

ORDINANCE NO. 2098

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, **CHAPTER 12 TRAFFIC AND VEHICLES, ARTICLE 12.07 STOPPING, STANDING, AND PARKING, AND CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.01 GENERAL PROVISIONS:** REGULATING PARKING ON PUBLIC STREETS AT CERTAIN CONSTRUCTION SITES; REGULATING CONSTRUCTION SITE MANAGEMENT; REGULATING CONSTRUCTION SITE MAINTENANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the “Town”), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, Section 311.001 of the Texas Transportation Code provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the Town of Highland Park has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the Town of Highland Park is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to improve traffic conditions caused by the use of residential streets for parking by persons other than residents and to protect the safety of all persons in such residential areas; and

WHEREAS, the purpose of this ordinance is to reduce the negative impacts to residential neighborhoods from residential construction projects; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Highland Park.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL (THE “TOWN COUNCIL”) OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That, the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. That the Code of Ordinances of the Town of Highland Park **Chapter 12, Traffic and Vehicles, Article 12.07, Stopping, Standing and Parking, Division 6, Residential-Only Parking** is hereby amended by adding the Sections 12.07.199 – 12.07.224, which shall read as

follows:

Secs. 12.07.199–12.07.224 Reserved

SECTION 3. That the Code of Ordinances of the Town of Highland Park **Chapter 12, Traffic and Vehicles, Article 12.07, Stopping, Standing and Parking** is hereby amended by adding Division 7, which shall read as follows:

Division 7. Contractor On-Street Parking

Sec. 12.07.225 Definitions

Director. Director of the Highland Park Department of Public Safety, or the Director's designee.

Construction Site: Any renovation, remodel, addition, and or new construction associated with a construction permit issued by the Town for more than seven (7) working days of construction (excluding Town holidays).

General Contractor. A person, organization, or association responsible for oversight of the renovation, remodel, addition, and or new construction at a Construction Site, including but not limited to the entity that obtains a building permit for a Construction Site.

Park or Parking. To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Stand or Standing. To halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Stop or Stopping. To halt, including temporarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic-control sign or signal.

Sec. 12.07.226 Construction Parking Management Plan

(a) As a condition of issuance of a building permit for a Construction Site, the General Contractor must submit a Parking Management Plan to the Building Official for review and approval. The Plan must detail the planned location for contractor and vendor parking at and around the Construction Site. The Plan must comply with the Town's Construction Management Policy and be designed to minimize the use of public streets for contractor and vendor parking. The Plan must be designed to minimize the impact on the surrounding neighborhood. To the extent reasonably possible Construction Site parking should utilize the Construction Site rather than public streets. In the alternative off-site parking arrangements are encouraged.

Upon approval of the Parking Management Plan for a Construction Site, compliance with the Plan shall become a condition of the building permit for said Construction Site. In the event an application is made to extend the building permit completion date, the Town may unilaterally amend the Parking Management Plan.

Sec. 12.07.227 Duty of General Contractor

- (a) A General Contractor shall not permit the stopping, standing, or parking of a vehicle on a public street in violation of the approved Parking Management Plan in effect or as amended.
- (b) In the prosecution for an offense under this Section, it is presumed that the General Contractor is the person who permitted the stopping, standing, or parking of the vehicle at the time and place the offense occurred.

Sec. 12.07.228 Exception

The restrictions on Construction Site parking in this Division do not apply to a vehicle that is parked for not more than thirty (30) minutes on a residential street for the delivery, loading or unloading of materials or equipment.

Sec. 12.07.229 Penalty and enforcement

- (a) Violations of this Section are punishable by a fine of up to \$500.
- (b) Each day of occurrence shall be considered a separate offense.
- (c) In addition to the above, violations of this Section can result in the suspension or revocation of the building permit for the Construction Site as provided for in Article 3.08.

SECTION 4. That the Code of Ordinances of the Town of Highland Park **Chapter 3, Building Regulations, Article 3.08, Residential Code** is hereby amended by adding Section 3.08. 012, which shall read as follows:

Sec. 3.08. 012 Suspension of building permit for violations of the Parking Management Plan, Construction Management Plan and Construction Site Maintenance provisions

- (a) On-street vehicle parking in violation of the Parking Management Plan is prohibited.
- (b) Failure to meet a milestone benchmark on Construction Management Plan is prohibited.
- (c) Failure to keep a construction site in a condition as required by Article 3.01.003 (b), (c) or (d) is prohibited.
- (d) In the event that three (3) violations of the Parking Management Plan, Construction Management Plan or Construction Site Maintenance provisions at a Construction Site have occurred, the Town may issue a “stop work order” for such construction project and either suspend or revoke the building permit for the project.
- (e) A “stop work order” issued under this Section shall not be calculated as additional work days beyond the expiration date of the construction permit.
- (f) In the event a stop work order is issued under this section, as a prerequisite condition for

lifting such order, the owner shall pay to the Town a penalty of: 1) \$250 per day for each day of violation for the first seven days of violation(s); and 2) \$500 per day for each of day of violation for all other violation(s).

SECTION 5. That the Code of Ordinances of the Town of Highland Park **Chapter 3, Building Regulations, Article 3.01, General Regulations** is hereby amended to add Division 3 as follows:

Division 3. Construction Sites

Sec. 3.01.003 Construction Sites

a. Definitions

Director. Director of the Highland Park Department of Development Services, or the Director's designee.

Construction Site: Any renovation, remodel, addition, and or new construction associated with a construction permit issued by the Town for more than seven (7) working days of construction (excluding Town holidays).

Construction Site perimeter fence: A fence consisting of galvanized chain link mesh material of at least 6 feet in height located and placed around the perimeter of a construction site along the front, side and rear property lines forming a complete enclosure that may include personnel and/or vehicles gates.

General Contractor. A person, organization, or association responsible for oversight of the renovation, remodel, addition, and or new construction at a Construction Site, including but not limited to the entity that obtains a building permit for a Construction Site.

b. Construction Site storage of construction materials and appurtenances

A General Contractor shall store and/or place trash dumpsters, portable toilets, construction trailers and construction materials on Construction Sites for major residential construction activities in a manner such as to minimize the visual impact of those items on neighbors and the neighborhood, with preference given to rear and side yards over front yards. Trash dumpsters located in the front yard or side yard adjacent to a street shall be free from exposed bare metal, rust, peeling paint or excessive dents. Portable toilets located in the front yard or side yard adjacent to a street shall be screened on a minimum of three sides by cementitious fiber boards or panels provided the opening is not visible from the street. Construction trailers, if provided in the front yard or side yards adjacent to a street, shall be limited to no larger than 160 square feet and a duration not exceeding 12 months after the building permit is issued. Construction materials stored in the front yard or side yard adjacent to a street shall be limited to no more than 25% of the yard area where located.

Exception

The restrictions on Construction Site appearance in this Division do not apply to a Construction Site that is provided with visual screening per Sec 3.01.003(d) or with a side yard of less than five (5) feet in width and/or rear yards without paved alley access.

c. Construction site appearance

A General Contractor shall require Construction Sites for major residential construction activities to be kept neat, orderly and in a workman-like manner to the most reasonable extent possible at all

times. A General Contractor shall require Construction Sites for major residential construction activities to be cleaned and organized by the end of the workweek but at no point later than each successive Saturday at 6 pm CST.

Exception

The restrictions on Construction Site appearance in this Division do not apply to a Construction Site that is provided with visual screening per Sec 3.01.003(d).

d. Construction Site fencing

A General Contractor shall provide and maintain a Construction Site perimeter fence for all major residential Construction Sites and activities for the entire duration for which the building permit is active. Construction Site perimeter fences may be provided with visual mesh screening to a height of not greater than nor less than 4 feet above the natural grade immediately where the fence is placed. The visual mesh screening shall not be placed in a manner that would impede the visual access to the site by the Town's Department of Public Safety personnel. Vehicle or personnel access gates may be provided and are required to be locked at all times construction workers are not present on the Construction Site.

e. Penalty and enforcement

- (a) Violations of this Section are punishable by a fine of up to \$500.
- (b) Each day of occurrence shall be considered a separate offense.
- (c) In addition to the above, violations of this Section can result in the suspension or revocation of the building permit for the Construction Site as provided for in Article 3.08.

SECTION 6. That the Code of Ordinances of the Town of Highland Park **Chapter 3, Building Regulations, Article 3.08.005, Amendments** is hereby amended to add Section R106.1.6 of the International Residential Code as follows:

Section R106.1.6 Construction Management Plan for Major Residential Construction Activities. A Construction Management Plan (CMP) shall be required for all Major Residential Construction Activities as referenced and defined in Section R105.5.1. All CMP's shall include milestone benchmarks with date specific completion deadlines. Milestone benchmarks shall include: site grading, basement (if applicable), foundation, mechanical, electrical and plumbing roughs, framing, exterior weatherproofing, drywall, energy, mechanical, electrical and plumbing finals and building final.

SECTION 7. That, all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 8. That, any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined an amount not to exceed \$500.

SECTION 9. That, if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 10. That, this ordinance shall take effect immediately following its passage, approval,

and publication as provided by law, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, on this 1st day of February 2022.

APPROVED AS TO FORM AND LEGALITY:



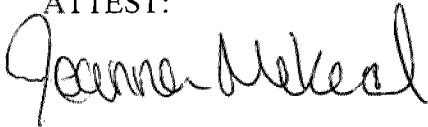
Matthew C. G. Boyle
Town Attorney

APPROVED:



Margo Goodwin
Mayor

ATTEST:



Joanna Mekeal
Town Secretary