

ORDINANCE NO. 2019-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 126 OF THE CITY'S CODE OF ORDINANCES BY REMOVING THE PROHIBITION OF OVERNIGHT ON-STREET PARKING IN THE DOWNTOWN PARKING ZONE AND EXTENDING THE DOWNTOWN PARKING ZONE TO INCLUDE BOTH SIDES OF EAST SAN ANTONIO STREET BETWEEN MARKET AND GILBERT STREETS, AND THE SOUTH/WEST SIDE OF EAST MARKET STREET BETWEEN EAST MILL STREET AND EAST SAN ANTONIO STREET; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels, Texas, regulates parking in the Downtown parking zone to promote an active pedestrian environment and robust commercial activity; and

WHEREAS, the New Braunfels Downtown Board recommended approval of the amendments to Chapter 126 at their regular meetings in February and May of 2019;

WHEREAS, the New Braunfels Transportation and Traffic Advisory Board recommended approval of the amendments to Chapter 126 at their regular meetings in April and June of 2019;

WHEREAS, New Braunfels' City Council finds that the attached code amendment regulating the use of on-street parking is reasonable and prudent in light of the desire to ensure adequate available parking for Downtown businesses, visitors, residents, and employees throughout the Downtown area;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

Section 1. Findings of Fact

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes. The City Council hereby finds and determines that the rules, regulations, terms, conditions, provisions, and requirements are reasonable and necessary to protect the public health, safety, and quality of life.

Section 2. Amendment to Chapter 126.

Chapter 114 of City of New Braunfels Code of Ordinances is hereby amended so as Section 126-355 to read as follows:

Sec. 126-355. - Downtown parking zone.

(a) Definitions. The following terms, as used in this section, have the following definitions:

Chief of police shall mean the chief of police of the City of New Braunfels, Texas or his designee.

Director of planning shall mean the director of planning and community development of the City of New Braunfels, Texas or their designee.

Downtown parking zone shall mean the area comprised of the following public streets as identified in appendix A:

- (1) Main Plaza (with the exception of the Comal County Courthouse);
- (2) Seguin Avenue from Mill Street to Coll Street;
- (3) San Antonio Street from Gilbert Street to Academy Avenue (with the exception of the Comal County Courthouse);
- (4) Castell Avenue from Mill Street to Coll Street;
- (5) The south/west side of Market Street from E. Mill Street to E. San Antonio Street

Motor vehicle shall mean any mechanically or electrically powered device not operated on rails, upon which or by which any person or property may be transported upon a land highway. The load on a motor vehicle or trailer attached to it, is considered part of the vehicle. Tractors and motorized machinery are included while self-propelled in transit or used for transportation.

Temporary visitors permit shall be issued, free of charge, for persons visiting from out of town, at the written request of any person residing within the downtown parking zone or any owner/operator of a "hotel" located within the downtown parking zone. (For the purposes of this section, the term "hotel" shall have the same meaning as set forth in V.T.C.A., Tax Code §

156.001.) These temporary visitor permits shall be valid only on the date(s) noted on the permit.

The chief of police has authority to enforce this section as described below.

(b) Offenses.

(1) Except as provided in subsection (d), no person shall park any motor vehicle on any public street in the downtown parking zone for more than two consecutive hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, without displaying a temporary visitor permit.

(2) An individual commits an offense if he displays a permit issued pursuant to this section on a motor vehicle other than the motor vehicle for which the permit was issued.

(3) An individual commits an offense if he displays a permit issued pursuant to this section on a motor vehicle on a day other than the day issued.

(4) A person commits an offense if he falsely represents himself as being eligible for a temporary visitors permit, submits false documents, or otherwise makes a false statement of material fact on an application for a permit.

(c) Penalties.

(1) Any vehicle parked for more than two consecutive hours in the downtown parking zone, during times when parking is restricted and without displaying a valid permit issued under this section, will be subject to:

a. A warning for the first offense;

b. A fine not to exceed \$50.00 for the second offense plus court costs;

c. A fine not to exceed \$200.00 for the third offense plus court costs; and

d. A fine not to exceed \$500.00 for the fourth and any subsequent offenses plus court costs.

(2) A person who commits any other violation against the provisions of this section is subject to the penalties provided for in this Code.

(3) For purposes of this subsection, counting of repeat offenses shall commence on January 1st and end on December 31st of each calendar year. Offenses committed in prior calendar years shall not be counted in determining the level of penalty applied for offenses committed in subsequent calendar years.

- (d) Exceptions. The terms of this section shall not apply in the following instances:
- (1) Motor vehicles that are used in individuals to carry equipment and goods necessary for making improvements and repairs, providing actual labor, and performing other related services at any location within the downtown parking zone. Not including employees of the business.
 - (2) The provisions of this section shall not apply to vehicles that display a valid temporary visitors permit.
- (e) Temporary visitor parking zone permits. Temporary visitor permits shall be issued, free of charge, for persons visiting in the area from out of town, at the written request of any person residing within the downtown parking zone or any owner/operator of a "hotel" located within the downtown parking zone. (For the purposes of this section, the term "hotel" shall have the same meaning as set forth in V.T.C.A., Tax Code § 156.001.) These temporary visitor permits shall be valid only on the date(s) noted on the permit and only two permits per business will be issued daily. Permits will be issued by the director of planning and community development.
- (f) Miscellaneous.
- (1) A permit issued pursuant to this section, and properly displayed, authorizes the visitor's motor vehicle to be parked in the downtown parking zone for more than two consecutive hours when otherwise prohibited by this section. A permit does not authorize the visitor's motor vehicle to be parked in a manner or location that is prohibited or otherwise governed by regulations, ordinances, statutes, or laws other than provided for in this section.
 - (2) A permit is not transferable from one motor vehicle to another.
 - (3) A lost or stolen permit may be replaced. The visitor must submit a signed affidavit stating that the permit was lost or stolen and not transferred to another vehicle, nor given or conveyed to another individual.

Section 5. Severability

THAT it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 6. Repealer

THAT all provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect and all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 7. Effective Date and Publication.

THIS ordinance shall become adopted and effective on July 22, 2019. This Ordinance must also be **published** in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this 8th day of July 2019.

PASSED AND APPROVED: Second reading this 22nd day of July 2019.

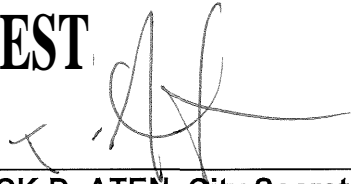
CITY OF NEW BRAUNFELS

BARRON CASTEEL, Mayor

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney

ATTEST

A handwritten signature in black ink, appearing to read 'P. D. Aten', written over a horizontal line.

PATRICK D. ATEN, City Secretary