

ORDINANCE NO. 04142020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MUNDAY, TEXAS, AMENDING ORDINANCES BY ADDING PROVISION ENTITLED "OFF-STREET PARKING"; REGULATING THE PARKING OF VEHICLES OFF-STREET WITHIN THE FRONT YARD OF RESIDENCES; PROVIDING A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that the unregulated off-street parking of vehicles on grassy or unpaved surfaces within the front yard of residences is detrimental to the health, safety and welfare of residents of the City of Munday; **NOW THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUNDAY AS FOLLOWS:**

PART 1: THAT, the Code of Ordinances of the City of Munday shall be amended by adding provisions for "Off-Street Parking" and shall read as follows:

**Off-Street Parking**

Section A. Definitions:

In this section, the terms described below shall be used and defined as follows:

1. "Front Yard" shall mean all areas between the front face of the residential structure and the front property line.
2. "Rear Yard" shall mean all areas between the rear face(s) of the residential structure and the rear property line.
3. "Side Yard" shall mean all areas extending perpendicular between the side lot lines on either side of the residence directly to the front corners and the rear corners of the property.
4. "Motor Vehicle" means a vehicle that is self-propelled and may include any automobile, truck, bus, motorcycle, motor home, camper, trailer, truck tractor, semi-trailer, boat, or other such vehicle, collectively referred to as "vehicles."
5. "Operator" means a person in actual physical control of the vehicle

6. "Owner" means a person who has: (A) legal title to a motor vehicle (B) or the right to possess or control the vehicle.
7. "Authorized Emergency Vehicle" means: a fire department or police vehicle, a public or private ambulance operated by a person who has been issued a license by the Texas Department of Health; a municipal department or public service corporation emergency vehicle that has been designated by the City Council; a private vehicle of a volunteer firefighter or certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency.
8. "Drive Approach" shall mean the ear within the right-of-way between the portion of the street and the property line that connects a driveway or parking area or space and it is used for ingress and egress to residential property.
9. "Driveway" shall mean an area between the drive approach and parking spaces perpendicular to the front yard and used for vehicles ingress and egress to residential property.
10. "Park" or "Parking" means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading property or passengers.
11. "Stand" or "Standing" means to halt an occupied or unoccupied vehicle, other than temporarily while receiving property or passengers.

#### Section B. Prohibition

1. It shall be unlawful for any person to drive, leave, stand or park or allow to be parked any vehicle in an area in the front yard. All vehicles should only be parked in the driveway other than an authorized emergency vehicle.
2. No owner or occupant of a residence may allow a vehicle to be parked in violation of this ordinance.
3. This section shall not apply to the parking of vehicles if the vehicles are parked in the rear yard screened from view from a street right-of-way behind a six-foot screening/privacy fence. Live screening/hedges, at least six feet tall, is permissible as solid screening.

4. No driveway or improved parking surface shall cover more than 50 percent of the residential front yard. Sixty-five percent coverage of the front yard may be permitted for circular drives.
5. It shall be unlawful for an operator of any vehicle to drive over a raised curb to park or stand a vehicle on property used for residential purposes.

#### Section C. Presumption

In instances in which the actual operator of the vehicle cannot be readily determined, the registered owner of any vehicle parked in violation of this ordinance shall be deemed to be prima facie responsible for the violation so evidenced and subject to the penalty provided herein.

#### Section D. Enforcement

This ordinance shall only be enforced following a ten (10) day written notice to the owners or occupants of the residential lot. The City Manager or Designated Officer shall attach a notice to the offending vehicle and to the front door of the residence which shall state as follows:

**WARNING**  
**VEHICLE LICENSE NO. \_\_\_\_\_ IS PARKED IN AN VIOLATION OF**  
**THE OFF-STREET PARKING ORDINANCE.**

**Contact the City of Munday, City Manager at (940) 422-4331,**  
**within ten (10) calendar days to determine how to comply with Ordinance.**

**Continued parking of vehicles in this area will subject you to prosecution**  
**for violation of Off-Street Parking Ordinance.**

\_\_\_\_\_  
**City Manager/Officer**

Dated: \_\_\_\_\_

#### Section E. Penalty

No person, firm, or corporation, shall cause or permit a violation of any of the provisions of this ordinance. Any person, firm or corporation violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction may be fined of not more than \$200.00. Each day the violation occurs or continues shall constitute a separate offense.

**PART 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed and declared of no further force and effect.

PART 3: If any section, sub-section, clause, phrase or portion of this ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be a separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portions.

PART 4: This ordinance shall take effect upon completion of publication as provided by law.

PART 5: The city secretary is hereby authorized and directed to cause the publication of the descriptive caption hereof together with the penalty provisions for violation thereof.

PASSED AND APPROVED, this 14<sup>th</sup> day of April, 2020.

**CITY OF MUNDAY, TEXAS**



\_\_\_\_\_  
Bob Bowen, Mayor

ATTEST:



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Bianca Harrimon, City Secretary