

**ORDINANCE NO. 2022-004**

**AN ORDINANCE OF THE CITY OF EAST BERNARD, TEXAS,  
THAT PROVIDES REGULATIONS OF PARKING WITHIN THE  
CITY; PROVIDING FOR A PENALTY; PROVIDING FOR  
PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the Board of Aldermen desires to safeguard the health, safety, and general welfare of the City and its citizens; and

**WHEREAS**, the Board of Aldermen desires to prevent the obstruction of public roadways, rights-of-way, and travel lanes clearly marked for travel, to improve safety for drivers; and

**WHEREAS**, Chapter 51 of the Texas Local Government Code, the Board of Aldermen may adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, and order of the city; and

**WHEREAS**, the Board of Aldermen further finds that the following regulations on parking provide for and promote the public health and safety;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS:

**SECTION 1.** The facts, purpose, and recitations contained in the preamble of this Ordinance are found to be true and correct.

**SECTION 2. REGULATION OF PARKING**

**2-1. Definitions.**

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

*Alley* means any street of twenty feet (20') or less in width having no legal or official name other than "alley."

*Bus* means

- A. a motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and
- B. any motor vehicle, other than a taxicab or limousine, designed and used for the transportation of persons for compensation.

*Driver* means any person who drives or is in actual control of a vehicle.

*Heavy Truck* means a truck with more than two (2) axles or with an overall length greater than thirty feet (30').

*Large Vehicle* means a "motor vehicle" or a "trailer," as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of twenty-two feet (22') in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds thirty feet (30').

*Motor Vehicle* means any "vehicle" that is self-propelled.

*Off-Street Parking* means vehicular parking that is provided in a location other than in a public right-of-way.

*Overnight* means the hours between 7:00 PM and 7:00 AM.

*Owner* means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

*Park or Parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise except an involuntary stopping of such vehicle by reason of mechanical failure or direction of a police officer.

*Pole Trailer* means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members, capable, generally of sustaining themselves as beams between the supporting.

*Qualified storage area* means a place which is:

- A. covered by hard-surfaced pavement or all-weather gravel surfacing;

- B. located completely upon private property;
- C. located at least twenty feet (20') from the nearest portion of any street fronting on the property and behind the front main building wall of a building (if any) on the same building site; and
- D. located no closer to any side street than an existing garage on the same property or ten feet (10'), in case there is not such garage.

*Recreational or Utility Vehicle* means a motor home, a motor vehicle with a gross vehicle weight greater than 12,000 pounds or any "camper" body attached to or detached from a motor vehicle.

*Rental Vehicle* means a motor vehicle operated pursuant to a lease, rental agreement, independent contractor vehicle for hire operating agreement, or other transaction whereby, in exchange for monetary or other valuable consideration, one person ("the lessor") transfers the right to possess and operate a motor vehicle to another person ("the lessee").

*Residential District* means the territory contiguous to and including a street or highway when the property on such street or highway for a distance of three hundred feet (300') or more is in the main improved with residences.

*Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

*Semi-trailer* means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Stop, Stopping, Standing*, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Trailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.



*Vehicle* means any device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon rails or tracks.

## **2-2. Compliance.**

It is unlawful, unless otherwise declared in this ordinance with respect to particular offenses, for any person to do and act forbidden or fail to perform any act required in this chapter.

## **2-3. Owner and operator responsible for illegal parking.**

It shall be unlawful for any person, having registered in the person's name or owning or operating or having in charge any vehicle, knowingly to allow or permit the same to stop, stand, or be parked in any street in the city in violation of any provisions of this.

## **Section 2-4. Blocking roadways.**

It shall be unlawful for any person to park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic.

## **Section 2-5. Parking or standing on a roadway.**

A driver who stops or parks on a roadway shall do so in the direction of authorized traffic movement with the right-hand wheels of the vehicle parallel to and not more than eighteen inches (18") from the right-hand curb or edge of the roadway, unless otherwise indicated by one or more signs, curb markings, or other traffic-control devices applicable to the roadway.

## **Section 2-6. Time limit for trailer parking.**

It shall be unlawful for any person to leave, stand, or park a trailer, semi-trailer, pole trailer, or house trailer, either attached or unattached to a motor vehicle, on the public streets of the city for a period of time in excess of two (2) hours.

## **Section 2-7. Large vehicle and heavy vehicle restrictions.**

It shall be unlawful for any person to park, cause to be parked, or permit to remain parked any large vehicle or heavy vehicle, including a boat, a recreational

vehicle, or a utility vehicle, upon any street or highway in any residential district of the city. It is an affirmative defense to an alleged violation under this Section that the large vehicle is:

- A. actually in the process of being loaded or unloaded (for the time necessary to complete the loading or unloading);
- B. parked while the driver or operator is performing a service visit; or
- C. leased or borrowed and parked for a period of not more than seventy-two (72) hours.

**Section 2-8. Large vehicle and heavy vehicle restrictions; off-street parking.**

It shall be unlawful for any person to park, cause to be parked, or permit to remain parked a large truck, heavy truck, a boat, a recreational or utility vehicle, a trailer or any detached part of any of them overnight on private property or at any other place in any residential district:

- A. outside of a qualified storage area; and

In any prosecution charging a violation of this section, proof that the vehicle in question was parked upon private property for two hours or more, together with proof that the person charged was the owner of said property at that time, shall constitute prima facie evidence that the person charged parked the vehicle in question at such time.

**Section 3. Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of East Bernard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 3. Penalty.** Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be

fined in an amount not to exceed one hundred dollars (\$100), with each day of violation constituting a separate offense.

**Section 4.**      **Effective Date.** This Ordinance shall be effective upon adoption in accordance with the laws governing ordinances. The City Secretary is authorized to publish a summary of the Ordinance along with the penalty in accordance with the City of East Bernard's Ordinances and state law.

PASSED, APPROVED AND ADOPTED THIS 25<sup>th</sup> day of JULY, 2022.

  
MARVIN HOULB, Mayor

ATTEST:

  
Audrey Searce, City Secretary



Texas Transportation Code

Sec. 545.404. UNATTENDED MOTOR VEHICLE. (a) Except as provided by Subsection (b), an operator may not leave a vehicle unattended without:

- (1) stopping the engine;
- (2) locking the ignition;
- (3) removing the key from the ignition;
- (4) setting the parking brake effectively; and
- (5) if standing on a grade, turning the front wheels to the curb or side of the highway.

(b) The requirements of Subsections (a)(1), (2), and (3) do not apply to an operator who starts the engine of a vehicle by using a remote starter or other similar device that:

- (1) remotely starts the vehicle's engine without placing the key in the ignition; and
- (2) requires the key to be placed in the ignition or physically present in the vehicle before the vehicle can be operated.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1066 (H.B. [2194](#)), Sec. 1, eff. June 19, 2015.