ORDINANCE NO. O-2026-08-17

AN ORDINANCE OF THE CITY COUNCIL OF NIXON, TEXAS, PROHIBITING PARKING, SITTING OR STANDING OF VEHICLES IN CITY MAINTAINED ALLEYS OR ALLEYWAYS OR UNAUTHORIZED LOCATIONS, PROVIDING A PENALTY PROVISION, PROVIDING A SAVINGS CLAUSE, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH PR0VIDING AN EFFECTIVE DATE.

WHEREAS, the parking, sitting or standing of motor vehicles in alleys, alleyways and parking in unauthorized locations within the City of Nixon (City) or the City's Extra-Territorial Jurisdiction (ETJ) poses a fire safety risk to the municipality; and

WHEREAS, the parking, sitting or standing of vehicles in alleyways or unauthorized parking within the City, or the City's Extraterritorial Jurisdiction (ETJ), pose an imminent risk for the destruction of the City's property and parking in unauthorized locations impedes traffic flow and creates nuisance conditions; and

WHEREAS, a parking ordinance O-2015-04-14 exists and said Ordinance should be repealed and replaced in order to consolidate said needed changes described in this Ordinance.

WHEREAS, the City Council of the City of Nixon is of the opinion that it is in the best interest of the citizens of the City to establish reasonable regulations regarding the parking, sitting, or standing of motor vehicles within the City of Nixon and the City's ETJ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIXON, TEXAS:

Article I. DEFINITIONS:

(a) **Alley Ways/Alleys:** Narrow passage or passageway through or between a continuous row of houses, streets, and/or City blocks that permits access from the street to backyards and/or garages. Alleyway or alley in reference to this ordinance will also include narrow passages that are maintained by the City of Nixon for the purpose of utility easement access and/or fire safety travel passageway.

(b) **Commercial Vehicle:** means a motor vehicle or combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds; or has a gross vehicle weight or gross vehicle weight rating of 26,001 or more pounds.

(c) **Driveway:** means any paved concrete, asphalt, gravel and/or other impervious surface area on a lot designed and required to provide direct access for vehicles between a street and private garage, carport, or other permitted parking space, or parking area or loading area, garage and attached or detached accessory building located on a lot developed with a residential dwelling used by the occupant of the premises principally for, but not limited to, the storage of passenger vehicles or other vehicles and equipment. Driveways or paved parking areas must be substantially free of grass, weeds, or other vegetation and adequately maintained.

(d) **Owner:** shall mean the person registered with the state as the present owner of a vehicle in the most current registration records available to the city, or any transferee not designated in such records, provided that actual notice of the transfer is given. The term shall also include a person entitled to the use and possession of a vehicle; and

(e) **Operator:** shall mean the person having possession of, in charge of, or using such vehicle during the time any violation under this title is committed.

(f) Property Owner: shall mean the person holding title to the property. The term shall also include the property manager or agent for commercial and retail establishments."

(g) Parking; Sitting; or Standing: The stopping or standing of a motor vehicle, whether occupied or not, and regardless of whether said motor vehicle is operational. This definition does not include the temporary standing of a vehicle for the purpose of, and while actually engaged in, the loading or unloading of merchandise or passengers.

(h) **Recreational vehicle:** means any motor vehicle or trailer designed or used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, camping trailer, or other similar purposes.

(i) **Residential area or residential lot:** means any area zoned for, or lot occupied by, residential dwellings, even if the area may be zoned for use other than residential.

(j) **Trailer:** means a vehicle without motive power designed for carrying persons, animals, or property on its own structure and to be drawn by a vehicle with motive power. The term "trailer" shall include, but not be limited to, semi-trailer and utility trailer. The term "trailer" shall not include any trailer defined as a recreational vehicle.

(k) Truck-tractor: means any motor vehicle designed or used primarily for drawing other vehicles. It is intended that the term "truck tractor" includes a motor vehicle that is otherwise a truck-tractor that may be engaged with a semi-trailer.

(l) **Unapproved surface:** means a ground surface that is not paved with concrete, asphalt, and/or other impervious surface resistant to degradation.

Article II. Parking regulations.

Section 2.01 Owner, occupant or person in charge. It shall be unlawful for the owner, occupant, or person in charge in a residential area to:

(a) Permit or allow the parking, standing, or storing of commercial vehicles, trailers, or truck-tractors on residential streets, unless used for actual supervised loading or unloading of goods or passengers or providing an active service to the property.

(b) Permit or allow the parking, standing or storing of recreational vehicles on residential streets.

(c) Commercial vehicles. It shall be unlawful for the owner, driver, or person in charge of a commercial vehicle to park, stop, or store a commercial vehicle on residential streets in residential areas, unless used for actual supervised loading or unloading of goods and passengers or for vehicles providing an active service to the property.

(d) Yards and lawns. It shall be unlawful for the owner, driver, or person in charge of a motor vehicle, recreational vehicle, commercial vehicle, truck, trailer, or truck-tractor park or permit the parking, standing or storing of such vehicle on the yards or lawns in a residential area or residential lot, unless parked in areas screened from view of the right-of-way by permanent fencing on approved concrete, asphalt, and/or other impervious surface resistant to degradation.

Article III. PROHIBITION OF PARKING IN CITY ALLEYS OR ALLEYWAYS:

(a) It shall be unlawful, pursuant to this Ordinance, for any motor vehicle to park, sit, or stand in any City-maintained Alley or Alleyway at any time after the passage of this Ordinance. Such parking, sitting, or standing of motor vehicles within the City's alleys or Alleyways poses a significant risk to fire safety access points, as such parking will obstruct passage for fire safety vehicles and/or equipment. Such parking, sitting, or standing of motor vehicles within the City's alleys or alleyways also poses. An imminent risk of destruction or damage to City property. Alleyways serve as easements for the City; therefore, City utility lines, connections, and meters are at risk of damage from the parking, sitting, or standing of motor vehicles in solid alleyways.

(b) The City Administrator of The City of Nixon, Texas, is hereby authorized, if deemed necessary, to cause appropriate signs to be purchased and erected indicating no parking, sitting, or standing of vehicles in or on City-maintained alleyways pursuant to this Ordinance.

Article IV. Impoundment of illegally parked vehicles:

Section 4.01 In the event any vehicle shall be found standing or parked in violation of and contrary to any provisions of this section, the same shall be, and hereby is, declared a nuisance per se and may be removed by any police officer or City designee at the owner's expense.

Article V. **Penalty:**

Section 5.01 Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall have a minimum fine of $250.00 and a maximum fine of $500.00; Second and subsequent offenses shall have a minimum fine of $500.00 and a maximum fine of $1000.00;

Section 5.02 Each day any violations continue shall constitute a separate and distinct offense.

Article VI. Conflicting Ordinances

Section 6.01 That all provisions of this Ordinance in conflict with any provisions of any prior and existing City Ordinance be and the same are hereby repealed, and all other provisions of the ordinances of the City of Nixon not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Article VII. Severability

Section 7.01 It is hereby declared to be the intention of the City Council that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Article VIII. Effective Date

Section 8.01 This ordinance shall take effect immediately upon its approval and passage and publication as required by law.

Article IX. Open Meeting

Section 9.01 It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Tex. Gov't. Code.

PASSED AND APPROVED this 17 day of August, 2026

CITY OF NIXON, TEXAS

Sherrie Watt, Mayor

ATTEST:

Tanya Torres, City Secretary

APPROVED AS TO FORM:

Eduardo "Eddie" Escobar, Gonzales County Attorney