

EPW:lm
8/20/81

AN ORDINANCE **54374**

AMENDING ORDINANCE 50744 OF MAY 10, 1979
CODIFIED AS SECTION 38-95.5 IN THE CITY
CODE IN ORDER TO COMPLY WITH THE LEGISLATIVE
AMENDMENTS TO ARTICLE 6675a-5e.1 OF V.T.C.S.
IN REGARDS TO PARKING PRIVILEGES FOR THE
DISABLED.

* * * * *

WHEREAS, the City of San Antonio pursuant to Ordinance 50744 of May 10, 1979, codified as Section 38-95.5 in the City Code provided for the designation of parking spaces for the use and transportation of the permanently disabled, prohibited the use of such spaces by persons who were not permanently disabled or transporting the permanently disabled, and provided a penalty; and

WHEREAS, Senate Bill No. 14, effective on September 1, 1981, amended Article 6675a-5.e.1 of V.T.C.S. which relates to the parking privileges for the disabled; and

WHEREAS, therefore it is now necessary for the City of San Antonio to amend Ordinance No. 50744 of May 10, 1979, codified as Section 38-95.5 in the City Code in order to conform with the Legislative amendments to Article 6675a-5e.1 of V.T.C.S.; NOW THEREFORE:

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

SECTION 1. Attachment I, attached hereto and incorporated herein by reference hereby replaces Schedule L referred to in Section 38-95.5 of the City Code and such attachment designates the parking spaces available only to vehicles used by or for the transportation of disabled individuals as defined in Article 6675a-5e.1, V.T.C.S.

SECTION 2. Section 1 of Ordinance No. 50744 of May 10, 1979, codified as Section 38-95.5(a) in the City Code is hereby amended to read as follows:

a. Designations. The locations listed on Schedule L hereto are hereby designated as parking spaces available only to vehicles used by or for the transportation of disabled individuals as defined in Article 6675a-5e.1, V.T.C.S., when such vehicles display a valid "disabled" tag issued to the permanently disabled or an identification card issued to temporarily disabled persons placed in the lower left-hand side of the front windshield provided by the Texas Department of Highways and Public Transportation.

SECTION 3. Section 2 of Ordinance No. 50744 of May 10, 1979, codified as Section 38-95.5(b) in the City Code is hereby amended to read as follows:

(b) Violations. It shall be unlawful and a violation of the provisions of this section 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 in any space hereby reserved for the disabled, unless there is affixed to such a vehicle a valid "disabled" tag or a temporarily disabled person identification card placed in the lower left-hand side of the front windshield.

(2) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked in any space hereby reserved for the disabled, even if such vehicle has affixed thereto a valid "disabled" tag or a temporarily disabled person identification card placed in the low left-hand side of the front windshield, if the vehicle is not being used by or for the transportation of a disabled person.

(3) To cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person to park a vehicle so that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

SECTION 4. Section 3 of Ordinance No. 50744 of May 1979, codified as Section 38-95.5(c) in the City Code is hereby amended to read as follows:

(c) Presumptions. Whenever any vehicle stands in a parking space reserved for the disabled, and such vehicle does not have a valid "disabled" tag affixed thereon or displaying a temporarily disabled person identification card placed in the lower left-hand side of the front windshield, such fact shall be prima facie evidence that the vehicle has been parked illegally, and that the registered owner of such vehicle did knowingly cause, allow, permit or suffer such vehicle to be parked in such location.

SECTION 5. Section 4 of Ordinance No. 50744 of May 1979, codified as Section 38-95.5(d) in the City Code is hereby amended to read as follows:

(d) Penalty. Any person violating the provisions of this section, shall, upon conviction be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00).

PASSED AND APPROVED this 1st day of October, 1981.

Henry Cisneros
MAYOR

ATTEST:

Norma J. Rodriguez
City Clerk

APPROVED AS TO FORM:

Tom Finlay
City Attorney

81-51

AVIATION	1
BUDGET & RESEARCH	1
BUILDING INSPECTIONS	
CITY WATER BOARD	
CITIZEN ACTION & PUBLIC INFORMATION	1
COMMERCIAL RECORDER	1
CONVENTION & VISITORS BUREAU	
CONVENTION FACILITIES	1
ECONOMIC & EMPLOYMENT DEVELOPMENT	
EQUAL EMPLOYMENT OPPORTUNITY	
FINANCE DIRECTOR	
ASSESSOR	
CONTROLLER	1
TREASURY DIVISION	
GRANT SECTION	
INTERNAL AUDIT	
RISK MANAGEMENT	
FIRE CHIEF	
HEMISFAIR PLAZA	
HUMAN RESOURCES & SERVICES	
LEGAL-CITY ATTORNEY	1
LIBRARY DIRECTOR	1
MARKET SQUARE	1
METROPOLITAN HEALTH DISTRICT	1
MUNICIPAL COURTS (1-PROSECUTORS)	2
PARKS & RECREATION	1
PERSONNEL DIRECTOR	
PLANNING	
POLICE CHIEF	1
PUBLIC UTILITIES SUPERVISOR	
PUBLIC WORKS DIRECTOR	1
ENGINEERING DIVISION	
WASTEWATER ENGINEERING	
RIGHT-OF-WAY & LAND ACQUISITION	
TRAFFIC ENGINEERING DIVISION	1
PURCHASING	
ZONING ADMINISTRATION	
MUN. CODE CORP.	1

ITEM NO. 33
DATE: OCT 1 1981

MEETING OF THE CITY COUNCIL

MOTION BY: Dutmer SECONDED BY: Webb

54374

ORD. NO. _____ ZONING CASE _____

RESOL. _____ PETITION _____

COUNCIL MEMBER	ROLL CALL	AYE	NAY
MARIA A. BERRIOZABAL PLACE 1		✓	
JOE WEBB PLACE 2		✓	
HELEN DUTMER PLACE 3		✓	
FRANK D. WING PLACE 4		✓	
BERNARDO EURESTE PLACE 5		✓	
BOB THOMPSON PLACE 6		<u>absent</u>	
JOE ALDERETE, JR. PLACE 7		✓	
GENE CANAVAN PLACE 8		✓	
VAN ARCHER PLACE 9		✓	
JAMES G. HASSLOCHER PLACE 10		✓	
HENRY G. CISNEROS PLACE 11 (MAYOR)		✓	

AMENDS ORD. 50744 (5-10-79)!

PUBUSA CAPTION IN LIGHT.

81-51

Dick send attachment to all those who receive Ordinance
and send Cheryl 38

ATTACHMENT TO ORDINANCE

IDENTIFIED PARKING SPACES RESERVED FOR PERSONS WITH DISABILITIES

# OF SPACES	SPECIFIC LOCATION	SERVES	COMMENTS
	<u>AIRPORT</u>		
4	East of main terminal, adjacent to street.	Airport	
	<u>CENTRAL BUSINESS DISTRICT</u>		
1	North of Nueva Street, on S. Laredo Street.	Navarro House	On-Street Parking
6	First level, Marina lot garage. Next to the Marriot Hotel.	Convention Center Facilities	
10	Second, third, and fourth levels - River Bend garage, Presa St. between Market and Commerce.	Downtown area	
3	Parking lot, upper level next to the elevator.	Farmer's Market and El Mercado	
4	Under I-10 freeway at west entrance.	Farmer's Market	
2	Corner of Strumberg Solidad Streets, on Strumberg.	Heritage Plaza Building (north)	On-Street Parking
2	Corner of Main and Guilbeau Streets, on Guilbeau.	Heritage Plaza Building (south)	On-Street Parking
1	Corner of Dwyer and Strumberg Streets, on Dwyer.	Heritage Plaza Building (north)	On-Street Parking
1	Southeast corner of Bell Telephone Building, end space.	Southwestern Bell Telephone Company, Auditorium Circle	On-Street Parking
3	Just west of Entry Ramp into City Hall.	City Hall, Plaza de de Armas Building, and City Hall Annex	Visitor's Parking
3	Corner of S. Alamo and Market Streets.	Convention Facilities	Adjacent to Pay Parking Lot entrance.
4	Just north of the main entrance.	Police-Municipal Courts Building	Parking is for City Employees working in the Police Dept. - Municipal Courts Bldg. only.
2	In parking lot in front of the building.	Signs and Markings Building, City of San Antonio, 223 S. Cherry St.	
6	Approximately 100' west of front entrance.	San Antonio Art Museum	

# OF SPACES	SPECIFIC LOCATION	SERVES	COMMENTS
<u>MULTI-PURPOSE CENTERS</u>			
2	Front of building, next to driveway.	East-Side Multi-Purpose Center, 2805 East Commerce St.	
2	Parking lot off 18th Street, close to building.	West-End Multi-Purpose Center, 1226 N.W. 18th Street.	
<u>SAN ANTONIO METROPOLITAN HEALTH DISTRICT</u>			
2	East side of building	San Antonio Metropolitan Health District Eastside Branch.	
5	Front of building	Pecan Valley Clinic, 802 Pecan Valley Drive.	
4	Located in parking lot, front of building.	Old Highway 90 West Clinic, 911 Old Highway 90 West.	
3	Front of building	South Flores Clinic, 7209 S. Flores St.	
3	One at a Dental Clinic and two spaces at the Mirasol Clinic.	Mirasol Substation, 3918 San Fernando St.	
4	Two spaces on each side of the front door.	Zarzamora Clinic, 4503 S. Zarzamora St.	
<u>SAN ANTONIO PUBLIC LIBRARIES</u>			
2	Front of building on left-hand side of entrance.	Carver Branch Library, 2300 E. Commerce St.	
2	In front of the building, facing Shook St.	Landa Branch Library, 233 Bushnell Ave.	
1	Metered space in the parking lot west of building.	San Pedro Branch Library 1315 San Pedro Ave.	
2	In front of the building.	Las Palmas Branch Library 911 Castroville Road	
2	In front of the building.	McCreless Branch Library 1023 Ada Road	
2	Located in the parking facing Loop 410.	Oakwell Branch Library, 4134 Harry Wurzbach Rd.	
2	In front of the building.	Pan-American Branch Library, 1122 W. Pyron Ave.	
2	In front of the building.	Westfall Branch Library, 6111 Rosedale Court.	
2	Located close to entrance.	Johnston Branch Library, 6703 Sun Valley Drive	
2	Located close to entrance.	Memorial Branch Library, 3222 Culebra Road.	
2	Located close to entrance.	Cortez Branch Library, 2803 Hunter Blvd.	

# OF SPACES	SPECIFIC LOCATION	SERVES	COMMENTS
<u>CITY OF SAN ANTONIO PARKS AND RECREATIONAL FACILITIES</u>			
2	Acequia Park	Acequia Park	
<u>Brackenridge Park Complex</u>			
4	Two on each side of restroom area	Lambert Beach Restroom	
2	In parking lot Right of Zoo entrance	San Antonio Zoological Gardens and Aquarium	
2	In front of building.	Parks and Recreation Dept., Brackenridge Offices	
2	In front of building	Joske's Pavilion	
8	Behind Ranger Station	Brackenridge Park	
4	In upper-level parking lot.	Sunken Gardens	
3	Copernicus Park	Copernicus, Nicholas Park	
4	Pool/Restroom Area and in front of gym	Cuellar, Patrolman Richard Park	
4	Division Ave. Rec. Complex	Division Ave. Rec. Complex	
2	Fairchild, Eureka Kate Park	Fairchild, Eureka Kate Park	
3	Friedrich Park	Friedrich Park	
2	Garza, Gilbert Park & Pool	Garza, Gilbert Park	
2	Harlandale Park	Harlandale Park	
1	James, John Park	James, John Park	
6	Kennedy Park	Kennedy Park	
2	Landa Park	Landa Park	
2	Lincoln Park	Lincoln Park	
2	McAllister Park	McAllister Park	
2	Meadowcliff Park	Meadowcliff Park	
6	4 in front of pool 2 in front of gym	Monterrey Park complex	
6	Normoyle Park	Normoyle Park	
4	Padre Park	Padre Park	
2	Pittman-Sullivan Park	Pittman-Sullivan Park	
6	Rosedale Park	Rosedale Park	
3	San Antonio Natatorium	San Antonio Natatorium	
2	San Juan-Brady Gardens	San Juan-Brady Gardens	
4	Southside Lions Park	Southside Lions Park	
2	Sunset Hills Park	Sunset Hills Park	

# OF SPACES	SPECIFIC LOCATION	SERVES	COMMENTS
2	Tobin, John Park	Tobin, John Park	
2	Villa Coronado Park	Villa Coronado Park	
2	Ward, Joe Park	Ward, Joe Park	
3	West End Park	West End Park	
1	Woodlawn Park	Woodlawn Park	
4	YMCA, Westside	YMCA, Westside	
<u>SPACES TO BE INSTALLED WITHIN TWO TO THREE MONTHS</u>			
3	Botanical Center	Botanical Center	
2	Behind ranger station	Brackenridge Park Complex	
1	Cuellar, Patrolman Richard, Park	Cuellar Park Complex	
10	McAllister Park	McAllister Park	
2	Monterrey Park	Monterrey Park Complex	
2	Normoyle Park	Normoyle Park	
2	San Fernando Gym	San Fernando Gym	
4	2 across from Gym and 2 in front of entrance to Pool	Woodlawn Park	
8	San Pedro Playhouse	San Pedro Park	
2	San Pedro Pool	San Pedro Park	
4	Koger-Stokes Soft- ball Center	San Pedro Park	
10	Arena-Theater-Pavilion Area	Convention Facilities	
20	Airport Parking Garage	Airport	
276	=	TOTAL NUMBER OF SPACES	

Prepared by:
Handicapped Access Office
With Assistance From:
Parks & Recreation Department
9/81

CITY OF SAN ANTONIO

Interdepartment Correspondence Sheet

TO: City Council

FROM: Roy M. Montez, Director, Dept. of Citizen Action & Public Information

COPIES TO: File, Public Works, Police Dept., Municipal Courts, Handicapped Access Office

SUBJECT: AMENDING ORDINANCE #50744 TO CONFORM TO STATE LAW DESIGNATING AND ENFORCING PARKING FOR DISABLED PEOPLE

Date September 18, 1981

SUMMARY

City Ordinance #50744 has been in effect since May, 1979 enabling the City to enforce parking established as reserved for persons with disabilities. Ordinance #50744 received its impetus from Article 6675a.-5e.l., V.T.C.S. During the 1981, 67th Legislature, Senate Bill (SB) #14 was enacted amending Art. 6675a.-5e.l, effective 9-1-81, thus necessitating the need to amend Ordinance #50744. The substantive new provisions of SB #14 include: (1) a broader, more inclusive, definition of a "disabled person", (2) a new category of "Temporarily Disabled Person" with associated I.D. card, (3) new signage requirements, (4) a \$50.00 minimum penalty for violation, and (5) statement of responsibility of private entities providing accessible parking.

BACKGROUND

As a continuing part of the City's effort to mainstream persons with disabilities into all facets of City sponsored programs, services, and activities, City Council approved Ordinance #50744 in May 1979. That Ordinance enabled the enforcement of a penalty for inappropriate parking in spaces designated by the City for persons with disabilities. When the Ordinance was passed, there were 68 identified City reserved spaces. Since May 1979, 208 more spaces have been added bringing the total number of City parking spaces designated for disabled people to 276. The major, new and amended provisions of SB #14 involve the following:

1. Definition of "Disabled Person" -more inclusive of the range of disabilities rather than implying that only the visually and physically disabled person(s) with assistive devices qualify for special I.D. insignia/symbols.
2. New Classification of "Temporarily Disabled" -individual can be issued a Portable I.D. Card for "Temporarily Disabled Persons", which costs \$5.00. If the disability continues, the card must be reapplied for at the end of the initial expiration date.
3. New Sign Format/Requirements -new sign will consist of two parts, (a) the sign presently in use and (b) a smaller sign with penalty statement to be attached to the bottom of

present sign. The sign must be non-moveable and mounted on a pole at least 5' in height.

4. Change in Penalty for Violation -the minimum fine for violation has been set at \$50.00. The maximum fine remains at \$200.00.
5. Private Property Owners -those who designate parking for disabled people and want the enforcement powers through Article 6675a.-5e. 1, as amended must comply with the same criteria used for City designated spaces. Article 6675a.-5e.1 provides that a Peace Officer may issue a citation against violators of properly designated spaces on private property. The private property owner to comply with the law will appoint an agent responsible for administering and issuing parking ticket citations obtained from the City's Police Department.

FINANCIAL DATA

Cost to the City for implementing this proposed amendment will be for the addition of the Penalty Statement Signs to update all the existing standing signs. This will be a one-time cost of approximately \$285.00. There will also be a one-time cost of approximately \$775.00 to install standard signs at existing reserved parking spaces without the standard signage now in place. Spaces without standard signs cannot be enforced.

Private property owners are responsible for the establishment and maintenance of all reserved parking spaces on their property.

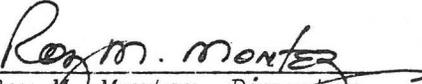
Costs associated with the future installation of new parking spaces will be one-time expenditures from appropriately budgeted general fund, parking facilities, capital improvement, and/or grant monies.

It is inherent in this ordinance, via Art. 6675a.-5e.1., V.T.C.S., that revenue received by the City from public street parking meters will decrease as more permanent decal, and temporary disabled I.D. card holders avail themselves of the free parking privilege allowed at those meters via such decal/card holders. To date, no significant decrease in those funds has been attributed to the use of those metered spaces by the existing decal/card holders. Any revenue loss should be balanced by the increase in fine for violation.

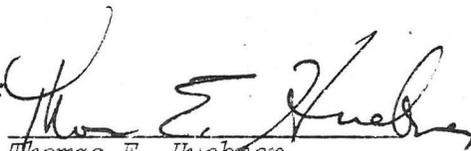
CONCLUSION AND RECOMMENDATION

The amendments of S.B. #14 to Art. 6675a. 5e.1, V.T.C.S., necessitate amending Ordinance #50744 to maintain compliance with State Law. Those amendments clearly address the need to improve administration and enforcement of reserved parking for persons with disabilities.

Having been prepared after consultation with, and discussion between, the Legal Department, Handicapped Access Office, Police Department, Public Works Department, Municipal Courts, and Budget and Research, the attached ordinance amending Ordinance #50744 is recommended by staff for adoption by City Council.


Roy M. Montez, Director
Dept. of Citizen Action
& Public Information

APPROVED:


Thomas E. Huebner
City Manager

Affidavit of Publisher

THE STATE OF TEXAS, }

COUNTY OF BEXAR
CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day personally appeared Irene Palencia, who being by me duly sworn, says on oath that she is Office Supervisor of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance #54374 hereto attached has been published in every issue of said newspaper on the following days, to-wit: October 5th, 1981.

AN ORDINANCE 54374
AMENDING ORDINANCE 50744 OF MAY 10, 1979 CO-DIFIED AS SECTION 38-95.5 IN THE CITY CODE IN ORDER TO COMPLY WITH THE LEGISLATIVE AMENDMENTS TO ARTICLE 6675a-5c.1 OF V.T.C.S. IN REGARDS TO PARKING PRIVILEGES FOR THE DISABLED. ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION, SHALL, UPON CONVICTION BE SUBJECT TO A FINE OF NOT LESS THAN FIFTY DOLLARS (\$50.00) NOR MORE THAN TWO HUNDRED DOLLARS (\$200).
PASSED AND APPROVED this 1st day of October, 1981.
/s/HENRY CISNEROS
MAYOR
ATTEST:
/s/ Norma S. Rordiguez
City Clerk
10 5

Irene Palencia

Sworn to and subscribed before me this 5th Day of October, 1981.

Kary Finney

Notary Public in and for Bexar County,
Texas