

**CITY OF LEONARD, TEXAS  
ORDINANCE NO. 260217-04**

**AN ORDINANCE OF THE CITY OF LEONARD, TEXAS, AMENDING CHAPTER 12 “TRAFFIC AND VEHICLES,” OF THE CODE OF ORDINANCES TO CREATE A NEW ARTICLE 12.12 “PARKING ON UNIMPROVED SURFACES PROHIBITED,” REGULATING PARKING ON EXISTING DRIVEWAYS; PROVIDING INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENT; PROVIDING FOR A PENALTY PER DAY FOR EACH OFFENSE; PROVIDING SEVERABILITY; PROVIDING A REPEALER/SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.**

**WHEREAS**, the City of Leonard, Texas (the “City”) is a general law type A municipality located in Fannin County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulations that is for the good government, peace or order of the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

**WHEREAS**, the City has previously enacted and adopted ordinances entitled “Chapter 12 Traffic and Vehicles” pursuant to the Texas Transportation Code and Texas Local Government Code authority of general law municipalities to codify ordinances; and

**WHEREAS**, the City Council of Leonard, Texas (the “City Council”), has investigated and determined that it would be advantageous, beneficial and in the best interest of the citizens of the City to amend its Code of Ordinances to establish regulations for approved parking surfaces of existing driveways by amending Chapter 12 “Traffic and Vehicles” and adding Article 12.12 “Parking on Unimproved Surfaces Prohibited”; and

**WHEREAS**, the City Council finds that regulating approved surfaces for parking is a valid exercise of police power, necessary for the health, safety and welfare of the general public, and protects property owners and residents of the City.

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

**Section 1. Incorporation of Findings.** The findings set forth above are incorporated as if fully set forth herein.

**Section 2. Amendment.** City of Leonard Code of Ordinances, Chapter 12, “Traffic and Vehicles,” is hereby amended to create a new Article 12.12 “Parking on Unimproved Surfaces Prohibited” to be and read in its entirety as follows:

**2.01. Adding Article 12.12,** Section 12.12.001, “Purpose,” is hereby created to be and read as follows:

**“Article 12.12 Parking on Unimproved Surfaces Prohibited.**

**Section 12.12.001. Purpose.**

Parking vehicles on unimproved surfaces degrades the aesthetic appearance of residential areas, reduces property values of adjacent and nearby residential properties, damages underground infrastructure (utility, water, etc.), and the fluids and liquids that a vehicle may leak or otherwise release that impact the environment, drinking water, and pose a risk to people and animals that may come in contact with or consume these released vehicle fluids and liquids, as well as posing a fire risk. Requiring parking on certain improved surfaces on residential property, the city prevents or eliminates these issues that are contrary to the public interest as a whole.”

Chapter 12, Article 12.12, Section 12.12.002 “Definitions,” is hereby created to be and read as follows:

**“Section 12.12.002 Definitions.**

The following words, terms and phrases, when used for purposes of this section, shall have the meanings ascribed to them in this Chapter only and not elsewhere in the code of ordinances, except where the context clearly indicates a different meaning or reference to an external definition.

*Permitted Improved Surface.* A surface used for parking or storage of vehicles, that consists of materials other than dirt or grass such as, but not limited to, oil-based asphalt, concrete, gravel or a type of gravel, etc., which is contiguous to the primary driveway, at least five (5) inches thick and contained by a border approved by the City Public Works Director. A sidewalk is not an improved surface. A curb is not an improved surface.

*Person.* Any person having registered in their name, owning or operating or having charge of, any automobile, bus, truck, tractor, farm machinery, boats, trailers, campers, semi-tractor trailers and truck beds.”

Chapter 12, Article 12.12, Section 12.12.003 “Offense,” is hereby created to be and read in its entirety as follows:

**“Section 12.12.003 Offense.**

It shall be unlawful for any person to leave, stop, or park or to allow or permit any Motor Vehicle, Recreational Vehicle, Trailer, Semi-Trailer, Truck, Utility Vehicle as defined in Section 12.01.002, to leave, stop, or park on any surface other than a Permitted Improved Surface on property used for residential purposes.”

Chapter 12, Article 12.12, Section 12.12.004 “Enclosed backyard exception,” is hereby created to be and read in its entirety as follows:

**“Section 12.12.004 Enclosed backyard exception.**

Any Motor Vehicle, Recreational Vehicle, Trailer, Semi-Trailer, Truck, Utility Vehicle as defined in Section 12.01.002, in a backyard surround with a fence entirely preventing view from the street, alley and adjacent residences and where proper measures have been taken to prevent leakage of fluids, oil, etc. and where no damage will occur to underground infrastructure. A tarp covering does not qualify for this exception.”

Chapter 12, Article 12.12, Section 12.12.005 “Maintenance,” is hereby created to be and read in its entirety as follows:

**“Section 12.12.005 Maintenance.**

All Permitted Improved 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 the adjoining property.”

Chapter 12, Article 12.12, Section 12.12.006 “Presumption of ownership of illegally parked vehicle,” is hereby created to be and read in its entirety as follows:

**“Section 12.12.006. Presumption of ownership of illegally parked vehicle.**

In any prosecution charging a violation of this subchapter, proof that the particular vehicle described in the complaint was parked in violation of this subchapter, together with proof that the defendant named in the complaint was, at the time of such parking, the owner of such vehicle, shall constitute in evidence a prima facie presumption that the owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.”

**Section 3. Penalty.** A person who violates any provision of this Ordinance by performing an act prohibited by this Ordinance or failing to perform an act required by this Ordinance, is guilty of a misdemeanor. Each day a violation exists or continues to exist shall be a separate offense. An offense under this Article shall be punishable in accordance with the general penalty described by Section 1.01.009 of the city’s Code of Ordinances.

**Section 4. Severability.** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same

would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

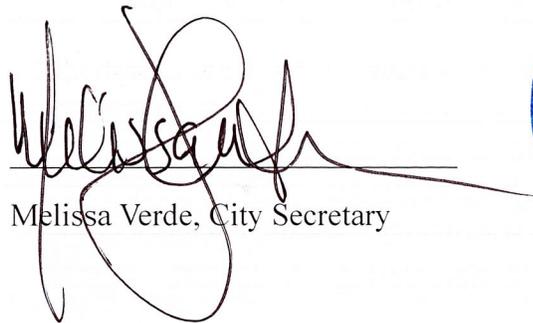
**Section 5. Savings and Repealer.** All provisions of any Ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said Ordinance shall remain in full force and effect.

**Section 6. Publication and Effective Date.** This Ordinance shall take effect on its final passage and publication as required by Texas law, and it is so ordained.

**DULY PASSED, APPROVED AND ADOPTED** by the City Council of the City of Leonard, Texas, on this the 17th day of February 2026.

  
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Michael Pye, Mayor

ATTEST:

  
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Melissa Verde, City Secretary

