

ORDINANCE NO. 15-020

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING “THE CITY CODE OF GALVESTON, 1982, AS AMENDED,” CHAPTER 34 “TRAFFIC,” ARTICLE V “STOPPING, STANDING OR PARKING, DIVISION 3 “METERED PARKING” BY ADDING “PAID PARKING SYSTEMS” AND ALLOWING FOR USE IN THE CITY; AMENDING ARTICLE VII “ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS” RELATING TO THE FINES, COSTS, AND FEES FOR PARKING VIOLATIONS; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the need to have a continuous flow of traffic and available on-street parking for its citizens, tourists, and commuters in the area; and

WHEREAS, the City Council further recognizes the need to establish paid parking systems that have consistent rates, fees, and time limits throughout the City; and

WHEREAS, the Galveston Police Department recommends the adoption of increased fees for violations to reasonably reflect the increased costs and expenses of the Galveston Police Department and Administrative Staff related to the adjudication of parking violations; and

WHEREAS, Sec. 34-184 “Civil parking violations; fines, costs, and fees” was added to the City Code by Ordinance No. 06-042, in May 2006, and has not since been amended, despite increased costs of administration; and

WHEREAS, Staff has investigated parking violation fees imposed by various cities throughout the State of Texas and examined the costs and expenses relating to their adjudication; and

WHEREAS, Staff recommends amending Chapter 34 “Traffic” of The City Code of Galveston, by adding “Paid Parking Systems” and allowing for its use in the City; and

WHEREAS, the Administrative Staff and the Galveston Police Department recommend amending Chapter 34 “Traffic” of the Code of the City of Galveston, by amending the fees for parking violations under Section 34-184 “Administrative Adjudication of Parking Violations”; and

WHEREAS, the City Council of the City of Galveston, Texas, deems it in the public interest to amend Chapter 34 “Traffic,” Article V., Division 3., of “The City Code of Galveston, 1982, as amended”, by adding “paid parking systems” and allowing for its use in the city and to amend Chapter 34, “Traffic”, Article VII., Administrative Adjudication of Parking Violations”, the fees for parking violations.

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,” Article V “Stopping, Standing or Parking,” Division 3, “Metered Parking” is hereby amended to read and provide as follows:

“Sec. 34-141. Locations of ~~parking meters~~ paid parking systems.

The parking of vehicles in certain locations shall be regulated by ~~parking meters~~ paid parking systems. The city manager shall have the authority to relocate such ~~parking meters~~ paid parking system without further action by city council. Except for Seawall Boulevard, the city manager shall have the authority to designate paid parking system locations ~~to install or place meters~~ where none have previously existed without further action by city council. The city manager shall have the authority to establish and amend the maximum times allowed at each ~~meter~~ paid parking system location, without further action by city council. The city manager shall have the discretion to bag parking meters, and to set the bagged parking meter rate, as the city manager deems appropriate and necessary.

Sec. 34-141.1 – Paid Parking System.

Paid Parking Systems - utilize various methods of facilitating parking payment in assigned locations throughout the City. Paid parking systems may include use of telephone, smartphone application, website, storefront payment, single or multi space meters, or any other technology as deemed appropriate by the City Manager to pay for parking. Paid parking systems may utilize parking space numbers, license plates, golf cart registration sticker numbers, or any other means designated by the specific paid parking system to process parking payment.”

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Sec. 34-143. Parking meter spaces.

- (a) The director of traffic shall mark the parking space adjacent to each parking meter according to state law.
- (b) No person shall park a vehicle in a marked parking meter space so that any part of the vehicle occupies more than one (1) parking meter space or protrudes beyond the markings designating such space. However, a vehicle that is too large to be parked within a single designated parking meter zone shall be permitted to occupy two (2) adjoining parking meter spaces when United States currency has been deposited in the parking meter for each space so occupied.
- (c) In area serviced by multi-use parking meters or a paid parking system, the marking of individual parking spaces is not required.

Sec. 34-144. ~~Parking meter~~ Paid parking system rate; deposit of coins and other forms of payment and time limits.

- (a) Subject to the excepted area(s) noted below, the parking rate for all meters paid parking systems in the city shall be one dollar and ~~twenty five~~ fifty cents ~~(\$1.25~~

\$1.50 per hour. A twenty-five cent (\$0.25) per transaction fee will be applied in addition to the parking rate.

(1) Excepted area – Seawall Boulevard

- (b) No person shall park a vehicle in any ~~parking space~~ upon a street alongside of an next to a parking meter during the time applicable to the parking meter without paid parking system location without ~~depositing~~ paying the appropriate parking fee ~~into the meter~~. Such ~~parking meter~~ paid parking system fee shall be of United States currency of the appropriate denomination as posted at such ~~meter~~ paid parking system area.
- (c) No person shall park a vehicle in any ~~parking meter space~~ paid parking system area for a time longer than purchased indicated on the meter or on the parking meter receipt after depositing the appropriate fee into the meter.
- (d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 34-145. When use of meters paid parking system required.

The hours during which the use of parking meters paid parking systems shall be are required shall be established by the city manager and shall be designated in the as posted at or upon each parking meter and/or signage in the area paid parking system area by signage. The city shall not charge for the use of metered parking on Sundays.

SECTION 3. Chapter 34 “Traffic,” Article VII “Administrative Adjudication of Parking Violations” is hereby amended to read and provide as follows:

“Sec. 34- 184. Civil parking violations; fines, costs, and fees.

- (a) If the vehicle owner or operator remits payment of the parking fine not later than the 14th calendar day after the citation was issued, the total fine and costs due for the violation is the amount shown on the citation under “Standard Fine Payment”. If payment of the fine is made on or after the 15th calendar day after issuance of the citation, the owner or operator shall remit the fine and costs shown on the citation under “Late Payment Fine.”
- (b) A payment received by mail is considered remitted on the post-marked date.
- (c) Civil fines, costs and fees assessed in connection with the impounding or immobilizing process are limited to those specified by ordinance. Fines, costs, or fees may not be waived by a hearing officer or judge of the municipal court.
- (d) The following schedule of fines, fees, and costs is established:

Parking Violation	Standard fine payment <u>not</u> including court costs*	Late fine payment (after 14 days) <u>not</u> including court costs*
Other obstructing parking offenses	<u>\$17.00 \$30.00</u>	<u>\$27.00 \$37.50</u>

Over-parked all other offenses	\$17.00 \$30.00	\$27.00 \$37.50
Over-parked at parking meter/ <u>paid parking system</u>	\$17.00 \$30.00	\$27.00 \$37.50
Parked in bus zone	\$17.00 \$50.00	\$27.00 \$62.50
Parked in fire lane	\$17.00 \$75.00	\$27.00 \$93.75
Parked in loading/unloading zone	\$17.00 \$50.00	\$27.00 \$62.50
Parked in prohibited area	\$17.00 \$50.00	\$27.00 \$62.50
Parked in red zone	\$17.00 \$75.00	\$27.00 \$93.75
<u>Parked in yellow zone</u>	\$17.00	\$27.00
Parked on wrong side of street	\$17.00 \$30.00	\$27.00 \$37.50
Parked too close to intersection	\$17.00 \$30.00	\$27.00 \$37.50
Parked without permit or decal when permit was required	\$17.00 \$30.00	\$27.00 \$37.50
Parked in carriage zone	\$17.00 \$50.00	\$27.00 \$62.50
Obstructing driveway	\$17.00 \$75.00	\$27.00 \$93.75
Obstructing sidewalk	\$17.00 \$75.00	\$27.00 \$93.75
Obstructing alley	\$17.00 \$75.00	\$27.00 \$93.75
Monopolizing the curb	\$17.00 \$50.00	\$27.00 \$62.50
Exceed 15 min. parking	\$17.00 \$30.00	\$27.00 \$37.50
Unauthorized use of a handicapped zone	\$257.00 \$500.00	\$307.00 \$625.00
Park within 15 feet of a fire hydrant	\$17.00 \$75.00	\$27.00 \$93.75

~~*Court costs for the violations listed above are seven dollars (\$7.00) per citation.*~~

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. 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 7. This Ordinance shall be and become effective **April 1, 2015**, after publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DOROTHY PALUMBO
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 the 12th day of March, 2015, 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 18th day of March, 2015.

Secretary for the City Council
of the City of Galveston