

ORDINANCE 21-04

AN ORDINANCE OF THE TOWN OF PONDER, TEXAS AMENDING THE CODE OF ORDINANCES OF THE TOWN OF PONDER, **CHAPTER 154, SECTION 154.38 OFF STREET PARKING**; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Ponder, Texas (the “Town”), is a Type A General Law municipality having powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, Section 601.001 of the Texas Local Government Code provides that a municipality by ordinance may regulate 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; and

WHEREAS, the Town desires to implement rules and regulations that protect health, life, and property and that preserve good government, order, and security of the Town and its inhabitants; and

WHEREAS, the Town has determined that it is a necessity to regulate activities as provided for herein to safeguard the public and protect health, life, and property; and

WHEREAS, the Town is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including, but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Ponder, Texas;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Ponder, Texas:

SECTION 1. That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. That, the Code of Ordinances of the Town of Ponder, **CHAPTER 154 SECTION 154.38 OFF STREET PARKING** is amended to add the following:

1. Definitions:
 - a. “Vehicle” has the same meaning as the definition in Section 502.001(45) of the Texas Transportation Code, as amended.
 - b. “Trailer” has the same meaning as the definition in Section 502.001(42) of the Texas Transportation Code, as amended.

- c. “Distinguishable border” means permanent curbing of concrete, wood, brick, or stone that forms a perimeter at least a foot away from any vehicle or trailer that is parked within said curbing.
 - d. “Improved driveway” means a surface made of concrete or asphalt in a front yard.
 - e. “Parking surface” or “PAD” means a surface that is constructed of concrete, asphalt, paving stones, brick, gravel, or crushed rock with a distinguishable border. PADs shall not be located in front yards or side yards of districts zoned single family or two family. PADs shall not be located in front yards of districts zoned multifamily.
2. Prohibited Off Street Parking.
- a. Vehicles and trailers shall not be parked in the front yard or side yard of any lot in a district zoned single family or two family that is less than one half (1/2) acre.
 - b. Vehicles and trailers shall not be parked in the front yard of any lot in a district zoned multifamily.
 - c. Vehicles and trailers in the back yard of any lot in a district zoned single family or two family that is less than one half (1/2) acre must be parked on a PAD with a distinguishable border.
 - d. Vehicles and trailers in the back yard or side yard of any lot in a district zoned multifamily must be parked on a PAD with a distinguishable border.
 - e. Vehicles and trailers shall be maintained so as not to endanger the public health and safety.
 - f. Parked vehicles or trailers longer than 19 feet, excluding the length of a trailer hitch or goose neck, shall have wheel blocks in front of and behind at least one set of wheels on said vehicle or trailer.
 - g. Junked Motor Vehicles. See Sections 92.30 to 92.38 of the Code of Ponder.
 - h. Vehicles and trailers shall not be parked on unimproved lots in districts zoned single family, two family, or multifamily.
3. Defenses.
- a. It shall be a defense to prosecution that a vehicle or trailer was parked on an unimproved lot while there was a valid building permit for said lot and the owner of said vehicle or trailer owned said lot or was under contract to improve said lot.
 - b. It shall be an affirmative defense to prosecution that a vehicle or trailer was parked in districts zoned as HO (Historic Overlay District).
4. Defenses excluded.
- a. It shall not be a defense to prosecution that a vehicle or trailer was intended for use as or used as a dwelling for human beings or animals, regardless of whether or not said vehicle or trailer was fit for human or animal habitation.
 - b. It shall not be a defense to prosecution that a lot had no front, side, or back yard because the lot was unimproved.

SECTION 3. That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 4. That, any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined an amount not to exceed \$500.

SECTION 5. That, should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal, or invalid, and the same shall not affect the validity of the Code of Ordinances of the Town of Ponder as a whole.

SECTION 6. That, this ordinance shall take effect immediately following its passage, approval, and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED by the Town Council of the Town of Ponder, Texas, on this the 8th day of February, 2021.

APPROVED:

Matthew Poole
Mayor

ATTEST:

Sheri N Clearman
Town Secretary