

ORDINANCE NO. 2014 - 01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82, ARTICLE 4, DIVISION 2, RESIDENTIAL PARKING, OF THE CITY OF SAN MARCOS CODE OF ORDINANCES FOR THE PURPOSE OF ESTABLISHING A RESIDENTIAL PARKING PROGRAM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The city council wishes to alleviate chronic levels of commuter or non-resident parking along streets with adjacent residential properties by establishing a Residential Permit Program.

2. The desired result of the Residential Permit Program is to increase the amount of on-street parking available to residents and their guests while balancing the needs of others who desire to park along public streets.

3. While this program does not guarantee or assign specific spaces on public streets for residential vehicles, the regulation of parking through the Residential Parking Permit Program may be the least restrictive approach that best mitigates the problem.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1: Chapter 82 of the San Marcos Code of Ordinances is hereby amended by adding a new Section 82.189 to read as follows:

Section 82.189 Residential Parking Program.

(a) *Definitions.* As used in this section, the following terms shall have the meanings ascribed in this subsection, unless the context of their usage clearly indicates another meaning:

Block means both sides of a street between two intersecting streets.

Designated permit area means a contiguous area of a single family residential or commercial use containing not less than ten commercial or single-family residential lots, upon which the city council imposes a requirement for a parking permit under this section. Where there are less than ten commercial or single family residential lots on the entire length of the street, then the entire length of the street may be considered for a designated permit area.

Guest Permit means a permit issued by the city pursuant to this section to a guest of a resident located within a designated permit area for display on a vehicle owned or used by a guest which is parked or left standing within the designated permit area.

One Day Pass means a permit issued by the city pursuant to this section to a property owner or resident within a designated permit area for display on a vehicle used by visitors which are parked or left standing within the designated permit area. A One Day Pass shall be valid for time specified upon issuance not to exceed one 24-hour period.

Resident means a person whose place of residence or property is located in the city as to render him or her eligible for procurement of a parking permit under this section.

Resident Parking Program Coordinator means a person designated by the city to oversee the Residential Parking Permit Program.

Residential Parking Program Guidelines means operating policies and procedures established by the city.

Resident Permit means a permit issued by the city pursuant to this section to a resident or property owner within a designated permit area for display on a vehicle owned or used by such resident or property owner which is parked or left standing within the designated permit area.

Temporary Construction Permit means a permit issued under this section for authorized construction activities lasting no more than 45 days.

(b) *Request for Designated Permit Area*. The request for the designated permit area must originate from a resident or property owner whose property abuts the requested designated permit area with the assistance of city staff. The requester must:

- (1) be considered the requester of record and act as primary contact for the request;
- (2) be responsible for submission of a signed petition by 60 percent of all single family houses and four-plex or smaller rental properties located within the designated permit area;
- (3) provide a description or a map showing the proposed blocks of the designated permit area;
- (4) include the address of each residential lot within the proposed designated permit area;

- (5) identify any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
- (6) provide a statement of the proposed parking restrictions desired by the applicants, including days of the week, times of the day, and the length of time for the parking restriction; and
- (7) submit a signed petition with the following statement affixed:

“We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of the annual parking permits will be paid by the residents and/or property owners. This restriction will be valid for a minimum of one year.”

(c) The city traffic engineer will review all applications submitted for a proposed designated parking permit area in accordance with applicable city ordinances.

- (1) Temporary restrictions authorized by applicable city ordinances are permitted under existing applicable standards.
- (2) Where no residential units exist on one side of a street, the area with residential units may be considered for designation as a designated permit area. Requests for single side designated permit areas will be considered based on traffic conditions and flow analysis.

(d) The city council shall conduct a public hearing on the application. Following the conclusion of the public hearing, the council may approve, reject or modify the proposed designated permit area. The council will approve the designated permit area by adopting an ordinance which shall describe each street, or portion of each street, within the area and the specific restrictions applicable to the area.

(e) *Request for Designated Permit Area Removal.* Once a designated permit area is established, a removal request may only be submitted no sooner than the first anniversary of the date the ordinance establishing the area was adopted. The request for the removal of the designated permit area must originate from a resident or owner whose residential property abuts the requested street segment. The requester must:

- (1) be considered the requester of record and act as primary contact for the request; and
- (2) be responsible for submission of a signed petition form, provided by the city, by at least 60 percent of all single family houses and four-plexes or smaller rental properties within the designated permit area.

(f) *Commercial or Service Vehicle Exemption.* The display of a permanent sign or marking which identifies a non-resident commercial or service vehicle being used while the operator is conducting commercial or service related activities shall be deemed a parking permit and such vehicle shall be exempt from any parking restriction as established by this section for any designated permit area.

(g) *Application for Permit.* Any individual wishing to receive a parking permit will be required to complete an application. This application will verify each individual lives in a designated parking area or is otherwise eligible for a parking permit under the requirements of this section.

(h) *Permits.* Resident permits are valid for one year from the date of issuance. One day passes and temporary construction permits are valid for the time periods designated for each such permit under this section. Guest permits are valid for the period of time stated in such permit.

- (1) Costs:
 - a. Resident Permit - \$5.00
 - b. Guest Permit - \$5.00
 - c. One Day Pass - \$0.10
 - d. Temporary Construction Permit - no cost
- (2) One Guest Permit will be issued for each Resident Permit with a maximum of two Guest Permits per residence

- (3) The combined total number of Resident Permits and/or Guest Permits for each residence is limited to five permits per year.
- (4) Temporary construction permits lasting no more than 45 days can be requested for vehicles of workers.
- (5) Resident Permits must be affixed to the window of a motor vehicle to be valid. Any altered or obstructed Resident Permit will invalidate the permit and be considered a parking violation regardless if it was assigned properly to a particular residence.
- (6) Guest permits must be hanging, and prominently display information regarding the issuance and certification information. Any altered or obstructed Guest Permit will invalidate the permit and be considered a parking violation regardless if it was assigned properly to a particular residence.
- (7) Resident Permit holders that sell or trade automobiles for a residence may have the permit replaced at no charge provided the original permit is returned.
- (8) One Day Passes may be issued under the Residential Parking Program Guidelines.
 - (i) Nothing in this section shall change or alter existing no parking or tow away zones designated under applicable ordinances for purposes of traffic management and control.
 - (j) *Parking without Valid Permit Prohibited.* No person shall park and leave standing any vehicle whether attended or unattended in a designated parking area outside of the posted permitted parking times for the designated permit area without a valid parking permit for the designated permit area from the city. Revoked or expired permits are not considered to be valid permits for purposes of this subsection. Parking violations under this section are subject to the level two civil penalty for parking in a no parking zone established under Chapter 82, Article 4.
 - (k) *Misdemeanor Offense.* Any alteration, unauthorized copy, forgery or misrepresentation of any application, form, petition, sticker or permit constitutes a misdemeanor offense and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction of the person committing such offense.
 - (l) Any permit issued under this section shall not guarantee or reserve to the holder a parking space. A parking permit is non-transferable. A parking permit shall not authorize the holder to cause to stand or park a vehicle at such

places where parking is prohibited or during such times as when the stopping, standing or parking of vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation other than the specified parking restrictions. A parking permit confers a privilege only, subject to revocation consistent with Residential Parking Program Guidelines at any time.

(m) Officers and employees of the Police Department and Marshal's Office as designated by the city manager or his designees are authorized to enforce this section.

(n) The City Manager, Residential Parking Permit Program Coordinator, and the City Traffic Engineer may serve as an administrative committee authorized to establish and amend the Residential Parking Program Guidelines.

SECTION 2. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in full force if they can be given effect without the invalid portion.

SECTION 3. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.


SECTION 4. This ordinance will take effect after its adoption and publication of its caption and penalty in a newspaper of general circulation in the City within ten days after adoption.

PASSED AND APPROVED on first reading on January 7, 2014.

PASSED, APPROVED AND ADOPTED on second reading on January 21, 2014.


Daniel Guerrero
Mayor

Attest:


Jamie Lee Pettijohn
City Clerk

Approved:


Michael J. Cosentino
City Attorney

Ordinance No. 2014-01



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