

ORDINANCE NO. 1692

AN ORDINANCE OF THE CITY OF ANDREWS, TEXAS, AMENDING CHAPTER 42, "TRAFFIC AND VEHICLES," ARTICLE III, "VEHICLES," DIVISION 4 "NON-MOTOR AND RECREATIONAL VEHICLES; BY REDEFINING "NON-MOTOR VEHICLES" AND DEFINING "PEDESTRIAN RIGHT-OF-WAY," CHANGING THE METHOD OF CALCULATING TIME RECREATIONAL VEHICLES ARE ALLOWED ON THE STREET, ENHANCING LANGUAGE TO IMPROVE SAFETY, VISIBILITY, AND QUALITY OF LIFE, ESTABLISHING TERMS AND CONDITIONS FOR A HARDSHIP PERMIT FOR RECREATIONAL VEHICLES TEMPORARILY USED AS LIVING QUARTERS, PROVIDING A HARDSHIP PERMIT FOR NON-MOTOR VEHICLES USED BY CONTRACTORS; PROVIDING CLARIFICATION ON ENFORCEMENT ACTIVITIES; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER; AND PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, pursuant to its authority under the Texas Constitution, the City Charter, and the laws of this state, the City Council has adopted traffic regulations in order to protect the public health, safety, and welfare; and

WHEREAS, the City Council finds and determines that improperly parked vehicles, recreational vehicles, and trailers are detrimental to the quality of life, health, safety, and welfare of the public, and has adopted parking regulations to protect the public; and

WHEREAS, the City Council finds and determines that through the adoption of this Ordinance, the parking regulations shall be in compliance with state law and the public's interest in prohibiting the unauthorized parking of vehicles, recreational vehicles, and trailers shall be better served; and

WHEREAS, pursuant to Texas Local Government Code Chapter 51, the City Council may adopt, publish, amend or repeal an ordinance, rule, or police regulation that is for the good government, peace, and order of the municipality.

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

SECTION 1. The Code of Ordinances, City of Andrews, Texas, Chapter 42, "Traffic and Vehicles," Article III, "Vehicles," Division 4, "Non-Motor and Recreational Vehicles," Sections 42-141 through 42-143, is hereby amended as follows:

Sec. 42-141. - Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Non-motor vehicles means any vehicle that is made or manufactured to be towed, pulled, or hauled by another vehicle to legally mobilize on the street, including boat and boat trailers, utility trailers, box trailers, stock trailers, trailer-mounted equipment, or wheel-mounted machinery, and excluding recreational vehicles.

Recreational vehicle means a vehicular portable structure designed for temporary or short-term occupancy for travel, recreational or vacation uses which can be towed, hauled or driven. Such vehicles shall include, but not be limited to, vacation travel trailers, converted buses, tent trailers, motor homes or similar devices used for temporary portable housing, but shall not include pickups (with campers) which do not exceed one ton in rated capacity and are not longer than 22 feet in length, with campers mounted thereon.

Pedestrian right-of-way means a right-of-way, either improved or unimproved, utilized for public use as a footpath to facilitate pedestrian movement and access to adjacent streets and properties.

Sec. 42-142. - Compliance.

(a) **Non-motor vehicles.**

It shall be unlawful for any non-motor vehicle to park, stand, or stop on any public street, alley, or right-of-way except for the purpose of incessant and expeditious loading or unloading of passengers, equipment, freight, cargo, or merchandise, or for the expeditious utilization directly related to the premises.

(b) **Recreational vehicles.**

It shall be unlawful for any recreational vehicle to park, stand or stop on any public street, alley, or right-of-way for more than 3 consecutive days. For the purposes of calculating the number of days a recreational vehicle has been parked on a public street, alley, or right-of-way, any portion of a day shall constitute one (1) full day.

(c) **Non-motor and recreational vehicles.** Non-motor or recreational vehicles parked for a limited period of time, for a permissible purpose shall:

- (1) Be legally operable and in working condition;
- (2) Have a valid license plate, current vehicle registration and inspection sticker attached thereto;
- (3) Be legally parked facing the correct direction on any public right-of-way, and allow at least 10 feet unobstructed pathway if parked or stopped in an alley for more than 10 minutes;
- (4) In no instance, for any period of time, shall a non-motor or recreational vehicle encroach upon an area reserved for pedestrian right-of-way including improved sidewalks, or be parked within or obstruct an intersection visibility triangle, as defined by this Code;
- (5) In no instance allow any contents or portion of any such vehicle to protrude from the vehicle into traffic or pedestrian right-of-way; and
- (6) In no instance detach a non-motor or recreational vehicle of gooseneck, fifth-wheel or similar type hitch from the transporting motor vehicle.

Non-motor or recreational vehicles parked on private property but visible from any public right-of-way within the corporate city limits shall:

- (1) Be placed upon an improved surface (asphalt, concrete, gravel, chat, caliche or other approved all-weather surface). When connecting to a street there shall be placed a concrete approach approved and inspected by the building inspector;
- (2) Observe a five-foot side yard setback from neighboring properties; and
- (3) Not park in an established front yard setback in a manner that encroaches the view of neighboring properties for more than 7 days in any 14-day period.

Sec. 42-143. - Hardship.

- (a) In the event of an immediate personal or family hardship, the building inspector or city designee may grant the use of a recreational vehicle as living quarters on private property for a temporary period of time not to exceed 180 days. The building inspector may establish specific terms and conditions for the temporary hardship permit to minimize the safety hazard and/or any potential adverse impact to property owners in the area.
- (1) Issuance. Such temporary hardship permit, if approved, shall be in writing from the building inspector or city designee and upon issuance shall be readily producible by the applicant upon the request of any city official.
 - (2) Revocation. Such hardship permit may be revoked by the building official for failing to meet agreed terms and conditions or by the Chief of Police or his designee for criminal activity. Revocation shall be issued in writing and hand delivered to the applicant or posted at the door of the recreational vehicle. The revocation shall include the reason for revocation and allow the tenant/s 72 hours to disconnect all utilities and vacate the recreational vehicle. Failure to vacate or disconnect all utilities shall be a violation of this section.
- (b) In the event of remodeling, construction, or other business activity a contractor may request permission from the building inspector or city designee to park a non-motor vehicle in the street for up to 30 days for purposes related to the activity. The applicant shall sufficiently prove to the inspector that there is no possible or feasible way to park the non-motor vehicle on the property.
- (1) Issuance. If approved, shall be in writing from the building inspector or city designee and once issued shall be readily produced by the applicant upon the request of any city official.
 - (2) Revocation. Such permit may be revoked by the building official for failing to meet agreed terms and conditions or by the Chief of Police or his designee for safety reasons. Revocation shall be issued in writing and hand delivered to the applicant or posted on the vehicle or at the property. The revocation shall include the reason for revocation and shall be effective upon delivery or posting. Failure to comply with revocation shall be a violation of this section.

SECTION 2. The Code of Ordinances, City of Andrews, Texas, Chapter 42, "Traffic and Vehicles," Article III, "Vehicles," Division 4, "Non-Motor and Recreational Vehicles," Sections 42-144 shall be renumbered to Section 42-145 and hereby amended as follows:

Sec. 42-145. - Offense.

- (a) Any person, firm or corporation who shall be in violation of this division, as described by section 42-142 and 42-143, shall be guilty of a misdemeanor; and upon conviction, said person, firm or corporation shall be fined a sum not to exceed \$500.00. Each and every day the violation exists shall constitute a separate and distinct offense. In the event the owner of said property is a corporation, each officer of said corporation may be held separately liable for the penalties herein provided.
- (b) The court shall order abatement of the nuisance upon conviction.

SECTION 3. The Code of Ordinances, City of Andrews, Texas, Chapter 42, "Traffic and Vehicles," Article III, "Vehicles," Division 4, "Non-Motor and Recreational Vehicles," Sections 42-144, is hereby amended as follows:

Sec. 42-144. – Right-of-Way Enforcement.

Upon violation, the police may place a written notice on the non-motor or recreational vehicle parked in public right-of-way, or hand deliver to the owner such notice allowing the owner 72 hours in which to remove the vehicle from the street, alleyway, or public right-of-way. If the non-motor or recreational vehicle is not brought into compliance or removed within the allotted period of time, the non-motor or recreational vehicle may be towed, impounded and disposed of in compliance with applicable state law. Prior to disposal the owner or lienholder of an impounded vehicle shall have the right to redeem and reclaim the vehicle by paying all towing fees, impoundment fees and costs of impoundment.

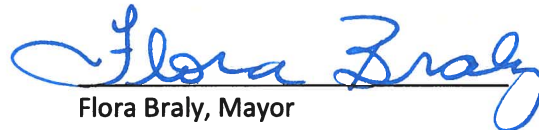
SECTION 4. Effective Date. This ordinance shall take effect on January 3, 2022, after its final passage and publication as may be required by governing law.

SECTION 5. Repealed. All other terms and provisions of the Code of Ordinances, City of Andrews, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 6. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Andrews, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

PASSED AND APPROVED ON FIRST READING THIS THE 21ST DAY OF OCTOBER 2021.

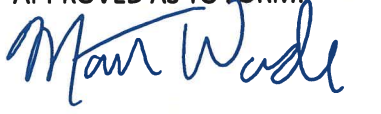
PASSED AND ADOPTED ON SECOND READING THIS THE 11TH DAY OF NOVEMBER 2021.


Flora Braly, Mayor

ATTEST:


Ashton Jones, City Secretary

APPROVED AS TO FORM:


Matt Wade, City Attorney