. Article 4-600, *RULES AND REGUALTIONS GOVERNING THE USE AND OCCUPANCY PUBLIC RIGHTS-OF-WAY WITHIN THE CITY*, of Chapter 4, *BUSINESS AND COMMERCE*, of the Code of Ordinances of the City of Hilshire Village, Texas (the “Code”), is hereby amended by adding a new Section 4.624, *Permitted Parking Pads Within the Public Right-of-Way*, which shall read as follows:

“Section 4.624. Permitted Parking Pads within the Public Right-of-Way.

- (a) Subject to the provisions of this section, a property owner (“Owner”) may cause or permit the construction, installation or placement of a parking pad adjacent to their residential lot and in the City’s Street right-of-way only if the parking pad does not impede or encroach into any roadway or other public improvement. The City reserves the right to remove any parking pad for any public purpose and will only replace it if the original pad **was** a legal permitted parking pad.
- (b) If the existing parking pad is a grandfathered parking pad and not in compliance with specifications in subsection (f) below, it will be solely the responsibility of the Owner to replace the non-compliant pad if given written notice by the City that it is not being maintained. If the existing grandfathered pad is removed for any reason Owner must go through the permit process to replace;
- (c) Plans must be submitted, approved and a permit acquired before a parking pad is installed.
- (d) After installation of a parking pad, the Owner must maintain the function and aesthetics of the parking pad. The City reserves the right to remove any parking pad, if not maintained, after notice to property owner to make those necessary repairs;
- (e) Parking pads installed in the city’s right-of-way are for the use of all citizens and not for the sole use of the Owner.

(f) A parking pad shall meet the following specifications:

1. The width of a parking pad shall not exceed four (4) feet from the edge of the road paving;

The parking pad shall not be placed within two (2) feet of the top of the bank of any drainage ditch unless City Engineer gives a variance;

2. The parking pad shall not be located within thirty (30) feet of any stop sign, flashing signal, yield sign, or other traffic control signal located at the side of a roadway;
3. The parking pad shall not be located within twenty (20) feet of any street intersection or crosswalk;
4. The parking pad shall not be located within fifteen (15) feet of a fire hydrant;
5. The Owner shall install suitable edging material, approved by the City Building Official, outlining the perimeter of the parking pad, except along the edge adjacent to the paved roadway;
6. The Owner shall remove all organic and deleterious material, landscaping, and all excess soil within the designated parking pad area;
7. The Owner shall mechanically compact the sub-soil and have it inspected by the City Building Official;
8. The Owner shall install a geotextile filter fabric over the compacted soil, and install a minimum of two (2) inches of black star gravel surface within the entire area of the parking pad;
9. The Owner shall ensure that the grade level of the parking pad area is level and consistent with all the adjoining roadway and right-of-way;
10. City Engineer reserves the right to require a Certified Civil Engineer Letter if deemed necessary;
11. Building Official or City Engineer reserves the right to make modifications to the dimensions if deemed necessary.

(g) All parking pads shall be approved by the City Building Official and/or the City Engineer and conform to all City standards and regulations. It is the intention of the City that the integrity of the City's open ditch drainage system shall be maintained. An Owner has a right to appeal to City Council if plans are not approved by City Building Official or the City Engineer.

Section 2. (a) A person who intentionally or knowingly constructs, or permits a person, to construct a parking pad without a permit from the city or in violation of the terms of ordinance, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00.

(b) Any person who shall intentionally or knowingly violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00.

(c) Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 3. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hilshire Village, Texas, declares that it would have passed each and every part of the same

notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

PASSED, APPROVED, AND ADOPTED this **5th** day of **August 2021**

Russell Herron, Mayor

ATTEST:

Susan Blevins, City Secretary