



ORDINANCE 2019-05

AN ORDINANCE ESTABLISHING A SPECIFIC ZONE AREA IDENTIFIED HEREIN SHALL BE DEFINED AS A “COMMERCIAL PREFERENTIAL PERMIT PARKING” ZONE.

Whereas, the existing Code of Ordinances of the City of Tom Bean does not provide sufficient means to regulate commercial preferential permit parking in the identified zone; and

Whereas, City Staff is recommending the creation of rules and regulations relating to commercial preferential permit parking in the identified zone; and

Whereas, the City Council has determined that the following regulations are in the best interests of the City of Tom Bean, and the citizens therein; and

Whereas, the City Council finds and declares that the meeting at which this ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN AS FOLLOWS:

That the recitals set forth above are hereby found by the City Council to be true and correct, and are incorporated by references herein and expressly made as a part hereof as if copied verbatim.

COMMERCIAL PREFERENTIAL PERMIT PARKING ZONE

Section 101 Zone Parameters

- (a) Establishment of Specific Zone. A specific area identified herein shall be defined as a “Commercial preferential permit parking” zone (see Attachment A.) The commercial preferential permit parking zone is defined as a tract of land that is 100 feet wide by 700 feet in length, owned, operated and maintained by the City of Tom Bean, and situated between the 100 block of South Lyon Street, and the 100 block of South Eubanks Street, north of Garner Street, and south of State Highway 11.

Section 102 Permit Requirements

- (a) The municipal clerk shall issue permits, in the form of adhesive labels or decals, for commercial preferential parking to qualified applicants who have completed an application form supplied by the City of Tom Bean. Applicants for such permits shall present such proof as may be required of residence within the city, or of a business situated and operating in the city or within areas immediately contiguous to the city, and proof of current registration of the commercial vehicle to the resident or to the business.
- (b) No more than two permits shall be issued for each qualified resident or business. Applicants requesting more than two permits may be granted additional permits by the municipal clerk with approval from the chief of police, or his/her designee, upon a showing that there are more than two qualified commercial vehicles registered at the address or to the business and that insufficient alternative off-street parking is available to the applicants;
- (c) Commercial vehicles used by Tom Bean residents in their employment, wherein the commercial vehicle is: (i) not owned by the resident, and (ii) registered to the employer, may secure a commercial vehicle preferential parking permit for such vehicle upon satisfactory showing to the city that the resident needs such commercial vehicle in proximate location to his/her residence for valid employment or emergency purposes;
- (d) "Commercial vehicles" that may secure commercial preferential parking permits shall be those commercial vehicles defined as a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating under 48,000 pounds, that is used on a public highway to transport passengers or cargo if:
 - 1. The vehicle, including a school activity bus as defined in Texas Transportation Code (TRC) Section 541.201, or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds; or
 - 2. The vehicle, including a school activity bus as defined by TRC 541.201, is designed to transport more than 15 passengers, including the driver; or
 - 3. The vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.). Additionally, if an automobile or motorcycle is transporting a hazardous material that requires placarding; these types of vehicles would also be required to have a commercial vehicle inspection.
- (e) Commercial preferential parking permits shall not be issued to trailers that are not self-propelled, nor shall a trailer be permitted to park in a commercial preferential parking permit zone without being attached to a motor truck. "Commercial vehicles" do not include recreational vehicles, boats, private towing trailers, roofing asphalt kettles, hazardous materials tank trucks or horse trailers.
- (f) Availability of Parking. A preferential parking permit shall not guarantee or reserve to the holder thereof guaranteed parking space within any designated zone.

(g) Duration of Permit.

1. Permits issued pursuant to this section shall remain effective so long as the applicant continues to reside at the address set forth on the application and continues to own the commercial vehicle to which the permit is attached; or for the businesses, so long as the applicant continues to maintain a viable and operating business at the address set forth on the application and continues to own the commercial vehicle to which the permit is attached.
 2. Permits otherwise valid pursuant to subsection (C)(1) of this section shall be renewed annually.
- (h) Placement. Permits shall be placed upon the left (driver's side) front bumper of each vehicle to be accorded commercial preferential parking privileges.
- (i) Conditions of Permit. Each permit shall be subject to all conditions and restrictions set forth in this section and of the commercial preferential parking zone in which the commercial vehicle is parked. The issuance of such a permit shall not be construed to be a permit for, or approval of, any violation of any provision of this code or any other laws or regulations.
- (j) Fees. The Municipal Clerk shall collect a commercial parking permit fee of \$50 annually. Permit fees shall cover the cost of establishing and maintaining the preferential parking zone and administrative costs of producing and administering the permits and signage and policing of the zones.

Section 103 Prohibitions

- (a) Due to the proximity to residential areas, no commercial vehicle shall be permitted to stand with the engine idling within the commercial preferential parking zones for a period lasting longer than five (5) minutes in duration;
- (b) It shall be deemed unlawful for any person to conduct major motor vehicle maintenance / repair within any commercial preferential parking zone including, but not limited to:
- Power washing / cleaning of any commercial motor vehicle or motor vehicle part;
 - Draining or disposal of any type of fluids (oils, fuel, etc.) used for the operation of a commercial motor vehicle;
 - Use of power tools and equipment emitting a loud noise or report or of such a nature as to create a "breach of the peace"
 - Storage of motor vehicle parts to include tires, wheels, etc.
- (c) It shall be unlawful for any person to sell, rent or lease, or cause to be sold, rented or leased, for any value or consideration, any commercial preferential parking permit. Upon conviction of a violation of this paragraph, all commercial preferential parking permits issued to, or for the benefit of, the residence or business to which the sold, rented or leased permit is authorized shall be void;
- (d) It shall be unlawful for any person to buy or otherwise acquire for value or use any preferential parking permit, except as provided for in this section.

Section 104 Exemptions

- (a) A motor vehicle identified as owned by or operated under contract to a utility, whether privately, municipally or publicly owned, when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated commercial preferential parking zone;
- (b) A motor vehicle identified as owned by or operated under contract to a governmental agency, when used in the course of official government business, to and including public school buses;
- (c) A commercial vehicle or trailer engaged in loading or unloading property, or parked in connection with or in aid of the performance of a service to or on a property located in the block in which such vehicle is parked.

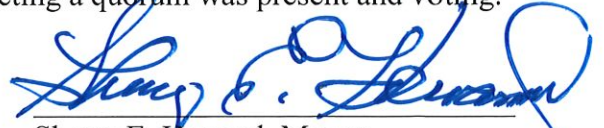
Section 105 Termination / Revocation

- (a) Termination of Preferential Parking Zones. The public works director and chief of police may jointly recommend to the city council that any preferential parking zone be terminated. Upon such a recommendation by the public works director and chief of police, the city council shall conduct a public hearing thereon, and upon determining whether a proper basis exists for terminating such commercial preferential parking zone may act accordingly.
- (b) Revocation of Commercial Preferential Parking Permit. Where any permit issued under this section has been procured through fraud or misrepresentation, or where the permittee has violated provisions of this section, the city council shall hold a hearing, with notice of the time and place of such hearing mailed to the permittee at least ten days preceding the hearing. If the permit is revoked following the hearing, the permittee shall be mailed written notice of the revocation and the reasons therefor.


Section 106 Violation / Penalty

- (a) The violation of any of the above provisions of this section shall be an infraction, and the penalty shall be by fine to be established by resolution of the city council for parking within a commercial preferential permit parking zone without a lawful commercial parking permit by:
 - 1. A commercial vehicle;
 - 2. A non-commercial vehicle.
- (b) In addition, the below offenses may be prosecuted by the Tom Bean Municipal Court as a misdemeanor crime under applicable state statutes.
 - 1. A person commits an offense if a person falsely represent himself or herself as eligible for a commercial preferential parking permit or furnishes false information in an application therefor to the city.
 - 2. A person commits an offense if while holding a valid commercial preferential parking permit the person permits its use or display by anyone who does not qualify for the permit.
 - 3. A person commits an offense if they copy, produce or otherwise bring into existence a facsimile or counterfeit commercial preferential parking permit in order to evade the parking regulations of this section.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN,
TEXAS THIS 15th DAY OF APRIL 2019**, at which meeting a quorum was present and voting.



Sherry E. Howard, Mayor

ATTEST:


Cathy Pugh, City Secretary

Attachment A

