

ORDINANCE NO.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HIGHLAND PARK, CHAPTER 12 TRAFFIC AND VEHICLES, ARTICLE 12.07 STOPPING, STANDING, AND PARKING, BY CREATING DIVISION 6 ADDING SECTION 12.07.148 RESIDENTIAL ONLY PARKING PERMIT AREA; ADDING SECTIONS 12.07.148 TO 12.07.165; PERMITTING PARKING IN CERTAIN AREAS BY PERMIT ONLY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Highland Park, Texas (the “Town”), is a Home Rule municipality having full powers of self-government and may enact ordinances relative to its citizens’ health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, Section 311.001 of the Texas Transportation Code provides that a home-rule municipality has exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, Section 545.302 of the Texas Transportation Code prohibits stopping, standing, or parking in certain areas, including areas where an official sign prohibits stopping, standing, or parking; and

WHEREAS, the Town of Highland Park has determined that it is a necessity to regulate activities as provided for herein to safeguard the public; and

WHEREAS, the Town of Highland Park is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this ordinance; and

WHEREAS, all statutory and constitutional requirements for the passage of this ordinance have been adhered to, including but not limited to the Open Meetings Act; and

WHEREAS, the purpose of this ordinance is to improve traffic conditions caused by the use of residential streets for parking by persons other than residents and to protect the safety of all persons in such residential areas; and

WHEREAS, the purpose of this ordinance is to promote the public health, safety, and general welfare of the citizens of the Town of Highland Park;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL (THE “TOWN COUNCIL”) OF THE TOWN OF HIGHLAND PARK, TEXAS:

SECTION 1. That the statements contained in the preamble to this ordinance are hereby adopted as findings of fact and as a part of the operative provisions hereof.

SECTION 2. That the Town of Highland Park Code of Ordinances Chapter 12, Traffic and Vehicles, Article 12.07, Stopping, Standing and Parking is hereby amended by adding Division 6 and shall read as follows:

Division 6. Residential Only Parking Permit Area

Sec. 12.07.148 Definitions

Director of Public Safety or Director. Director of the Highland Park Department of Public Safety, or their designee.

General Contractor. A person, organization, or association responsible for oversight of new or remodel building construction.

Moving Truck. A motor vehicle, including any trailer attached thereto, that is greater than ten (10) feet and is designed, used, or maintained primarily to transport property.

Park. To stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

Property Owner. Individual, or their authorized representative, or entity (including, but not limited to a (i) trust, (ii) company, (iii) partnership, (iv) corporation, or other similar legal entity) in possession of title for land and or building.

Resident Only Parking Area or Area. Any designated on-street parking spaces within a residential area where only resident motor vehicles displaying a valid permit may stop, stand, or park.

Stand. To halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

Stop. To halt, including temporarily halting, an occupied or unoccupied vehicle, unless necessary to avoid conflict with other traffic or to comply with the directions of a police officer or a traffic-control sign or signal.

Sec. 12.07.149 Process for Designating a Resident Only Parking Area

(a) The Town Council is authorized to establish, modify, or eliminate a Resident Only Parking Area on its own volition or upon application by a resident. Any Property Owner may request the designation, elimination, or modification of an Area by filing a petition with the Director or the Director's Designee. A proposed Area must include at least one full street block (both sides) from intersection to intersection. Any request to modify or eliminate an Area must also include at least one full street block (both sides) from intersection to intersection.

(b) A petition to designate, modify, or eliminate an Area must be filed using a form provided by the Town. Any such petition must be submitted to the Director. The person who files a petition (the "Petitioner") requesting the designation, elimination, or modification of a Area shall:

- (1) agree to serve as the designated Town contact person on behalf of the proposed Area;
- (2) be responsible for affected Property Owner notification and compilation of evidence of support for the proposed Area; and

- (3) serve as the liaison in response to any Town-received resident or community inquiries.
- (c) A request for the designation, elimination, or modification of an Area will be processed by the Director or the Director's Designee only if a petition is filed in accordance with this Section.
- (d) A petition will not be processed if the petition:
 - (1) is incomplete or illegible;
 - (2) contains untruthful or inaccurate representations; or
 - (3) does not represent or account for all properties within the proposed Area. All addresses within the proposed area must be noted as either a signatory to the petition or not.
- (e) The petition application shall be provided by the Director or the Director's designee.
- (f) The petition must be signed by fifty-one percent (51%) of the Property Owners which either face or abut a street within a proposed Area.
- (g) Only one petition signature per residence will be considered.
- (h) Except for condominiums, for purposes of this ordinance, a multi-family property shall be, regardless of the total number of dwelling units contained, considered as a single property and a property manager or Property Owner's signature shall be considered as representing all units of a particular multi-family property.
- (i) The petition must indicate both sides of the complete blocks of all residential street(s) and those which either face or abut a street located within the proposed Area.
- (j) Upon receipt of a valid petition, the Director shall mail a letter of notice and a ballot, with a pre-addressed and postage paid envelope, to all property owners within the Area. Ballots in support must be received from seventy-five percent (75%) of the property owners within thirty days of the mailing of the notice and ballot for the Residential Only Parking Area to be considered for approval by the Town Council.
- (k) The Director shall advise the Petitioner in writing, within ten (10) business days, the tabulation results of ballots received.

Sec. 12.07.150 Designated Resident Only Parking Areas

The following streets, as may be amended from time to time, are hereby designated Resident Only Parking Areas by the Town Council of Town of Highland Park (the "Council"):

The 5100, 5200, 5300 and 5400 blocks of Abbott Avenue and Sewanee Avenue;
The 5000 block of Airline Road, which for purposes of this Ordinance, are designated into four sub-blocks comprising:

- Block A being 5000 to 5012 Airline Road
- Block B being 5014 to 5028 Airline Road
- Block C being 5030 to 5042 Airline Road and,

Block D being 5044 to 5048 Airline Road;
The 3100, 3200, and 3300 blocks of Beverly Drive, Cornell Avenue, Drexel Drive, St. Johns Drive.

Sec. 12.07.151 Public Hearing

(a) The Town Council sets the date, time, and place of a public hearing to consider a resident-initiated petition for the designation, elimination, or modification of a Resident Only Parking Area.

(b) No later than 10 days before the hearing date, the Town Secretary shall send written notification of the date, time, and place of the hearing to each owner, as indicated by the most recently approved tax roll, of real property within 200 feet of the proposed Area, and include with such notification a map of the proposed area along with a summary of the proposed parking restrictions.

(c) The Town Council will conduct the public hearing at which parties in interest and citizens will have an opportunity to be heard.

Sec. 12.07.152 Posting of Approved Area

(a) The Town's special event parking ordinance shall continue in full force and effect.

(b) The Public Works Department shall install advisory warning signs consistent with the Texas Manual on Uniform Traffic Control Devices, as amended, indicating the locations and times for which parking is by permit only and indicating that unauthorized vehicles may be towed or booted at the expense of the owner or operator.

(c) Such signs shall be installed at or near adjoining property lines within Town right-of-way.

Sec. 12.07.153 Parking Regulations within a Resident-Only Parking Area

(a) Except as provided in subsections (b) and (c), no vehicle shall be parked in a Resident-Only Parking Area between the hours of 5:00 a.m. and 6:00 p.m. without displaying a permit issued under this Division.

(b) Non-permitted vehicles may be parked for no more than two (2) contiguous hours in the same location.

(c) The provisions of this section shall not be deemed to prohibit the parking of a moving truck for more than two hours for the purpose of actually loading or unloading household items.

Sec. 12.07.154 Temporary Suspension of Resident-Only Parking

(a) The Director may temporarily suspend the resident-only parking regulations of 12.07.153 for one or more residential blocks within a Resident-Only Parking Area.

(b) The Director, in exercising the authority provided in subsection (a), may direct Town personnel to temporarily cover one or more applicable advisory signs within the Area.

(c) The Director shall notify the Town Administrator at least one business day prior to any temporary deactivation of one or more signs.

Sec. 12.07.155 Notice to Residents of Council-Approved Designated Area

Upon approval of a Resident-Only Parking Area, the Director shall send, via regular postal service, a notification to all residences within the Area indicating the following:

- (1) the existence, exact location, and numerical block designation of the Area;
- (2) the applicable parking restrictions; and
- (3) the procedures to obtain a parking permit.

Sec. 12.07.156 Issuance of a Permit by Director

(a) The Director shall create the application for a resident-only parking permit in a manner determined by the Director.

(b) The application for a resident-only parking permit shall include at least the following

- (1) the name and residential address of the owner of the vehicle along with the make, model, Vehicle Identification Number (VIN), color, and license plate;
- (2) the name, residential address, and driver's license number of the principal operator of the vehicle; and
- (3) the signature or electronic signature if applicable, of the applicant for the residential parking permit.

(c) No more than two residential parking permits shall be issued, at no cost, per residence.

(d) Residential parking permits shall only be issued for vehicles that are owned or operated by a person who resides within the designated Area.

(e) Parking permits are vehicle-specific and may not be transferred or sold to other persons.

(f) All resident-only parking permits shall expire on September 30 once every three (3) years beginning September 30, 2018.

(g) An area designated in an interim three year period shall have permits issued for up to the succeeding ending year period.

Sec. 12.07.157 Replacement of Residential Parking Permits

(a) A resident-only parking permit may be replaced upon verification of holder's prior submission of a completed and validated parking permit application.

(b) Upon affirmation that the permit was lost, stolen, or destroyed, the holder shall receive a new residential permit at a cost of \$25.00. A replacement permit shall be provided at no charge to the holder upon the return of the prior permit to the Director.

(c) Lost, stolen, or destroyed permits shall be considered void and any use is unlawful.

(d) Replacement of a resident-only parking permit shall not affect the permit's original expiration date.

Sec. 12.07.158 Issuance of Guest and Temporary Permits

(a) Two guest permits shall be issued for each residence within the Area. Guest permits are to be used at the discretion of the resident for vehicles temporarily parked within the Area. A permit holder shall be issued two guest permits at no cost. Guest permits expire upon the expiration of the residential parking permit.

(b) A resident may obtain unlimited temporary parking permits at no charge for guests for special events or occasions. The issuance of temporary parking permits is at the discretion of the Director. To obtain temporary guest permits, the resident must submit an application to the Department of Public Safety not less than twenty-four (24) hours or more than seventy-two (72) hours (excluding weekends and official Town holidays) before the event. Such application shall include a description of the event, its duration, and the anticipated number of guests. Temporary permits expire based on the length of the event as provided thereon. In no case shall a temporary parking permit be valid for more than thirty (30) days.

(c) The resident is responsible for the use or misuse of the guest and temporary permits.

Sec. 12.07.159 Issuance of Permits for Construction Vehicle

(a) A General Contractor is eligible to receive at no charge up to four (4) permits for construction vehicle parking, within that block or an adjacent block, per construction site.

(b) The Director may issue additional construction parking permits per construction site. For additional permits 5-10, the cost of such permit shall be \$25 per permit. For additional permits 11-20, the cost of such permit shall be \$100 per permit. For any additional permits beyond 20, the cost of such permit shall be \$500.

(c) Construction vehicles parked under a construction parking permit may park in an Area between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday.

(d) Construction vehicle parking permits may only be issued in companion with a Town issued building permit and expire twenty-four (24) months after issuance of said permit, or on date of building permit completion, whichever occurs first.

(e) The General Contractor shall return all construction vehicle parking permits to the Town prior to the issuance of a certificate of construction completion. In the event the General Contractor fails to return all permits, a charge equal to twice the cost of the original permit for each non-returned permit must be paid prior to such certificate issuance. A fee of \$200 each shall be charged for those permits provided in Sec. 12.07.159(a) above.

(f) The General Contractor is responsible for the use or misuse of construction vehicle parking permits. Any use or abuse of the General Contractor's permit(s) may result in the temporary suspension of the underlying building or construction permit.

Sec. 12.07.160 Display of Parking Permit

The Director shall establish the means by which a permit is identifiable for enforcement.

Sec. 12.07.161 Use of Parking Permit

- (a) A permit is not a guarantee or reservation of a parking space within an Area.
- (b) A Permit does not authorize the standing or parking of a vehicle in such places and during such times when it otherwise would be prohibited.
- (c) Permit holders must observe all applicable traffic rules and regulations.
- (d) A permit remains valid until its expiration date as long as the permit holder continually resides, or business activity continues permissibly, within the Area.
- (e) If the Director determines that a permit holder violated one or more provisions of this Division, the Director may direct the holder to surrender the permit. A permit holder may appeal the Director's decisions to the Town Administrator. The permit holder must request an appeal in writing to the Town Administrator within 10 (ten) days after the Director orders the surrender of a permit.
- (f) A permit holder commits an offense if he or she fails to surrender a permit when directed to do so.
- (g) It shall be unlawful for a person to represent in any fashion that a vehicle is entitled to a permit when it is not so entitled.
- (h) It is unlawful for a person to attach to or display on a motor vehicle a parking permit that:
 - (1) Is a duplicate;
 - (2) Is assigned to a different vehicle; or
 - (3) Is fictitious
- (i) It is unlawful for a person to duplicate, or attempt to duplicate, by any means, a resident only parking permit.
- (j) For the purposes of prosecution of this section, the registered owner of the vehicle is presumed to have displayed the unlawful permit.

Sec. 12.07.162 Exemptions

The following vehicles are exempt from the parking regulations under this Division:

- (1) A motor vehicle:
 - (A) owned by or operated under contract to a utility when used in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in the Area by the Town; or
 - (B) identified as owned by or operated under contract to a federal, state, or local governmental agency and being used in the course of official government business.

- (2) An authorized emergency vehicle as defined by state law.

Sec. 12.07.163 Offense – Parking without a Valid Permit in a Designated Area

- (a) No person shall:
- (1) Stop, stand, or park a motor vehicle in a Resident-Only Parking Area for a period greater than two hours between the hours of 5:00 a.m. and 6:00 p.m. without displaying a valid parking permit.
 - (2) Stop, stand, or park a motor vehicle in a Resident-Only Parking Area that has attached to it a void or expired resident-only parking permit.
- (b) It shall be presumed for the purposes of prosecution under this section that the registered owner of the vehicle is the operator of the vehicle.

Sec. 12.07.164 Penalty

- (a) Violations of this ordinance are punishable by a fine of up to \$500.
- (b) Each day of occurrence shall be considered a separate offense.
- (c) The Director may cause for a vehicle in violation to be booted or towed by the Town and or its towing contractor.

Sec. 12.07.165 Enforcement and Collection of Towing and/or Booting Fees

- (a) The Town Council will establish towing and administrative fees by resolution.
- (b) Any vehicle that is booted and the boot not removed within 24-hours will continue to be ticketed each day. Any vehicle that has a boot on it after the second day is subject to being towed, at the owner's expense. After the first booting of the vehicle; there will be an additional accumulating \$50.00 charge per offense in addition to the initial \$100 Booting Fee:
- (c) Town parking citations and any other municipal parking citations must be paid before the Town or its towing contractor will release the vehicle that is subject to the fines.

SECTION 3. That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and hereby are deemed repealed and of no force or effect.

SECTION 4. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined an amount not to exceed \$500.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That the fact that the present ordinances and regulations of the Town of Highland Park, Texas are inadequate to properly safeguard the health, safety, morals, peace and general

welfare of the inhabitants of the Town of Highland Park, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF HIGHLAND PARK, TEXAS, on this ___ day of _____, 2015.

APPROVED AS TO FORM AND LEGALITY:

APPROVED:

Matthew C. G. Boyle
Town Attorney

Joel T. Williams, III
Mayor

ATTEST:

Gayle Kirby
Town Secretary

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