

**An Ordinance of the City of Plano, Texas amending and deleting various sections of Article V, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano; revising prohibited and permitted parking activities in residential and other zoning districts, updating the penalty provisions for commercial vehicle violations; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.**

**WHEREAS**, the City Council has previously adopted regulations for the parking of motor vehicles in residential and other zoning districts in Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, the Neighborhood Services Department is recommending changes to various sections of Article V, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances of the City of Plano, Texas; and

**WHEREAS**, the City Council deems it in the best interest of the City to amend various sections of Article V, Chapter 12, Motor Vehicles and Traffic, of the Code of Ordinances, revising prohibited and permitted parking activities in residential and other zoning districts, and updating the penalty provisions for commercial vehicle violations, as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** The Council hereby adopts the findings set forth above.

**Section II.** Section 12-115, Parking of certain equipment in certain zoning districts, of Article V, Chapter 12 of the City of Plano Code of Ordinances is hereby amended in its entirety to read as follows:

**“Sec. 12-115. - Parking of certain equipment in certain zoning districts.**

(a) The city manager or his designee(s) is hereby authorized to enforce the provisions of this section.

(b) OFFENSE

(1) It shall be an offense for an owner, operator, occupant or person with care, custody or control of property within any zoning district to park, store or permit the parking or storage of a motor vehicle upon the property without the motor vehicle being located on:

- a. A solid and continuously paved concrete or asphalt surface specifically designed for parking; and
- b. A paved parking surface that is the full dimensions of the vehicle.

(2) The provisions of Section 12-115 (b) shall not apply where:

- a. Exempted by the City of Plano Zoning Ordinance, as amended;

- b. Allowed by a Certificate of Appropriateness for a property with Heritage designation;
- c. The City right-of-way consists of bricks, pavers or similar materials and parking is otherwise allowed; or
- d. Alternative parking surfaces have been approved in writing by the City Engineer.

(3) It shall be an offense to park, store or permit the parking or storage of any of the following vehicles upon property located within a residential zoning district:

- a. A Commercial motor vehicle, semitrailer, special mobile equipment, pole trailer or truck tractor, as defined in section 12-2 of this chapter, exceeding one and one-half (1½) tons capacity intended for commercial purposes;
- b. A Commercial motor vehicle, as defined in section 12-2 of this article, that measures more than twenty (20) feet long, seven (7) feet high or seven (7) feet wide; or
- c. A Race car, dune buggy, farm equipment or other similar vehicle not designated for public street operation.

(c) CRIMINAL PENALTY

(1) It shall be an offense to intentionally or knowingly fail to comply with any provision of this section. Any person, firm, association or corporation violating any provision of Section 12-115 of this chapter shall be punished by a fine not to exceed \$2,000.00. Each day that such violation under this section occurs shall constitute a separate offense.

(2) Repeat and Habitual Offenders.

- a. If it is shown on the trial of an offense under Section 12-115 that the defendant has previously been finally convicted of an offense under Section 12-115, on conviction the person shall be punished by a fine of not less than \$500.00 and not to exceed \$2,000.00.
- b. If it is shown on the trial of an offense under Section 12-115 that the defendant has previously been finally convicted of two or more offenses under Section 12-115, on conviction the person shall be punished by a fine of not less than \$1,000.00 and not to exceed \$2,000.00.
- c. This subsection for Repeat and Habitual Offenders applies only to a person finally convicted of a second or subsequent offense within three years of the date on which the most recent preceding offense was committed.

(d) AFFIRMATIVE DEFENSE

- a. It shall be an affirmative defense to criminal prosecution if the defendant proves by a preponderance of the evidence that at the time of the conduct prohibited by Sec. 12-115(b)(1), the prohibited conduct occurred on a gravel parking surface installed prior to November 1979 that is located within a General Residential (GR) or Single Family Residence-7 (SF7) zoned district

and has been maintained in its original size and condition.”

**Section III.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section IV.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(a) and 12-115(c) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**DULY PASSED AND APPROVED** this the 10<sup>th</sup> day of September, 2018.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY