

ORDINANCE NO. 2019-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW
BRAUNFELS, TEXAS AMENDING CHAPTER 126, ARTICLE VII,
DIVISION 4 REGARDING PAID PARKING IN THE CITY.**

WHEREAS, the Texas Transportation Code authorizes the governing body of a municipality to regulate and enforce other standards of operation which may be particular to its unique situation; and

WHEREAS, to include all paid parking locations and requirements in the City of New Braunfels in one list; and

WHEREAS, to update the paid parking requirements to reflect modern practices in surrounding communities; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety and general welfare of its citizens.

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

I.

THAT Section 86-7 of the City of New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Sec. 86-7. – Operation of vehicles in parks.

- (d) Paid parking within parks is listed in section 126-381.
- (e) Reserved.
- (f) Reserved.
- (g) Reserved.

II.

THAT Chapter 126 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

Sec. 126-1. – Definitions.

Holiday means any holiday which is designated as such by the city council.

Paid parking space means a space that is delineated on a public right-of-way for which payment is required to park a vehicle.

Paid parking zone means a group of parking spaces, on a public right-of-way or on City property, that are delineated by a posted sign and for which payment is required to park a vehicle.

Parking meter means any mechanical or electronic device that the City places or erects on City property, adjacent to a paid parking space for the purpose of managing and controlling the use of paid parking spaces and that requires payment for use.

Parking occasion means the uninterrupted period of time that a vehicle is parked in a paid parking space or a paid parking zone while paid parking time limits are in effect.

Parking pay station means any electronic device, except a parking meter, that the City places or erects on City property, for the purpose of managing and controlling the use of paid parking spaces and paid parking zones and that requires payment for use.

Pay and display station means a parking pay station that dispenses a receipt, as proof of payment, to be displayed as required.

Pay by space station means a parking pay station that measures the lawful parking occasion and its expiration for specific paid parking spaces without issuing a receipt for display on a vehicle.

DIVISION 4. METERED AND PAY STATION PARKING

Sec. 126-381. – Paid parking space and paid parking zones established.

(a) The below-listed zones may be diminished or extended and enlarged or other paid parking spaces or paid parking zones may be created when authorized by the city council. The following described areas are hereby established as paid parking zones:

- (1) *Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$20.00 fee will be charged to park in one space.

Exceptions. A Resident Prince Solms Sports pass shall be made available for users of the Prince Solms Park tennis courts, basketball courts and disc golf course.

For the purpose of section 126-381, the term "resident" applies to persons who reside within the city limits. The term of the Resident Prince Solms Sports pass

is May 1st through Labor Day in the same year the pass was purchased. The fee for the Resident Prince Solms Sports pass shall be \$40.00 and valid for two years. All holders of a Resident Prince Solms Sports pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles to utilize the tennis courts, basketball courts and disc golf course in the park.

- (2) *Landa Park parking lots located off Elizabeth Avenue.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth Avenue between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$10.00 for every parking space utilized vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$10.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$10.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

Exceptions. The Landa Park parking lot with 43 spaces located directly in front of the park and recreation department operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.

- (3) *East San Antonio Street.* There shall be a parking fee charged for all parking spaces on the north side of East San Antonio Street between the intersection with South Liberty Avenue and the Comal River bridge between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged \$20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$20.00 fee will be charged to park in one space. All fees collected from this parking location will go into the River Activities Fund.
- (4) *Hinman Island Drive.* There shall be a parking fee charged for all parking spaces on Hinman Island Drive between the hours of 8:00 a.m. and 7:00 p.m. daily from May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged

\$30.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$30.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new \$30.00 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

(b) *General Exceptions.*

- (1) Vehicles with disabled veteran license plates will be exempt from parking fees.
- (2) When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.
- (3) A Resident Parking Pass shall be made available for users of the paid parking spaces and paid parking zones in section 126-381 (b), (c), and (d).

For the purpose of section 126-381, the term “resident” applies to persons who reside within the city limits. There is no fee for the Resident Parking Pass and it shall be valid for three years. All holders of a Resident Parking Pass shall be entitled entry into Elizabeth Street parking area, East San Antonio Street on street parking, and Hinman Island Drive on street parking at no additional charge, daily, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles.

Sec. 126-382. – Installation and maintenance; authority of the chief of police.

The chief of police is hereby authorized to provide for the installation, regulation, maintenance, control, operation and use of paid parking spaces and parking zones on any street or part of a street where parking is limited as to time by this article and where, in his opinion, the use of such parking meters would tend to reduce overparking in violation of this article. The chief of police is further authorized to maintain such parking spaces and zones.

Sec. 126-383. – Location.

- (a) The chief of police or the parks and recreation director for paid parking within parks may use parking meters and parking pay stations to assist in the enforcement of parking time restrictions.
- (b) A parking meter must:
 - (1) be installed adjacent to the parking space it monitors or be labeled to indicate the space;
 - (2) indicate the maximum uninterrupted time a vehicle may remain parked in the space during any parking occasion; and

- (3) display the amount of time a vehicle may remain legally parked in the space after the deposit of payment.
- (c) A parking pay station must:
 - (1) be installed on the same City block or at the same City-owned or controlled parking lots or facilities as the paid parking space or paid parking zone it monitors;
 - (2) indicate the maximum uninterrupted time a vehicle may remain parked within the paid parking space or the paid parking zone during any parking occasion; and
 - (3) either:
 - (a) measure and store the amount of time a vehicle may remain legally parked after the deposit of payment; or
 - (b) issue a receipt that indicates the amount of time a vehicle may remain legally parked after the deposit of payment.
- (d) A parking meter or a parking pay station shall indicate the hours and days that paid parking time limits are in effect.
- (e) A parking meter or a parking pay station shall indicate the amount of the fee for parking a vehicle.
- (f) The chief of police or the parks and recreation director for paid parking within parks shall equip parking meters and parking pay stations to accept coins in denominations appropriate to pay the fee for parking a vehicle.

Sec. 126-384. – Marking spaces; method of parking.

- (a) *Marking spaces.* Individual parking spaces within an on-street parking meter zone are designated by the individual meter poles. Individual parking spaces for off-street parking facilities are designated by lines or numbers or both. The city need not designate individual spaces in the on-street pay-station zones, but pay-station zones should have signs at both ends of the zone.
- (b) *Method of parking in paid parking spaces.*
 - (1) A person must park a vehicle completely within the delineated parking space.
 - (2) A person may not park a vehicle in a paid parking space that is legally occupied by another vehicle.
- (c) *Method of parking in paid parking zones.* A person must park a vehicle completely within posted signs for the zone.

Sec. 126-385. – Reserved.

Sec. 126-386. – Reserved.

Sec. 126-387. – Fee due for parking vehicle.

- (a) Unless exempted by a provision in this section, a person parking a vehicle in a paid parking space or paid parking zone shall immediately pay the parking fee due.

- (b) A person must deposit U.S. coins in denominations accepted by the parking meter or parking pay station or use a credit card or bank debit card to pay the parking fee.
- (c) A person may not use foreign currency in a parking meter or a parking pay station.
- (d) A person may not deposit more than the amount of payment necessary to obtain the maximum parking time limit allowed during a parking occasion.
- (e) If parking a vehicle in a space monitored by a pay and display station, a person shall immediately attach the pay station receipt to the inside of the vehicle's windshield adjacent to the curb. The receipt must be placed in a position so that it can be read from outside of the vehicle.
- (f) A person may not park at a paid parking space with an inoperable parking meter unless the person pays at the nearest pay and display station and attaches the receipt to the window as required in subsection (e).
- (g) A person may not park in a paid parking zone monitored by a pay and display station without a receipt from the nearest operable pay and display station.
- (h) Where a meter or a parking zone accepts digital payment and a printed receipt is not provided, display of a printed receipt on the dashboard for digital payments is not required.

Sec. 126-388. – Time limits on paid parking.

- (a) Paid parking time limits for parking spaces are established in section 126-381.
- (b) The city council shall establish the maximum uninterrupted time a person may continuously park a vehicle for each parking occasion.
- (c) When paid parking time limits are in effect, a person may not park a vehicle for more than the maximum parking time limit established by the city council for each parking occasion.
- (d) A vehicle may not be moved and reparked in the same paid parking space or paid parking zone to avoid violating the maximum parking time limit for each parking occasion.
- (e) When paid parking time limits are in effect, a person may not allow a vehicle to remain parked in a paid parking space or a paid parking zone when the authorized parking time has expired.

Sec. 126-389. – Use of slugs prohibited.

It shall be unlawful to deposit or cause to be deposited in any parking meter or parking pay station any slug, device or other substitutes for coins of the United States.

Sec. 126-390. – Damaging or tampering with meters.

It shall be unlawful for any person to deface, injure, tamper with, open, break or destroy any parking meter or parking pay station, installed under the authority of this article, or otherwise to willfully impair its usefulness.

Sec. 126-391. – Reserved.

Sec. 126-392. – Reserved.

Sec. 126-393. – Violations-Report; notice.

- (a) *Penalties.* Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.
- (b) *Towing of vehicles.* In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director for vehicles towed within city parks, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.
- (c) It is the duty of the police department, through its parking enforcement section, or of such other city employees as may be designated by the city manager, to enforce the provisions of this article and prosecute offenders. Parking violation notices should contain the number of the parking meter or pay station at which the vehicle is parked, the name of the state and number of the vehicle's license plate; the nature of the violation, and any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Sec. 126-394. – Reserved.

Sec. 126-395. – Same-Presumptive evidence.

The presence of a vehicle in a paid parking zone (a) when the paid-for time shown on adjacent parking meter is expired, (b) when the paid-for time shown on the relevant pay-by-space station has expired, or (c) when the paid-for time shown on the pay-and-display station receipt has expired is prima facie evidence (x) that the vehicle has been parked beyond the legal period of time fixed by this article or (y) that the operator did not deposit proper payment.

Sec. 126-396. – Reserved.

Secs. 126-397-126-415. – Reserved.

III.

THAT all provisions hereof are hereby declared to be severable and if any provisions hereof is declared to be invalid or unconstitutional, such shall not invalidate or affect the remaining provisions hereof which will be and remain in full force and effect.

IV.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. 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 the ____ day of _____, 2019.

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CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, MAYOR

ATTEST:

PATRICK D. ATEN, CITY SECRETARY

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY