

AN ORDINANCE 2009-09-17-0731I

INCREASING THE FINE FOR AN EXPIRED PARKING METER FROM \$20.00 TO \$30.00; INCREASING THE FINE FOR OVERTIME PARKING FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR PARKING IN A LOADING ZONE FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED WITHIN TWENTY FEET OF A CROSSWALK AT AN INTERSECTION FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED WITHIN FIFTY FEET OF A RAILROAD CROSSING FROM \$30.00 TO \$40.00; INCREASING THE FINE FOR OBSTRUCTING THE FLOW OF TRAFFIC FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED FACING ONCOMING TRAFFIC FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR OVERLOADING A TAXI STAND FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED IN AN ALLEY FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING DOUBLE PARKED FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED WITHIN FIFTEEN FEET OF A FIREPLUG FROM \$40.00 TO \$85.00; INCREASING THE FINE FOR BEING PARKED IN AN EMERGENCY PARKING RESTRICTED/SACKED METER DESIGNATED AREA FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BLOCKING A STREET, SIDEWALK OR DRIVEWAY FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BLOCKING A FIRE LANE FROM \$40.00 TO \$140.00; INCREASING THE FINE FOR BEING PARKED MORE THAN EIGHTEEN INCHES FROM THE CURB/EDGE OF ROADWAY FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED WITH A TIRE ON OR OVER THE CURB/EDGE OF ROADWAY FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED DURING RESTRICTED HOURS FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR USING PUBLIC STREET FOR STORAGE FROM \$38.00 TO \$48.00; INCREASING THE FEE FOR BEING PARKED IN A NO PARKING ZONE OR NO PARKING THIS SIDE OF BLOCK ZONE FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR A HANDICAP PARKING VIOLATION FROM \$150.00 TO \$230.00; INCREASING THE FINE FOR BEING PARKED IN AN OVERSIZED VEHICLE IN RESIDENTIAL ZONE WITH NO SIGNS POSTED FROM \$25.00 TO \$35.00; INCREASING THE FINE FOR BEING PARKED ON THE FRONT LAWN/SIDE YARD SETBACK FROM \$38.00 TO \$48.00; INCREASING THE FINE FOR PARKING FOR UNAUTHORIZED SALE (CURBSTONE) FROM \$40 TO \$50; INCREASING THE FINE FOR OTHER VIOLATIONS FROM \$25.00 TO \$35.00; INCREASING THE MAXIMUM FOR FINES, COSTS AND FEES TO \$500.00; ESTABLISHING A JUVENILE CASE MANAGER FEE OF \$5.00 AND A CORRESPONDING SPECIAL REVENUE FUND; AMENDING THE CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES; AND DIRECTING PUBLICATION.

* * * * *

WHEREAS, the Texas Transportation Code contains provisions to allow municipalities to decriminalize parking offenses; and

WHEREAS, on September 10, 1987, City Council approved Ordinance No. 65690 (the “1987 Ordinance”) declaring the violation of City ordinances related to parking and stopping vehicles to be civil offenses and prescribing civil fines and other civil penalties; and

WHEREAS, the maximum for fines, costs and fees was set at \$200 per violation and a schedule of fines for uncontested tickets was approved; and

WHEREAS, the 1987 Ordinance also provided that an Administrative Hearing Officer shall adjudicate contested citations and determine the appropriate fine; and

WHEREAS, an across-the-board increase of ten dollars (\$10) in the fines for most standard parking violations is recommended, although a more substantial increase of the fines for the exceptional parking offenses of *Parked Within 15 ft. of a Fire Plug* (from \$40 to \$85), *Blocking a Fire Lane* (from \$40 to \$140) and *Handicap Parking Violation* (from \$150 to \$230) is recommended; and

WHEREAS, the maximum penalty for parking violations has not been adjusted since 1987 and an increase in this ceiling is warranted; and

WHEREAS, state law provides that a municipality may establish a Juvenile Case Manager Fund and assess a fee upon the conviction of a defendant, to be used solely for the purpose of funding Juvenile Case Manager positions to administer the programs of the Municipal Court; and

WHEREAS, City Council finds it to be in the best interest of the City to increase the parking fines, increase the maximum penalty and establish the Juvenile Case Manager Fund; and

WHEREAS, approval of this Ordinance will generate an estimated \$907,573 in General Fund revenue from parking fines and an estimated \$654,930 for the Juvenile Case Manager Fund for Fiscal Year 2010; **NOW THEREFORE:**

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

SECTION 1. The City Council authorizes and approves amendments to Chapter 19 of the City Code to increase fines for certain standard and exceptional parking violations as indicated on the schedule attached hereto and incorporated herein as Attachment A, with the exception of the *Garage Sale Permit Violation* which shall remain subject to the administrative penalty provisions of §16-309(b) of the City Code.

SECTION 2. City Council authorizes an increase in the maximum penalty, the total of which shall not exceed \$500.00 for fines, costs and fees assessed for *Stopping, Standing and Parking Offenses* as noted in Sections 1-5 and 19-225 of the City Code. All fines, costs and fees shall be paid into the City treasury general fund for the use and benefit of the City.

SECTION 3. The Juvenile Case Manager Fund (the “Fund”) is hereby established under the direction of City Council as authorized by the Code of Criminal Procedure §102.0174. A fee of \$5.00 shall be assessed as a cost of court, unless waived by the presiding Municipal Court Judge due to financial hardship, for defendants convicted of a fine-only offense, which shall be collected by the Clerk of the Court and paid to the City of San Antonio treasurer, who shall deposit the fees into the Fund. Revenue

from the Fund shall be used solely for the purpose of financing the salary and benefits of a Juvenile Case Manager.

SECTION 4. Fees generated by Section 3 of this Ordinance will be deposited into Fund 29098000 Juvenile Case Manager Fund, Internal Order 203000001002, General Ledger: Juvenile Case Manager Fee 4401342.

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 6. Should any part of this Ordinance, or any appendix thereof, for any reason be held to be illegal, inoperative or invalid, the remainder shall stand effective and valid as if it had been enacted without the illegal, inoperative or invalid portion.

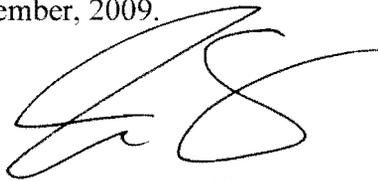
SECTION 7. It is officially determined that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of this Ordinance to be considered at such meeting was given as required by Title 5, Chapter 551, Government Code, as amended.

SECTION 8. The publishers of the City Code for the City of San Antonio are authorized and directed to amend and format said sections of the Code to reflect the changes adopted herein.

SECTION 9. The City Clerk is directed to publish notice of this Ordinance in accordance with Section 17 of the City Charter.

SECTION 10. This Ordinance shall be effective on October 1, 2009, but in no event earlier than the fifth day after publication in accordance with Article 2, Section 17, of the City Charter.

PASSED AND APPROVED this 17th day of September, 2009.


M A Y O R
JULIAN CASTRO

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

| | | | | | | | |
|------------------------|--|--------------------|------------|------------|----------------|---------------|---------------|
| Agenda Item: | 7 | | | | | | |
| Date: | 09/17/2009 | | | | | | |
| Time: | 10:18:37 AM | | | | | | |
| Vote Type: | Motion to Approve | | | | | | |
| Description: | Consideration of Ordinances establishing new fees and amending or repealing existing fees within the General Fund, specifically within the Animal Care Services, City Clerk, Customer Service and 311, Downtown Operations, Fire, Health, Housing and Neighborhood Services, Library, Municipal Court, Parks and Recreation, Police, Public Works; and within the Airport Operating & Maintenance Fund, Juvenile Case Manager Fund, Parking Fund, Planning & Development Services Fund, Purchasing and Contract Services Fund, and the Solid Waste Fund; and amending the City Code to reflect such changes. [Sheryl Sculley, City Manager; Peter Zaroni, Director, Management and Budget] | | | | | | |
| 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 | | | | |
| Jennifer V. Ramos | District 3 | | x | | | | |
| Philip A. Cortez | District 4 | | x | | | 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 | | | | x |

ATTACHMENT I



FY 2010 REVENUE DETAIL REPORT
ALL FUNDS REVENUE ENHANCEMENTS

| FUND | | | |
|------------------------------------|--|--|---------------------------|
| <i>Department</i> | | | New Revenue Amount |
| | Revenue Enhancement Description | FY 2009 Rate | FY 2010 Rate |
| GENERAL FUND | | | |
| Municipal Court | | | |
| Increase Standard Parking Fines | Parking Meter Expired \$20 Overtime Parking \$25 Parked in a Loading Zone \$25 Parked Within 20 ft. of Crosswalk Intersection \$25 Parked Within 50 ft. of Railroad Crossing \$30 Obstructing Flow of Traffic \$25 Parked Facing Oncoming Traffic \$25 Overloading Taxi Stand \$25 Parked in an Alley \$25 Double Parked \$25 Emergency Parking Restrictions/Sacked Meter \$25 Blocking a Street, Driveway, Sidewalk \$25 Parked More than 18 Inches from the Curb/Edge of Roadway \$25 Parked with Tire on or Over the Curb/Edge of Roadway \$25 Parked During Restricted Hours \$25 Using Public Street for Storage \$38 Parked in a No Parking Zone \$25 No Parking this Side of Block \$25 Oversized Vehicle in a Residential Zone (No Signs Posted) \$25 Parked on Front Lawn/Side Yard Setback \$38 Curbstone \$40 Garage Sale Permit Violation \$32 Other Violations \$25 | Parking Meter Expired \$30 Overtime Parking \$35 Parked in a Loading Zone \$35 Parked Within 20 ft. of Crosswalk Intersection \$35 Parked Within 50 ft. of Railroad Crossing \$40 Obstructing Flow of Traffic \$35 Parked Facing Oncoming Traffic \$35 Overloading Taxi Stand \$35 Parked in an Alley \$35 Double Parked \$35 Emergency Parking Restrictions/Sacked Meter \$35 Blocking a Street, Driveway, Sidewalk \$35 Parked More than 18 Inches from the Curb/Edge of Roadway \$35 Parked with Tire on or Over the Curb/Edge of Roadway \$35 Parked During Restricted Hours \$35 Using Public Street for Storage \$48 Parked in a No Parking Zone \$35 No Parking this Side of Block \$35 Oversized Vehicle in a Residential Zone (No Signs Posted) \$35 Parked on Front Lawn/Side Yard Setback \$48 Curbstone \$50 Garage Sale Permit Violation \$42 Other Violations \$35 | \$670,517 |
| Increase Exceptional Parking Fines | Parked Within 15 ft. of a Fire Plug \$40 Blocking a Fire Lane \$40 Handicap Parking Violation \$150 | Parked Within 15 ft. of a Fire Plug \$85 Blocking a Fire Lane \$140 Handicap Parking Violation \$230 | \$237,056 |



FY 2010 REVENUE DETAIL REPORT
ALL FUNDS REVENUE ENHANCEMENTS

FUND

| <i>Department</i> | | | New Revenue Amount |
|--|---------------------|---------------------|-----------------------------------|
| Revenue Enhancement Description | FY 2009 Rate | FY 2010 Rate | |
| JUVENILE CASE MANAGER FUND | | | |
| <i>Municipal Court</i> | | | |
| Establish State Authorized Juvenile Case Manager Fee to Fund Juvenile Case Manager Positions for the Municipal Court | N/A | \$5.00 | \$654,930 |
| JUVENILE CASE MANAGER FUND TOTAL | | | \$654,930 |

AFFIDAVIT OF PUBLICATION

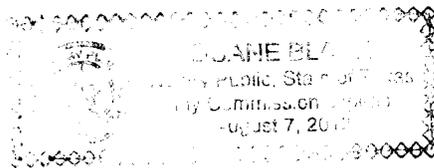
Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, deposes and says that she is the Publisher of ***The Hart Beat***; that said newspaper is generally circulated in San Antonio, Bexar County, Texas; that the attached notice was published in said newspaper on the following date(s):

September 25, 2009

Subscribed and sworn to before me this 25th day of September, 2009, to certify which witness my hand and seal of office.



Helen I. Lutz, Publisher



Notary Public in and for the State of Texas

Duane Black

Name of Notary

My commission expires August 7, 2012

PUBLIC NOTICE

AN ORDINANCE
2009-09-17-07311

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PASSED AND APPROVED this
17th day of September, 2009.

/S/ JULIÁN CASTRO
MAYOR

ATTEST: LETICIA VACEK
CITY CLERK
9/25