

ORDINANCE NO. 2017 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, CREATING SECTION 126-356 TO PROHIBIT PARKING IN SPACES AND AREAS LOCATED ON PRIVATE PROPERTY AND DESIGNATED FOR EXCLUSIVE USE BY VEHICLES WITH PROPER PLACARD OR LICENSE PLATES THAT ARE USED FOR TRANSPORTING PERSONS WITH DISABILITIES; AUTHORIZING TOWING ENFORCEMENT; PROVIDING FOR PENALTIES; REPEALING ALL LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Texas Transportation Code provides that a vehicle may park in a parking space or area that is designated specifically for people with disabilities if the vehicle is being operated by or for the transportation of a person with a disability and the vehicle displays special license plates or a disabled parking placard; and

WHEREAS, the Texas Department of Motor Vehicles issues disabled parking placards and/or license plates to the owners of motor vehicles regularly operated by or for the transportation of a person with temporary or permanent disabilities, entitling the holder to park in a space designated specifically for persons with physical disabilities; and

WHEREAS, disabled parking spaces are intended for use only by motor vehicles that display a disabled parking placard or license plate in or on their vehicle; and

WHEREAS, people without disabled parking placards or license plates sometimes park in parking spaces reserved for persons with disabilities, removing those spaces from the supply available to those for whom they are intended; and

WHEREAS, Chapter 681 of the Texas Transportation Code provides that the City may require the owner or person in control of private property that provides parking to provide one or more parking spaces for the exclusive use by vehicles transporting persons with disabilities.

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

SECTION1: That Chapter 126 “Traffic and Vehicles” Article VII “Parking”, Division 2 “Prohibited Parking” is hereby amended to read as follows:

126-356 - PARKING FOR PERSONS WITH DISABILITIES.

(a) DISABLED PARKING SPACES ON PUBLIC AND PRIVATE PROPERTY.

The city engineer is hereby authorized and directed, pursuant to the provisions and procedures of Chapter 681 of the Texas Transportation Code, to designate and establish spaces on the streets of the city and on any property owned or controlled by the city, and the owner or person in control of any other private or

public property must similarly designate and establish one or more parking spaces thereon, for the exclusive use by vehicles transporting persons with disabilities.

- (b) **STANDARDS AND IDENTIFICATION.** The identification which includes signage and dimensions of disabled parking spaces on public or private property must conform to the minimum standards set forth in the Texas Accessibility Standards promulgated by the Texas Commission on Licensing and Regulation pursuant to the Texas Architectural Barriers Act, Article 9102, Texas Civil Statutes. Such spaces on private property shall be designated by posting appropriate signage at the owner's sole expense.
- (c) **TOW-AWAY ZONES AUTHORIZED.** Parking spaces and parking areas designated specifically for vehicles transporting persons with disabilities must be marked and designated as tow-away zones. Any vehicle parked in such a marked tow-away zone that does not display a placard or plate with the international symbol of access issued in a form prescribed by the Texas Department of Transportation (or an equivalent symbol issued by another state if the vehicle is not registered in Texas) shall be subject to towing and impoundment by authority of any police officer of the city. No person shall stand or park a vehicle in a disabled parking space unless authorized to do so under state law.
- (d) **NO CULPABLE MENTAL STATE REQUIRED.** The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this chapter shall be strict liability offenses. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in accordance with applicable state law. Repeat offenders shall be subject to higher fines in accordance with V.T.C.A., Transportation Code, §681.011, as amended. Nothing in this section shall be construed as to limit any civil action the city may take to enforce the terms of this article.

SECTION 2: This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3: That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4: This Ordinance shall take effect upon the second and final reading of the same.

PASSED AND APPROVED: First reading this ____ day of _____, 2017.

PASSED AND APPROVED: Second reading this ____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney