

AN ORDINANCE **2010-05-06-0387**

**AMENDING CHAPTER 19 OF THE CITY CODE, RELATED TO
THE INSTALLATION OF PARKING PAY STATIONS.**

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Section 19-1 of the City Code of San Antonio, Texas is hereby amended to read as follows:

Sec 19-1. Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section.

Alley shall mean minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Ambulance shall mean any privately owned vehicle equipped or used for transporting the wounded, injured or sick.

Authorized emergency vehicle shall mean vehicles of the fire department, police vehicles, public and private ambulances for which permits have been issued by the state board of health, emergency vehicles of municipal departments or public service corporations as are designated or authorized by the governing-body of an incorporated city, private vehicles operated by volunteer firemen or certified emergency medical services volunteers while answering a fire alarm or responding to a medical emergency, and vehicles operated by blood banks or tissue banks, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.

Barricade shall mean every barrier, obstruction or block placed upon or across any road, street or highway of this city by an authorized person for the purpose of preventing the passage of motor vehicles over such street, road or highway during a period of construction or during a flood or other emergency.

Boot means a device intended to immobilize a vehicle and designed to attach to the tire or wheel.

Boundary street shall mean a public street which is adjacent to and abutting one (1) or more sides of the proposed site.

Build-out year shall mean the proposed year of completion of the land development project, when its capacity for attracting and producing traffic is maximized.

Central business district shall mean all streets and portions of streets within the area bounded as follows: Beginning at the interchange between Durango Boulevard and I.H. 35 Expressway; thence northward and eastward along I.H. 35 Expressway to I.H. 37 Expressway; thence southward on I.H. 37 Expressway to Durango Boulevard; thence westward along Durango Boulevard to I.H. 35 Expressway the point of beginning.

Commercial motor vehicle shall mean a motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term shall include a passenger car reconstructed and used primarily for delivery purposes, but shall not include a passenger car used to deliver the United States mail.

Controlled-access highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting property or -lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk shall mean:

- (1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
- (2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

Decal parking shall mean the duly authorized loading zone parking of a vehicle with a decal parking program sticker or visitor permit prominently displayed in the front window on the driver's side of the vehicle. The time limit for decal parking need not be posted since notice of all rules and regulations applicable to decal parking are provided to decal purchasers. Decal parking includes parking with a visitor permit.

Driver shall mean every person who drives or is in actual physical control of a vehicle.

Driveway shall mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

Flashing emergency light shall mean any lamp mounted on an authorized emergency vehicle or ambulance which displays a flashing light visible under normal atmospheric conditions from a distance of five hundred (500) feet from such vehicle.

Intermediate construction phase shall mean on land development projects with multiple phases of construction, there may be several intermediate construction phases which precede the final construction phase. The final construction phase is completed in the build-out year.

Intersections shall mean the area embraced within the prolongation or connection of the lateral curb lines, or, if none then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

Laned roadway shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Loading zone shall mean that space adjacent to a curb reserved for the exclusive use of commercial vehicles during the loading and unloading of materials and decal parking. Loading zones shall be established only by ordinance, and the city traffic engineer shall designate such zones by the erection and maintenance of signs giving public notice of each loading Zone, its hours of enforcement, and the length of parking time allowed, except that decal parking time limits need not be posted.

Moped shall mean a motor-driven cycle whose speed attainable in one (1) mile is not more than thirty (30) miles per hour and that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston displacement may not exceed fifty (50) cubic centimeters and the power drive system may not require the operator to shift gears.

Motorcycles shall mean every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

Motor-driven cycle shall mean every motorcycle with a motor which has an engine piston displacement of not more than one hundred twenty-five (125) cubic centimeters.

Motor vehicle shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

No parking zone shall mean any and all places designated as no parking zones by the traffic engineer and identified as such by appropriate signs.

Occupancy shall mean the presumed level of build out as estimated by the property owner of the proposed development at the later of five (5) years or build out.

Official traffic-control devices shall mean all signs, signals, markings, and devices not inconsistent with this Act placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic and includes:

(1) Traffic control signal which shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

(2) Railroad sign or signal which shall mean any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Owner shall mean a person who holds the legal title of a vehicle. In the event a vehicle is the subject of an agreement for the conditional sale or lease with an option to purchase, and with an immediate right of possession vested in the conditional vendee or lessee, such conditional vendee or lessee shall be deemed the owner for the purpose of this chapter.

Paid-parking zone means both parking meter zones and pay station zones.

Park shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actively engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs, or signals or an involuntary stopping of a vehicle by reason of a cause beyond the control of the operator of the vehicle.

~~*Parking meter* shall mean any mechanical device or meter placed or erected upon any street for the regulation of parking by the authority of this city.~~

~~*Parking meter space* shall mean any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meter.~~

~~*Parking meter zone* shall mean any street or portion of a street upon which authorized parking meters are installed and in operation.~~

Parking meter means a device, other than a pay-and-display station or a pay-by-space station, located at a parking space and intended to receive money for parking. Multiple parking meters may be located on one pole.

Parking meter space means a space for which a parking meter is installed.

Parking meter zone means an area in which parkers must pay a parking meter to park.

Pay Station means any electronic device that is either a pay-and-display station or a pay-by-space station. Parking meters are not pay stations.

Pay station zone means an area in which parkers must pay a pay station to park.

Pay-and-display station means an electronic pay station that dispenses a receipt for payment to be displayed as required in Sec. 19-221.

Pay-by-space station means an electronic device serving multiple parking spaces at which a customer enters the number of the space occupied and pays. The station records the space numbers for which payment has been made and for how long payment has been made.

Peak hour trips (PHT) shall mean the number of traffic units generated by and attracted to the proposed development during its heaviest hour of use, dependent on type of use.

Pedestrian shall mean any person afoot.

Phased construction project shall mean any land development project which is developed in greater than a single phase. Such projects are identified by the issuance of permits or approvals of submittals to the city.

Pole trailer shall mean every vehicle with or without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

Police officer shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road shall mean every way or place in private ownership and used for vehicular travel by the owner and those having expressed or implied permission from the owner but not by other persons.

Projected traffic shall mean the traffic which is projected to exist on an existing or proposed street, exclusive of site-generated traffic.

Railroad shall mean a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Recreational vehicle shall mean any motor vehicle, including an oversized motor vehicle, primarily designed as temporary living quarters for recreational camping or travel use including a travel trailer, camping trailer, truck camper, and motor home.

Right-of-way shall mean the right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Road tractor shall mean a vehicle designed for the purpose of mowing the right-of-way of a public highway, or a motor vehicle designed or used for drawing another vehicle or a load and not constructed to carry:

- (1) An independent load; or
- (2) A part of the weight of the vehicle and load to be drawn.

Roadway shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a highway includes two (2) or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

School bus shall mean every motor vehicle owned by any private, public or governmental agency and operated for the transportation of children to or from school. Provided, however, that the term "school bus" shall not include motor vehicles which do not conform to the rules, regulations and standards established by the state department of education in regard to color and marking, nor shall it include any vehicle constituting a part of the fleet of any street transportation company serving the public generally.

School crossing zone shall mean that portion of any street or public property which, on the basis of an engineering and traffic investigation, the traffic engineer may designate for the crossing of those attending a school or other institution of learning.

School or other institution of learning shall mean any public or private organization giving regular instruction and having an average daily attendance of fifty (50) students or more.

School zone shall mean each and every street and all public property or ways within one thousand (1,000) feet of the boundaries of any school or other institution of learning.

Semitrailer shall mean a vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

Sidewalk shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Site-generated traffic shall mean vehicular trips attracted to, or produced by, the proposed development site.

Street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

Study area boundary shall mean the limits of the area in which analysis is conducted or for which information is provided. This area is determined by the property owner or its representative, and agreed to by the city traffic engineer, based on the size of the development and the PHTs projected to be generated by the proposed development. In the case of a level 1 or 2 TIA, this may include the site, and the area within a distance no greater than one-fourth ($\frac{1}{4}$) mile from the boundary of the site. In the case of a level 3 TIA, this area will be determined by the property owner based on sound engineering judgment and agreed to by the city, but in all cases shall be no more than the area contained in a one-mile radius from the site. In those instances where the property owner has neither submitted preliminary plans nor applied for an initial development permit prior to the effective date of this ordinance, the determination of the area to be studied by the property owner must be approved by the city's traffic engineer for all TIA levels, and before granting approval of a level 2 TIA, the city's traffic engineer may require the area of the study to exceed the maximum area prescribed above by one-fourth ($\frac{1}{4}$) mile.

Through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided in this chapter.

Traffic shall mean pedestrians, ridden or herded animals, vehicles, buses, and other conveyances either singly or together while using any street for purposes of travel.

Traffic control device shall mean any electric traffic control signals, stop signs, yield right-of-way signs, and any other such device designed and used to control the movement of traffic.

Traffic-control signal shall mean any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic engineer shall mean the director of traffic and transportation for the city.

Trailer shall mean a vehicle that:

- (1) Is designed or used to carry a load wholly on its own structure; and
- (2) Is drawn or designed to be drawn by a motor vehicle.

Trip generation summary shall mean a table summarizing the trip generation characteristics of the development for the entire day and the a.m. and p.m. peak periods including the rates and units used to calculate the number of trips. Information on appropriate trip generation rates and procedures may be obtained by contacting the public works department. Institute of Transportation Engineers trip rates will be used unless a better source is identified and is acceptable to the Director of Public Works or his/her designee.

Truck shall mean every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck-tractor shall mean a motor vehicle:

- (1) Designed and used primarily for drawing another vehicle; and
- (2) Not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

Vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

Warning sign shall mean every sign, signal, marking and device erected or placed upon any street, road, highway or barricade, or erected or placed upon any street, road or highway within the city which is under construction or being repaired for the purpose of regulating, warning or guiding motor vehicular traffic or otherwise stating the conditions under which traffic by motor vehicle may be had upon such street, road or highway. A warning sign shall include, but shall not be limited to a flagman placed upon any street, road or highway for the purpose of directing traffic around or upon such street, road or highway as is under construction or in the process of being repaired.

SECTION 2. Section 19-38 of the City Code of San Antonio, Texas is hereby amended to read as follows:

Sec. 19-38. Payment of fine, issuance of process.

(a)	The following schedule of fines for parking violations is hereby established:	
(1)	<u>Parking Failure to pay a parking meter or a pay station, staying after the paid-for time has expired, or failure to display pay-and-display station receipt on the inside of the vehicle's windshield and on the side next to the curb so that it is easily readable by police and parking enforcement officers.</u>	\$30.00
(2)	Overtime parking	35.00
(3)	Parking in a loading zone	35.00
(4)	Parked within a 20 ft of crosswalk at an intersection	35.00
(5)	Parked within 50 ft. of a railroad crossing	40.00
(6)	Obstructing flow of traffic	35.00
(7)	Parked facing oncoming traffic	35.00
(8)	Overloading taxi stand	35.00
(9)	Parked in an alley	35.00
(1)	Double parked	35.00
(11)	Parked within 15 ft. of a fire plug	85.00
(12)	Emergency parking restriction/sacked meter	35.00
(13)	Blocking a street	35.00
	Blocking a sidewalk	35.00
	Blocking a driveway	35.00
(14)	Blocking a fire lane	140.00
(15)	Parked more than 18 inches from the curb/edge of roadway	35.00
(16)	Parked with tire on or over the curb/edge of roadway	35.00

(17)	Parked during restricted hours	35.00
(18)	Using public street for storage	48.00
(19)	Parked in no parking zone; no parking this side of block	35.00
(20)	Handicap parking violation	230.00
(21)	Oversized vehicle in residential zone with prohibiting signs	200.00
(22)	Oversized vehicle in residential zone (no signs posted)	35.00
(23)	Parked on front lawn/side setback	48.00
(24)	Curbside	50.00
(25)	Other violations	35.00

(b) If the violator fails to make payment within the above-mentioned time limitations, the clerk of the municipal court shall issue process for his appearance.

SECTION 3. Section 19-216 of the City Code of San Antonio, Texas is hereby deleted and repealed in its entirety.

SECTION 4. Sections 19-217 through 19-225 of the City Code of San Antonio, Texas are hereby amended to read as follows:

Sec. 19-217. ~~Parking meter zone~~ and pay station zones.

~~Parking meter zones are hereby established within the districts or upon those streets or parts of streets designated by separate ordinance of the city in which zones the parking of vehicles upon public streets shall be regulated by parking meters between the hours specified~~(a) The City manager or the manager's designee, severally, may establish paid-parking zones, both along public street right of way and on parking lots owned or controlled by the City. All areas for which City Council has previously authorized parking meters and has not repealed the authorization are paid-parking zones.

(b) The City manager or the manager's designee, severally, may determine where within paid-parking zones to install parking meters and where to install pay stations.

Sec. 19-218. When regulations in effect.

~~The~~(a) Paid-parking meterzone regulations fixed by this article shall apply on public street right of way throughout the city Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Friday except 1

January, the last Monday in May, 4 July, the first Monday in September, the fourth Thursday in November, and 25 December. The director of traffic and transportation is authorized to proclaim additional exceptions for special events when he determines that the normal business activity in the downtown area is suspended, except on designated City holidays or as otherwise indicated on the device.

(b) Paid-parking zone regulations other than for on-street parking apply during the days and hours designated on the device. The City manager and her designee, severally, may determine the days and hours of operation for current or future paid-parking zones.

Sec. 19-219. Designation of parking spaces.

The traffic engineer shall mark off or cause to be marked off individual parking spaces on the parking meter zones designated in accordance with section 19-217 and said Individual parking spaces within an on-street parking meter zone are designated by the individual meter poles. Individual parking spaces for off-street parking facilities are to be designated by lines painted or numbers or durably marked on the curbing or surface of the street both. The City need not designate individual spaces in the on-street pay-station zones, but pay-station zones should have signs at both ends of the zone. Parkers must park their vehicles within the signs.

Sec. 19-220. Installation and set-up of meters.

The traffic engineer shall install, maintain, or cause to be installed and maintained **pay stations.**

(a) The traffic engineer must provide for installing, setting up, and maintaining parking meters ~~provided~~ and pay stations where authorized by this article-law.

(b) Each parking meter shall indicate by proper legend the legal parking time in which the particular parking meter space is located. Each meter shall be and pay stations must be set so set-as to be actuated by the deposit of the appropriate coin or coins of the United States of America, and when so actuated, shall display a signal showing the legal parking meter space adjacent to each meter. Each such meter shall also indicate the balance ~~or~~ of legal certain credit/debit cards. Each parking time while such meter is in operation and at the expiration of ~~or~~ pay station must show the legal parking period, shall indicate overtime parking time for the zone.

(c) The City manager, the manager's designee, and the director of the department overseeing parking operations may issue a parking card for use in a pay station and may establish rules to administer usage.

Sec. 19-221. Operation of meters and pay stations.

(a) When any vehicle shall be is parked in any on-street paid-parking space alongside or next to where a parking meter is locatedzone, the operator of such vehicle shall, upon enteringmust immediately pay the parking meter space, immediately deposit or cause to be deposited in said meter the proper coin or coins of the United States of America in the form of nickels, dimes, or quarters, as are required for the desired parking time at such meter and as are designated in the directions on the meter. The parking meter space may then be occupied by one (1) vehicle during the meter indicted parking time.or pay station by a method indicated on the device for the desired parking time. When paying with a credit or debit card, the minimum payment is for 60 minutes. The operator of a vehicle in a parking meter space may pay for the desired parking time at a pay and display station, if the rates and time limits are the same as the parking meter and the receipt is properly displayed on the vehicle. Receipts from pay and display stations must be attached to the inside of the vehicle's windshield and on the side next to the curb so that it is easily readable by police and parking enforcement officers

(b) The proper money amount requiredamounts for the use of a parking meters spacesmeter or pay station space are as follows:

- (a) ~~(a) One-hour parking meters:~~ The required amount for the use of an **on-street** parking space within the maximum sixty (60) minutes ~~parking zone~~limit shall be:

Length of Time	Money Amount
12 minutes	25 cents
24 minutes	50 cents
36 minutes	75 cents
48 minutes	100 cents
60 minutes	125 cents

- (b) ~~(b) Two-hour parking meters:-:~~ The required amount of money for the use of ~~aan~~ **on-street** parking meter space within the maximum one hundred twenty (120) minutes ~~parking zone~~limit shall be:

Length of Time	Money Amount
12 minutes	25 cents
24 minutes	50 cents
36 minutes	75 cents

48 minutes	100 cents
60 minutes	125 cents
72 minutes	150 cents
84 minutes	175 cents
96 minutes	200 cents
108 minutes	225 cents
120 minutes	250 cents

(c) ~~(e) Ten-hour parking meters:~~ The required amount of money for the use of ~~an on-street parking meter space~~ within the maximum ten-hour parking zone limit shall be as follows:

Length of Time	Money Amount
1 hour	25 cents
2 hours	50 cents
3 hours	75 cents
4 hours	100 cents
5 hours	125 cents
6 hours	150 cents
7 hours	175 cents
8 hours	200 cents
9 hours	225 cents
10 hours	250 cents

(c) When any vehicle is parked in an off-street paid-parking zone, the operator of such vehicle shall immediately pay by whatever methods indicated on the device as required for the desired parking time. The proper amount for the use of a parking meter or pay station space will be indicated by signage or on the device for that particular parking facility.

(d) Pay-and-display station receipts allow parking only a single vehicle that must not exceed 18 feet in length.

Sec. 19-222. Violations.

It shall be unlawful and a violation of the provisions of this article for any person:

(1) To cause, allow, permit or suffer any vehicle registered in the name of, or operated by, such person to be parked ~~overtime, or beyond the period of legal in a paid-parking time established for any zone when the pay station or parking meter zone as herein described, or to governing the space does not show paid-for time.~~

(2) To deposit in ~~any a parking meter or pay station~~ any coinpayment for the purpose of parking beyond the maximum legal parking time for the particular ~~parking meter zone.~~

(23) To park a vehicle at any place in a parking meter zone except within a parking meter space ~~in said zone.~~

(34) To park any vehicle across any line or marking or a parking meter ~~or pay station~~ space or in such position that the vehicle shall ~~is~~ not be entirely within the area designated by ~~such the~~ line or markings.

(4) ~~To deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this article.~~

(5) To deposit or cause to be deposited in any parking meter any mutilated coin, slug, device or metal substance ~~or other substitute for lawful coins.~~

(6) ~~To fail to deposit in pay at the appropriate parking meter or pay station the proper coin of the United States of America amount immediately upon parking in a paid-parking meter spacezone.~~

(6) To fail to attach and display a pay station receipt to the inside of the vehicle's windshield adjacent to the curb. The receipt must be placed in a position so that it can be read from outside of the vehicle.

Sec. 19-223. Presumptions.

~~Whenever any~~ The presence of a vehicle stands in a paid parking spacezone (a) when the paid-for time shown on adjacent to a parking meter which shows a signal indicating that the parking time thereof is expired, (b) when the paid-for time shown on the relevant pay-by-space station has expired, such fact shall bear (c) when the paid-for time shown on the pay-and-display station receipt has expired is prima facie evidence (x) that the vehicle has been parked beyond the legal period of time fixed by this article or (y) that the operator did not deposit the designated coin of the United States of America in said parking meter upon parking in said spaceproper payment.

Sec. 19-224. Enforcement of regulations.

~~It shall be~~ is the duty of the police department and the parking division of the ~~public works~~ Downtown Operations department, through its parking enforcement section, or of such other city employees as may be designated by the city manager, to enforce the provisions of this article. ~~It shall be the duty of police officers, the parking manager and the parking enforcement section, and such city employees charged with the enforcement of this article to record and prosecute offenders.~~ Parking violation notices should contain the number of each the parking meter or pay station at which indicates that the vehicle occupying the parking space adjacent thereto is parked in violation of the provisions of this article; the name of the state and number of the vehicle's license plate; the nature of the violation, and any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation; ~~and to file a complaint and prosecute the offender.~~

Sec. 19-225: Administrative adjudication of stopping, standing and parking violations.

(a) ~~Establishment of administrative adjudication.~~ All stopping, standing, and parking ordinance violations listed under ~~Vernon's Annotated Civil Statutes, Article 6701d~~ Texas Transportation Code §§ 545.301, 545.302, 545.303, and/or the City Code of San Antonio are hereby declared to be civil offenses.

(b) *Notice of right to instanter hearing and notice of time and place of scheduled hearings.* The citation or summons must provide information as to the time and place of an administrative adjudication hearing and must contain a notification that the person charged has the right of an instanter hearing prior to the scheduled hearing. The issuing peace officer or authorized parking enforcement agent shall not be required to attend the instanter hearing.

(c) *Hearing officers.* Hearing officers shall be appointed by the city manager. Said officers shall have authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents, such orders to be enforced by a municipal court.

(d) *Vehicle registered owner presumed to be operator.* At the hearing, it is presumed that the registered owner of the vehicle that is the subject of the hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.

(e) *Prima facie evidence.* The state department of highways and public transportation computer generated record of the registered vehicle owner is prima facie evidence of its contents. The original or any copy of the summons or citation is also prima facie evidence of the facts contained therein.

(f) *Hearing officer order.* The hearing officer shall issue a written order stating whether or not the person charged is liable for the violation, and the amount of any fine, costs, or fee assessed against the person charged. The order shall be filed with the municipal court director. The failure of any person charged with an offense to appear at the hearing shall be an admission of liability for the charged offense. The record of witness testimony may be preserved for appellant review by the use of an audio tape recording or a video tape recording.

(g) *Enforcement measures.* Hearing office orders may be enforced by the following:

(1) Vehicle impoundment if the subject vehicle is found on any public street, public right-of-way, public easement, or city-owned parking facility, or other public property, if the vehicle owner has committed three (3) or more offenses in any calendar year;

(2) Immobilization of the subject vehicle if found on any public right-of-way, easement, city owned parking facility or other public property;

(3) Imposition of an added fine after a specified time;

(4) ~~Refusal to allow the registration of the subject vehicle as provided by Article 6675a-2, Vernon's Texas Civil Statutes~~ Texas Transportation Code § 702.003.

(h) *Maximum fine.* The total of fines, costs, and fees per violation shall not exceed five hundred dollars (\$500.00). All fines, costs, and fees shall be paid into the city treasury general fund for the use and benefit of the city.

(i) *Appeal.* A person determined by the hearing officer to be in violation may appeal the decision to a municipal court by filing an appeal petition with the court clerk not later than thirty (30) days after the order is filed and by paying a five dollar (\$5.00) appeal filing fee. The appeal hearing must be scheduled to occur within ten (10) days of the filing of the appeal petition. The appeal hearing before a municipal court judge shall be an administrative proceeding for the purpose of confirming or overruling the order issued by the administrative hearing officer based upon the evidence presented to the administrative hearing officer. The record of witness testimony may be preserved for appellant review by the use of an audio tape recording or a video tape recording.

(j) *Bond.* Neither a notice of intent to appeal nor the filing of an appeal petition shall stay the enforcement and collection of the judgment order unless the service of the notice of appeal is preceded by the posting of a bond with the municipal court director in an amount set by a municipal court judge.

(k) *-Effective date.* Parking and stopping offenses occurring before September 1, 1987, shall be governed by the law in effect when the offense occurred, and the former law is continued in effect for that purposes.

(l) *Administrative procedures.* The municipal court director shall establish a written body of administrative procedures for these cases.

(m) *Booting fee.* The city shall recover the cost of enforcement of a hearing officer's order to boot an offending vehicle by requiring the payment of a sixty dollar (\$60.00) booting fee prior to de-booting or prior to release of a vehicle from the impoundment facility. No booting fee shall be collected, however, if the vehicle is towed and impounded to remove it from risk of vandalism or theft within twenty-four (24) hours of booting, said protective impoundment to be at the discretion of the parking enforcement supervisor or any police officer.

(n) *Misdemeanor offense.* It shall be unlawful for any unauthorized person to remove the immobilization device (boot) from the wheel of a vehicle, or to remove the booted wheel from a vehicle, or to move the booted vehicle, or to disable or damage the booting device. Violation of this subsection shall constitute a Class "C" misdemeanor offense, punishable by a fine of not more than five hundred dollars (\$500.00).

SECTION 5. If any part of this Ordinance, or any appendix hereto, for any reason, is held illegal or invalid, or any exception to or limitation on any general provision contained in this Ordinance or its attachments is held to be unconstitutional or invalid, the remainder nevertheless stands effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid.

SECTION 6. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance as required by the Charter of the City of San Antonio and the laws of the State of Texas.

SECTION 7. It if officially found, determined and declared, as a matter of legislative finding, that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including consideration and adoption of this Ordinance was appropriately given, all as required by law, including Texas Government Code Chapter 551.

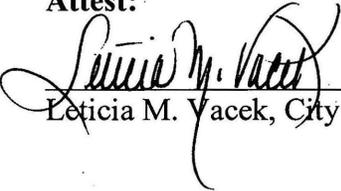
SECTION 8. All other provisions of Chapter 19, City Code of the City of San Antonio remain in full force and effect except as expressly amended by this Ordinance.

SECTION 9. This ordinance becomes effective 10 days after passage, unless it receives the eight votes requisite to immediate effectiveness under City Code of San Antonio § 1-15, in which case it is effective immediately.

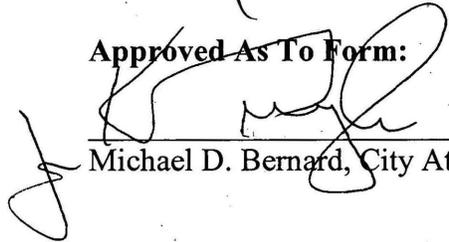
PASSED AND APPROVED this 6th day of May 2010.

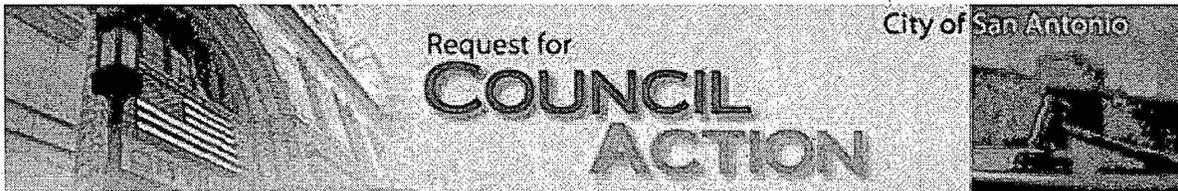

M A Y O R
Julian Castro

Attest:


Leticia M. Yacek, City Clerk

Approved As To Form:


Michael D. Bernard, City Attorney



Agenda Voting Results - 15

Name:	7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22						
Date:	05/06/2010						
Time:	07:17:24 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance amending Chapter 19 of the City Code, related to the installation of parking pay stations. [Pat DiGiovanni, Deputy City Manager; Paula X. Stallcup, Director, Downtown Operations]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				x
Jennifer V. Ramos	District 3		x			x	
Leticia Cantu	District 4	x					
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				