

**ORDINANCE #059**  
**March 16, 2010**

**AN ORDINANCE OF THE CITY OF HIGHLAND HAVEN, TEXAS PROVIDING THE AUTHORITY FOR AND RESTRICTIONS IMPOSED ON THE OPERATION, PARKING AND STORAGE OF MOTOR VEHICLES, TRAILERS, LAWN MAINTENANCE EQUIPMENT, CONSTRUCTION EQUIPMENT, AND WATERCRAFT.**

**Whereas**, the Board of Aldermen for the City of Highland Haven have determined that certain restrictions on the operation of all types of vehicles within the corporate limits is necessary to insure the safety of all inhabitants and visitors to the City; and

**Whereas**, the Board of Aldermen for the City of Highland Haven have determined that certain restrictions on the parking and storage of vehicles, trailers and other types of equipment within the corporate limits is necessary to promote safety, to enhance neighborhood appearance, and to maintain property values within the City; and

**Whereas**, the Board of Aldermen for the City of Highland Haven have determined that certain restrictions on the operation and docking of watercraft within the corporate limits is necessary to promote safety and health of all inhabitants and visitors to the City; and

**Whereas**, City Ordinance #019, covering the same subject material, with it's five revisions, requires update and additional clarification to adequately portray the scope and intent of the Board of Aldermen; and

**Whereas**, the Board of Aldermen having duly considered citizen input received through a Public Hearing duly posted and advertised in the official newspaper of the City of Highland Haven.

**Whereas**, the Board of Aldermen having determined that the parking regulations for motor homes, travel trailers, boat trailers and utility trailers need clarification and revision.

**NOW BE IT THEREFORE ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HIGHLAND HAVEN THAT:**

**City Ordinance #059 revision 2, dated November 17, 2009, and is hereby revoked and replaced by City Ordinance #059 revision 3.**

**Section I. Definitions**

See Ordinance 043

## **Section II. Operation of Vehicles**

1. The following vehicles may not be operated upon the streets and roads of the City of Highland Haven:

- A. Motor vehicles and trailers, designed for operation upon public highways and streets, but which do not display current registration or state required inspection decals and /or which do not display appropriate license plates.
- B. Vehicles, single or in tandem, which exceed the load limit restriction of       pounds at the low water crossing on Highland Drive.
- C. Tracked vehicles of any type.
- D. All terrain vehicles (ATV).
- E. Electric personal assistive mobility devices.
- F. Go-carts.
- G. Pocket Rockets (mini-motorcycles).

2. The following motorized vehicles may be operated upon the streets and roads of the City of Highland Haven with restrictions:

- A. Golf carts - Must be operated by a licensed driver, display a “slow moving vehicle” emblem on the rear of the vehicle, and be equipped with operational lights if driven after dusk and before daylight. May not be operated on street with speed limit in excess of 35 MPH (Highland Drive between FM 1431 and the low water crossing).
- B. Neighborhood electric vehicle - same as a golf cart, but also must be registered, and be covered by liability insurance.
- C. “Gator”, “Mule”, or similar vehicle - same as a neighborhood electric vehicle.
- D. Electric bicycle - must be operated by a licensed driver.
- E. Motor assisted scooter - May not be operated on Highland Drive.
- F. Motorized mobility device - Use by the handicapped only. May not be used as a play vehicle.
- G. Lawn, vacant lot, and street right-of-way maintenance equipment - Standard lawn tractors may only use public streets to move from one work site to another and will not be used by children for joy riding. Farm tractors used for mowing vacant lots and street right-of-ways will display “slow moving vehicle” emblem on the rear of the tractor.

3. All authorized vehicles will be registered and operated in accordance with the rules of the Texas Transportation Code.

## **Section III. Parking of Vehicles**

1. Parking within the street right-of-way:

- A. The street right-of-way will not be utilized as a private parking facility by adjacent property owners. Property owners must park personal vehicles within property boundaries, except when necessary to provide driveway space for visitor parking.
- B. Temporary parking within the street right-of-way is authorized for visitors, delivery

trucks, moving trucks and vans, home maintenance & repair vehicles, construction equipment, garage sale customers, etc. Visitor parking in right-of-way is limited to 14 days per visit. Temporary parking on each side of the street is authorized only if a minimum 12 feet of usable street pavement is maintained. Construction equipment and moving trucks and vans will not be parked on the right-of-way during the hours of darkness.

C. Motor homes and travel trailers, towed or 5<sup>th</sup> wheel, will not be parked in the street right-of-way.

D. Trailers, except while engaged in loading/offloading operations will not be parked in the street right-of-way.

E. Watercraft trailers, with or without watercraft thereon, will not be parked overnight in the street right-of-way.

2. Parking on driveways:

A. Long term parking (more than one week) of vehicles and trailers, *other than* personal automobiles, motorcycles, trucks, vans of one ton capacity or less, golf carts, mule, watercraft trailer (with or without watercraft) or play-toy on a driveway within the street lot line setback is prohibited except as noted below.

B. Driveway parking of vehicles and trailers designed for operation on public roadways without the display of current registration or state required safety inspection decals is prohibited. Such inoperable vehicles and trailers are deemed to be stored rather than parked.

3. Parking in yards:

A. Parking of vehicles and trailers of any type in front yards except on the driveway is prohibited.

B. Parking in side and back yards is prohibited except on hard surfaced pad or behind screening fence of six-foot height which blocks view from all streets and neighboring property. Such parking is limited to two vehicles or trailers or one combination thereof.

C. Lawn mowing equipment not kept in garage, under carport or in a storage building may only be parked in rear yard when not in use.

4. Carport and in garage parking: Unrestricted, except for parking of vehicles or trailers containing hazardous materials. Hazardous materials, other than liquefied petroleum products, are prohibited within corporate limits.

5. Parking on residential lots and acreage without a residence: Prohibited except during construction of boating facility or residence or during site preparation and lot maintenance activities.

6. Construction site parking: Construction vehicles and equipment may be parked upon property upon which new construction or remodeling is in progress. Such vehicles and equipment must be removed from the site within 24 hours of construction completion.

7. Occupation of parked motor homes and travel trailers: It will be lawful for non-paying guests at a residence in a residential district to occupy one recreational vehicle, legally parked under the

provisions of this ordinance, for sleeping purposes for a period not exceeding fourteen (14) consecutive days or more than thirty (30) days per calendar year. Connection to residential septic system is strictly prohibited.

8. Parking in non-residential districts.

- A. Parking of other than proprietor owned agricultural vehicles and equipment within the Agricultural District is prohibited.
- B. Parking within the Institutional Area of the Property Unit Development District, except for City property, is under control of the Highland Haven Property Owners.
- C. Parking within the Mixed Use Area of the PUD District is limited to the proprietor, lessees, and visitors thereto.

9. Parking of Motor Homes and Travel Trailers

Except as noted above for guest use of motor homes and travel trailers, motor homes and travel trailers may be parked on driveways for no more than 7 consecutive days not to exceed 30 days per calendar year for the purpose of loading and unloading.

#### **Section IV. Storage of Vehicles**

1. Storage in residential districts: Storage of all types of vehicles, to include trailers, in residential districts is limited to carports, garages, and upon a hard surfaced pad behind a privacy fence in side or rear yards.
2. Storage in the Agricultural District: Storage is prohibited except in an approved structure.
3. Storage in the Property Development District:
  - A. Institutional Area - Under the control of the HHPOA
  - B. Mixed Use Area - Restricted to proprietor and lessees under current usage. Approved PUD site development plans apply to future usage.

#### **Section V. Watercraft**

1. Operation of watercraft: The operation of watercraft as to registration, license requirements, safety equipment, and speed, both on the dredged canals and the waters of Lake LBJ within the City corporate limits, shall be in conformance with the published rules of the Lower Colorado River Authority and the Texas Parks and Wildlife Commission. Observance of “No Wake” speed is required.
2. Mooring of watercraft: Watercraft may be moored alongside owners boating facility and seawall or alongside another watercraft provided the thirty five (35) foot open steerage area, measured down center line of dredged canal, is maintained and does not extend more than fifty (50) feet from the seawall on the open waters of Lake LBJ. Mooring alongside non-owned facilities or sea walls requires owner’s permission including permission to use owner’s sanitary facilities.

3. Storing of watercraft: Storage of watercraft along the waterfront is restricted to the waterfront boating facility. Jet ski lifts and ramps are considered part of the waterfront boating facility. Storage of watercraft on the bank, other than paddleboats, canoes, and watercraft play toys, is prohibited. A watercraft without required registration or in an inoperable condition is deemed to be stored.

#### **Section VI - Errors and Omissions**

If any section, part, subdivision, clause or provision of this ordinance is adjudged invalid or held to be unconstitutional, it will not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part or parts that have been judged invalid or unconstitutional.

#### **Section VII - Penalty for Violation**

Any person, partnership, or corporation violating any provision of this ordinance or failing to comply therewith or with any of the requirements thereof, will be charged with a misdemeanor, and will be subject to a fine of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) except that violations involving public health are subject to a fine of up to \$1,000. Each incidence of such violations will constitute a separate offense.

#### **Section VIII - Effective Date**

This revision of ordinance #059 will become effective as of March 16, 2010.

**PASSED AND APPROVED ON THIS THE 16th DAY OF March 16, 2010.**

Attest:

Dana Turner, City Secretary

Peter E. Freehill, Mayor