

**ORDINANCE NO. 2024-27**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING THE ODESSA CITY CODE CHAPTER 12 "TRAFFIC AND VEHICLES" ARTICLE 12-3 "PARKING, STOPPING AND STANDING" SECTIONS 12-3-15 "PARKING IN UNDEVELOPED LOTS" AND 12-3-16 "PARKING OF COMMERCIAL MOTOR VEHICLES"; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND DECLARING AN EFFECTIVE DATE

**WHEREAS**, Traffic Engineering investigations by the City of Odessa have revealed that it would materially contribute to traffic safety to make the hereinafter described amendments;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ODESSA, TEXAS**

**Section 1.** That the Odessa City Code Chapter 12 "Traffic and Vehicles," Article 12-3 "Parking, Stopping and Standing" is hereby amended as follows:

**§ 12-3-15 Parking in undeveloped lots.**

(a) It shall be unlawful for any person to park any commercial or noncommercial vehicle, trailer, or boat in an undeveloped lot, including a lot designated or reserved as a drill site, on an unpaved surface or any surface not constructed for parking, in any zoning district.

(b) A violation of this section, or a commercial or large vehicle parked for more than forty-eight (48) hours, shall be subject to non-consensual towing at the expense of the party reflected in section 12-3-1.

(c) Vehicles found in violation, which cannot be identified by license plates and/or vehicle identification numbers shall be subject to non-consensual towing at the expense of the party reflected in section 12-3-1.

**§ 12-3-16 Parking or standing of commercial or large motor vehicles.**

Parking of commercial or large motor vehicles shall comply with the following provisions:

(1) It shall be unlawful for any person to park, stand, or store, or allow to be parked or stored, any commercial motor vehicle or large motor vehicle upon any public street, alley, parkway, boulevard, public place, public right-of-way, or railroad right-of-way within the corporate limits of the city.

(2) In this section, a “commercial vehicle” shall be any vehicle over 17,000 pounds gross vehicle weight rating.

(3) In this section, a “large vehicle” shall be a vehicle in excess of eight (8) feet in height and/or exceeding twenty-two (22) feet in length or thirty (30) feet in combined length.

(4) This section is not intended to apply to and it shall be an affirmative defense under this section that the commercial motor vehicle is:

(A) Parked or standing for the purpose of expeditiously loading and unloading passengers, freight, or merchandise;

(B) Parked while the driver or operator is performing a service visit or call;

(C) Tow trucks;

(D) Street construction equipment, maintenance and repair equipment or trucks, rollers and implements, equipment trailers or vehicles used by public service utility companies engaged in repairing or extending public service utilities when used, or intended for use, in the general vicinity;

(E) Experiencing mechanical difficulties or defects and are receiving emergency repairs, or are parked in line awaiting repairs or maintenance outside from a business that provides such repairs or maintenance if the driver remains with the vehicle;

(F) A passenger bus parked on a parking lot in an area designated by the owner of the parking lot for the parking 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;

(G) 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;

(H) A 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; or

(I) Parked in a truck parking area at a motel or hotel within the city that has been specifically approved for truck parking, provided that the driver of the vehicle is a current customer of the hotel or motel;

(J) Vehicles owned and operated by businesses within the city limits who are parked on property owned and controlled by the business.

(K) Truck stops within the city limits. In this section a “truck stop” is defined as a large roadside service station for commercial truck drivers, e.g., Love’s Travel Stops.

(5) A violation of this section, or a commercial or large vehicle parked for more than forty-eight (48) hours, shall be subject to non-consensual towing at the expense of the party reflected in section 12-3-1.

(6) Vehicles found in violation, which cannot be identified by license plates and/or vehicle identification numbers shall be subject to non-consensual towing at the expense of the party reflected in section 12-3-1.

**Section 2.** That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3.** That any person violating the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and shall be punished by a fine not to exceed two hundred dollars (\$200.00) as provided in Odessa City Code Section 1-1-9 “General Penalty”.

**Section 4.** That the caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Odessa as provided by City Charter Section 65.

**Section 5.** That this ordinance shall go into effect five (5) days after its publication following adoption on second approval as provided by City Charter Sections 61 and 65.

The foregoing ordinance was first approved on the 11<sup>th</sup> day of June, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 25<sup>th</sup> day of June, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 25<sup>th</sup> day of June, A.D., 2024.

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Javier Joven, Mayor

ATTEST:

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Norma Aguilar, City Secretary

APPROVED AS TO FORM:

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Daniel C. Jones, City Attorney