

ORDINANCE NO. 34B-2022

**PROCEDURES FOR THE PARKING AND STORAGE OF
RECREATIONAL AND COMMERCIAL VEHICLES**

AN ORDINANCE BY THE CITY OF HILLCREST VILLAGE, TEXAS, REPEALING IN ITS ENTIRETY THE EXISTING ORDINANCE 34B-2021 AND REPLACING IT WITH THE ENACTMENT OF ORDINANCE 34B-2022 PROVIDING FOR THE PARKING AND STORAGE OF RECREATIONAL VEHICLES, COMMERCIAL/NON-COMMERCIAL VEHICLES, PERSONAL VEHICLES, DEFINITIONS, GENERAL REGULATIONS, ADOPTION OF TEXAS TRANSPORTATION CODE TITLE 7, SUBTITLE H, CHAPTERS 683, SUBCHAPTER A, SECTIONS 683.001 THROUGH SECTION 683.078, TEXAS LOCAL GOVERNMENT CODE 601.001, CURRENT EDITIONS AND ALL SUBSEQUENT REVISIONS AND AMENDMENTS MADE BY STATE LEGISLATURE OF THE STATE OF TEXAS AND MADE A PART OF THIS ORDINANCE UNDER SECTION NO. 6, AND PROVIDING FOR ENFORCEMENT AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

WHEREAS, over the years there has been an increase in the use and storage of Recreational and Commercial Vehicles vehicles by the residents of the City of Hillcrest Village; and

WHEREAS, some of the Recreational and Commercial Vehicles visible from the public right-of-way have an unsightly appearance; and

WHEREAS, many complaints have been received by the City regarding the parking of Recreational and Commercial Vehicles with respect to location and appearance; and

WHEREAS, each property owner has an obligation to their neighbors and general public to maintain a safe and appealing appearance for the City; and

WHEREAS, the City Council held Public Hearings to review current codes and make recommendations regarding Recreational and Commercial Vehicle parking with respect to unsightly Recreational and Commercial Vehicle parking and residential property, and this matter has been discussed with the City Council of the City of Hillcrest Village; and

WHEREAS, the City Council took into consideration the discussions made in public hearings and the following findings have been set forth by the City Council of the City of Hillcrest Village:

WHEREAS, the purpose of this ordinance is not to harass property owners who might commit a technical violation, but to maintain appearance and property values in the City; and

1. The proposed Ordinance is consistent with the General Plan in that these regulations on Recreational and Commercial Vehicle parking will further the City's Goals to maintain and enhance the visual appearance of the community and protect the public safety.
2. The proposed Ordinance is consistent with all other applicable requirements of local ordinances and state law in that the proposed regulation of Recreational and commercial Vehicle parking will not conflict with any existing provisions of Municipal Ordinances and will be in conformance with the State of Texas Municipal Codes.
3. The proposed Ordinance will not be detrimental to the health, safety, morals, comfort or general welfare of the persons residing within the City of Hillcrest Village or be injurious to property or improvements within the City of Hillcrest Village.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HILLCREST VILLAGE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1
AUTHORITY AND PURPOSE

AUTHORITY: This Ordinance is adopted pursuant to the enabling provisions of the Texas Local Government Code Section 51:001, Section 51.012, and Section 601.001, and Texas Transportation Code 683.

PURPOSE: The purpose of the ordinance is to repeal in its entirety the existing recreational and commercial vehicle parking ordinance 34B-2021. And replace it with a more harmonious parking ordinance for the purpose of establishing an aesthetic standardization and beautification of residential streets and yards of residential properties within the municipal limits of the City of Hillcrest Village.

SECTION II
REPEAL OF PARKING ORDINANCE 34B-2021

The existing Recreational and Commercial Vehicle ordinance (Ordinance 34B-2021) is hereby repealed in its entirety and replaced as more fully set out below.

SECTION III
DEFINITIONS

Commercial Vehicle – any motor vehicle or equipment designed or used primarily for transportation of persons or property or use for or in connection with a business.

Personal Vehicle – any motor vehicle designed or used primarily for transportation of person or property for, or in connection with personal use.

Recreational Vehicle (RV's) – "Recreational Vehicle" includes but is not limited to a motor home, motorized dwelling, boat, jet ski, boat trailer, travel trailer, towed camper, utility trailer, livestock trailer, pop-up tent trailer, camper shell, self-contained pickup camper, all-terrain vehicles, or heavy operating equipment.

SECTION IV **PARKING AND STORAGE OF COMMERCIAL VEHICLES**

The outdoor storage or parking of commercial vehicles, and non-commercial vehicles rated at more than one (1) ton shall be prohibited within the city limits of Hillcrest Village for more than a total of 72 hours during any thirty (30) day period and for more than thirty-six (36) consecutive hours unless otherwise approved by city council.

SECTION V **PARKING AND STORAGE OF RECREATIONAL VEHICLES**

1. It shall be unlawful for any person to park or store, or allow any person to park or store in the City of Hillcrest Village, any recreational vehicle unless it is screened from view from the public streets. All open storage of recreational vehicles shall be screened from all other properties and public streets by at least (6) foot high solid fence on residential properties, unless otherwise approved by the City Council.
2. All recreational vehicles of any type shall be currently licensed and inspected where applicable.
3. No recreational vehicle shall be used for living, sleeping, storage or housekeeping purposes when parked or stored in the city, except for the temporary sleeping of guests or residents not to exceed seven nights in a thirty-day period.
4. A recreational vehicle may be parked in the city for no more than seven nights so that it can be loaded, unloaded, and/or cleaned. However, no recreational vehicle may be parked on a public street, public easement, or road right-of way during this time nor create a possible public hazard.
5. The recreational vehicle of a visiting guest may be permitted to park at a residence for no more than seven nights in a 30-day period, so long as it is not parked on a public street, road right-of-way, or public easement or creates a possible public hazard.
6. The time limitations contained in this section may be suspended during natural disasters.

SECTION VI **ORDINANCE ENFORCEMENT**

- A. Whenever violations of this ordinance exist, the City shall provide notice to the resident to remedy the condition and to come into compliance within 14 days. Such notice shall be in writing and shall be served on the resident by placing written notice at the property and by U.S. Mail to the address on record. If the ordinance violation has not been remedied within the 14-day requirement, a hearing will be set, and notice given in accordance with the Building Standards Commission Ordinance 25-2019 to legally enforce the ordinance.
- B. In addition to the fines listed in Section VII of this ordinance, the City of Hillcrest may at the direction of the Building Standards Commission and in accordance with Sec 25.3 of the Building Standards Commission ordinance order removal of the property in violation.
- C. Some circumstances may require an extension of time to come into compliance. Should this be the case, the property owner/resident must request a hearing before the City Council of Hillcrest Village to request an extension of time to comply.

SECTION VII

FINES AND PENALTIES

- A. A misdemeanor citation will be issued at a fine of up to \$200.00 per day if at the end of the 14-day compliance period one of the following has not occurred:
 - 1. The correction has been made
 - 2. A concentrated effort is in progress to correct the condition.
 - 3. A hearing request before the City Council has been received
- B. Penalties
 - 1. Each and every day during which a violation(s) continues, except in cases which a given time has been allowed for corrective action to be taken, shall be a separate and distinct offense.
 - 2. Any and all persons guilty of an infraction shall pay the fine within thirty days or be declared delinquent and the fine doubled. Failure to pay within ninety days shall result in a tripling of the fine and filing of the amount with the county as a tax lien against the property

SECTION VIII

APPEAL PROCESS

Be it further ordained by the City Council of the City of Hillcrest Village, Texas that residents have an appeal process to the enforcement of this ordinance. That is, they may file a written petition of appeal for a hearing with the City of Hillcrest Building Standards Commission. The application for a hearing must be filled, turned into the city office, and application fees paid before a hearing will be scheduled. The Building Standards Commission, may vary any provision of this ordinance to any particular case when, in its opinion, enforcement would be

contrary to the spirit and purpose of this ordinance or the technical codes of public interest and the enforcement thereof would do manifest injustice, and also finds all of the following:

- A. That special conditions and circumstances exist which are peculiar to this incident, and which are not applicable to others;
- B. That the special conditions and circumstances do not result from the action or inaction of the applicant;
- C. That the granting of the variance requested will not confer on to the applicant any special privilege;
- D. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance and will not be detrimental to public health, safety, and general welfare.

Note that any petition of appeal approved by the City of Hillcrest Building Standards Commission shall be issued in writing and provided to the resident making the petition of appeal for their file.

SECTION IX **SAVINGS CLAUSE**

The terms and provisions of this ordinance shall be deemed to be severable and that is if the validity of any section, subsections, sentence, clause, or phrase of this ordinance should be declared to be invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance.

SECTION X

This ordinance shall become effective and in full force on the date it is approved and adopted by the City Council of Hillcrest Village, Texas, on its final reading and signed.

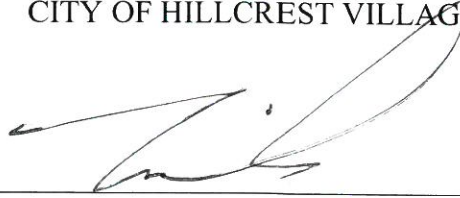
FIRST READING:

PASSED, APPROVED, AND ADOPTED, THIS 14 DAY OF February 2022.

CITY OF HILLCREST VILLAGE, TEXAS



RASHELLE CASAS, CITY CLERK



TOM WILSON, MAYOR

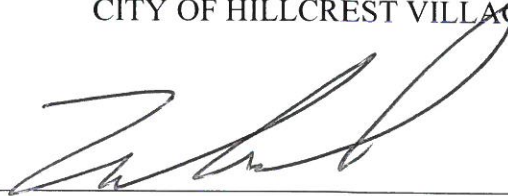
FINAL READING:

PASSED, APPROVED, AND ADOPTED, THIS 14 DAY OF March 2022.

CITY OF HILLCREST VILLAGE, TEXAS



RASHELLE CASAS, CITY CLERK



TOM WILSON, MAYOR