

ORDINANCE NO. 3322

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF THE CITY OF MESQUITE; BY DELETING THE CURRENT ARTICLE VI, DIVISION 1 AND ADDING A NEW ARTICLE VI, DIVISION 1, THEREBY REVISING COMMERCIAL VEHICLE PARKING REGULATIONS AND ENFORCEMENT AND CREATING EXCEPTIONS FOR CERTAIN TEMPORARY COMMERCIAL VEHICLE PARKING AND FOR THE PARKING OF BUSES AT CERTAIN FACILITIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, it has been demonstrated that the current parking regulations relating to commercial vehicles no longer serve the best interest of the City; and

WHEREAS, the City Council finds that it is in the best interest of the citizens of the City to revise the current commercial parking regulations by clarifying the regulations and excepting from such regulations certain temporary commercial vehicle parking and the parking of passenger buses in connection with entertainment, lodging and other facilities to which members of the public may arrive by passenger bus.

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

SECTION 1. That Chapter 9 of the Code of the City of Mesquite, Texas, is hereby amended by deleting Chapter 9, Article VI, Division 1 in its entirety and adding a new Article VI, Division 1 to read as follows, in all other respects said Code, Chapter and Article to remain in full force and effect:

ARTICLE VI. STOPPING, STANDING AND PARKING

DIVISION 1. COMMERCIAL VEHICLE PARKING

Sec. 9-166. Definitions.

For the purpose of this Division, the following terms shall carry the meanings as set out below:

- (a) *Commercial vehicle* shall mean truck-tractor, road tractor, semi-trailer, bus, truck or trailer or any other commercial vehicle with a rated carrying capacity of two (2) tons or more according to the manufacturers classification.

- (b) *Integral part of a lawfully zoned business* shall mean the operation and use of a commercial vehicle to deliver merchandise, or transport tools, equipment or supplies necessary to the operation of the lawfully zoned business and other uses of commercial vehicle without which the operation of said business would be substantially hindered. Remote and incidental uses of a commercial vehicle in connection with a business, such as advertising, name exposure and promotion, except where such is specifically permitted by the zoning ordinance, shall not be deemed use as an integral part of such business.

- (c) *Standard truck parking area* shall mean a designated parking area at a motel or hotel within the City that meets the criteria for parking lot design for truck parking established by the City as follows:
 - (1) Minimum six-inch lime stabilized subgrade with six-inch reinforced concrete pavement;
 - (2) Minimum approach width of forty (40) feet for two-way driveway and twenty-five (25) feet for one-way entrance or exit with minimum thirty (30) foot curb return radii on driveway approaches; and
 - (3) Minimum twenty-five (25) foot turning radii.

Sec. 9-167. Parking of commercial vehicles prohibited – public streets, alleys, etc.

It shall be unlawful for any owner or person in control of a commercial vehicle, as defined herein, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle upon any public street, alley, parkway, boulevard or other property owned or controlled by any unit of government, except that this section shall not apply to:

- (a) Commercial vehicles while being used for street construction, maintenance, or repair;

- (b) Commercial vehicles being utilized by a company engaged in extending public service utilities;

- (c) Passenger buses taking on or discharging passengers at an approved bus stop;

- (d) A commercial vehicle parked in a loading zone for the purpose of loading or unloading freight or merchandise to a lawfully zoned business;

- (e) A commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location; and
- (f) A commercial vehicle experiencing a mechanical defect making it unsafe or impossible to proceed, for such period of time as emergency repairs are made or, if repairs cannot be made in a timely manner, until a tow truck arrives.

Sec. 9-168. Parking of commercial vehicles prohibited –residential areas.

It shall be unlawful for any owner or person in control of a commercial vehicle, to leave, park, or stand, or permit the leaving, parking, or standing of such vehicle within any area of the City zoned residential according to the *Mesquite Zoning Ordinance*, except that this section shall not apply to a commercial vehicle parked for the purpose of expeditiously delivering or picking up merchandise to or from a specific designated location or loading or unloading personal property to or from a specific designated location while in the normal course of business for which the commercial vehicle operates.

Sec. 9-169. Parking of commercial vehicles – within certain zoning districts.

It shall be unlawful for any owner or person in control of a commercial vehicle set forth herein, or any owner or person in control of property described herein to leave, park, or stand a commercial vehicle, or permit the leaving, parking, or standing of a commercial vehicle upon property within an area zoned nonresidential according to the *Mesquite Zoning Ordinance*, except where one or more of the following conditions exist:

- (a) The commercial vehicle is parked upon an approved parking surface within an area zoned industrial according to the *Mesquite Zoning Ordinance*.
- (b) The commercial vehicle is parked or standing for the purpose of expeditiously loading and unloading passengers, freight or merchandise;
- (c) The commercial vehicle is parked at a lawfully zoned business establishment, wherein such commercial vehicle is utilized as an integral part of such lawfully zoned business;
- (d) The commercial vehicle is a passenger bus parked on a parking lot in an area designated by the owner of the parking lot for the parking of buses, and with the consent of the owner during such period as the bus passengers are attending an event at a facility zoned for such activities, or are

customers at a retail center, or in the case of a hotel or motel, during such periods of time that the bus passengers are customers of the hotel or motel;

- (e) The commercial vehicle parked is parked in a designated area at an exhibit or exhibition hall, convention center, entertainment, or similar facility when the commercial vehicle is involved in the delivery and removal of equipment, products, merchandise, livestock or other items to and from the facility. All such commercial vehicles must be identified with an official temporary parking permit issued by the facility hosting the event, and must be parked in the area designated for such vehicles. The temporary permit must identify the vehicle to which it is issued by license plate number and state, year, make, model, and color, the driver of the vehicle and the name and date or dates of the event during which the permit is valid; or
- (f) The commercial vehicle is truck or trailer no greater than twenty-six (26) feet in length, bumper to bumper, being driven by an individual who has rented the vehicle from a commercial business for the purpose of transporting his personal property from one location to another, and parked for less than 24 hours at a motel or hotel while the driver of the vehicle is a customer of the hotel or motel.
- (g) The commercial vehicle is parked in a truck parking area at a motel or hotel within the City, which has been specifically approved for truck parking by the City Council in accordance with the procedures and standards set out below.
 - (1) *Application:* An application containing the following information shall be submitted: (a) specific identification of the property for which the request is made; (b) a detailed site plan of the property showing dimensions and indicating the area(s) for which truck parking is being requested; (c) the maximum number of trucks the proposed area will accommodate; (d) description and identification of the location of proposed screening and buffering; and (e) other information relevant to the request.
 - (2) *Notification and hearing:* Prior to making a determination concerning the application, the City Council will hold a public hearing to receive input from the applicant, adjoining property owners and other interested persons. Owners of property abutting the property described in the application, including properties separated from the subject property by a street or alley, shall be provided written notification at least ten (10) days prior to consideration of the application. Adjoining owners shall be informed of the applicant's request for a truck parking area, and be

given the opportunity to respond in writing and/or in person at a the public hearing.

- (3) *Application review criteria for new hotel or motel:* A determination of approval or denial by the City Council shall be based upon an evaluation of the purpose and justification for a truck parking area as stated in the application; the location of the property and proposed parking area in relationship to existing, and proposed and potential uses in the area; the ability to reasonably accommodate truck parking and maneuvering on the site; and other factors affecting on-site circulation and off-site impact. The decision of the City Council shall be final. City Council approval of a truck parking area at a new hotel or motel will include specification of the number of trucks that may be parked in the approved area and require the construction of a standard truck parking area.
- (4) *Application review criteria for an existing hotel or motel:* In addition to the criteria set forth for the determination of approval or denial for a new motel or hotel, an existing hotel or motel must demonstrate that their existing parking lot can support and accommodate the use and maneuvering of trucks, that truck traffic will not greatly impact the area, and that requirements concerning the number of spaces required for passenger vehicles will continue to be met. The decision of the City Council shall be final. City Council approval of a truck parking area at an existing hotel or motel will include specification of the number of trucks that may be parked in the approved area. The provisions of this section shall not affect truck parking approved at an existing hotel or motel prior to September 1, 1999.

Sec. 9-170. Parking of commercial vehicles – not to affect truck route regulations.

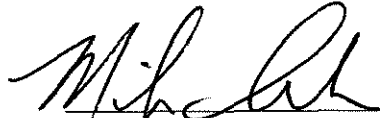
Notwithstanding the provisions of this division, it shall be unlawful for the operator of any tractor-trailer combination commercial vehicle commonly known as an “eighteen wheeler” to operate such vehicle in violation of any provision of the City Code relating to truck routes.

SECTION 2. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.


SECTION 3. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense.

SECTION 4. That the present ordinances of the City of Mesquite are inadequate to provide for the proper regulation of parking of commercial vehicles creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

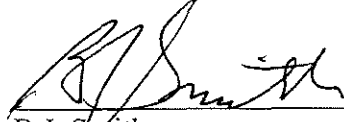
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of September, 1999.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney