

Regulation

December 15, 1997

AGENDA ITEM

Members of Commissioners Court
Harris County Administration Building

Re: HB 327, Restrictions for Overnight Parking of Commercial Motor Vehicles

Gentlemen:

We respectfully submit, for discussion and approval, the Order of Harris County Commissioners Court Adopting Procedures for the Posting of Signs Prohibiting Overnight Parking of Commercial Motor Vehicles in Certain Residential Subdivisions in the Unincorporated Areas of Harris County, Texas.

Your consideration and approval of this request will be appreciated.

JE/cl

Presented to Commissioners' Court

DEC 30 1997

APPROVE

Recorded Vol. 186 Page 733-734

97 DEC 23 AM 11:34
COUNTY CLERK OFFICE
COMMISSIONERS COURT
COORDINATOR



**ORDER OF THE HARRIS COUNTY COMMISSIONERS COURT
ADOPTING PROCEDURES FOR THE POSTING OF SIGNS PROHIBITING
OVERNIGHT PARKING OF COMMERCIAL MOTOR VEHICLES
IN CERTAIN RESIDENTIAL SUBDIVISIONS
IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS**

On this, the 30th day of December, 1997 the Commissioners'

Court of Harris County, Texas, sitting as the governing body of Harris County, at a regular meeting of the Court, upon motion of Commissioner Lee, seconded by Commissioner Eversole, duly put and carried, adopted the following:

WHEREAS, House Bill 327, which became effective September 1, 1997, and is to be codified at TEX. TRANSP. CODE ANN. § 545.307, authorizes certain residential subdivisions in counties with a population greater than 500,000 to petition a county in which the subdivision is located for the posting of signs prohibiting the overnight parking of a commercial motor vehicle in the subdivision; and

WHEREAS, Harris County desires to implement these procedures to enable subdivisions throughout the County to uniformly petition the Harris County Commissioners Court for the posting of signs prohibiting the overnight parking of a commercial motor vehicle in the subdivision;

NOW, THEREFORE, IT IS ORDERED by the Commissioners Court of Harris County, Texas, acting as the governing body of Harris County, Texas;

That the procedures attached hereto, entitled "Procedures for the Posting of Signs Prohibiting Overnight Parking in Certain Residential Subdivisions in the Unincorporated Area of Harris County, Texas" are adopted as the procedures of Harris County, and the officials of Harris County are directed to perform such duties as are required of them under said procedures.

Presented to Commissioners' Court

DEC 30 1997

APPROVE
Recorded Vol 186 Page 733

PROCEDURES FOR THE POSTING OF SIGNS PROHIBITING OVERNIGHT PARKING
IN CERTAIN RESIDENTIAL SUBDIVISIONS
IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS

SECTION 1 - Authority

- 1.1 These procedures are promulgated pursuant to and in conformity with HB 327 which took effect on September 1, 1997, and is to be codified at TEX. TRANSP. CODE ANN. § 545.307.

SECTION 2 - Definitions

As used in these procedures:

- 2.1 "Commercial motor vehicle" has the meaning assigned by TEX. TRANSP. CODE ANN. § 522.003 (Vernon 1997) and includes a vehicle meeting that definition regardless of whether the vehicle is used for a commercial purpose.

TEX. TRANSP. CODE ANN. § 522.003 (Vernon 1997) currently states:

- (5) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property that:
- (A) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (B) has a gross vehicle weight rating of 26,001 or more pounds;
 - (C) is designed to transport 16 or more passengers, including the driver; or
 - (D) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.
- 2.2 "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used on a highway. The term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail. TEX. TRANSP. CODE ANN. §522.003 (21) (Vernon 1997)
- 2.3 "Overnight" means that period of time after 10 p.m. and before 6 a.m. in any given twenty-four hour period.
- 2.4 "Residential subdivision" means a subdivision in Harris County for which a plat is recorded in the Harris County real property records and in which the majority of lots are subject to deed restrictions limiting the lots to residential use.

SECTION 3 - Subdivision's responsibilities

3.1 The residents of a residential subdivision who want Harris County to post signs prohibiting the overnight parking of commercial motor vehicles in their subdivision must do the following:

a. Provide a petition to their County Commissioner in the prescribed form, attached hereto, signed by at least 25 percent (25%) of the owners or tenants of residences in the subdivision.

1. **Contiguous subdivisions that are developed by the same entity or a successor to that entity and that are given the same public name or a variation of the same public name are considered one subdivision. Separation of one of the subdivisions from another by a road, stream, greenbelt, or similar barrier does not make the subdivisions noncontiguous.**

2. Not more than one person for each residence may sign the petition.

3. Each person signing the petition must be at least 18 years of age.

b. Provide an affidavit to be signed by a resident of the subdivision, in the prescribed form attached hereto, which lists each and every part of the subdivision affected by the petition and attests to the following:

1. the number of residences in the affected subdivision;

2. that a majority of the lots in the affected subdivision are subject to deed restrictions limiting the lots to residential use;

3. the number of individuals who have signed the petition;

4. that each person signing the petition is over 18 years old;

5. that each person signing the petition is either an owner or tenant of a residence in the affected subdivision; and

6. that only one (1) person from each residence in the affected subdivision has signed the petition.

7. that he/she has received a copy of the Harris County regulations related to this matter and understands these regulations.

3.2 Signs must be posted at each entrance of the subdivision through which a commercial motor vehicle may enter the subdivision or within the subdivision if there is no defined entrance to the subdivision. The subdivision must identify the location of each entrance to the subdivision or, if there is no defined entrance, where within the subdivision the residents want the signs placed.

- 3.3 The petition(s) and affidavit required under subsection 3.1 shall be delivered to the County Administration Building Office of the Commissioner of the Precinct in which the affected subdivision lies. Within a reasonable time after receipt of the documents, the Commissioner, or his designee, will prepare an item for presentation to Commissioners Court during a regularly scheduled meeting. If the Commissioners Court approves the petition during the regularly scheduled meeting, the Commissioner of the precinct in which the subdivision lies shall have a reasonable time in which to install the signs.
- 3.4 In the event a sign is destroyed or removed after it is installed, the County will replace the sign **only** after the residents of the subdivision pay the cost of the replacement sign, which is \$ 0- per sign. A cashiers check made payable to Harris County in the total amount for the cost of the sign(s) to be replaced must accompany the request for sign replacement.
- 3.4 The form of the sign is attached hereto. No changes to the sign are permitted.

NO
PARKING
COMMERCIAL
MOTOR VEHICLES
IN SUBDIVISION
10 P M-6 A M

SEC 545.307 TEX. TRANSP. CODE ANN.