

ORDINANCE NO. 21-015

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING "THE CODE OF THE CITY OF GALVESTON 1982, AS AMENDED", CHAPTER 34, "TRAFFIC" SECTION 34-118, REGARDING RESIDENT PARKING PERMITS; "SECTION 34-120", REGARDING RESTRICTED PARKING IN RESIDENTIAL STREETS; PROVIDING FOR REGULATIONS, CLARIFICATIONS, AND AMENDING REQUIREMENTS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Staff recommends clarifying, updating and amending regulations pertaining to residential parking permits and regarding restricted parking in residential streets, in the City of Galveston; and,

WHEREAS, the City Council deems it in the public interest to amend the Code of the City of Galveston 1982, as amended", Chapter 34, "Traffic" Section 34-118, "Prohibiting the sale, transfer or loan of residential parking permits", and Section 34-120, regarding regulations and requirements for resident parking permits, and restricted parking in residential areas, as provided in Section 2 below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 34, "Traffic" of "The Code of The City of Galveston 1982, as amended, "Division 1." "Generally" Section 34-118, is amended to read and provide as follows:

DIVISION 1. - GENERALLY

Sec. 34-118. -- Prohibiting the sale, transfer or loan of residential parking permits.

~~It shall be unlawful for a person to sell, transfer, loan, purchase, exchange or borrow a residential parking permit.~~

Sec. 34-118. Residential Parking Area Permits.

(a) A parking permit or pass is considered property of the City and is non-transferable. The following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Address means the Lot upon which there is an improved structure;

Annual Guest Pass means an instrument issued by the city pursuant to this section to a resident for the exclusive use by guests at their property address located within a residential

parking area, to be displayed on the dashboard of their vehicle which is parked or left standing within a residential parking area:

Commercial Resident Parking Permit means a parking permit issued by the city pursuant to this section to a commercial business owner whose residence and business is located at the same property address within a residential parking area.

Commercial or Service Vehicle Exemption means the display of a permanent sign or marking which identifies a non-resident commercial or service vehicle being used while the operator is conducting commercial or service related activities shall be deemed a parking permit and such vehicle shall be exempt from any parking restriction as established by this section for any designated permit area.

Motor Vehicle means a motor driven or propelled vehicle required to be registered under the laws of the State of Texas, and includes passenger car, light truck, motorcycle, bus, commercial conveyance, trailer (semi and house), as they are defined in the Texas Transportation Code, or any other vehicle used to transport people or goods and which is powered by either an internal combustion engine, electric motor or a combination thereof.

Resident means a person whose place of residence or property is located in the residential parking area as to render him or her eligible for procurement of a residential parking permit under this section.

Resident Parking Permit means a parking permit issued by the city pursuant to this section to a resident or property owner within a residential parking area for display on a vehicle owned or used by such resident or property owner which is parked or left standing within the residential parking area.

Short-Term Rental means a business property registered through the Parks Board as short-term rental with the City of Galveston.

Temporary Visitor Pass means an instrument issued by the city upon proof of a temporary, special condition and/or emergent situation; such as occasioned by a death or medical circumstance, for the exclusive use by a visitor, at a property address located within a residential parking area. The seventy-two hour (72) visitor pass shall be displayed on the dashboard of their vehicle which is parked or left standing within a residential parking area.

(b) Except as otherwise authorized, Resident Parking Permits or Passes are provided pursuant to the following:

- a. Resident parking permit is valid for one year from the date of issuance.
- b. Annual guest pass is valid for one year from the date of issuance.
- c. Temporary visitor pass is valid for the date of issuance and; except as provided herein, shall not exceed one 72-hour period.

(c) Application for parking permit or annual guest pass.

- a. Any individual wishing to receive a resident parking permit and/or annual guest pass will be required to complete an application. This application will verify eligibility for a resident parking permit or annual guest pass under the requirements of this section.
- b. An application for a resident parking permit or annual guest pass may require proof of physical residence at the residential address. Physical residency shall be determined by providing any of the following:
 - i. A valid driver's license at that address;
 - ii. A valid identification card at that address;
 - iii. A lease agreement, or deed; at that address;
 - iv. The person registered the vehicle or provided proof of insurance of the vehicle located at the person's home address;
 - v. The person uses the address as the person's home address on documents such as employment records, and government forms;
 - vi. The person must not claim a homestead exemption on any property other than the physical residential address.
- c. An application for a commercial resident parking permit or annual guest pass may require proof of ownership of the commercial business located within the residential parking area.

(d) Permits and Passes.

- a. Two resident parking permits and two annual guest passes may be issued for each residential property (excluding short-term rentals), per year.
 - i. Up to two (2) additional resident parking permits may be provided only upon proof of meeting the requirements set out for an application for a resident parking permit.
 - ii. There is a total maximum of four (4) resident parking permits that may be issued per each residential property.
- b. Commercial resident businesses may be issued two annual guest passes per the commercial business whose business is located in the residential parking area.
- c. Short-Term Rentals will be issued a maximum of two annual guest passes per year.
- d. Temporary visitor passes may be issued at the discretion of the Marshal's Office or other City official, as designated by the City Manager, upon proof of a temporary, special condition and/or emergent situation; such as occasions a death, or medical circumstance.
- e. Resident permit holders that have sold or traded vehicles or otherwise need a replacement permit may have the permit replaced. The replaced resident permit is valid from the date of the original issuance and shall not be extended.

(e) Display required.

- a. Resident parking permits must be affixed to the vehicle in the manner described and provide with the sticker to be valid. Any altered or obstructed resident parking permit will invalidate the permit and be considered a parking violation regardless if it was assigned properly to a particular residence.
- b. Annual guest passes must be prominently displayed on the dashboard of the vehicle so that it is clearly visible. Any altered or obstructed guest pass will invalidate the

pass and be considered a parking violation regardless if it was assigned properly to a particular residence.

- c. Temporary visitor passes must be prominently displayed on the dashboard of the vehicle so that it is clearly visible. Any altered or obstructed pass will invalidate the pass and be considered a parking violation regardless if it was assigned properly and not yet expired.

(f) Costs, Initial and Replacement

a. Resident parking permit

i. Initial Resident permit no charge;

ii. Replacement cost (\$25.00) each;

b. Annual guest pass

i. Initial permitno charge;

ii. Replacement cost \$500.00 each;

c. Resident Commercial permit

i. Initial permit no charge;

ii. Replacement cost\$25.00 each;

d. Temporary visitor pass shall be issued at no charge.

i. Timeframe of a temporary visitor pass may only be extended at the discretion of the Marshal's Office or other City official as designated by the City Manager, pursuant to proof of the continued temporary special condition and/or emergent situation.

ii. Temporary visitor passes may only be extended up to two times and shall not exceed a total of nine (9) days.

iii. There is no additional charge for such an extension.

(g) Violation and Penalty.

i. Any permit or pass issued under this section shall not guarantee or reserve to the holder a parking space. A parking permit or pass shall not authorize the holder to cause to stand or park a vehicle at such places where parking is prohibited or during such times as when the stopping, standing or parking of vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation other than the specified parking restrictions. A parking permit or pass confers a privilege only, subject to revocation upon the discretion of the City Marshal's office or as designated by the City Manager.

ii. It shall be unlawful for a person to alter, sell, transfer, loan, purchase, exchange or borrow a parking permit or pass.

iii. A violation of this section shall be a class C misdemeanor punishable by a fine of five hundred dollars (\$500.00). Each day any violation of this section continues shall constitute a separate offense.

- iv. The alteration, copying or misuse of city property may be subject to additional penalty as permitted by city and state law.

SECTION 3. Chapter 34, "Traffic" of "The Code of The City of Galveston 1982, as amended, "Division 1." "Generally" Section 34-120, is amended to read and provide as follows:

Secs. 34-120—~~34-124.~~ – Reserved. Restricted Parking on streets.

- (a) It is unlawful for a person to leave, stand or park a large motor vehicle, trailer, either attached or unattached to a motor vehicle on a public street in any single family residential zoning district in excess of 48 hours.
- (b) It is unlawful for a person to park a commercial vehicle larger than one-ton capacity, farm equipment or construction vehicle on a street in any single family residential zoning district for a period of more than 30 minutes, except during the process of loading and unloading or active use.

Secs. 34-~~121~~ - 34-124. – Reserved.

SECTION 4. 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 5. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 7. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 8. This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONNA M. FAIRWEATHER

ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on April 22, 2021, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this _____ day of _____, 2021.

Secretary for the City Council
Of the City of Galveston