ORDINANCE NO. 20250213-026

AN ORDINANCE AMENDING CITY CODE CHAPTERS 12-3 (*METERED AND PAY STATION PARKING*) AND 12-5 (*STOPPING, STANDING, AND PARKING*) TO MODIFY THE DEFINITIONS OF PARKING METER AND PARKING SPACE, REMOVE PLACARD REQUIREMENTS FOR UNLOADING AND LOADING IN DESIGNATED ZONES; PROVIDE FOR THE USE OF COMMERCIAL HANGTAG FOR LOADING; RESTRICT CERTAIN USES OF TRANSIT STOPS; PROVIDE FOR AND MODIFY PARKING RESTRICTIONS RELATED TO LOADING AND UNLOADING, BICYCLE LANES, ELECTRIC VEHICLE CHARGING SPACES, COMMERCIAL DELIVERY ZONES, PASSENGER PICKUP AND DROP-OFF ZONES, RESIDENT ONLY ZONES, AND PARKING AT A PUBLIC RECREATION AREA OR RIGHT-OF-WAY CLOSURE AREA; MODIFY THE CIVIL FINES, COSTS, AND FEES FOR PARKING VIOLATIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 12-3 (*Metered and Pay Station Parking*) is amended to read:

CHAPTER 12-3. METERED [~~AND PAY STATION~~] PARKING.

§ 12-3-1 DEFINITIONS.

In this chapter,

(1) METERED [~~PAID~~] PARKING SPACE means [~~a space that is delineated~~] any space on a public right-of-way or a facility owned or managed by the City for which payment is required to park a vehicle[~~.~~], for a specific amount of time.

[~~(2) 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.~~]

(2[~~3~~]) PARKING METER means any mechanical device, [~~or~~] electronic device, or digital platform that the City places or [~~erects on City property, adjacent to a paid parking space~~] provides for the purpose of managing and controlling the use of metered [~~paid~~] parking spaces and that requires payment for use.

(3[4]) PARKING SESSION [~~OCCASION~~] means the uninterrupted period of time that a vehicle is parked in a metered [~~paid~~] parking space [~~or a paid parking zone~~] while paid parking time limits are in effect.

[~~(5) 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.~~

~~(6) PAY AND DISPLAY STATION means a parking pay station that dispenses a receipt, as proof of payment, to be displayed as required in Section 12-3-7(F) (Fee Due for Parking Vehicle).~~

~~(7) 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.~~]

§ 12-3-2 PARKING METERS [~~AND PARKING PAY STATIONS~~].

(A) The city traffic engineer may use parking meters [~~and parking pay stations~~] to manage [~~assist in the~~] and enforce[~~ment of~~] parking time restrictions.

(B) A parking meter must:

(1) be accessible within the same City block or at the same facility owned or managed by the City as the metered parking space it monitors [~~installed adjacent to the parking space it monitors or be labeled to indicate the space~~];

(2) indicate, if restricted by time limits, the maximum uninterrupted time a vehicle may remain parked in the space during any parking session [~~occasion; and~~];

(3) indicate [~~display~~] the amount of time a vehicle may remain legally parked in the space after the deposit of payment[~~.~~];

(4) issue a receipt that indicates the amount of time a vehicle may remain legally parked after the deposit of payment; and

(5) indicate the amount of the fee for parking a vehicle.

[~~(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 city traffic engineer shall equip parking meters and parking pay stations to accept coins in denominations appropriate to pay the fee for parking a vehicle.~~]

§ 12-3-3 DESIGNATION OF METERED [~~PAID~~] PARKING SPACES [~~AND PAID PARKING ZONES~~].

(A) The city traffic engineer shall establish the location and duration of metered [~~paid~~] parking spaces [~~and paid parking zones~~] on [~~the~~] streets and within City-operated [~~owned or controlled~~] parking lots or facilities where the city traffic engineer determines that the flow of traffic requires a higher level of management [~~strict enforcement of parking time limits is appropriate~~].

(B) The city traffic engineer may paint or mark each [~~individual~~] metered [~~paid~~] parking space to prevent encroachment into adjacent metered [~~paid~~] parking spaces.

§ 12-3-4 PARKING IN A METERED [~~PAID~~] PARKING SPACE.

(A) Where marked, a [~~A~~] person must park a motor vehicle completely within the delineated metered parking space.

(B) A person may not park a motor vehicle in a delineated metered [~~paid~~] parking space that is legally occupied by another vehicle.

§ 12-3-5 TIME LIMITS ON METERED [~~PAID~~] PARKING.

[~~(A) Paid parking time limits for parking spaces that are not located in the area described in City Code Section 12-3-5(B) (Time Limits on Paid Parking) are in effect from 8:00 a.m. to 6:00 p.m., Monday through Saturday, unless otherwise posted.~~

~~(B) Paid parking time limits for spaces located within the area bounded by Lady Bird Lake, IH-35, 10th Street, and Lamar Boulevard are in effect from 8:00 a.m. to~~

~~6:00 p.m., Monday and Tuesday; 8:00 a.m. to 11:59 p.m. on Wednesday, Thursday and Friday; and 11:01 a.m. to 11:59 p.m. on Saturday, unless otherwise posted.~~]

(A[~~C~~]) The city traffic engineer may [~~shall~~] establish the days and maximum uninterrupted time a person may continuously park a vehicle for each parking session[~~occasion~~].

(B[~~D~~]) When metered [~~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 traffic engineer for each parking session [~~occasion~~].

(C[~~E~~]) A vehicle may not be moved and reparked in the same metered [~~paid~~] parking space [~~or paid parking zone~~] to avoid violating the maximum parking time limit for each parking session [~~occasion~~].

[~~(F) 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.~~

~~(G) A person parking a motorcycle or moped, exempt from fees under Section 12-3-7 (Fee Due for Parking Vehicle), may exceed the maximum time allowed on the parking meter or parking pay station, but may not exceed 12 hours during a parking occasion at a paid parking space or paid parking zone.~~]

§ 12-3-6 FEE FOR USE OF METERED [~~PAID~~] PARKING SPACES [~~AND PAID PARKING ZONES~~].

The fee for use of metered [~~paid~~] parking spaces [~~and paid parking zones~~] is set by separate ordinance.

§ 12-3-7 FEE DUE FOR PARKING A MOTOR VEHICLE.

(A) Except as provided in Subsection (B) and Section 12-3-8 (*Parking Exemptions*), a person parking a motor vehicle in a metered [~~paid~~] parking space [~~or paid parking zone~~] shall immediately pay the parking fee [~~for due~~].

(B) This section does not apply to a person:

(1) parking a vehicle defined under Chapter 541, Texas Transportation Code, as a motorcycle or moped; [~~or~~]

(2) using validation codes issued by the director of the Austin Transportation and Public Works Department; or

(3) occupying a metered parking space [~~or parking zone~~] as authorized by an approved right-of-way permit [~~a film-making permit issued under Section 14-6-4 (Temporary Street Closure for Film-Making Activity) of the Code~~].

(C) A person must deposit only U.S. coins in denominations accepted by the parking meter or [~~parking pay station or~~] use a credit card, bank debit card, or electronic wallet [~~a parking meter fee debit card~~] to pay the parking fee.

[~~(D) A person may not use foreign currency in a parking meter or a parking pay station.~~

~~(E) A person may not deposit more than the amount of payment necessary to obtain the maximum parking time limit allowed during a parking occasion.~~

~~(F) 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.~~

~~(G) 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 (F).~~

~~(H) 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.~~

~~(I) The minimum amount of parking time that may be purchased with U.S. coins is 15 minutes. The minimum amount of parking time that may be purchased with a credit or debit card is one hour.~~]

§ 12-3-8 PARKING EXEMPTIONS.

In addition to parking fee exemptions provided by state law, a vehicle owner is exempt from parking time limits and the payment of parking fees when the owner is either operating or occupying a vehicle with a special state license plate or placard documenting the owner's status as:

(1) a former prisoner of war;

(2) a Pearl Harbor survivor; or

(3) a Purple Heart recipient.

§ 12-3-9 HOLIDAY EXEMPTIONS.

(A) Sections 12-3-5 (*Time Limits on Metered [~~Paid~~] Parking*) and 12-3-7 (*Fee Due for Parking a Motor Vehicle*) do not apply on the following days:

(1) January 1;

(2) July 4;

(3) the first Monday in September;

(4) the last Thursday in November; and

(5) December 25.

(B) The director of the Aviation Department shall determine the holidays, if any, on which Sections 12-3-5 (*Time Limits on Metered [~~Paid~~] Parking*) and 12-3-7 (*Fee Due for Parking a Motor Vehicle*) do not apply to metered [~~paid~~] parking spaces at the airport.

[~~§ 12-3-10 CREDIT CARD, BANK DEBIT CARD, AND PARKING METER FEE DEBIT CARD.~~

~~(A) The city traffic engineer may equip a parking meter or a parking pay station to accept parking meter fee debit cards, credit cards, or bank debit cards in addition to coins.~~

~~(B) A department director designated by the city manager may issue a parking meter fee debit card for use in a parking meter and may establish rules to administer this section.~~]

§ 12-3-10[~~11~~] PARKING METER [~~AND PARKING PAY STATION~~] REVENUE.

(A) Except as otherwise provided by the Code, the director of the Financial [~~and Administrative~~] Services Department shall coordinate the periodic collection of money deposited in parking meters [~~and parking pay stations~~].

(B) The City may use revenue collected under this section from parking meters [~~and parking pay stations~~] for any lawful purpose.

§ 12-3-11[~~12~~] OFFENSES AND PENALTIES.

(A) A person may not:

(1) park a vehicle in a metered [~~paid~~] parking space [~~or in a paid parking zone~~] in violation of any posted sign or notice;

(2) perform an act prohibited by this chapter; or

(3) fail to perform a duty that is required by this chapter.

(B) A person who violates this chapter commits a civil offense and is civilly liable to the City in an amount not to exceed $500.

PART 2. City Code Chapter 12-5 (*Stopping, Standing, and Parking*) is amended to read:

CHAPTER 12-5. STOPPING, STANDING, AND PARKING.

ARTICLE 1. GENERAL PROVISIONS.

§ 12-5-1 RESPONSIBILITY FOR VIOLATIONS.

(A) A person may not [~~knowingly~~]:

(1) stop, stand, or park a motor vehicle in violation of this chapter or state law; or

(2) allow [~~permit~~]a motor vehicle owned by the person or registered in the person's name to stop, stand, or park in violation of this chapter or state law.

(B) If a motor vehicle is found parked in violation of this chapter or state law, proof that the motor vehicle is registered in a person's name is prima facie evidence that the person committed the violation.

§ 12-5-2 MOVING A MOTOR VEHICLE TO CAUSE A VIOLATION.

A person may not move a motor vehicle that is not lawfully under the person's control to a place or in a manner that makes the stopping, standing, or parking of the motor vehicle unlawful.

§ 12-5-3 COMPLIANCE WITH PARKING SPACE MARKINGS.

(A) If a parking space [~~limit line~~] is delineated on a street or parking lot owned or managed [~~maintained~~] by the City, a person shall park the motor vehicle entirely within the delineated space.[~~:~~]

[~~(1) may not park a vehicle on or across the line; and~~

~~(2) shall park a vehicle entirely within the delineated area.~~]

(B) A person may not park a motor vehicle in a driveway of a parking lot owned or maintained by the City.

§ 12-5-4 PARKING TO SELL, WASH, OR REPAIR A MOTOR VEHICLE PROHIBITED.

(A) This section applies to a public street[~~,~~] or a parking facility owned or managed by the City. [~~park, playground, golf course, or athletic field.~~]

(B) A person may not stand or park a motor vehicle to display it for sale.

(C) A person may not:

(1) wash a motor vehicle; or

(2) service or repair a motor vehicle, except for an emergency repair.

§ 12-5-5 REQUIREMENTS FOR COMMERCIAL DELIVERY VEHICLES.

(A) In this chapter, "commercial vehicle" means a motor vehicle designed, used, or maintained primarily to load, transport, and unload material or property.

(B) A [~~Except as provided in Sections 12-5-6 (*Vehicle Loading or Unloading Musical Equipment*) and 12-5-25 (*Commercial Service Zones*), a~~] person operating a commercial vehicle shall display the name of the commercial enterprise on the motor vehicle:

(1) permanently on each side of the motor vehicle in letters not less than two inches high and one inch wide in a color that contrasts with that of the motor vehicle; or

(2) temporarily on each side of the motor vehicle by a sign that:

(a) is constructed of durable material;

(b) is no less than eight inches high and 24 inches wide; and

(c) has letters not less than two inches high and one inch wide in a color that contrasts with the background color of the sign.

§ 12-5-6 MOTOR VEHICLE LOADING OR UNLOADING MUSICAL EQUIPMENT.

(A) This [~~sub~~]section applies to a motor [~~commercial~~] vehicle used to load or unload musical equipment for use in a live performance on the date of the loading or unloading.

[~~(B) The director of the Watershed Protection and Development Review Department may issue a placard to an owner of a commercial business in which musical equipment is to be used. The establishment must be located:~~

~~(1) in the 100 through 700 block of Sixth Street (East);~~

~~(2) in the 500 through 600 block of Brazos, San Jacinto, Trinity, Neches, Red River or Sabine Streets; or~~

~~(3) in the 100 through 300 block of Fourth Street (West), Fifth Street (West), or Sixth Street (West).~~]

(B[~~C~~]) A motor [~~commercial~~] vehicle may occupy a metered parking space, a commercial service zone, or musician loading and unloading zone established by the City's traffic engineer if [~~a placard described in Subsection (B) is displayed on the dashboard or windshield of the vehicle, and~~] musical equipment is actively being loaded or unloaded from the motor vehicle at the business in [~~for~~] which the live performance is to occur[~~placard was issued~~].

(C) The motor vehicle being used for loading and unloading must have flashers activated during loading and unloading activities.

§ 12-5-7 USE OF BUS OR TRANSIT STOPS BY OTHER MOTOR VEHICLES.

~~(A)~~ A [~~Except as provided in Subsection (B), a~~] person may not stop, stand, or park a motor vehicle other than a bus authorized by the City at an officially designated and marked bus or transit stop.

[~~(B) A passenger vehicle may stop at a bus stop to quickly load or unload a passenger unless a bus is waiting to enter or about to enter the bus stop.~~]

§ 12-5-8 REPAIRS PERFORMED ON A STREET, ALLEY OR SIDEWALK.

(A) Except as provided in Subsection (B), an owner, agent, or employee of a commercial enterprise may not perform work or permit work to be performed on a motor vehicle or motor vehicle part, including a [~~vehicle,~~] buggy, [~~or~~] wagon, [~~or on~~] farm equipment, a machine or machine part, or a section of iron or pipe, on a street, alley, or sidewalk[~~s~~].

(B) A person may change a motor vehicle tire or perform a minor repair on an item described in Subsection (A) at the edge of the roadway, outside of a lane of travel, for a period of time of not to exceed one hour if the item is in the possession and under the supervision of its owner or representative, other than the owner, agent, or employee of a commercial enterprise performing the repair.

§ 12-5-9 PARKING MOTOR VEHICLES IN EXCESS OF 9,000 POUNDS ON CERTAIN STREETS.

(A) Except as provided in Subsection (B), a person may not park a motor vehicle with a gross vehicle weight greater than 9,000 pounds on a public street with a speed limit of 30 miles per hour or less.

(B) This restriction does not apply:

[~~(1) in the area defined by a boundary:~~

~~(a) beginning at the intersection of Cesar Chavez Street and Lamar Boulevard (North);~~

~~(b) north on Lamar Boulevard (North) to 29th Street (West);~~

~~(c) east on 29th Street (West) to Guadalupe Street;~~

~~(d) south on Guadalupe Street to Dean Keeton Street (West/East);~~

~~(e) east on Dean Keeton Street (West/East) to IH-35;~~

~~(f) south on IH-35 from Dean Keeton Street (East) to Cesar Chavez Street (East); and~~

~~(g) west on Cesar Chavez (East/West) from IH-35 to Lamar Boulevard (North), the point of beginning;~~]

(1[~~2~~]) to a motor vehicle engaged in loading, or unloading, of materials or property [~~a service or delivery function~~]; or

(2[~~3~~]) to a [~~an emergency~~] motor vehicle of a public utility making emergency utility service repairs.

§ 12-5-10 PARKING OF CERTAIN NON-MOTORIZED VEHICLES PROHIBITED.

A person may not park on a public street a trailer or other non-motorized equipment designed to be towed by a motor vehicle or other self-propelled equipment.

§ 12-5-11 RESTRICTION ON PARKING A MOTOR HOME.

A person may not park a self-propelled motor home or other motor vehicle containing a permanently installed sleeping facility or human sanitary treatment or disposal facility on a public street or alley for longer than 72 continuous hours.

§ 12-5-12 COMMERCIAL VEHICLES LOADING OR UNLOADING FROM A METERED SPACE, COMMERCIAL LOADING ZONE, OR CURB-SIDE TRAVEL LANE.

(A) This section does not apply [~~applies~~] to commercial vehicles loading or unloading [~~within the Downtown Austin Project Coordination Zone, as defined in the Austin Utilities Criteria Manual, Monday through Saturday, except for~~] on a roadway or facility within the jurisdiction of the State of Texas, including but not limited to the

University of Texas campus; the Capitol Complex, bounded by Lavaca Street, Martin Luther King, Jr. Boulevard, Trinity Street and 10th Street.

(B) The director of the Austin Transportation and Public Works Department may issue a permit to an owner of a commercial vehicle [~~to allow the use of the vehicle~~] to conduct loading or unloading activities from a metered space, commercial loading zone, or curb-side travel lane.

(C) The owner of a commercial vehicle is in violation of this section if the owner or the owner's designee:

(1) conducts loading or unloading activities without a valid permit, unless the commercial vehicle is:

(a) parked in a designated commercial loading zone for less than the amount of time allowed, as specified on the sign for that area; or

(b) parked in a metered parking space regulated by the City of Austin and the parking meter fee has been paid;

(2) fails to adhere to the loading or unloading hours restrictions imposed by the director under Subsection (E) of this section;

(3) conducts loading or unloading activities for longer than the amount of time allowed by the permit;

(4) blocks any portion of an adjacent travel lane while conducting loading or unloading activities from a curb-side travel lane;

(5) blocks any portion of a designated bike lane while conducting loading or unloading activities;

(6) conducts loading or unloading activities in an area reserved by the City for special event parking;

(7) fails to display the permit issued under Subsection (B) in a location where the entire permit may be easily read from outside the motor vehicle;

(8) conducts loading or unloading activities from a travel lane, if it is the single travel lane moving in that direction; or

(9) conducts loading or unloading activities in a manner that violates existing City parking regulations, including, but not limited to, blocking crosswalks, alleys, or handicapped parking spaces.

(D) Fees for permits issued under Subsection (B) of this section shall be established by separate ordinance.

(E) In order to minimize impacts to congestion during peak traffic hours, the director shall limit the hours of permitted loading and unloading activities from a curb-side travel lane.

ARTICLE 2. PARKING RESTRICTED IN CERTAIN PLACES.

§ 12-5-20 DEFINITIONS.

In this article:

(1) MARKINGS means bicycle symbols, bicycle arrows, or bicycle conflict markings ("chevrons") which indicate the presence of a bicycle path or lane.

(2) SIGNAGE means bicycle lane regulatory signage that designates a portion of the roadway as a bicycle lane.

§ 12-5-21 EXCEPTION TO PARKING RESTRICTIONS IN CERTAIN AREAS.

This article restricts stopping, standing, and parking a motor vehicle in certain designated areas. The restrictions in this article do not apply if a person stops, stands, or parks a motor vehicle to avoid conflict with other traffic or in compliance with the directions of a police or peace officer or traffic-control device.

§ 12-5-22 DESIGNATED BICYCLE LANES.

(A) The operator of a motor vehicle shall not stop, stand, or park a motor vehicle upon a path or lane designated by official markings or signage for the specific use of bicycles, except for:

(1) a motor vehicle performing permitted work, in accordance with applicable temporary traffic control procedures;

(2) a motor vehicle stopped or parked at the direction of a police or peace officer;

(3) a motor vehicle stopped to collect solid waste, recycling, or yard debris;

(4) a motor vehicle rendered inoperable, for less than two hours, to clear lane;

(5) in a case of emergency; or

(6) other authorized uses, marked by regulatory signage, where parking is permissible.

(B) Regulatory traffic signage for "No Parking in Bike Lane" is not required to be posted to enforce this section.

§ 12-5-23[~~2~~] ALLEY.

(A) Except as authorized under Subsection (B), a [~~A~~] person may not stop, stand, or park a motor vehicle in an alley. This restriction does not apply along the south side of an east-west alley or along the east side of a north-south alley if:

(1) a sign prohibiting stopping, standing, or parking is not posted;

(2) the person stops, stands, or parks a motor vehicle to load or unload it; and

(3) the motor vehicle's position and the loading or unloading of the motor vehicle do not:

(a) impede the movement of other motor vehicles through the alley; or

(b) block a driveway or building entrance.

(B) The City's traffic engineer may allow loading and unloading of motor vehicles along the north side of an east-west alley or along the west side of a north-south alley.

[~~§ 12-5-23 CERTAIN DOWNTOWN AREAS.~~

~~(A) Except as otherwise provided in this subsection, a person may not stop, stand, or park a vehicle on Original City Block 21.~~

~~(1) The city manager may designate parking spaces and prescribe maximum time limits for the use of the spaces.~~

~~(2) A designated parking space may be used by:~~

~~(a) a City-owned vehicle;~~

~~(b) a privately-owned motor vehicle used by a City officer or employee in the performance of an official duty with the approval of the city manager;~~

~~(c) a visitor's vehicle; or~~

~~(d) a law enforcement vehicle; and~~

~~(3) In Original City Block 21, a person may park a vehicle as directed by on-duty parking personnel.~~

~~(B) A person may not stop, stand, or park a vehicle on the north three-fifths of the area bounded by Seventh Street on the south, the northbound IH-35 service road on the east, Eighth Street on the north, and the southbound IH-35 service road on the west. This restriction does not apply to a person operating a City-owned motor vehicle assigned to the Police Department.~~

~~(C) A person may not stop, stand, or park a vehicle along the south side of 11th Street between the intersection with Guadalupe Street and a point 175 feet west of the intersection. This restriction does not apply to a person operating a marked patrol car of the Police Department, Travis County Sheriff's Department, or the Texas Department of Public Safety.~~

~~(D) A person may not stop, stand, or park a vehicle in the Red River relocation area between Martin Luther King, Jr. Boulevard and Manor Road, as described by metes and bounds on file with the city clerk. This restriction does not apply:~~

~~(1) to a person operating a motor vehicle displaying a permit issued by the City authorizing parking in the relocation area; or~~

~~(2) in an area designated by the city manager for use by the general public.~~

~~(E) A person may not stop, stand, or park a vehicle in the north half of the 1000 block of Lavaca Street on the east side of the street. This restriction does not apply to a person operating a Texas Department of Public Safety vehicle.~~]

§ 12-5-24 CITY PARKING FACILITIES AND ELECTRIC VEHICLE CHARGING SPACES.

(A) A person may not park on an off-street parking lot or parking garage at property owned or leased by the City that has been designated by the city manager for City employee parking, unless the person is an employee of the City or received special authorization by the director of the Austin Transportation and Public Works Department.

(B) A person may not park on an off-street parking lot or parking garage at property owned or leased by the City that has been designated by the city manager for visitor parking, unless the person is conducting business at a City facility served by the parking lot.

(C) A person may not park a motor vehicle within a parking space dedicated for electrical vehicle charging unless the vehicle:

(1) has an electric motor, that uses energy stored in the form of a rechargeable battery; and

(2) is connected to an electrical vehicle charging station.

§ 12-5-25 COMMERCIAL DELIVERY [~~SERVICE~~] ZONES.

(A) This section applies to a designated commercial delivery [~~service~~] zone between the hours of 7:00 a.m. and 7:00 p.m. each day except Sunday, unless otherwise posted.

(B) A person [~~other than a person operating a commercial vehicle~~] may not stop, stand, or park a motor vehicle in a designated commercial delivery [~~service~~] zone unless the motor vehicle is a commercial vehicle that meets the requirements of Section 12-5-5 (*Requirements for Commercial Delivery Vehicles*).

(C) A person operating a commercial vehicle may not stop, stand, or park in a designated commercial delivery [~~service~~] zone for more than 30 minutes unless otherwise posted.

(D) A ground transportation service vehicle displaying a permit prescribed by Chapter 13-2 (*Ground Transportation Passenger Services*) may not stop, stand, or park in a commercial delivery [~~service~~] zone.

§ 12-5-26 CUSTOMER SERVICE ZONE.

(A) Except as provided in Subsection (B), a [~~A~~] person may not stop, stand, or park a motor vehicle [~~for more than 15 minutes~~] in a zone marked as a customer service zone.

(B) A person may stop, stand, or park a motor vehicle in a customer service zone for a period not to exceed 15 minutes or the posted limit if the motor vehicle has the emergency flasher lights activated for the duration of the stay.

§ 12-5-27 EMERGENCY ROOM SERVICE ZONE.

(A) This section applies to a zone at a hospital marked "Zone For Emergency Room Service Only".

(B) Except as provided in Subsection (C), a person may not stop, stand, or park a motor vehicle in the zone.

(C) A person may stop, stand, or park a motor vehicle in the zone for a period not to exceed 30 minutes if the person is traveling to or is in the emergency room of the hospital.

§ 12-5-28 FIRE OR SAFETY ZONES.

A person may not [~~to~~] stop, stand, or park a motor vehicle in a zone marked by traffic signage or painted curb as a fire zone or safety zone.

§ 12-5-29 FRONT OR SIDE YARD PARKING.

(A) In this section:

(1) DRIVEWAY means an area adjacent to a curb cut providing vehicular access between a street and an off-street parking area, including a circular driveway.

(2) FRONT YARD and SIDE YARD have the meanings assigned by Section 25-1-21 [~~of the Code (*Definitions*)~~].

(3) MOTOR VEHICLE means a self- propelled vehicle designed for use on a highway and includes an inoperable motor vehicle as defined in Section 9-1-1 [~~of the Code (*Definitions*)~~].

(4) RESTRICTED PARKING AREA MAP means the official map depicting the areas to which this section is applicable, adopted by ordinance and on file with the police chief.

(B) This section applies to residential property within the areas depicted on the restricted parking area map.

(C) A person may not park a motor vehicle in the front yard or side yard of a residential property, except in a driveway or a paved parking space depicted on an approved site plan.

(D) This subsection applies to a request to amend the restricted parking area map to include or exclude a neighborhood association area.

(1) The following persons may submit an application to the city manager requesting that the city council amend the restricted parking area map:

(a) for an area with an adopted neighborhood plan:

(i) the chair of the official planning area contact team; or

(ii) an officer of a neighborhood association if there is no official planning area contact team; or

(b) for an area without an adopted neighborhood plan, an officer of a neighborhood association.

(2) The city manager shall accept an application to amend the restricted parking area map during February of each year. The council shall consider the applications annually.

(3) The city manager shall give notice in English and Spanish of the public hearing before the council by publishing notice in a newspaper of general circulation not later than the 16th day before the date of the public hearing. The City is responsible for the cost of publication.

(4) The city manager shall give notice in English and Spanish of an amendment to the restricted parking area map not later than the 30th day after the amendment is effective to the following associations and persons in the affected area:

(a) each neighborhood association;

(b) the chair of each planning area contact team;

(c) each City of Austin utility account holder; and

(d) each notice owner who does not reside in the affected area.

(5) A neighborhood association must be registered with the Public Information Office of the City.

(E) If an area in a neighborhood plan combining district is added to the restricted parking area map in accordance with Section 25-2-1406 (*Ordinance Requirements*), the council may delete the area only by amending the ordinance that establishes the neighborhood plan combining district.

§ 12-5-30 LAW ENFORCEMENT ZONE.

A person may not stop, stand, or park a motor vehicle in a designated "Law Enforcement Zone". This restriction does not apply to a person operating a marked law enforcement motor vehicle of the United States government, State of Texas, Travis County, or City.

§ 12-5-31 LEGISLATIVE PARKING ZONE.

A person may not stop, stand, or park a motor vehicle in a designated "Legislative Parking Zone". This restriction does not apply to a person operating a motor vehicle displaying an official state decal, license plate, or other official permit.

§ 12-5-32 MEXICAN CONSULATE PASSENGER AND LOADING ZONE.

(A) Except as provided in Subsection (B), a person may not stop, stand, or park a motor vehicle in a zone marked "Mexican Consulate Passenger and Loading Zone".

(B) An official motor vehicle of the Mexican Consulate may stop, stand, or park in the zone to expeditiously load or unload a passenger or property.

§ 12-5-33 MOTORCYCLE PARKING ZONE.

A person may not stop, stand, or park a motor vehicle other than a motorcycle in a designated "Motorcycle Parking Zone".

§ 12-5-34 PASSENGER PICKUP AND DROPOFF ZONES.

(A) Except as otherwise provided in this section, ~~a~~ person may not stop, stand, or park a motor vehicle in a pickup or drop off [~~passenger~~] zone.

(B) A person may stop, stand, or park an attended motor vehicle in a pickup or drop off [~~passenger~~] zone for a period not to exceed five minutes to load or unload a

passenger if the motor vehicle has the emergency flasher lights activated for the duration of the stay.

(C) This section does not apply to an airport passenger zone regulated by Chapter 13-1 (*Aviation Services*).

(D) A motor vehicle found in violation of this section may be towed at the expense of the owner or operator.

§ 12-5-35 PARKING AREAS DESIGNATED FOR PERSONS WITH DISABILITIES.

(A) Except as provided in Subsection (B), a person may not stop, stand, or park a motor vehicle in a parking space or area on public or private property that is designated for use by a person with a disability in accordance with applicable law.

(B) This prohibition does not apply if the motor vehicle is operated by or for a person with a temporary or permanent disability, and the motor vehicle displays:

(1) a license plate for a motor vehicle used by or for a person with a disability; or

(2) a windshield identification card for a person with a disability issued in accordance with Chapter 681 (*Privileged Parking*) of the Texas Transportation Code.

(C) A person may not stop, stand, or park a motor vehicle on public or private property in a manner that blocks an access or curb ramp, accessible pedestrian space between or adjacent to a parking space, or other architectural feature designed to aid a person with a disability.

§ 12-5-36 POLICE AND CITY [~~COURTS~~] COMPLEX.

(A) In this section "police and City [~~courts~~] complex" means the following areas owned by the City:

(1) the portions of Lots 4, 5, 6 and 7 of Original City Block 89 located north and east of Waller Creek, including the 20-foot wide area extending north from the east line of Original City Block 89 to Waller Creek that was an alley;

(2) block 90 of the original city, including the 20-foot wide area traversing Original City Block 90 that was an alley;

(3) lots 1, 2, 3 and 4 of Original City Block 91, including the 20-foot wide alley that traverses Original City Block 91;

(4) lots 3 and 4 of Original City Block 92 and the portion of lot 5 of Original City Block 92 located south of the south bank of Waller Creek, including the 20-

foot wide area extending north from the east line of block 92 to Waller Creek that was an alley;

(5) the 80-foot wide areas extending from the north line of Seventh Street (East) to the south line of Eighth Street (East) and from the north line of Eighth Street (East) to Waller Creek, that were part of Sabine Street; and

(6) the elevated parking decks located on the west side of the police and City [~~courts~~]buildings.

(B) Except as otherwise provided in this section, a person may not stop, stand, or park a motor vehicle at the police and City [~~courts~~] complex.

(C) The city manager may designate parking spaces in the following areas:

(1) the area between the police and City [~~courts~~] building and the IH-35 West Frontage Road;

(2) the area between the police and City [~~courts~~] building and Waller Creek;

(3) the elevated parking decks on the west side of the police and City [~~courts~~] building; and

(4) the paved areas adjacent to the north and east sides of Service Center No. 5.

(D) A parking space designated under Subsection (C) may be used by:

(1) a City-owned motor vehicle;

(2) a privately-owned motor vehicle used by a City officer or employee in the performance of an official duty with the approval of the city manager;

(3) a motor vehicle operated by or transporting a physically handicapped person;

(4) a motor vehicle operated by a law enforcement officer of another governmental entity in the performance of the officer's duty; or

(5) a motor vehicle operated by or transporting an accredited member of the news media.

(E) A person operating a motor vehicle may park in a parking space at the police and City [~~courts~~] complex with a parking meter.

(F) The city manager shall designate the locations of areas of the police and City [~~courts~~] complex where parking is not allowed [~~permitted~~] and a parked motor vehicle may be towed away.

§ 12-5-37 RESIDENTS ONLY ZONE.

(A) A person may not stop, stand, or park a motor vehicle in a location and during a time period restricted to "Residents Only" parking by the City traffic engineer. This restriction does not apply to a person operating a motor vehicle displaying a valid "Resident" or "Visitor" permit, issued by the director of the Austin Transportation and Public Works Department.

(B) The director of the Austin Transportation and Public Works Department may adopt rules under Chapter 1-2 (*Adoption of Rules*) to:

(1) apply for the establishment or removal of a temporary or permanent residents only zone;

(2) obtain and distribute various types of use permits;

(3) establish a pay to park component to resident only zones near destinations of interest to include, but not limited to:

(a) trails and parks;

(b) commercial or mixed-use areas;

(c) stadiums;

(d) hospitals; and

(e) universities.

(4) establish a process to revoke or suspend permits for misuse of permits, including illegal duplication or resale to unauthorized persons.

§ 12-5-38 SIDEWALK OR RIGHT-OF-WAY.

A person may not stop, stand, or park a motor vehicle on a sidewalk or the area between the curbline or lateral line of a roadway and the adjacent property line, unless the traffic engineer [~~city manager~~] has determined that the area may be used without conflict with pedestrians or motor vehicles [~~vehicular traffic and the determination is on file with the city clerk~~].

§ 12-5-39 TAXI ZONES.

A person may not drive, stop, stand, or park a motor vehicle other than a taxicab in a taxi zone.

§ 12-5-40 TOW-AWAY ZONE.

A person may not stop, stand, or park a motor vehicle in a restricted parking area that is designated as a tow-away zone.

§ 12-5-41 UNITED STATES GOVERNMENT MOTOR VEHICLE ZONES.

(A) A person may not stop, stand, or park a motor vehicle in a zone marked as a United States government passenger and loading zone, except during a time period designated on a posted sign to expeditiously load or unload a passenger or property. This restriction does not apply to a designated United States government motor vehicle.

(B) A person may not stop, stand, or park a motor vehicle in a zone marked "Reserved for United States Marshals". This restriction does not apply to a United States marshal performing an official duty.

(C) A person may not stop, stand, or park a motor vehicle in a zone marked "Reserved for United States Court Officials" or "Reserved for United States Court". This restriction does not apply to a United States court official performing an official duty.

§ 12-5-42 BACK-IN ANGLE PARKING ONLY ZONE.

An operator who stops or parks in a metered or non-metered back-in angle parking only space must stop or park the motor vehicle with the rear wheels of the motor vehicle at an angle to the curb or edge of the roadway. No portion of the motor vehicle shall extend into the roadway so as to obstruct traffic flow.

§ 12-5-43 BUS OR TRANSIT PRIORITY LANES.

A person may not stop, stand, or park a motor propelled private or commercial motor vehicle in a designated bus or transit priority lane [~~designated as a bus only lane~~] except:

(1) for motor vehicles authorized by the City to travel in a bus only lane;

(2) for a bicycle and micro-mobility device to bypass an authorized motor vehicle in the bus only lane;

(3) to execute a right turn; or

(4) to yield to emergency motor vehicles displaying or using emergency devices such as lights and sirens.

§ 12-5-44 PARKING AT A PUBLIC RECREATION AREA OR RIGHT-OF-WAY CLOSURE AREA.

(A) In this section:

(1) PUBLIC RECREATION AREA [~~public recreation area~~] means a park, recreational facility, athletic field, building, swimming pool, playground, nature preserve, trail, dock, or greenbelt managed, maintained, or operated by the Parks and Recreation Department or on its behalf.

(2) RIGHT-OF-WAY CLOSURE AREA means a City street, sidewalk, alley, walkway, or right-of-way signed and barricaded for public safety purposes.

(B) Except as prohibited by [~~provided in~~] Subsection (C), a person may park a motor vehicle at a public recreation area or right-of-way closure area only:

(1) in a designated parking area; [~~or~~]

(2) within 12 feet of the edge of a roadway where parking is authorized; or

(3) at the direction of a police officer or an employee of the Parks and Recreation Department or the Transportation and Public Works Department.

(C) Unless the director of the Parks and Recreation Department or the Transportation and Public Works Department issues a parking permit for the motor vehicle, a person may not stand or park a motor vehicle at a public recreation area or right of way closure area in a place designated as "reserved for patrons" or "special event parking".

(D) A person may not stop, stand, or park a motor vehicle in a place at a public recreation area or right-of-way closure area designated as "no parking".

(E) A person may not park on the grass at a public recreation area unless directed by a sign or an employee of the Parks and Recreation Department.

(F) Section 12-5-90 includes a specific fine for a violation of this section during a special event.

ARTICLE 3. ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS.

§ 12-5-51 DEFINITIONS.

(1) APPEARANCE DATE means the last day to respond to a parking citation, which is the 20th business day after the issuance of the parking citation.

(2) HEARING OFFICER means the hearing officer and all associate hearing officers appointed by the municipal court clerk.

§ 12-5-52 PARKING VIOLATIONS MADE CIVIL OFFENSES.

A violation of a provision of this code governing the stopping, standing, or parking of a motor vehicle is a civil offense.

§ 12-5-53 CLERK OF THE MUNICIPAL COURT.

The municipal court clerk shall implement and enforce the provisions of this article and establish procedures consistent with this article necessary to discharge the clerk's duty or to effect the policy of this article.

§ 12-5-54 HEARING OFFICER POWERS, DUTIES AND FUNCTIONS.

(A) The municipal court clerk shall appoint one or more hearing officers to administratively adjudicate parking violations for which a parking citation is issued under the City Code.

(B) A hearing officer may:

(1) Administer oaths;

(2) Accept admissions and hear and determine contests of parking violations under the Code;

(3) Issue orders enforceable by the municipal court compelling the attendance of witnesses and the production of documents;

(4) Issue orders of immobilization or impoundment of motor vehicles;

(5) Set conditions for the release of motor vehicles immobilized or impounded under this chapter; and

(6) Administratively terminate parking citations or cases that the hearing officer determines to be uncollectable.

§ 12-5-55 PARKING CITATIONS.

(A) A parking citation serves as the summons and provides the appearance date.

(B) A parking citation must be on a form prescribed by the municipal court clerk and must include the following information:

(1) The nature, date, time, and location of the alleged parking violation;

(2) The state license plate number of the motor vehicle, or if the license plate number is not visible or legible, other observable identification information, including but not limited to motor vehicle identification number or the state inspection tag number;

(3) The make of the motor vehicle, if known, or a motor vehicle description;

(4) The appearance date for the parking citation;

(5) A notification that the person charged with the parking violation has the right to a hearing on or before the appearance date, during hours determined by the municipal court clerk;

(6) A notification that failure to answer the citation or to appear for a hearing on or before the appearance date is considered an admission of liability for the parking violation charge and will result in the assessment of civil fines, costs, and fees; and

(7) The identification number and/or the initials of the individual issuing the citation.

(C) The original or a copy of a parking citation is a governmental record kept in the ordinary course of city business and is rebuttable proof of the facts it contains.

§ 12-5-56 SERVICE OF A PARKING CITATION; PRESUMPTION OF SERVICE.

(A) A parking citation must be served on the operator of the motor vehicle or the registered owner of the motor vehicle by [~~either~~] personal service of the citation, [~~or~~] by affixing the parking citation to the motor vehicle in a conspicuous place, or by mail.

(B) The operator of a motor vehicle who is not the registered owner but has the express or implied permission to operate the motor vehicle is considered the registered owner's agent and is authorized to receive a parking citation.

(C) The original and all copies, including electronic copies, of a parking citation are prima facie evidence that the parking citation was issued and that an attempt at service was made in accordance with this section.

(D) Not later than the 30th day after the violation is alleged to have occurred, the court or the Transportation and Public Works Department may mail, or cause to be mailed, a parking citation to:

(1) the owner's address as shown on the registration records of the Texas Department of Transportation; or

(2) if the motor vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Texas Department of Transportation.

(E) If mailed, the citation must also include:

(1) a description of the alleged violation;

(2) the location where the violation occurred;

(3) the date and time of the violation;

(4) the name and address of the owner of the motor vehicle involved in the violation;

(5) the registration number displayed on the license plate of the motor vehicle involved in the violation;

(6) a copy of a recorded image of the violation including a depiction of the area of the registration number displayed on the license plate of the motor vehicle involved in the violation;

(7) the amount of the civil penalty for which the owner is liable;

(8) the number of days the person has to pay or contest the imposition of the civil penalty and a statement that the person may incur a late payment penalty if the civil penalty is not paid or the imposition of the penalty is not contested within that period;

(9) a statement that the person may pay the civil penalty in person, by mail sent to a specified address, or by electronic means instead of appearing at the time and place of the administrative adjudication hearing;

(10) information that informs the person:

(a) of the owner's right to contest the imposition of the civil penalty against the person in an administrative adjudication hearing;
(b) that imposition of the civil penalty may be contested in person or by submitting a written request for an administrative adjudication hearing before the expiration of the period specified under subdivision (E)(8); and
(c) that failure to pay the civil penalty or to contest liability for the penalty in a timely manner is an admission of liability and a waiver of the owner's right to appeal the imposition of the civil penalty;

(11) a statement that, if at the time and place of the alleged violation, the motor vehicle depicted in the photograph or digital image taken was being operated by a person other than the owner, then the owner may transfer liability for the violation to the person who was operating the motor vehicle if the owner provides to the court in an affidavit of non-liability, or under oath at an administrative adjudication hearing, the name and current address of the person who was:

(a) in possession of the motor vehicle at the time and place of the alleged violation;

(b) renting or leasing the motor vehicle at the time of the alleged violation, if the motor vehicle was rented or leased from a person in the business of renting or leasing motor vehicles at that time;

(c) the subsequent owner of the motor vehicle, if ownership of the vehicle was transferred by the owner before the time of the alleged violation; or

(d) test driving the motor vehicle at the time of the alleged violation; and,

(12) a statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty.

(F) A citation is presumed to have been received on the tenth day after the date of the notice of violation was mailed. The appearance date, as defined in 12-5-51, will be the 20th business day after the presumed date of receipt of the mailed violation.

(G) A copy of a transfer of certificate of title form or a statement from the tax assessor's office verifying transfer of title before the date of the alleged violation shall be accepted as proof of title transfer.

(H) Only a registered owner of the motor vehicle involved in the alleged violation may submit an affidavit of non-liability.

(I) A registered owner may submit only one affidavit of non-liability for each alleged violation.

(J) The person named in an affidavit of non-liability described in subdivision (E)(11) shall be issued a notice of violation within 30 days of the court receiving the owner's affidavit of non-liability.

(K) If the court, the Transportation and Public Works Department, or the hearing officer determines that a registered owner failed to submit current information, or submitted false information in an affidavit of non-liability, then potential liability for the alleged violation shall revert to that registered owner.

(L) The court shall ensure that a form affidavit of non-liability is provided with each notice of violation and posted on the City website.

§ 12-5-57 LIABILITY OF THE MOTOR VEHICLE OWNER AND OPERATOR; PRESUMPTION OF LIABILITY.

(A) Except as provided in Subsections (B) and (C), the registered owner of a motor vehicle is liable to the City [~~city~~] for parking violations.

(B) A registered owner is not liable if:

(1) The operator assumes responsibility with the court;

(2) The operator is actually named in the parking citation;

(3) The registered owner files [~~an affidavit and documents,~~] proof of vehicle sale or transfer with the court, that establishes the motor vehicle was sold, or ownership of the motor vehicle was transferred, prior to the date and time of the violation;

(4) The registered owner [~~proves~~] files proof of court assignment of property, including divorce decree or probate, prior to the date and time of the violation; [~~that the vehicle was operated without the owner's express or implied consent; or~~]

(5) The registered owner files a copy of the police report and an affidavit stating that the motor vehicle was stolen at the time of the violation.

(C) A registered owner, engaged in the business of renting or leasing motor vehicles under written rental or leasing agreements, is not liable if, within 30 business days after [~~receiving~~] written notice of a parking violation, the owner provides:

(1) An affidavit stating the name, address, and driver's license number with state of issuance, of the person in possession of the motor vehicle at the time the parking citation was issued, or

(2) A copy of the lease or rental agreement in effect at the time the parking citation was issued that includes the name, address, and driver's license number of the person that leased the motor vehicle.

(D) A registered owner engaged in the business of renting or leasing motor vehicles who fails to comply with Subsection (C) is liable for civil fines, costs, and fees.

§ 12-5-58 PRESUMPTION.

In an administrative adjudication hearing for a parking citation:

(1) It is presumed that the registered owner of the motor vehicle is the person who stopped, stood, or parked the motor vehicle at the time and place of the parking violation; and

(2) The Texas Department of Transportation's computer-generated record of the registered motor vehicle owner is prima facie evidence of the contents of the record.

§ 12-5-59 ANSWERING A PARKING CITATION.

(A) A person issued a parking citation shall answer the citation not later than the appearance date.

(B) An answer may be made in any of the following ways:

(1) A person may admit liability and pay the applicable civil fine, and any additional penalties and costs. A person may pay in person, by mail, by electronic means, or by other method of payment as determined by the municipal court clerk;

(2) A person may appear before a hearing officer at an instanter hearing on or before the appearance date on the parking citation;

(3) A person may request permission from a hearing officer to adjudicate by mail or electronic means; or

(4) A person may file a written request for a scheduled hearing.

(C) Payment of civil fines, costs, and fees assessed under this chapter operates as an admission of liability for the parking violation and is the final disposition of the parking violation charge.

§ 12-5-60 ADJUDICATION BY MAIL OR ELECTRONIC MEANS.

(A) A hearing officer may permit a person charged with a parking violation to adjudicate the charge by mail or electronic means, if:

(1) the [~~The~~] person shows good cause to adjudicate by mail or electronic means; and

(2) [~~If~~] the person makes the request on or before the appearance date.

(B) Letters, memoranda, affidavits, photographs, and other documentary materials are admissible as evidence for adjudication by mail or electronic means.

(C) A hearing officer may exclude from consideration any material that is not relevant to the adjudication of the alleged violation.

(D) A person admits liability for a parking violation and shall pay the civil fines, costs, and fees assessed by the hearing officer if the person fails to present evidence, as allowed, to the hearing officer.

(E) A hearing officer shall decide a matter adjudicated by mail or electronic means not later than the 60th business day after the appearance date shown on the citation.

(F) If a hearing officer determines that adjudication cannot proceed by mail or electronic means, the hearing officer shall advise the person charged, by first class mail or electronic means, that he must appear in person to answer the charge at a hearing.

§ 12-5-61 HEARINGS FOR DISPOSITION OF A PARKING CITATION.

(A) A hearing to adjudicate a parking violation charge under this chapter shall be conducted by a hearing officer.

(B) The Texas Rules of Evidence do not apply to a hearing under this Article.

(C) The hearing officer shall hear and consider:

(1) Evidence presented by the person charged;

(2) Presumptions and prima facie evidence established by this chapter or other applicable law; and

(3) Evidence presented by the issuing officer, if required to attend the hearing.

(D) The hearing officer shall make a decision based on a preponderance of the evidence after considering the presumptions.

(E) The testimony at the hearing shall be recorded. If an electronic recording is made, each voice shall be identified.

(F) The recorded testimony, documents, and other evidence shall constitute the record for appeal. The acceptance of documents or real evidence shall be noted on the record.

(G) The issuing officer is not required to attend an instanter hearing.

(H) The issuing officer shall attend a hearing that is scheduled:

(1) If requested by the person charged with the violation; and

(2) The request is filed with the municipal court clerk at least three business days before the scheduled hearing date.

(I) A scheduled hearing may be set after the appearance date on the parking citation without the posting of a bond in the amount of fines, costs, and fees.

(J) A scheduled hearing may be reset for cause if the person charged submits a written request for a reset received by the court at least three days before the scheduled hearing date; and posts a bond with the municipal court equal to the total amount of the civil fine, costs, and fees. If the court does not respond to a request for a reset, the request is denied, and the person must appear as scheduled.

(K) At the conclusion of the hearing, the hearing officer shall issue an order either:

(1) Finding the person is liable for the parking violation and assessing the applicable civil fines, costs, and fees in accordance with fines, costs, and fees found in this chapter; or

(2) Finding the person is not liable for the parking violation.

(L) A hearing officer may not waive fines, costs, and fees established in this chapter, but a hearing officer may reduce fine amounts based on an inability to pay.

(M) A hearing officer may add additional fines, costs, and fees in accordance with this chapter.

(N) The hearing officer's order shall be filed with the municipal court clerk in a separate index and file. The order may be recorded using microfilm, microfiche, or other data processing techniques.

§ 12-5-62 FAILURE TO ANSWER A PARKING CITATION OR APPEAR AT A HEARING.

(A) If a person charged with a parking violation accepts liability for the violation on or before appearance date, an early fine shall be assessed in accordance with Section 12-5-90 (*Civil Fines, Costs, and Fees*).

(B) If a person charged with a parking violation fails to answer the citation in accordance with Section 12-5-59 (*Answering a Parking Citation*) on or before the appearance date, the person is liable for the violation and will be assessed the standard civil fines, costs, and fees in accordance with Section 12-5-90 (*Civil Fines, Costs, and Fees*).

(C) If a person charged with a parking violation fails to attend a scheduled hearing, including an appeal hearing, the person is liable for the violation and will be assessed the standard civil fines, costs, and fees in accordance with Section 12-5-90 (*Civil Fines, Costs, and Fees*).

§ 12-5-63 ENFORCEMENT OF ORDER.

An order for fines, costs, and fees assessed for parking violations that is not paid when ordered due may be enforced by impounding the motor vehicle subject of the order, immobilizing the motor vehicle, and imposing an additional fine or fee.

§ 12-5-64 APPEAL FROM A HEARING.

(A) A person found liable by a hearing officer for a parking violation may appeal the determination by:

(1) Filing a petition with the municipal court clerk within 30 business days after the hearing officer's order is issued; and

(2) Paying a non-refundable filing fee.

(B) A person who accepts liability, as set forth in Section 12-5-59(B)(1) or fails to contest liability by the appearance date is not entitled to an appeal hearing.

(C) When an appeal petition is received, the municipal court clerk shall schedule an appeal hearing and notify all parties of the date, time, and location of the hearing.

(D) An appeal hearing is conducted by a municipal court judge.

(E) The judge shall review the record and hear oral arguments of the parties at the appeal hearing.

(F) At an appeal hearing, a party may request for leave to present additional evidence.

(1) A request may be granted if the party:

(a) Shows that the additional evidence is material; and

(b) Shows good reason it was not presented to the hearing officer during the hearing.

(2) If the court grants a party's request for leave to present additional evidence, the judge may order the hearing officer take the additional evidence or the judge may take the additional evidence.

(3) The hearing officer may modify the findings and decision based on additional evidence.

(G) The judge may receive evidence of procedural irregularities alleged to have occurred at the hearing that are not reflected in the record.

(H) The judge may not substitute his or her judgment for that of the hearing officer as to the weight of the evidence given by the hearing officer for questions that fall within the hearing officer's discretion.

(I) The court may reverse the hearing officer's order or remand the case for a rehearing if the appellant's substantial rights have been violated because the administrative findings, conclusions, or decisions are:

(1) In violation of constitutional or statutory provisions;

(2) In excess of the statutory authority;

(3) Made upon unlawful procedure;

(4) Affected by other error of law;

(5) Not reasonably supported by substantial evidence in view of the reliable and probative evidence in the record as a whole; or

(6) Arbitrary, capricious, characterized by abuse of discretion, or clearly unwarranted exercise of discretion.

(J) If the findings of the hearing officer are affirmed, the civil fines, costs, or fees may not be modified except that additional penalties, and other costs, or fees may be added in accordance with the schedule in this chapter.

(K) Service of notice of appeal under this section does not stay enforcement and collection of any order of a hearing officer, unless the person filing the appeal posts with the municipal court clerk an appeal bond in an amount equal to all civil fines, costs, and fees assessed against the person charged.

§ 12-5-65 PARKING BY A PERSON WHOSE PRESENCE IS REQUIRED IN A JUDICIAL PROCEEDING.

Notwithstanding any other provision of this title, a hearing officer appointed under Section 12-5-54 (*Hearing Officer Powers, Duties, and Functions*) may dismiss parking citations for expired meter, expired parking pay station, expired parking space, and extending time limit that are issued to jurors, witnesses, or any other individual compelled to attend any court within the city limits of Austin if the hearing officer determines that free or unrestricted parking was not available.

§ 12-5-66 USE OF PAID PARKING BY A GOVERNMENTAL ENTITY.

The city manager may provide for the use of paid parking spaces [~~and paid parking zones~~] by a governmental entity.

§ 12-5-67 PARKING BY A PERSON ACCESSING OR REMAINING AT A POLLING LOCATION.

Notwithstanding any other provision of this title, a hearing officer appointed under Section 12-5-54 (*Hearing Officer Powers, Duties, and Functions*) may dismiss parking citations for expired meter,[~~;~~] [~~expired parking pay station,~~] expired parking space, and extending time limit that are issued to any person accessing or remaining at polling locations for the purposes of voting, volunteering, or working at a polling site within the city limits of Austin if the hearing officer determines that free or unrestricted parking was not available.

ARTICLE 4. IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLE FOR UNPAID PARKING CITATIONS.

§ 12-5-81 CONDITIONS AUTHORIZING IMMOBILIZATION OR IMPOUNDMENT.

(A) The procedures in this article apply to parking violations adjudicated in accordance with Article 3 (*Administrative Adjudication of Parking Violations*).

(B) A motor vehicle may be immobilized if the owner or operator of the motor vehicle has accumulated three or more unpaid parking violation fines.

(C) A motor vehicle may be impounded immediately if the owner or operator of the motor vehicle has accumulated three or more unpaid parking violation fines within a calendar year.

(D) A hearing officer shall determine if a motor vehicle is subject to impoundment or immobilization under this chapter.

(E) If a hearing officer determines that a motor vehicle is subject to impoundment or immobilization, the hearing officer shall send a written notice of the opportunity for a hearing before a written order to impound or immobilize the motor vehicle is issued.

§ 12-5-82 NOTICE REQUIREMENTS.

(A) Notice shall be sent to the last known registered owner of the motor vehicle, unless the municipal court has been advised that the motor vehicle was sold prior to the violation date.

(B) If the municipal court has been advised that the motor vehicle was sold prior to the violation date, as set forth in Section 12-5-57(B)(3) and (4), notice shall be sent to the individual who purchased, or assumed ownership of the motor vehicle from the last known registered owner of the motor vehicle.

(C) Notice may be sent by regular mail to:

(1) The address of the owner listed on the motor vehicle registration; or

(2) Another address determined by the municipal court clerk to be more current.

(D) Notice to the owner may be delivered in person or by electronic means.

(E) A notice under this Section shall include:

(1) The license plate number of the motor vehicle;

(2) The name of the registered owner or person to whom the motor vehicle was transferred[~~sold~~] prior to the violations if known;

(3) A list of all unpaid parking violation fines;

(4) The amount of the fine assessed for each violation and the total amount for all unpaid fines, costs, and fees;

(5) A statement that the registered owner of the motor vehicle or person to whom the motor vehicle was transferred [~~sold~~] prior to the violations, if known, is responsible for all charges and costs incurred in providing notice, impounding,

or immobilizing the motor vehicle and storage fees, in addition to all amounts assessed for the accumulated parking violations; and

(6) A statement summarizing the method to request a hearing under Section 12-5-83 (*Hearing Before a Hearing Officer Regarding Impoundment or Immobilization of Motor Vehicle; Issuance of Order*).

§ 12-5-83 HEARING BEFORE A HEARING OFFICER REGARDING IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLE; ISSUANCE OF ORDER.

(A) The only issue at a hearing held under this section is whether the motor vehicle may be impounded or immobilized under Section 12-5-81 (*Conditions Authorizing Immobilization or Impoundment*[*~~; Notice Requirements~~*]).

(B) A person may request a hearing before a hearing officer to contest impoundment or immobilization of a motor vehicle.

(C) A request for a hearing under this section must be submitted in writing to the municipal court clerk not later than the 20th business day after the date on the notice of impoundment or immobilization.

(D) A failure to timely request or appear at a hearing under this section waives any objection to the proposed impoundment or immobilization of the motor vehicle.

(E) The hearing officer shall issue an order of impoundment or immobilization if:

(1) A person does not timely request a hearing under this section;

(2) A person does not appear at a scheduled impoundment or immobilization hearing; or

(3) A hearing officer determines at the hearing that the motor vehicle is subject to impoundment or immobilization.

(F) An impoundment order and an immobilization order must include the information described in Subsection 12-5-82 (*Notice Requirements*).

(G) If a hearing is requested and held, the hearing officer shall provide the signed order of immobilization or impoundment at the hearing or make arrangements at the hearing to have it mailed.

(H) If a hearing is not requested, a signed order of immobilization or impoundment will be provided upon request and at no cost to a party to the case.

§ 12-5-84 STAY OF IMPOUNDMENT OR IMMOBILIZATION ORDER.

(A) A person whose motor vehicle has been ordered to be impounded or immobilized may petition a hearing officer to stay the execution of the order.

(B) The hearing officer may impose conditions on a stay issued under this section, including a requirement that the person pay:

(1) All accumulated civil fines, costs, and fees by a deadline specified in the stay; or

(2) A specified portion of the accumulated civil fines, costs, and fees at designated intervals.

(C) A person whose motor vehicle has been ordered to be impounded or immobilized by a municipal judge before December 10, 2001, may petition a municipal court judge to stay the execution of the order. The judge may impose conditions on a stay issued under this Section, including a requirement that the person pay:

(1) All accumulated civil fines, costs, and fees by a deadline specified in the stay; or

(2) A specified portion of the civil fines, costs, and fees at designated intervals.

(D) A stay will be lifted and the motor vehicle impounded or immobilized without further notice if a person fails to comply with stay issued under this chapter.

§ 12-5-85 INTERFERENCE WITH IMPOUNDMENT OR IMMOBILIZATION PROHIBITED.

(A) A person may not knowingly, intentionally, or recklessly obstruct, prevent, hinder, or interfere with a person executing an order of impoundment or immobilization.

(B) A person may not tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed.

(C) An offense under this Section is a Class C misdemeanor.

§ 12-5-86 EXECUTION OF IMPOUNDMENT ORDER.

(A) An impoundment order is executed when the motor vehicle identified in the order is seized, removed to, and stored at an authorized motor vehicle depository.

(B) A motor vehicle subject to an impoundment order and located on private property with the consent of the property owner may not be impounded.

(C) An impoundment order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer; or

(3) An employee designated by the municipal court clerk.

(D) If it is necessary for a person executing an order of impoundment to enter a motor vehicle to effectuate its impoundment, entry into the motor vehicle shall be made by or in the presence of a certified peace officer. An inventory of the motor vehicle shall be conducted by or in the presence of certified peace officer who shall sign the inventory.

(E) The person executing an order of impoundment shall promptly notify the municipal court clerk or designee of the date and time of the impoundment.

§ 12-5-87 EXECUTION OF IMMOBILIZATION ORDER.

(A) An immobilization order is executed when a device designed to restrict the normal movement of the motor vehicle has been installed or attached.

(B) An immobilization order may be executed by:

(1) A certified peace officer;

(2) A city parking enforcement officer; or

(3) An employee designated by the municipal court clerk.

(C) At the time of immobilization, the person executing the order of immobilization shall attach to the motor vehicle a conspicuous written notice, on a form provided by the City, that includes the following information:

(1) Notice that the motor vehicle has been immobilized under a court order and that attempted movement may cause damage to the motor vehicle;

(2) Notice that it is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been installed;

(3) Instructions to obtain a release of the motor vehicle;

(4) Notice that the motor vehicle will be towed and impounded if the owner or a person authorized to act on behalf of the owner does not obtain a release of the motor vehicle from the municipal court by 6:00 p.m. the day the motor vehicle has been immobilized; and

(5) Notice that if the motor vehicle is towed and impounded, the owner shall be responsible for payment of applicable fees for towing, impoundment, and storage in addition to the civil fines, costs, and fees under this chapter.

(D) This section does not restrict or limit the right to tow and impound motor vehicles under other applicable law.

§ 12-5-88 RECLAMATION OF AN IMPOUNDED OR IMMOBILIZED MOTOR VEHICLE.

(A) The owner or other person with legal right of possession of a motor vehicle that has been impounded or immobilized under an order may reclaim the motor vehicle by:

(1) Presenting evidence satisfactory to the municipal court clerk that establishes ownership or right of possession, and

(2) Paying in full accumulated civil fines, costs, and fees.

(B) If the owner or other person with legal right of possession cannot provide payment in full, the person may appear before a hearing officer to arrange to pay:

(1) All accumulated civil fines, costs, and fees at some later date; or

(2) A specified portion of the accumulated civil fines, costs, and fees at designated intervals.

(C) If the owner or other person with legal right of possession has paid, or arranged to pay, the accumulated civil fines, costs and fees, the owner or other person may reclaim the impounded motor vehicle or have the immobilization device removed.

(D) The municipal court clerk may issue a written order to release an impounded motor vehicle to its owner or to a person named in the order that the hearing officer has determined to have a legal right of possession of the motor vehicle.

(E) A hearing officer may reissue an impoundment or immobilization order under Section 12-5-83 (*Hearing Before a Hearing Officer Regarding Impoundment or Immobilization of Motor Vehicle; Issuance of Order*) without additional notice if the owner or other person with legal right of possession of the motor vehicle fails to comply with a condition imposed under this section.

§ 12-5-89 RELEASE OF IMPOUNDED MOTOR VEHICLE.

(A) A person in actual possession of the impounded motor vehicle shall release the motor vehicle to a person named in the release order if the person named in the order presents the signed release order and proof of identity.

(B) A person releasing the motor vehicle shall indicate the date and time that a motor vehicle was released on the release order, or on a paper attached to it.

(C) A release order shall be signed by the person reclaiming the motor vehicle and the person releasing the motor vehicle.

(D) After the release order is signed, the person releasing the motor vehicle shall return the order to the municipal court.

(E) A person in possession of an impounded motor vehicle may not request or require the person reclaiming the motor vehicle to sign a release from liability for damages or loss until the person authorized to reclaim the motor vehicle has been provided a meaningful opportunity to inspect the motor vehicle and its contents.

(F) A release from liability shall:

(1) Indicate whether the person reclaiming the motor vehicle has made an inspection of the motor vehicle;

(2) An enumeration of the damages, if any, allegedly the result of impounding the motor vehicle; and

(3) A list of the items, if any, allegedly missing from the motor vehicle.

(G) A copy or duplicate of the original release shall be provided to the person that reclaims an impounded motor vehicle.

§ 12-5-90 CIVIL FINES, COSTS, AND FEES.

(A) If the payment of the fine is made on or before the appearance date, the owner or operator shall remit "EARLY PAYMENT FINE" as the total fine and costs due for the violation.

(B) If the payment of the fine is made after the appearance date or on the scheduled hearing date, the owner or operator shall remit the "STANDARD FINE" as the total fine and costs due for the violation.

(C) A person may submit to the municipal court a request for an extension of time to pay the Early Payment Fine, if the request is made on or before the appearance date.

(D) If a person is granted an extension to pay the Early Payment Fine and does not pay on or before the date the extension period expires, the person must pay the Standard Fine.

(E) A payment received by mail is considered remitted on the post-marked date.

(F) A fine for "Parking- In a Handicapped Space" or "Parking- In a Handicapped Zone" may be reduced if the violation resulted from an expired disabled parking placard that is renewed within 20 business days from the date of the violation, and proof of the renewal is provided to a hearing officer.

(G) 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 a judge of the municipal court.

(H) If a motor vehicle violates more than one parking regulation, the issuing officer shall issue a citation for the violation that carries the highest civil fine.

(I) The following schedule of fines, fees, and costs is established:

Parking Violation	Standard Fine	Early Payment Fine
Appeal Fee	$5.00	
Commercial Motor Vehicle Loading or Unloading - Without a Permit	$500.00	$250.00
Commercial Motor Vehicle Loading or Unloading - Restricted Hours or Area	$300.00	$150.00
Commercial Motor Vehicle Loading or Unloading - Beyond Time Limit	$300.00	$150.00
Commercial Motor Vehicle Loading or Unloading - Adjacent Lane Obstruction	$300.00	$150.00
Commercial Motor Vehicle Loading or Unloading - Bike Lane Obstruction	$300.00	$150.00
Commercial Motor Vehicle Permit - Not Properly Displayed	$300.00	$150.00
Commercial Motor Vehicle Loading or Unloading - Single Travel Lane	$300.00	$150.00
Expired Disabled Placard Reduced Fine	$20.00	
[~~Illegal/Copy of Pay Station Receipt~~	~~$40.00~~	~~$25.00~~]
Immobilization Fee	$10.00 per case included in the immobilization order	
Obstructing Traffic Next to Construction Site	$40.00	$25.00
Parking - Back-In Angle Only	$50[~~40~~].00	$35[~~25~~].00
Parking - Between Curb and Private Property Line	$40.00	$25.00
Parking - Blocking Alley	$40.00	$25.00
Parking – Blocking Signed or Marked Bike Lane	$75.00	$50.00
Parking - Blocking Crosswalk	$75[~~40~~].00	$50[~~25~~].00
Parking - Blocking Driveway	$40.00	$25.00

Parking - Blocking Handicap Access Ramp	$500[~~300~~].00	$255.00
Parking - Bus Stop	$75[~~40~~].00	$[~~2~~]50.00
Parking – City Facility	$50.00	$35.00
Parking - Commercial Delivery [~~Service~~] Zone (No Markings)	$75[~~40~~].00	$50[~~25~~].00
Parking - Commercial Delivery [~~Service~~] Zone (Over 30 Minutes)	$75[~~40~~].00	$50[~~25~~].00
Parking - Customer Service Zone	$75[~~40~~].00	$50[~~25~~].00
Parking - Double Parked	$70.00	$40.00
[~~Parking - Expired Meter~~	~~$30.00~~	~~$20.00~~
~~Parking - Expired Parking Space~~	~~$30.00~~	~~$20.00~~
~~Parking - Expired Pay Station Receipt~~	~~$30.00~~	~~$20.00~~
~~Parking - Extending Time Beyond Limit (Meter)~~	~~$40.00~~	~~$25.00~~
~~Parking - Extending Time Beyond Limit (Motorcycle/Moped)~~	~~$40.00~~	~~$25.00~~
~~Parking - Extending Time Beyond Limit (Pay By Space)~~	~~$40.00~~	~~$25.00~~
~~Parking - Extending Time Beyond Limit (Pay Station)~~	~~$40.00~~	~~$25.00~~]
Parking Electric Vehicle Charging Station	$50.00	$35.00
Parking – Emergency Service Zone	$50.00	$35.00
Parking – Excess of 9,000 Pounds	$50.00	$35.00
Parking - Facing Traffic	$40.00	$25.00
Parking - Front or Side Yard of a Residential Property		
First Offense	$40.00	$25.00
Second Offense within 24 months	$50.00	
Third or subsequent offense within 24 months	$60.00	
Parking - In a Fire Zone	$75[~~70~~].00	$50[~~40~~].00
Parking - In a Handicap Space or Zone	$500[~~300~~].00	$255.00
Parking – Law Enforcement Zone	$50.00	$35.00
Parking - Left Wheel to Curb	$50[~~40~~].00	$35[~~25~~].00
Parking – Legislative Zone	$50.00	$35.00
Parking - Loading Zone	$40.00	$25.00
Parking - Mexican Consulate Zone	$40.00	$25.00
Parking – Motor Home	$50.00	$35.00

Parking - Motorcycle Parking Zone	$40.00	$25.00
Parking - No Parking Area	$50[~~40~~].00	$35[~~25~~].00
Parking – No Payment For Use of Metered Space	$75.00	$50.00
Parking – Non-Motorized Vehicle	$50.00	$35.00
Parking - Not within Lines (Meter Zone)	$40.00	$25.00
Parking – Obstructing Bus Stop	$50.00	$35.00
[~~Parking - On Sidewalk Area~~	~~$40.00~~	~~$25.00~~]
Parking - Other	$40.00	$25.00
Parking - Over 18″ from Curb	$75[~~40~~].00	$50[~~25~~].00
Parking - Over Stall Line (unmetered)	$40.00	$25.00
Parking - Passenger Zone	$50[~~40~~].00	$35[~~25~~].00
[~~Parking - Pay Station Receipt Incorrectly Displayed~~	~~$30.00~~	~~$20.00~~
~~Parking - Pay Station Receipt Not Displayed (Malfunctioning meter)~~	~~$30.00~~	~~$20.00~~
~~Parking - Pay Station Receipt Not Displayed (Malfunctioning pay by space)~~	~~$30.00~~	~~$20.00~~
~~Parking - Pay Station Receipt Not Displayed (Mal- functioning pay station)~~	~~$30.00~~	~~$20.00~~]
Parking - Parallel Only	$40.00	$25.00
Parking – Police Complex	$50.00	$35.00
Parking - Reserved for Municipal Court	$40.00	$25.00
Parking – Resident Only Zone	$50.00	$35.00
Parking – Restricted Area	$50.00	$35.00
Parking - Right of Way	$50[~~40~~].00	$35[~~25~~].00
Parking - Sidewalk Area	$75[~~40~~].00	$50[~~25~~].00
Parking - Taxicab Stand	$40.00	$25.00
Parking - Time Zone	$30.00	$20.00
Parking – To Sell, Wash, or Repair Vehicle	$50.00	$35.00
Parking – Bus or Transit Priority Lanes	$500.00	$350.00
Parking – U.S. Government Zone	$50.00	$35.00
Parking - Within an Intersection	$75[~~40~~].00	$50[~~25~~].00

Parking - Within 20′ of Crosswalk	$75[~~40~~].00	$50[~~25~~].00
Parking - Within 15′ of Fire Hydrant	$75[~~70~~].00	$50[~~40~~].00
Parking - Within 30′ of Stop Sign	$75[~~40~~].00	$50[~~25~~].00
Parking- Within 30′ of Yield Sign	$75[~~40~~].00	$50[~~25~~].00
[~~Parking - Without Permit~~	~~$40.00~~	~~$25.00~~]
Parking - Public Park (Undesignated Area)	$50.00	$30.00
Public Recreation Area or Right-of-Way-Closure Area - During Special Event	$250.00	$125.00
Tow Away Zones	$100[~~50~~].00	$75[~~30~~].00
Note: Fines include $5.00 in statutory court costs.		

PART 3. This ordinance takes effect on February 24, 2025.

PASSED AND APPROVED

February 13, 2025

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§

Kirk Watson
Mayor

APPROVED: Deborah Thomas
Deborah Thomas
Interim City Attorney

ATTEST: G Brady for
Myrna Rios
City Clerk