



**CITY OF
PORTLAND
TEXAS**

“Yard Parking” ordinance prohibits parking vehicles in front yards

Vehicles parked on your property on an unimproved surface could be in violation of our city ordinances.

Section 21.80 makes it unlawful to park vehicles or trailers in the front yards of residences unless they are parked upon an improved surface. An improved surface generally means a surface of concrete, asphalt, or paving stones. The area of the surface must be at least the size of the vehicle.

The ordinance is intended to enrich Portland neighborhoods by eliminating unsightly conditions that create urban blight and reduce overall property values. Citizens contribute to an attractive community by complying voluntarily with the ordinance.

This document contains a copy of the ordinance, a list of frequently asked questions, and diagrams to help you understand areas in your yard where improved surface parking is required.

For more information, contact one of the following code enforcement representatives:

Corporal Gary Thurmond, Portland PD	643-2546
Assistant Fire Chief Tim Vanlandingham, Portland FD	643-0155

Frequently Asked Questions

How do I know if my lot is affected?

The ordinance applies to all residential single family, duplex or townhouse lots or tracts in Portland.

What is an improved surface?

It is a driveway or parking surface constructed of concrete, asphalt, paving stones or other hard material. You might be able to use another material but only with the approval of the city building official.

Can I just put a paving stone under each tire and call it an improved surface?

“Improved parking surface” is defined as a “...area used for parking or storage...” rather than singular bricks or pavers. The city building official has interpreted this to mean the surface must be at least as large as the vehicle parked upon it.

I don't have an improved driveway at my house. Does the ordinance still apply to me?

If you don't have an improved driveway on your lot, you will not be required to create a new driveway. However, if your home is ever rebuilt or improved to a level of 50 percent or more of the property's assessed value, you will be required to add an improved surface driveway.

Can I still park my boat trailer on the side of my house?

The ordinance only applies to vehicles (cars, trucks, boats, trailers, etc.) parked in the front yard. The “front yard” means the area between the street and the front building line of your home. (The building line is generally the imaginary line that runs across the very front of your house parallel to the street.) If your trailer is parked behind the building line, it would probably not need an improved parking surface.

Can I still park my car in the grass in my front yard and wash it?

The ordinance prohibits parking on the grass in your front yard even temporarily.

I have a corner lot. How does this ordinance apply to me?

The side of your yard adjacent to the intersecting street is included in the area that is required to have improved surface parking. You may avoid an improved surface on the side yard if the vehicle or trailer is parked behind a fence or “solid hedgerow of evergreen shrubs, or trees and shrubs providing full screening from the ground to a height of six feet.”

I have corner lot and no fence. Can I still keep my boat trailer in my back yard?

On corner lots, back yards are treated as front yards if there is no fence and the back yard is visible from the intersecting street. The only way to keep a vehicle in the back yard of such a residence is with vegetation as described above, installation of a fence, or some other “appropriate screening approved by the building official.”

I have no other place to park my motor home other than my front yard. This ordinance creates a hardship for me.

The purpose of the ordinance is to improve neighborhoods for all residents and property owners. While it is true that it may be inconvenient for some residents initially, the ultimate goal is a cleaner and more valuable community for everyone. Officials will often work with homeowners to minimize hardships including the granting of reasonable time periods for achieving voluntary compliance.

What is the penalty for violating this ordinance?

Like most other city ordinances, a violation is a Class C misdemeanor. Upon conviction, you could be fined up to \$500.

Code of Ordinances
City of Portland
Section 21.80. Parking on Unimproved Surfaces

(a) Definitions. As used in this section:

“Building line” means a line parallel or approximately parallel to the street line and beyond which, buildings or fences may not be erected.

“Corner lot” means a residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

“Driveway” means the primary improved or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

“Front yard” means the area from the front face of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area from the front building line to the front property line or street right-of-way.

“Improved parking surface” means an area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

“Rear yard” means the area from the rear face of a residential structure to the rear property line.

“Side yard” means the area from the side of a residential structure to the side property line.

“Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth wheel trailers, campers, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

(b) Regulations.

(1) Parking on unimproved surfaces restricted.

A person commits an offense if, upon a residential single-family, duplex or townhouse lot or tract:

- a. The person causes, permits or allows the parking or storage of any vehicle in the front yard upon any surface other than an improved parking surface.
- b. The person offense causes, permits or allows the parking or storage of any vehicle upon the side yard or rear yard of a corner lot upon any surface other than an improved parking surface, unless otherwise concealed from view from all public street rights-of-way by:
 1. A solid, opaque, screening fence or wall at least six feet in height;
 2. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;
 3. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening height; or
 4. Any other form of compatible and appropriate screening approved by the building official.

(2) No driveway or improved parking surface shall cover more than 67 percent of a residential front yard.

(3) It is an affirmative defense to prosecution for parking or storing vehicles in an unimproved driveway if an existing residence has no improved parking surface on the day of passage of this ordinance.

However, at such time that such existing residence is completely rebuilt, or improvements to the same real property constitute 50 percent or more of the property's total assessed value, compliance with this section shall be required.

(4) It is an affirmative defense to prosecution for parking or storing vehicles on an unimproved surface or in an unconcealed or unscreened manner if such vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right-of-way.

(c) Maintenance.

All improved parking surfaces shall be maintained in good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property.

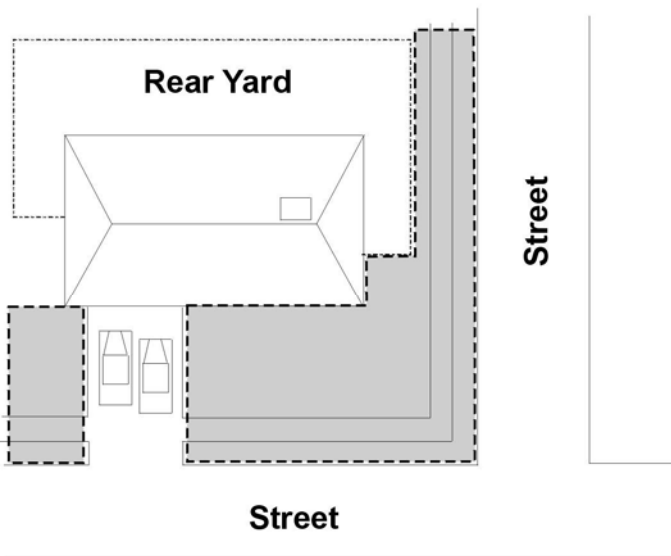
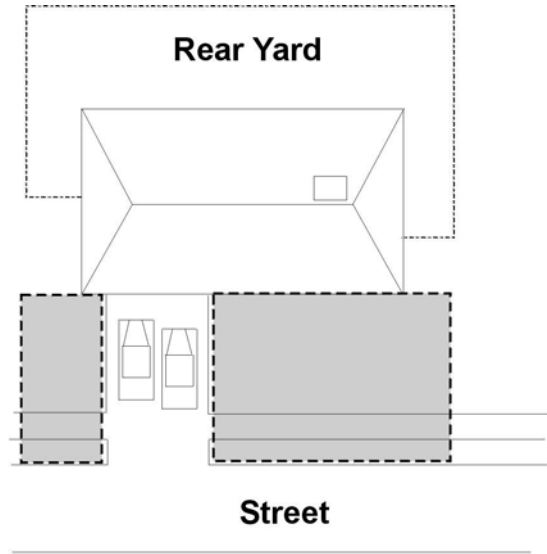
(d) Penalty.

Violation of the terms of this ordinance shall be deemed a misdemeanor, and upon conviction thereof any person so violating same shall be fined a sum not exceeding \$500.

(Passed and approved May 15, 2001)

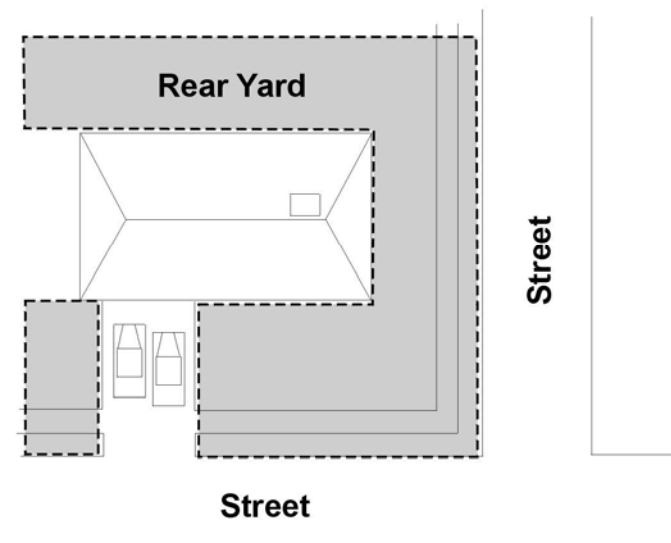
Normal Lot

Gray areas require improved surfaces for parking



Corner Lot With Fence

Both the front yard and the side yard adjacent to the adjoining street require improved surfaces for parking



Corner Lot - No Fence

The front yard, side yard adjacent to the adjoining street, and the rear yard all require improved surfaces for parking. The rear yard is included because vehicles parked there are visible from a public right-of-way.