AZJ
04/17/2014
Item No. 18A

AN ORDINANCE 2014-04-17-0259

AMENDING CHAPTER 19, "MOTOR VEHICLES AND TRAFFIC" OF THE CITY CODE TO CREATE A NEW ARTICLE XII ENTITLED "RESIDENT-ONLY PARKING PERMITS" TO REQUIRE PERMITS FOR PARKING IN CERTAIN AREAS DURING CERTAIN HOURS AND DAYS; ESTABLISH PENALTIES FOR VIOLATIONS; AND PROVIDE FOR PUBLICATION.

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WHEREAS, current provisions of the City Code of San Antonio establish regulations for parking upon the public rights-of-way and parts thereof; and

WHEREAS, establishing a permit system authorizing parking under limited conditions within certain subdivions would provide a public benefit to the residents or businesses whose property fronts these public rights of way; and

WHEREAS, certain neighborhoods and areas of the city are often burdened by influxes of vehicles owned by non-neighborhood residents; and

WHEREAS, such influx of automobiles often disrupts basic essential services, such as trash collection and mail delivery by blocking access to garbage cans, mail boxes, etc.; and

WHEREAS, the influx of parking creates significant traffic hazards; and

WHEREAS, unnecessary noise, pollution and strained relationships between neighborhood residents and non-residents often work unacceptable hardships on residents of these neighborhoods by causing deterioration of safety, tranquility, aesthetics and other values available in a residential environment; and

WHEREAS, the amendments reflected in this ordinance are in the public interest and for the public health, safety and welfare; **NOW THEREFORE,**

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

SECTION 1. The City Code of San Antonio, Chapter 19 "Motor Vehicles and Traffic" is hereby amended by adding a new Article XII entitled "Resident Only Parking Permits" 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:

Violations	Fine
(1) 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	$ 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
(10) 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) Curbstone	50.00
(25) Parking In Residential Permit Parking Zone without Required Permit	35.00
(26) False Representation of Motor Vehicle Entitlement to Permit	35.00
(27) Duplication of Permit; Display of a Duplicated Permit	35.00
(28) Failure to Surrender Permit upon Request	35.00
(29) ~~(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.

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19-431 ~~to 19-449~~ Reserved

Article XII: Resident-Only Parking Permits

Sec. 19-432. Definitions.

When used in this division, the following terms have the meanings ascribed to them below:

"Block" means a street segment between two cross streets and with no intervening streets crossing both blockfaces.

"Blockface" means one side of a block with no intervening streets. Because blocks may have intervening cross streets that do not penetrate both blockfaces, blocks may have more than two blockfaces.

"Commuter vehicle" means any vehicle other than a resident vehicle.

"Curbside-parking space" means 20 linear feet of curb, excluding those portions of the curb where the parking of any motor vehicle is not permitted.

"Director" means the director of the Center City Development Office.

"Parking official" means the person in the Center City Development Office so designated by the director.

"Residential permit parking zone" means the area designated for resident-only parking during specific hours and days of the week

"Temporary residential parking permit" means a temporary permit issued by the City authorizing curbside parking in a residential-permit parking zone during the time curbside parking is otherwise restricted.

"Resident" one who lives in a residential segment.

"Residential parking permit" means a permit issued under the authority of this division.

"Residential segment" means one or more blockfaces consisting entirely of residences, whether single or multifamily. A non-residential use on a blockface does not prevent the blockface from being residential if the non-residential use does not front on the blockface.

"Senior Engineer" means the traffic or other similar engineer overseeing traffic regulations in the Transportation and Capital Improvements Department or other similar department should it be renamed.

"Chronic commuter-parking problem" is when at least 25% of occupied spaces in a proposed residential permit parking zone are not traced to aresident license plate during the parking survey period .

Sec. 19-433. Residential Permit Parking Zones.

(a) For purposes of this division, a "chronic commuter-parking problem" encompasses commuter curbside-parking at the same hours and on the same days, but does not include parking for events that, by their nature, are likely to occur less frequently than monthly.

(b) In carrying out the functions assigned by this division, the parking official shall consult with and obtain the concurrence of the senior engineer.

(c) The director must develop forms and procedures for carrying out the provisions of this division and must set and post on the City's website a schedule of all fees to be charged for permits under this division. The director must further provide for both occupant and visitor permits in a way that substantially accomplishes the purposes of this division.

Sec. 19-434. Petition for designation.

(a) Residents of a residential segment may petition the parking official to initiate a residential permit parking zone for the residential segment. The petition must be for at least both sides of one block if both sides are residential or, if only one blockface is residential, one residential blockface. Petitions for a residential segment shall not be considered if they are for the same area for which a petition has been denied by the City Council in the last 12 calendar months. Each petition shall be accompanied by the nonrefundable petition fee stated for this provision in the city fee schedule.

(b) The petition must include, at a minimum, the following:

(1) A description of the residential segment;

(2) A description of the chronic parking problem or condition to be remedied;

(3) Signatures consenting to a residential permit parking zone representing not less than 60% of the addresses in the residential segment;

(4) The name, address and telephone number of a resident of the proposed residential permit parking zone to serve as a contact;

(5) The names and addresses of all residents within the proposed residential permit parking zone ; and

(6) Any other information reasonably required by the parking official to make any determination required under this article.

(c) The parking official must review each petition for completeness and make a determination of completeness within five (5) working days. If the parking official finds the petition complete, the official must process the petition according to this section . If the parking official finds the petition incomplete, he shall return the petition with written notice of the deficiencies.

(d) Once a complete petition is received, the parking official should forward a copy with all attachments to the Senior Engineer.

Sec. 19-435. Parking survey.

When the petition is complete, the Center City Development Office must obtain a parking survey that is conducted in the manner prescribed by the Senior Engineer and that covers the proposed residential permit parking zone. The parking survey must determine all information that the parking official or the Senior Engineer believes useful,but it must at a minimum determine the following:

(a) The total number of legal curbside parking spaces in the proposed residential permit parking zone;

(b) The number of legal curbside parking spaces regularly occupied by vehicles;

(c) The number of curbside parking spaces regularly occupied by commuter vehicles; and

(d) The general hours of occupancy of curbside parking spaces by commuter vehicles.

(e) The extent to which commuter parking materially impairs curbside parking near residents' homes by the residents themselves;

(f) The existence of air and noise pollution, hazardous conditions, and deterioration of the residential environment as a result of traffic congestion and insufficient parking in the area;

(g) The extent that the designation of a residential permit parking zone would reduce traffic congestion and any other problems identified in this section;

(h) Whether designation as a residential permit parking zone would impede traffic mobility;

(i) Whether the problems identified in the survey can reasonably be solved at no additional cost to the city through an alternative to a residential permit parking zone;

(j) Whether at least 60% of curbside spaces are occupied by vehicles, and of those vehicles whether at least 25% are commuter vehicles; and

(k) Any other traffic issue identified by the Senior Engineer.

Sec. 19-436. Criteria for designation.

The criteria for a residential permit parking zone area are:

(a) At least 60% of curbside spaces must be occupied by vehicles for the proposed residential permit parking zone to be eligible for designation; and

(b) At least 25% of curbside spaces must be occupied by commuter vehicles for the proposed residential permit parking zone to be eligible for designation.

Sec. 19-437. Parking regulations and fees.

If the parking official finds that an petition meets the criteria for designation, the official and the Senior Engineer must develop recommendations for the days of the week and the times of day that commuter parking should be prohibited in the resident-only parking-permit area. No such plan should impede traffic mobility. No plan may prohibit commuter parking on a blockface on which a non-residential property faces.

The petition fee is $50.00 and non-refundable. This fee will be collected even if an area does not meet the criteria to become a residential permit parking area.

Resident-only parking permits are $10.00 each and a total of four permits per address may be purchased annually. The permit will be valid for one year and must be renewed annually.

Temporary residential parking permits are temporary and valid for one day use only. They are $1.00 each and up to 20 passes for one event may be purchased. The temporary residential permit will include the date of your event on the pass and will only be valid for the day indicated on the pass.

Sec. 19-438. Public hearing.

(a) After developing recommendations for commuter-parking restrictions, the parking official must conduct a public hearing to receive comment on the proposed restrictions.

(b) Written notice of the public hearing must be mailed at least 10 days before the date of the public hearing as follows:

(1) Addressed to "Occupant" of each property within, and within 200 feet of, the boundaries of the proposed residential permit parking zone ;

(2) To each registered neighborhood association in whose area the proposed residential permit parking zone is located, provided that notice may be given electronically if the neighborhood association has provided an email address to the Center City Downtown Office.

(c) The boundaries of a residential permit parking zone are the outer perimeters of the constituent properties.

(d) The parking official must further publish notice of the hearing at least once and at least ten days before the hearing. The notice must be published in a form prescribed by the director and in a newspaper of general circulation in the city. The director must also email the notice to the council member for the district on which the proposed residential permit parking zone would be located.

(e) The notice must clearly state the purpose, date, time, and location of the public hearing; the location and boundaries of the proposed residential permit parking zone ; the regulations proposed for the area; and the permit fees that will be charged.

(f) Mailed notice is given when deposited in the United States mail, properly addressed, postage paid. The affidavit of a person who has knowledge of the mailing is prima facie evidence that notice was given.

(g) At the public hearing, any interested person, including the Senior Engineer, may present testimony, orally or in writing, regarding the proposed residential permit parking zone, the proposed regulations, and the permit fees. The director may establish rules for the conduct of the public hearing.

(h) The public hearing may be conducted by the director or the parking official. It should be conducted not earlier than 5:30 P.M. and on a workday at a location reasonably convenient to the proposed residential permit parking zone. Any location within two miles of the area qualifies as reasonably convenient, but the location may be more than two miles if a closer place is not reasonably available.

Sec. 19-439. Parking official or Senior Engineer action.

Following the close of the public hearing, the parking official or Senior Engineer may modify the proposal in response to public comment. If the parking official finds that it meets the criteria for designation the official must present the petition to City Council. If the parking official finds that it does not meet the criteria for designation the official should so advise the applicant and need not submit the proposal to City Council.

Sec. 19-440. City Council action.

Only City Council can designate a resident-only permit parking zone. The City Council may designate resident-only permit parking zones according to the procedures of this division, but is not bound to approve any petition presented to it.

Sec. 19-441. Notice to residents.

Promptly after adoption of an ordinance creating a residential permit parking zone, the parking official must mail notice to the occupant of every address within the area containing the following information:

(1) The existence, boundaries, and numerical designation of the residential permit parking zone;

(2) The parking restrictions specified in the ordinance creating the residential permit parking zone;

(3) The effective date of the regulations;

(4) The procedures and associated fees to obtain permits; and

(5) An appplication for a residential parking permit in the form to be prescribed by the director.

The parking official or Director shall also ensure that signs are posted in the designated area identifying the residential permit parking zone.

Sec. 19-442. Compliance with other laws.

A permit issued pursuant to this article does not excuse compliance with any other generally applicable law, including, but not limited to, parking meter payment, no-parking signs, and restricted parking for disabled persons.

Sec. 19-443. Offenses and Fines.

(a) It is unlawful to park a motor vehicle not displaying a permit in a curbside parking space in a residential permit parking zone on a day or during hours for which a permit is required.

(b) It is unlawful to falsely represent that a motor vehicle is entitled to a permit. The display of a permit on a motor vehicle not entitled to the permit is such a representation.

(c) It is unlawful to duplicate, or attempt to duplicate, a permit. It is also a violation of this article for any person to display a duplicated permit on a motor vehicle.

(d) Fines for violations under this section shall be in accordance with the schedule set out in 19-38 of the City Code (Payment of Fine; Issuance of Process).

Sec. 19-444. Revocation of permit.

In addition to other applicable penalties, the parking official must revoke the residential parking permit and any associated visitor permit or service provider permit of any person adjudicated to have committed three or more violations of this article within any 12-month period. The parking official must mail to the permit holder by certified mail, return receipt requested, notice of revocation and an instruction to surrender the permit. The permit holder must then surrender the permits within ten calendar days, and failure to do so is a a separate violation. Prima facie evidence of delivery of the notice may be established by (a) a signed return receipt or (b) an envelope containing the notice that the postal service has marked as refused or unretrieved by the addressee.

Sec. 19-445. Defenses.

It is an affirmative defense to a charge of violating this article that the motor vehicle parked in a residential permit parking zone was:

(1) A motor vehicle owned by, or operated under contract to, a utility and was being used in the course of official business in the residential permit parking zone;

(2) A motor vehicle clearly identified as owned by, or operated under contract with, a federal, state, or local governmental agency;was being used in the course of official government business; and was not parked while the operator was working at his customary office or job site;

(3) An authorized emergency vehicle; or

(4) A motor vehicle used for delivery or service-business purposes, including but not limited to moving vans and sanitation, repair, electrical, and plumbing-service motor vehicles, in connection with business at a residence in the residential permit parking zone.

Sec. 19-446. Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. In case of an inconsistency, the more restrictive provision governs.

Sec. 19-447. Adjudication.

Cases involving violations of the parking provisions of this article are adjudicated in the same way as any other parking violation, including administrative adjudication and enforcement measures.

Sec. 19-448. Removal of vehicle and Emergency restrictions.

In a residential permit parking zone designated by the Senior Engineer as a tow-away zone and in which the proper signs have been posted, a parking-enforcement officer or personnel designated by the police chief may authorize the towing of a vehicle parked in violation of this article.

If police or an official in the Parking Division of the city of San Antonio determine that the residential permit parking zone must be suspended for a specific time period they will place temporary No Parking Emergency Restriction signs over the residential permit parking signage. These restrictions will supercede the residential permit parking zone and will remian in place until it is determined by the police or official that the suspension is no longer necessary.

Sec. 19-449. Reserved.

SECTION 2: Funds generated by this ordinance will be deposited into Fund 53001000, Internal Order 219000000129 and General Ledger 4403138.

SECTION 3: 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 4. Any parking zones established under this ordinance shall remain in effect until May 1, 2015, unless reenacted by the City Council on or before that date.

SECTION 5. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 6. The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

SECTION 7. There shall be a review of this ordinance by City Council no later than May 1, 2015. This ordinance and any associated parking zones established under this ordinance shall expire if there is not a review before that date.

SECTION 8. The publishers of the City Code of San Antonio, Texas are authorized to amend the code to reflect the changes adopted in this Ordinance, and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

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

PASSED AND APPROVED this 17th day of April 2014.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

for Robert F. Greenblum, City Attorney

Agenda Item:	**18A (in consent vote: 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 17A, 17B, 18, 18A, 18B, 19, 21, 23, 24, 26, 27, 28, 29, 30, 30A, 30B, 31)**
Date:	04/17/2014
Time:	09:47:00 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Chapter 19, "Motor Vehicles and Traffic" of the Ciity Code to create a new article XII entitled "Resident Only Parking Permits" to require permits for parking in certain areas during certain hours and days; establish penalties for violations; and provide for publication.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				
Ivy R. Taylor	District 2		x				x
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9		x			x	
Michael Gallagher	District 10		x				