

## ARTICLE XII. COMMUNITY PARKING PROGRAM

### DIVISION 1. GENERALLY

#### Sec. 26-761. Definitions.

As used in this article, the following terms and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

*Business* means a recognized legal entity actively engaged in a trade, occupation, profession or other lawful commercial activity; the term shall include any lawful organization, such as a corporation, partnership, or other similar entity.

*Business parking permit* means a permit issued under division 3 of this article to a business owner, an agent of a business, or an employee of a business in a community parking program area.

*Community parking program area* means the following areas designated pursuant to division 2 of this article:

- (1) Zone 1: all streets included and bounded by Autrey Street to the north, Montrose Street to the east, Bissonnet Street to the south and Graustark Street to the west, as further described in Exhibit B to Ordinance No. 2019-\_\_\_\_\_.<sup>1</sup>
- (2) Zone 2: all streets included and bounded by IH US 59 to the north, SH 288 to the east, Hermann Drive to the south, and Main Street to the west, further described in Exhibit C to Ordinance No. 2019-\_\_\_\_\_.<sup>2</sup>

*Dwelling unit* means a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

*Guest* means any person visiting a resident in a community parking program area and who solely by reason of that visit needs a temporary place to park. The term "guest" does not mean or include a person who uses or attempts to use a permit to park in a community parking program area while he or she attends school, college or work in or near the community parking program area.

*Multi-family* means pertaining to the use of land for premises, such as condominiums or apartment complexes, with one or more buildings on a parcel designed for and containing an aggregate of between nine and 125 dwelling units.

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<sup>1</sup> City Secretary/Editor shall insert the number of this Ordinance.

<sup>2</sup> City Secretary/Editor shall insert the number of this Ordinance.

On-street (also "curbside") parking space means a curbside parking space on the public right-of-way, excluding those portions of the right-of-way where the parking of any motor vehicle is prohibited.

Permit or parking permit means a current and valid permit issued under division 3 of this article.

Resident means the owner or tenant of residential property or a dwelling unit in a multi-family property.

Residential means pertaining to the use of land for premises such as single-family homes, duplexes, condominiums and apartment complexes with eight or fewer dwelling units, which contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, boardinghouses and day care centers shall not be considered to be residential.

Resident parking permit means a permit issued under division 3 of this article to a resident in a community parking program area.

**Sec. 26-762. Compliance with other laws.**

A parking permit issued pursuant to this article does not excuse compliance with any other provisions of state law or this Code relating to parking, including but not limited to, "tow-away zone" and "no parking" signs and restricted parking for persons with disabilities.

**Sec. 26-763. Offenses.**

(a) It is unlawful for any person during the posted hours of operation of a parking meter to park any vehicle at a metered on-street parking space in a community parking program area without either:

(1) Displaying a current and valid permit issued and utilized pursuant to this article;  
or

(2) Paying the meter fee as provided in section 26-160 of this Code.

(b) It is unlawful for any person to park in violation of any signs imposing a time limit on parking in a community parking program area without displaying a current and valid permit issued and utilized pursuant to this article.

(c) It is unlawful for any person to falsely represent in any fashion that he is entitled to a permit authorized by this article when he is not eligible for such a permit. The display of a community parking program permit by a person not eligible for such a permit shall constitute such false representation.

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(d) It is unlawful for any person to duplicate, or attempt to duplicate, a permit authorized by this article or to display on any motor vehicle a forged or duplicated permit.

**Sec. 26-764. Defenses.**

It is an affirmative defense to civil prosecution for violation of section 26-763(b) of this Code that the motor vehicle parked in violation of any signs imposing a time limit on parking in a community parking program area was:

- (1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in a parking benefit district;
- (2) A motor vehicle clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, and then being used in the course of official government business;
- (3) An authorized emergency vehicle; or
- (4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical and plumbing service motor vehicles then being used to conduct business at a residence or business establishment in a parking benefit district.

**Sec. 26-765. Cumulative effect.**

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. The authority granted by this article is cumulative of the powers granted by this chapter and does not limit the authority of the traffic engineer or other officers authorized to regulate traffic.

**Secs. 26-766—26-770. Reserved.**

DIVISION 2. DESIGNATION OF COMMUNITY PARKING PROGRAM AREA.

**Sec. 26-771. Community parking program established.**

(a) City council establishes the community parking program to mitigate the adverse effects of motor vehicle congestion associated with long-term and nonresident motor vehicle parking in areas that contain a mix of residential and business property. City council may designate such areas within the city as community parking program areas.

(b) City council authorizes the parking official to administer the community parking program pursuant to this article. In carrying out the functions assigned by this article, the parking official shall consult with and obtain the concurrence of the traffic engineer.

**Sec. 26-772. Designation of program areas.**

(a) City council hereby designates the following areas as community parking program areas:

(1) Zone 1; and

(2) Zone 2.

(b) Designation of a community parking program area shall be effective 60 days after passage of the ordinance designating the community parking program area.

**Sec. 26-773. Report to city council.**

The parking official shall provide an annual report to city council on the effectiveness of the community parking program and all community parking program areas and make the report available to residents and businesses within the community parking program areas.

**Sec. 26-774. Parking regulations.**

(a) The traffic engineer, in consultation with the parking official, shall develop parking regulations designating certain metered on-street parking and time-restricted parking within a community parking program area for which vehicles displaying a parking permit will be exempt.

(b) The traffic engineer, in consultation with the parking official, shall designate the locations within a community parking program area in which a resident or owner, agent, or employee of a business who receives a parking permit may park.

(c) The traffic engineer, in consultation with the parking official, is authorized to erect appropriate signs and markings within the area to give notice of the requirements of this article.

**Sec. 26-775. Notice of designation.**

As soon as practicable following the designation of a community parking program area, the parking official shall mail to the occupant of every address within the designated community parking program area a written notice that shall contain the following information:

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- (1) The existence and boundaries of the community parking program area;
- (2) The parking restrictions applicable to all motor vehicles in curbside parking spaces along public streets in the designated area that do not properly display a permit authorized by this article;
- (3) The effective date of the regulations;
- (4) The procedures and associated fees to obtain permits; and
- (5) An application for a residential or business permit on the form to be prescribed by the director.

**Secs. 26-716—26-780. Reserved.**

DIVISION 3. PERMITS

**Sec. 26-781. Community parking program resident permit application; issuance.**

(a) Residents within a community parking program area are eligible for resident parking permits as follows:

<u>Building</u>	<u>Number of Permits Allowed Annually</u>
<u>Residential buildings</u>	<u>3 permits per address/dwelling unit</u>
<u>Multi-family buildings constructed prior to the effective date of the city's off-street parking ordinance (Ord. No. 1989-712) on May 23, 1989 that provide no off-street parking spaces</u>	<u>1 permit per dwelling unit</u>
<u>Multi-family buildings</u>	<u>1 permit per dwelling unit but total permits issued to residents in a given building cannot exceed .5 permits multiplied by the total number of dwelling units in the building</u>

If a resident lives in a permit restricted building and there are no permits available, the resident shall be added to a waiting list. Multi-family buildings that qualified for the reduced parking space requirement for transit-oriented developments under section 26-503 of this Code or received parking variances under article VIII of chapter 26 of this Code are not eligible for resident parking permits.

(b) Any resident within a community parking program area may submit an application to the parking official in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, and the applicant's residential address located within the community parking program area;

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(2) Proof that the applicant is a resident of the community parking program area in the form of:

a. A valid Texas driver's license, or personal identification card issued by the Texas Department of Public Safety, showing the applicant's current residential address within the community parking program area; and

b. A recent utility bill acceptable to the director showing the applicant's address within the community parking program area; or

c. Vehicle registration reflecting an address within the community parking program area; and

(3) Any other information reasonably required by the director to ensure compliance with the requirements of this article.

(c) Upon submission of a complete application for a community parking program resident permit and payment of the fee prescribed in the city fee schedule for this provision, an applicant shall be entitled to receive a community parking program resident permit in accordance with subsection (a) of this section, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant or listed on the application.

(d) Each permit issued under this section is transferable to any vehicle that is being operated by or for the transportation of any resident at the address listed on the permit application or a vehicle under the legal control of a guest of any resident at the address listed on the permit application.

**Sec. 26-782. Community parking program business permit application; issuance.**

(a) A business owner of a business located within a community parking program area may obtain one business parking permit. Each person who is employed by or who is an agent of a business located within the community parking program area may also obtain one business parking permit.

(b) An owner, agent, or employee of a business within a community parking program area may submit an application for a business parking permit to the parking official in a form promulgated by the director for that purpose, which shall include the following:

(1) The applicant's name, telephone number, and the applicant's business address located within the community parking program area;

(2) Proof that the applicant is an owner, agent, or employee of a business in the community parking program area in the form, as applicable, of:

a. A true and correct copy of a valid certificate of occupancy of the applicant's business within the community parking area; or

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- b. A recent utility bill acceptable to the director showing the applicant's business address within the community parking program area; or
  - c. Copy of payroll stub or statement on employer letterhead confirming employment and including physical address of employer located within the community parking program area; and
- (3) Any other information reasonably required by the director to ensure compliance with the requirements of this article.

(b) Upon submission of a complete application for a business parking permit and payment of the fee prescribed in the city fee schedule for this provision, an applicant shall be entitled to receive one community parking program business permit, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant.

(c) Each permit issued under this section is non-transferable and only valid at such on-street parking spaces within a community parking program area as determined by the director.

**Sec. 26-783. Permits.**

Motor vehicles with a parking permit issued under this article may park at an on-street parking space restricted by parking meters or signs establishing time limits in a community parking program area at the locations and during the days and times established by the traffic engineer pursuant to section 26-774 of this Code.

**Sec. 26-784. Effect of issuance of permit.**

(a) A resident parking permit shall be valid for one year from its date of issuance. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a permit that has been revoked pursuant to section 26-785 of this Code shall not be reissued for a period of two years from the date of revocation.

(b) A business parking permit shall be valid for 30 days from its date of issuance. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee prior to the expiration of the permit. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a permit that has been revoked pursuant to section 26-785 of this Code shall not be reissued for a period of two years from the date of revocation.

(c) No parking permit shall be issued to a person who is neither a resident nor an owner, agent, or employee of a business within a community parking program area.

(d) A parking permit issued to a resident or owner, agent, or employee of a business of a community parking program area who no longer qualifies for a parking permit is void and use thereof shall constitute an offense.

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(e) A permit does not guarantee or reserve a parking space within a community parking program area. A permit issued pursuant to this article does not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

(f) Whenever the holder of a permit is not in compliance with one or more of the applicable provisions of this article controlling the issuance or renewal of permits, the holder shall notify the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

(g) Until its expiration, surrender or revocation, a parking permit shall remain valid for the length of time the holder continues to reside or own, operate, or be employed by a business within a community parking program area.

(h) A permit shall be valid only in the community parking program area for which it is issued.

(i) Nothing in this article shall be construed to supersede the parking regulations of an area that is designated as a residential parking permit area.

**Sec. 26-785. Revocation of permit.**

In addition to the penalties provided for violation of this article, the parking official shall revoke the parking permit of any individual found to have committed three or more violations of this article within any preceding 12-month period. Upon a determination by the parking official that a person who holds a permit has been adjudicated to have committed three or more such violations within the prescribed period, the parking official shall provide written notification to such person by certified mail, return receipt requested, revoking the permit and ordering the surrender of such permit to the parking official. Failure to surrender a revoked permit when ordered to do so constitutes a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender the permit.

**Sec. 26-786. Permit fees.**

(a) The fee for each community parking program permit is stated for this provision in the city fee schedule.

(b) The parking official shall not issue any permit unless and until the applicable fee identified in this section has been paid.

**Sec. 26-787. Display of permit.**

Each permit shall be conspicuously displayed upon a motor vehicle so as to be easily visible to any person passing the vehicle on the street while the vehicle is parked in an area designated for parking by permit in a community parking program area, except the parking official may accept a valid license plate number on file with the department for each permit holder in lieu of affixing or hanging a permit. Any failure to display a permit shall create a presumption that no permit exists, except as otherwise provided in this section.

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**Sec. 26-788. Adjudication.**

Cases involving violations of the parking provisions of this division shall be heard by adjudication hearing officers of the municipal courts department.

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