

ORDINANCE NO. 45-2019

AN ORDINANCE AMENDING CHAPTER 18, "MOTOR VEHICLES AND TRAFFIC," ARTICLE X, "STOPPING, STANDING, PARKING," BY ADDING DIVISION 7, "RESIDENTIAL PARKING ONLY PROGRAM," SECTIONS 18-258-18-263, OF THE ABILENE CODE OF ORDINANCES, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES, RESOLUTIONS AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING A PENALTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 18, Article X of the Code of Ordinances of the City of Abilene, is hereby amended by adding a Division 7, "Residential Parking Only Program," sections 18-258 through 18-263, as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any persons, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine in accordance with Chapter 1 (Section 1-9) of this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions of this ordinance, which shall remain in full force and effect.


PASSED ON FIRST READING July 11, 2019

A notice of time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 4th day of August, 2019, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 8th of August, 2019, to permit the public to be heard.

PASSED ON THE SECOND AND FINAL READING August 8, 2019

ATTEST:


CITY SECRETARY


MAYOR

APPROVED:

CITY ATTORNEY

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Exhibit A

**Article X. Stopping, Standing, Parking
Division 7. Resident Parking Only Program**

Sec. 18-258. Purpose.

The purpose of this division is to implement a resident parking only program for residential streets in specified zones within portions of the city for the following reasons.

- 1) To reduce undesirable traffic conditions caused by persons who do not reside in the neighborhood.
- 2) To protect the residents of such neighborhoods from polluted air, excessive noise, trash and refuse.
- 3) To protect the residents from unreasonable burdens in gaining access to their residences.
- 4) To preserve the character of such residential districts.
- 5) To promote efficiency in maintenance of the streets in a clean and safe condition.
- 6) To protect the safety of children in such residential areas.
- 7) To allow ample space for emergency vehicles to gain access to residences.

Sec. 18-259. Designation of Zones.

- a) The traffic engineer may designate a number of resident parking only zones determined necessary to provide for the parking needs of the residents of that neighborhood based upon the following criteria:
 - 1) A petition must be obtained and filed with the City Secretary, signed by the residents who own or occupy a minimum of sixty percent (60%) of the linear footage of the street block requesting the installation of the resident parking only signage.
 - 2) The block(s) proposed for the program shall consist of low-density residential use.
 - 3) Payment of an application fee, sign fabrication and installation costs by the applicant(s) within one hundred-eighty (180) days of filing a petition.
- b) Marked service, delivery, emergency vehicles, city and state vehicles while parked for the purpose of providing service, delivery or conducting official business in the resident parking only zone are exempt from application of this division.
- c) Following approval of an application, the traffic engineer shall conspicuously post signs within each zone indicating the locations for which parking is by permit only and indicating that unauthorized vehicles may be towed at the expense of the owner or operator in accordance with the Texas Occupations Code section 2308.353. A resident parking only zone becomes effective for enforcement five (5) working days after signs are posted in the zone.
- d) The cost to the applicant for the establishment of a resident parking only zone shall be set annually in the city's fee ordinance.
- e) Low to Moderate Income Neighborhoods, as determined by the City's Office of Neighborhood Services, shall be exempt from the application fee, parking sign installation fee, and annual permit fees.

Sec. 18-260. Permit.

- a) The traffic engineer shall, after application and payment of the permit fee, issue resident parking only permits to any person who resides in the resident parking zone sufficient for that

person's vehicles, including any vehicles owned by other family members residing at the same address.

- b) The application for a permit must contain the name, home address, and license plate number of the resident or property owner applying for the permit(s) and the number of permits needed.
- c) A resident or property owner applying for the permit(s) shall present one (1) of the following at the time of application in order to prove residency within the residential parking zone.
 - 1) A valid Texas driver's license showing the applicant's current home address.
 - 2) A valid Texas motor registration for the motor vehicle to be parked in the resident parking only zone, showing the applicant's current home address.
 - 3) A residential utility bill showing the applicant's current home address.
 - 4) A residential lease or deed showing the applicant's current home address.
- d) When a vehicle other than a service, delivery, emergency vehicle, city or state vehicle making a delivery or conducting official business is parked in a resident parking only zone, the permit must be conspicuously displayed on the dash of the driver's side front windshield. On motorcycles and trailers, such permit may be placed at a convenient location at or near the vehicle's license plate.
- e) A permit authorizes the holder to stop, stand and park a vehicle at any time in a resident parking only zone, unless such stopping, standing, or parking is prohibited or restricted by regulations other than those established under this division.
- f) A permit is not transferable or assignable.
- g) A permit is valid for one (1) year beginning August 1 and ending July 31 of the following year. Permits may be renewed by applying in accordance with provisions of this division.
- h) A lost, stolen or destroyed permit may be replaced for a fee. The Resident Parking Permit Replacement Fee shall be set annually in the city's fee ordinance. The permit holder must submit a signed affidavit stating that the permit was lost or stolen or provide physical verification that the permit has been destroyed. If a vehicle is sold, the permit holder may remove the permit and use it in lieu of the aforementioned signed affidavit.
- i) One (1) permanent guest pass may be issued for each vehicle permit purchased, up to a limit of three (3) guest passes per residence.
- j) Temporary passes are available to accommodate large gatherings within the residential parking only zone. Temporary passes shall be valid for one (1) day only and will be provided on an individual basis. The number of temporary passes issued shall not exceed the available curb space within one (1) block of the location of the large gathering.
- k) Issuance of a resident parking only permit does not limit either the city's or state's ability to perform emergency repairs, maintenance, construction or reconstruction of the roadway, and performing emergency repairs, maintenance, construction or reconstruction of the roadway does not create a cause of action against either the city or the state.

Sec. 18-261. Removal.

A residential parking permit zone may be removed by either of the following methods:

- 1) A petition must be obtained and filed with the City Secretary, signed by the residents who own or occupy sixty percent (60%) of the linear footage of the numerical street block requesting the removal of the resident parking only signage. Such a petition shall not be considered within two (2) years of implementation of the zone.

- 2) If the resident only parking is located on a state maintained roadway, the state may, at its sole discretion upon a finding that traffic conditions have so changed that the existence of the roadway facility under the resident parking only program is impeding maintenance, damaging the highway facility, impairing safety or that the roadway facility is not being properly operated, or if for any other reason it is the state's judgement that such use is not in the public interest, approval for the resident only parking program on state maintained roadways may be:
 - A. Modified, if corrective measures acceptable to both parties can be applied to eliminate the objectionable uses of the roadway facility; or
 - B. Terminated and use of the area for resident only parking discontinued.

Sec. 18-263. Offenses; permit revocation; appeal; towing.

- a) A person commits an offense if he/she:
 - 1) Stops, stands, or parks a motor vehicle in a resident only parking zone without displaying a valid permit, guest pass or temporary pass on the vehicle as required by this division.
 - 2) Falsely represents him/herself as being eligible for a resident only parking permit, submits false documents, or otherwise makes a false statement of a material fact on an application for a permit.
- b) In addition to the above, the traffic engineer after an administrative hearing may revoke the resident only parking permit, guest pass or temporary pass of any person who:
 - 1) Violates subsection (a.2) of this section; or
 - 2) Has one or more outstanding delinquent parking citations issued by the city or university police on public right of way.
- c) Further, the city, through actions of its police department or a university police officer, may tow or cause to be towed any unauthorized vehicles parked in designated resident only parking zones during the hours of enforcement of such zone as permitted by Chapter 2308 of the Texas Occupations Code.
- d) An appeal from any permit denial, revocation, towing, or other administrative action shall be filed with the city manager within five (5) business days from the date of denial or revocation.
- e) Such appeal shall be taken by filing with the city manager a written statement setting forth fully the grounds for the appeal.
- f) The city manager shall issue a decision on the denial or revocation in writing within five (5) business days of receipt of the appeal.
- g) The revocation or denial is not stayed pending the city manager's decision.
- h) The decision and order of the city manager on such appeal shall be final and conclusive.