

ORDINANCE 2013 - _____

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 ESTABLISHING A RESIDENTIAL PARKING PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

1. The council wishes to alleviate chronic levels of commuter or non-resident parking along streets with adjacent residential properties.
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 that best mitigates the problem.

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

Section 1: Section 82.189 of the San Marcos Code of Ordinances is added as follows:
Section 82.189 Residential Parking Program.

Definitions - As used in this Residential Permit Program policy, the following terms shall have the meanings ascribed in this section, 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 parking permit per this policy. Except, 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.

Non-permitted vehicle - means a vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued by the city pursuant to this policy, regardless of whether such vehicle parked or left standing is owned or being used by a resident and/or property owner or a guest of the designated permit area.

Parking permit - means a permit issued by the city pursuant to this policy to a resident and/or property owner within a designated permit area for display on a vehicle owned or used by such

resident and/or property owner or his or her visitors which is parked or left standing within the designated permit area.

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

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 policy to a resident within a designated permit area for display on a vehicle owned or used by such resident which is parked or left standing within the designated permit area.

One Day Pass - means a permit issued by the city pursuant to this policy 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.

Guest Permit - means a permit issued by the city pursuant to this policy 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.

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

- (1) **Request for Residential Parking Permit Zone.** The request for the Residential Parking Permit zone or (RPP) must originate from a resident or owner whose residential property abuts the requested street segment. The requester must:
 - a. Be considered the requester of record and act as primary contact for the request;
 - b. Be responsible for submission of a signed petition by 60% of all single family houses and four-plex or smaller rental properties located within the designated permit area;
 - c. Provide a description or a map showing the proposed blocks of the designated permit area;
 - d. Include the address of each residential lot within the proposed designated permit area;
 - e. Identify any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
 - f. 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

g. Requester must 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 residential 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"

- (2) The city traffic engineer will review all applications submitted for a proposed designated parking permit area in accordance with all provisions of city codes.
 - a. Temporary restrictions are authorized by city code are permitted under existing applicable standards.
 - b. Where no residential units exist on one side of a street, the area with residential units may be considered singularly. Requests for single side street restrictions will be considered based on traffic conditions and flow analysis.
- (3) A final public hearing on the application shall be conducted by city council as provided in the city code. The council may approve, reject or modify the proposed designated permit area in any manner the council deems appropriate. Council will approve the designated parking by permit area by adopting an ordinance, which shall describe each street within the area and the specific restrictions applicable to the area.
- (4) **Request for Residential Parking Permit Zone Removal.** Once a restriction is implemented, a removal request can only be submitted no sooner than the first anniversary of implementation. The request for the removal of Residential Parking Permit zone must originate from a resident or owner whose residential property abuts the requested street segment. The requester must:
 - a. Be considered the requester of record and act as primary contact for the request;
 - b. Be responsible for submission of a signed petition form, provided by the city, by at least 60% of all single family houses and four-plex or smaller rental properties located within the designated permit area.
- (5) **Parking permit exemptions.** 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 policy for any designated permit area.

(6) **Applications.** Any individual wishing to receive a Resident Permit under the RPP will be required to complete an application. This application will verify each individual lives in a residential parking zone.

(7) **Permits.** Resident and guest permits are valid for one year from issuance.

a. Costs:

1. Resident Permit is \$5.00 for permit
2. Guest Permit is \$5.00 for permit
3. One Day Pass is \$0.10 for permit
4. Temporary Construction Permit is no cost

b. One Guest Permit will be issued for each Resident Permit with a maximum of two Guest Permits per residence

c. The combined total number of Resident Permits and/or Guest Permits for each residence is limited to five permits per year.

d. Temporary construction permits lasting no more than 45 days can be requested for vehicles of workers.

e. Resident Permits must be affixed to the window of a motor vehicle to be valid. Any altered or obstructed Resident Permit will invalidate the parking permit and be considered a parking violation regardless if it was assigned properly to a particular residence.

f. Guest permits must be hanging, and prominently display information regarding the issuance and certification information. Any altered or obstructed Guest Permit will invalidate the parking permit and be considered a parking violation regardless if it was assigned properly to a particular residence.

g. 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.

h. One Day Passes may be issued under the Residential Parking Program Guidelines.

(8) Nothing in this section is designed to change or alter existing no parking or tow away areas designated as such by the Engineering, Traffic Departments or the City Council for purposes of traffic management and control.

(9) **Designated permit areas.** No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated

below without first having obtained a valid parking permit for the designated permit area from the city.

- (10) 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.
- (11) It is prohibited to park or stand vehicles displaying any revoked or expired permits in a RPP designated area.
- (12) Officers and employees of the Police Department and Marshals Office are authorized to enforce this division.
- (13) The City Manager, Residential Parking Permit Program Coordinator, and the City Traffic Engineer can act 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: Any alteration, unauthorized copy, forgery or misrepresentation of any application, form, petition, sticker or permit commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction. Parking violations are subject to the standards under Chapter 82, Article 4.

Section 4: This Ordinance will take effect 10 days after the date of its final passage, and the City Secretary will publish notice of its adoption in a newspaper of general circulation in the City.

PASSED AND APPROVED on first reading on _____

PASSED AND APPROVED on second reading on _____

PASSED, APPROVED AND ADOPTED on _____

Daniel Guerrero

Mayor

Attest:

Approved:

Jamie Pettijohn
City Clerk

Michael Cosentino
City Attorney