

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 his 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 ~~Market Avenue~~ **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.

~~*Overnight parking* is defined as from 1:00 a.m. to 4:00 a.m. of any day.~~

*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) Except as provided in subsection (d), no person shall park any motor vehicle on any public street in the downtown parking zone overnight.~~
- ~~(3)~~ 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.
- ~~(4)~~ 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.
- ~~(5)~~ 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.

(Ord. No. 2009-50, § I, 7-27-09; Ord. No. 2011-14, § I, 1-24-11)