

ORDINANCE NO. 7350

AN ORDINANCE AMENDING SECTION 24.44, "CIVIL PENALTY," LOCATED WITHIN CHAPTER 24, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; AND SECTION 32.57, "OVERSIZED AND OTHER VEHICLES-RESTRICTIONS IN RESIDENTIAL ZONES," LOCATED WITHIN CHAPTER 32, ARTICLE II, DIVISION I, OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY UNDER THE PROVISIONS OF SECTION 10.05 OF THE CODE OF ORDINANCES OF THE CITY OF GARLAND, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARLAND, TEXAS:

Section 1

That Section 24.44 "Civil Penalty," of Article III, "ADMINISTRATION ENFORCEMENT AND ADJUDICATION OF PARKING OFFENSES," of Chapter 24, "MUNICIPAL COURT AND ADMINISTRATIVE ADJUDICATION," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 24.44 Civil penalty

(A) A parking violation that is made a civil offense under this article shall have a penalty as follows:

(1) For a violation involving an oversized vehicle as defined in Sec. 32.57 of the Code of Ordinances:

(a) For the first offense within a 12-calendar month period \$75.00;

(b) For a second offense within a 12-calendar month period \$100.00;

(c) For a third or greater offense within a 12-calendar month period \$150.00.

(2) For a violation involving all other vehicles:

(a) For the first offense within a 12-calendar month period \$25.00;

(b) For a second offense within a 12-calendar month period \$50.00;

(c) For a third or greater offense within a 12-calendar month period \$75.00.

..."

Section 2

That Section 32.57 "Oversized and other vehicles-Restrictions in residential zones," of Division I, "Property Maintenance," of Article II, "PROPERTY MAINTENANCE AND NUISANCE ABATEMENT," of Chapter 32, "PROPERTY SANITATION AND HOUSING SERVICES," of the Code of Ordinances of the City of Garland, Texas, is hereby amended *in part* to read as follows:

"Sec. 32.57 Oversized and other vehicles-Restrictions

...

(B) Parking oversized vehicles in nonindustrial zones:

- (1) A person commits an offense if the person parks or stands an oversized vehicle at any place within an area zoned agricultural, neighborhood office and community office, community retail, light commercial, or planned development.
- (2) The owner of an oversized vehicle commits a civil offense if the owner allows, suffers, or permits the parking or standing of the oversized vehicle at any place within an area zoned agricultural, neighborhood office and community office, community retail, light commercial, or planned development.
- (3) It shall be an affirmative defense to prosecution under this section that the oversized vehicle was:

(a) In the process of loading or unloading material at the address where the oversized vehicle is located;

(b) The oversized vehicle's driver is present and in control of the vehicle, waiting to be loaded or unloaded;

(c) At a fueling site being fueled;

(d) At a business that has a valid certificate of occupancy to utilize or repair oversized vehicles when authorized in writing by the business; or

(e) On the premises of a dining or lodging establishment while the operator of the oversized vehicle is dining or a registered guest of the lodging establishment.

..."

Section 3

That Chapters 24 and 32 of the Code of Ordinances for the City of Garland, Texas, as amended, shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 4

That a violation of any provision of this Ordinance shall be a misdemeanor punishable in accordance with Sec. 10.05 of the Code of Ordinances of the City of Garland, Texas.

Section 5

That the terms and provisions of this Ordinance are severable and are governed by Sec. 10.06 of the Code of Ordinances of the City of Garland, Texas.

Section 6

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

PASSED AND APPROVED this the 2nd day of August, 2022.

CITY OF GARLAND, TEXAS

Mayor

ATTEST:

City Secretary

PUBLISHED: