

CITY OF SEGUIN
STATE OF TEXAS

ORDINANCE NO:

AN ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS CREATING THE SEGUIN CODE OF ORDINANCES CHAPTER 98-109, PARKING BY PERMIT ONLY; AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE AS A SUPPLEMENT TO THE CITY CODE OF ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE

WHEREAS, to create a parking by permit process to allow residents to park in front of their properties in areas of high parking demand.

BE IT ORDAINED BY THE CITY COUNCIL OF SEGUIN, TEXAS

SECTION ONE. The Seguin Code of Ordinances, Chapter 98, Traffic and Vehicles, Article V, Stopping, Standing and Parking is amended to read as follows:

Sec. 98-109. Parking by permit only.

- (a) *Definitions.* As used in this section, the following terms shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Block means both sides of a street between two intersecting streets.

Designated permit area means a contiguous section of street fronting residential or commercial lots, upon which the city council imposes a parking permit per this policy that restricts vehicular parking without a parking permit issued under this section.

Non-permitted vehicle means a vehicle parked or left standing in a designated permit area without having displayed thereon a parking permit for such area issued by the city pursuant to this section, regardless of whether such vehicle parked or left standing is owned or being used by a resident and/or property owner of the designated permit area.

Parking permit means a permit, including a temporary permit, issued by the city pursuant to this section to a resident and/or property owner of a lot fronting a designated permit area for display on a vehicle owned or used by such resident and/or property owner or their authorized tenants or visitors which is parked or left standing within the designated permit area.

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

Temporary permit means a permit issued by the city pursuant to this policy to property owner or resident within a designated permit area for display on a vehicle used by visitors which is parked or left standing within the designated permit area. Temporary permits shall be valid for the time specified upon issuance, not to exceed one 24-hour period.

- (b) *Parking permit exemptions.* The display of some sign or marking which identifies a non-resident commercial or service vehicle being used while the operator is conducting

commercial or service-related activities shall be deemed a parking permit and such vehicle shall be exempt from any parking restriction as established by this section for any designated permit area.

- (c) *Designated permit areas.* No person shall park and leave standing any vehicle whether attended or unattended between the times listed and locations designated below without first having obtained a valid parking permit for the designated permit area from the city.
- (d) *Establishment of a designated permit area.*
 - (1) The request for the designated permit area must originate from the city council, or a resident or property owner whose property abuts the requested designated permit area using the form prepared by the city. The requester must comply with the following, except that, in the event the requester is the city council, subsections (1)(a), (b) and (g) shall not apply:
 - a. Be listed in public records as the owner of the subject property and act as primary contact for the request;
 - b. Be responsible for submission of a signed petition by two-thirds of the owners of all lots abutting the designated permit area;
 - c. Provide a description or a map showing the proposed blocks of the designated permit area;
 - d. Include the address of each lot within the proposed designated permit area and to the extent such information is available to the applicants, the name(s) of the occupant(s) of each single-family residential home;
 - e. Identify any non-residential properties located within the proposed designated permit area, such as churches, schools, public facilities, or commercial establishments;
 - f. Provide a statement of the proposed parking restrictions desired by the applicants, including days of the week, times of the day, and the length of time for the parking restriction; and
 - g. Submit a signed petition with the following statement affixed:

"We the undersigned are residents and/or property owners of the proposed designated permit area described in this application. We understand that: (i) if this area is designated, certain restrictions will be placed upon on-street parking within the area; (ii) residents and/or residential property owners of the area will be entitled to obtain a limited number of parking permits exempting their vehicles from such parking restrictions, but if a resident and/or property owner owns a vehicle without having a permit displayed, that vehicle will be subject to the parking restrictions; (iii) parking permits will be issued for a term of one year and require replacement each year; (iv) the cost of issuing the annual parking permits

will be paid by the residents and/or property owners. This restriction will be valid for a minimum of one year."

- (2) The city engineer will review all applications submitted for a proposed designated parking permit area and determine the following:
 - a. The proposed designated parking area is a contiguous section of street fronting commercial or residential lots.
 - b. Where no residential units exist on one side of a street, the area with residential units may be considered for designation as a designated permit area. Requests for single side designated permit areas will be considered based on traffic conditions and flow analysis conducted by the city engineer.
- (3) A public hearing on the application shall be conducted by city council. Notice of the public hearing shall be mailed not less than ten days prior the scheduled date of the hearing to all persons listed in the petition as being an occupant of each of the single-family homes within the permit area and to any other persons who may not be listed in the petition but are shown on the latest tax roll as owning property within a minimum 300-foot radius of the proposed designated permit area. The city council may approve, reject, or modify the proposed designated permit area in any manner the city council deems appropriate, as long as the remaining properties remain contiguous to each other. The city council will approve the designated parking by permit area by adopting an ordinance that adds to subsection (c) a description of each street within the area and the specific restrictions applicable to the area.
- (e) *Modification of a designated permit area.* In response to a request submitted by any person or upon its own initiative, the city council may modify a designated permit area or any parking restriction applicable to such area, or the city council may abolish the entire area or rescind any of such restrictions by ordinance. No action shall be taken until the city council has conducted a public hearing on the proposed change with notice given in the same manner as required to establish the designated permit area.
- (f) *Request for designated permit area removal.* Once a designated permit area is established, a removal request may only be submitted no sooner than the first anniversary of the date the ordinance establishing the area was adopted. No action shall be taken until the city council has conducted a public hearing on the proposed change with notice given in the same manner as required to establish the designated permit area. The request for the removal of the designated permit area must originate from a resident or owner whose residential property abuts the requested street segment. The requester must:
 - (1) Be considered the requester of record and act as primary contact for the request; and

- (2) Be responsible for submission of a signed petition form, provided by the city, by at least two-thirds of all single family houses and four-plex or smaller residential properties within the designated permit area.
- (g) *Issuance of parking permits.*
 - (1) An occupant for each residential property within the designated permit area may submit an application to the city secretary for two free parking permits, which will be granted upon proof of residency. The application shall be made on a form prepared by the city and shall include the name of the owner or operator of the vehicle, his or her address, and the owner's driver's license number.
 - (2) An occupant for each residential property within the designated permit area may obtain up to two additional parking permits at any one time for \$3.00 each. The permits are subject to the same requirements and restrictions as the initially issued parking permits.
 - (3) Upon showing of special circumstances or unavoidable hardship, the city secretary shall have the authority to issue a greater number of residential parking permits to occupants residing within the designated area. An appeal of the city secretary's decision to deny a request for additional parking permits or a request for temporary permits may be made to the city council.
- (h) *Term, form, and fee of permit.* Residents shall reapply for permits annually. Parking permits shall be valid for one year from the date the permit was issued. Each permit shall display a control number, the designated permit area, and an expiration date. There shall be no fee for the first two residential parking permits. Additional residential parking permits shall be \$3.00 each. Each temporary daily permit will require a \$5.00 deposit (refundable upon returning the temporary daily permit) and they are limited to no more than 20 per address or event. If an applicant requests more than 20 temporary permits, they may appeal for more at the discretion of the city secretary.
- (i) *Parking permits.* A parking permit is valid only for its designated area and only when it is displayed visibly on the windshield or on the rearview mirror of a vehicle parked along one of the streets subject to this section. A parking permit shall not guarantee or reserve to the holder a parking space. A parking permit is non-transferable and shall not be re-sold. A parking permit shall not authorize the holder to cause to stand or park a vehicle at such places where parking is prohibited or during such times as when the stopping, standing, or parking of vehicles is set aside for specified types of vehicles, nor exempt the holder from observance of any traffic regulation other than the specified parking restrictions. A parking permit confers a privilege only, subject to revocation consistent with this section at any time.

Secs. 98-110-98-155. Reserved.

SECTION TWO. This Ordinance shall become effective beginning ten days after its publication.

SECTION THREE. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portions of the Ordinance, which shall continue to have full force and effect.

SECTION FOUR. City Staff is hereby authorized to submit this Ordinance as a supplement to the Seguin Code of Ordinances.

PASSED UPON FIRST READING on May 16, 2023.

PASSED UPON SECOND READING on June 6, 2023.

ATTEST:

Donna Dodgen, Mayor

Naomi Manski, City Secretary