

ORDINANCE NO. 23-005

AN ORDINANCE OF THE CITY OF PELICAN BAY, TEXAS, PROVIDING FOR THE REGULATION OF PARKING OF RECREATIONAL VEHICLES, BOATS, OVERSIZED VEHICLES, AND UTILITY TRAILERS WITHIN THE CITY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pelican Bay, Texas, is a Type A general law municipality located in Tarrant County, created in accordance with Chapter 6 of the Local Government Code, and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Pelican Bay recognizes the specialized nature of the parking needs of recreational vehicles, utility trailers, boats, and oversized vehicles and a need to regulate the parking and storage of the same within the City of Pelican Bay; and

WHEREAS, the City Council desires to provide its residents and visitors safe passage along roadways and regulate the parking of large vehicles to minimize the impact on residential neighborhoods in the City; and

WHEREAS, the City has a substantial interest in protecting the health, safety, welfare, convenience, and enjoyment of the general public and has proposed these regulations for the use and parking within the City to further this interest; and

WHEREAS, the City Council hereby finds and determines that the regulations and amendments set forth herein are in the best interest of the public and are adopted in furtherance of public health, safety, morals, and general welfare.

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

SECTION 1.

Parking utility trailers, oversized vehicles, boats and recreational vehicles in residential zones.

1.01. DEFINITIONS

In this ordinance:

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

Boat means a vessel propelled on water by oars, sails, or an engine and/or a trailer designed

and intended to transport the vessel. A boat is not considered a vehicle for the purposes of this ordinance.

Ditch means any drainage culvert, bar ditch, or area adjacent to a roadway that is below grade level.

Oversized vehicle means a tow truck (wrecker), truck tractor, road tractor, semitrailer (whether or not attached to a truck tractor or a road tractor), dump truck, cement mixer truck, box truck, bus, any passenger motor vehicle designed to carry more than 16 persons (including the driver), or any vehicle greater than 23 feet in length. The term "oversized vehicle" does not include any motor vehicle owned or operated by a governmental entity.

Park has the meaning assigned by the Texas Transportation Code, section 541.401.

Recreational vehicle means a motor vehicle designed as temporary living quarters for recreational travel or vacation use, The term includes a travel trailer, camping trailer, truck camper, motor home,

Residential zone means any property zoned single-family, duplex, multifamily or planned development for single-family, duplex, or multifamily uses, or used for such purposes. The term "residential zone" includes both private and public property within such zoning districts.

Registration means title, ownership papers, permit.

Stand has the meaning assigned by the Texas Transportation Code, section 541.401.

Utility trailer means an enclosed or open cargo trailer designed for the transportation of a variety of products, goods, equipment, livestock, or vehicles.

1.02. PENALTY

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, be subject to a fine up to five hundred (\$500.00) dollars.

Each twenty-four (24) hour period that the vehicle or equipment is in violation shall constitute a separate offense.

1.03. RESIDENTS' PARKING OR STANDING RECREATIONAL VEHICLES, BOATS, AND UTILITY TRAILERS IN RESIDENTIAL ZONES.

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of a recreational vehicle, boat, or utility trailer (collectively "equipment") at any place within a residential zone, unless it meets the following requirements:
 - a. Such equipment shall not be in front of the home or in the ditch.
 - b. Such equipment shall not be parked in the roadway.
 - c. Such equipment that is up to twelve feet in height as measured from grade-level may be located beside or behind the primary structure and must be set back from the nearest corner of the front facade of the house a minimum of ten feet.
 - d. If such equipment is parked on an unimproved surface, the unimproved surface shall be maintained in accordance with city Code requirements.

- e. On lots of any size, any such equipment taller than six feet above grade shall, in addition to the ten-foot setback from the front façade of the dwelling, shall maintain a three-foot setback from all side and rear property lines; and
- f. Notwithstanding other requirements of this section, a utility trailer not registered to the property owner or property renter may be parked in a residential zone for a period not to exceed 48 hours for the purpose of loading and unloading only. No loading or unloading on a street with a pavement width of less than fifteen (15') feet shall be allowed without first providing notice to the City of Pelican Bay and obtaining a written permit for such loading or unloading.

1.04 OCCUPANCY OF RECREATIONAL VEHICLES NOT PERMITTED

- (1) No recreational vehicle shall be occupied or used for living, sleeping, or residency when parked or stored on any lot in a designated residential zone.
- (2) Connection to the City’s Water or Sewer Systems is prohibited. This includes the prohibition of dumping waste into the City’s Sewer System.
- (3) It is an exception to the application of this subsection if the property owner is making repairs due to storm or fire damage to the primary dwelling. The property owner shall register with the city secretary the recreational vehicle is being utilized as an emergency dwelling. The use of the recreational vehicle as an emergency dwelling may not exceed ninety (90) days.

1.05 VISITORS’ PARKING REGISTRATION FOR RECREATIONAL VEHICLES AND BOATS IN RESIDENTIAL ZONES.

- (1) A person who is not a resident of the city (“visitor”) may park or stand a recreational vehicle or boat in the city if the parking or standing of the recreational vehicle or boat complies with the requirements of this ordinance regulating the location of the recreational vehicle or boat.
- (2) A visitor shall register the recreational vehicle with the office of the city secretary. Upon proper completion of the registration, the visitor may park or stand the recreational vehicle for a period of seven consecutive calendar days.
 - a. Visitor registrations must be a minimum of 14 days apart and will be allowed four times within a twelve (12) month period at the same address. This shall mean a cumulative total of four times per year per address, not per separate visitors.
 - b. Homeowners of existing recreational vehicles will have sixty days to get into compliance with this ordinance once it is in effect.

1.06 PARKING OVERSIZED VEHICLES IN RESIDENTIAL ZONES.

- (1) A person commits an offense if the person parks or stands or allows the parking or standing of an oversized vehicle at any place within a residential zone.
- (2) It shall be an affirmative defense to prosecution under this section that, at the time of the offense:
 - a. The oversized vehicle is being used in the loading or delivery of passengers or goods within a residential zone and only for such period as is actually necessary to accomplish

such loading or delivery;

- b. The oversized vehicle is being used in the repair or construction of a public utility or for construction activities; or
- c. The oversized vehicle is associated with a service person performing work at a residence, other than the service person's residence.
- d. Vehicles in classes six, seven, and eight are prohibited in attached Exhibit A.

1.07 EXCEPTION

Property owners who own recreational vehicles may receive an exception to the setback requirements of 1.03 above by requesting an inspection and receiving a waiver, by the City's Fire Marshall or Fire Chief, stating that the setback does not create a fire hazard or obstruct access in the event of a fire.

1.08 PARKING NOT TO OBSTRUCT TRAFFIC.

(1) No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall park any vehicle upon the street in such a manner or under such conditions as to cause the obstruction of pedestrian traffic on the sidewalk area.

(3) No pedestrian shall park any vehicle upon the street within 25 feet of a construction site or construction barricades.

1.09 IMPOUNDMENT OF STANDING OR PARKED VEHICLES—GENERALLY.

(4) Vehicles parked or standing in violation of this ordinance may be impounded as permitted by state law.

1.10 COMPLIANCE PERIOD

(1) Each person will have a period of 60 days to get into compliance upon passage of this Ordinance.

SECTION 2.

CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Pelican Bay, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

**SEVERABILITY
CLAUSE**

It is hereby declared that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and section of this ordinance, because the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

PENALTY FOR VIOLATION

Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined up to five-hundred (\$500.00) dollars. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder for violation of this ordinance.

SECTION 5.

SAVINGS CLAUSE

All rights and remedies of the City of Pelican Bay are expressly saved as to any and all violations of the provisions of the Subdivision Ordinance or any other ordinance or regulation provision affecting platting, dedication and development which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

PUBLICATION CLAUSE

The City Secretary of the City of Pelican Bay is hereby directed to publish the caption, penalty clause, publication clause, and the effective date clause in the official City newspaper two times as required by Section 52.011 of the Texas Local Government Code.

SECTION 7.

EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and publication, as provided by the law.

SECTION 8.

OPEN MEETING

It is hereby officially found and determined that the meeting in which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, and Texas Government Code.

PASSED AND APPROVED ON THIS 13th DAY OF June 2023.


Tamra Olague, Mayor

ATTEST:



Cynthia Daniels, City Secretary



US truck class	Duty classification	Weight limit ^{[1][11]}	Examples
Class 1	Light duty	0–6,000 pounds (0–2,722 kg)	<u>Chevrolet Colorado/GMC Canyon</u> , <u>Ford Ranger</u> , <u>Honda Ridgeline FWD^[12]</u> , <u>Jeep Gladiator</u> , <u>Nissan Frontier</u> , <u>Toyota Tacoma</u>
Class 2a	Light duty	6,001–8,500 pounds (2,722–3,856 kg)	<u>Chevrolet Silverado/GMC Sierra 1500</u> , <u>Ford F-150</u> , <u>Honda Ridgeline AWD^{[12][13][14]}</u> , <u>Ram 1500</u> , <u>Nissan Titan</u> , <u>Toyota Tundra</u>
Class 2b	Light duty	8,501–10,000 pounds (3,856–4,536 kg)	<u>Chevrolet Silverado/GMC Sierra 2500</u> , <u>Ford F-250</u> , <u>Nissan Titan XD</u> , <u>Ram 2500^{[12][13][14]}</u>
Class 3	Medium duty	10,001–14,000 pounds (4,536–6,350 kg)	<u>Chevrolet Silverado/GMC Sierra 3500</u> , <u>Ford F-350</u> , <u>Ford F-450 (pickup only)</u> , <u>Ram 3500</u> <u>Isuzu NPR^[15]</u>
Class 4	Medium duty	14,001–16,000 pounds (6,351–7,257 kg)	<u>Chevrolet Silverado 4500HD/International CV</u> , <u>Ford F-450 (chassis cab only)</u> , <u>Ram 4500^[12]</u> <u>Isuzu NPR-HD^[15]</u>
Class 5	Medium duty	16,001–19,500 pounds (7,258–8,845 kg)	<u>Chevrolet Silverado 5500HD/International CV</u> , <u>Ford F-550</u> , <u>Ram 5500</u> <u>Isuzu NRR^[15]</u> , <u>Freightliner Business Class M2 106</u> , <u>Kenworth T170</u> , <u>Peterbilt 325</u>
Class 6	Medium duty	19,501–26,000 pounds (8,846–11,793 kg)	<u>Chevrolet Silverado 6500HD/International CV</u> , <u>Ford F-650</u> , <u>Freightliner Business Class M2 106</u> , <u>International MV^[16]</u> , <u>Kenworth T270</u> , <u>Peterbilt 330</u>
Class 7	Heavy duty	26,001–33,000 pounds (11,794–14,969 kg)	<u>Autocar ACMD^[17]</u> , <u>Freightliner Business Class M2 106</u> , <u>Ford F-750^[18]</u> , <u>Hino 338</u> , <u>International MV</u> , <u>Kenworth K370</u> , <u>Kenworth T370</u> and <u>T440/470</u> , <u>Mack MD</u> , <u>Peterbilt 220</u> and <u>337/348</u>
Class 8	Heavy duty	33,001 pounds (14,969 kg) and above	<u>Autocar ACX and DC</u> ; <u>Volvo Truck VNL</u> ; <u>Freightliner Cascadia</u> , <u>Business Class M2 112</u> , <u>118SD</u> , and <u>EonicSD</u> ; <u>Ford F-750</u> ; <u>Hino XL8</u> ; <u>International LT</u> , <u>HV</u> , and <u>RH</u> ; <u>Kenworth T680</u> , <u>T880</u> , and <u>W990</u> ; <u>Mack Anthem</u> , <u>Granite</u> , <u>Tesla Semi</u> , <u>Nikola TRE</u> , <u>Pinnacle</u> , and <u>TerraPro</u> ; <u>Peterbilt 389^[19]</u> , <u>579</u> , and <u>520</u> ; <u>Western Star 4800</u> , <u>4900</u> and <u>5700</u> ; <u>Pierce</u> , <u>E-One</u> , <u>Spartan</u> , <u>Ferrara</u> , <u>KME custom fire apparatus</u> .