

ORDINANCE NO.

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.

33 (3[4]) PARKING SESSION [~~OCCASION~~] means the uninterrupted period
34 of time that a vehicle is parked in a metered [~~paid~~] parking space [~~or a paid~~
35 ~~parking zone~~] while paid parking time limits are in effect.

36 [~~(5) PARKING PAY STATION~~ means any electronic device, except a
37 parking meter, that the City places or erects on City property, for the
38 purpose of managing and controlling the use of paid parking spaces and
39 paid parking zones and that requires payment for use.

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

43 [~~(7) PAY BY SPACE STATION~~ means a parking pay station that
44 measures the lawful parking occasion and its expiration for specific paid
45 parking spaces without issuing a receipt for display on a vehicle.]

46 **§ 12-3-2 PARKING METERS [~~AND PARKING PAY STATIONS~~].**

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

49 (B) A parking meter must:

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

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

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

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

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

62 [~~(C) A parking pay station must:~~

- 63 (1) ~~be installed on the same City block or at the same City-owned or~~
64 ~~controlled parking lots or facilities as the paid parking space or paid~~
65 ~~parking zone it monitors;~~
- 66 (2) ~~indicate the maximum uninterrupted time a vehicle may remain~~
67 ~~parked within the paid parking space or the paid parking zone during any~~
68 ~~parking occasion; and~~
- 69 (3) ~~either:~~
- 70 (a) ~~measure and store the amount of time a vehicle may remain~~
71 ~~legally parked after the deposit of payment; or~~
- 72 (b) ~~issue a receipt that indicates the amount of time a vehicle may~~
73 ~~remain legally parked after the deposit of payment.~~
- 74 (D) ~~A parking meter or a parking pay station shall indicate the hours and days~~
75 ~~that paid parking time limits are in effect.~~
- 76 (E) ~~A parking meter or a parking pay station shall indicate the amount of the~~
77 ~~fee for parking a vehicle.~~
- 78 (F) ~~The city traffic engineer shall equip parking meters and parking pay~~
79 ~~stations to accept coins in denominations appropriate to pay the fee for parking a~~
80 ~~vehicle.]~~

81 **§ 12-3-3 DESIGNATION OF METERED [PAID] PARKING SPACES**
82 **[AND PAID PARKING ZONES].**

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

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

91 **§ 12-3-4 PARKING IN A METERED [PAID] PARKING SPACE.**

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

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

96 **§ 12-3-5 TIME LIMITS ON METERED [PAID] PARKING.**

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

101 ~~(B) Paid parking time limits for spaces located within the area bounded by~~
102 ~~Lady Bird Lake, IH 35, 10th Street, and Lamar Boulevard are in effect from 8:00~~
103 ~~a.m. to 6:00 p.m., Monday and Tuesday; 8:00 a.m. to 11:59 p.m. on Wednesday,~~
104 ~~Thursday and Friday; and 11:01 a.m. to 11:59 p.m. on Saturday, unless otherwise~~
105 ~~posted.]~~

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

109 (B[D]) When metered [paid] parking time limits are in effect, a person may
110 not park a vehicle for more than the maximum parking time limit established by
111 the city traffic engineer for each parking session [~~occasion~~].

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

115 ~~[(F) When paid parking time limits are in effect, a person may not allow a~~
116 ~~vehicle to remain parked in a paid parking space or a paid parking zone when the~~
117 ~~authorized parking time has expired.~~

118 ~~(G) A person parking a motorcycle or moped, exempt from fees under Section~~
119 ~~12-3-7 (Fee Due for Parking Vehicle), may exceed the maximum time allowed on~~
120 ~~the parking meter or parking pay station, but may not exceed 12 hours during a~~
121 ~~parking occasion at a paid parking space or paid parking zone.]~~

122 **§ 12-3-6 FEE FOR USE OF METERED [PAID] PARKING SPACES [AND**
123 **PAID PARKING ZONES].**

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

126 **§ 12-3-7 FEE DUE FOR PARKING A MOTOR VEHICLE.**

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

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

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

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

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

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

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

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

146 [~~(F) If parking a vehicle in a space monitored by a pay and display station, a~~
147 ~~person shall immediately attach the pay station receipt to the inside of the~~
148 ~~vehicle's windshield adjacent to the curb. The receipt must be placed in a position~~
149 ~~so that it can be read from outside of the vehicle.~~

150 ~~(G) — A person may not park at a paid parking space with an inoperable parking~~
151 ~~meter unless the person pays at the nearest pay and display station and attaches~~
152 ~~the receipt to the window as required in Subsection (F).~~

153 ~~(H) — A person may not park in a paid parking zone monitored by a pay and~~
154 ~~display station without a receipt from the nearest operable pay and display~~
155 ~~station.~~

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

159 **§ 12-3-8 PARKING EXEMPTIONS.**

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

- 164 (1) a former prisoner of war;
- 165 (2) a Pearl Harbor survivor; or
- 166 (3) a Purple Heart recipient.

167 **§ 12-3-9 HOLIDAY EXEMPTIONS.**

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

- 170 (1) January 1;
- 171 (2) July 4;
- 172 (3) the first Monday in September;
- 173 (4) the last Thursday in November; and
- 174 (5) December 25.

175 (B) The director of the Aviation Department shall determine the holidays, if
176 any, on which Sections 12-3-5 (*Time Limits on Metered [Paid] Parking*) and 12-

177 3-7 (*Fee Due for Parking a Motor Vehicle*) do not apply to metered [paid]
178 parking spaces at the airport.

179 ~~§ 12-3-10 CREDIT CARD, BANK DEBIT CARD, AND PARKING~~
180 ~~METER FEE DEBIT CARD.~~

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

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

187 ~~§ 12-3-10[11] PARKING METER [AND PARKING PAY STATION]~~
188 ~~REVENUE.~~

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

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

194 ~~§ 12-3-11[12] OFFENSES AND PENALTIES.~~

195 (A) A person may not:

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

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

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

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

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

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

205 **ARTICLE 1. GENERAL PROVISIONS.**

206 **§ 12-5-1 RESPONSIBILITY FOR VIOLATIONS.**

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

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

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

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

216 **§ 12-5-2 MOVING A MOTOR VEHICLE TO CAUSE A VIOLATION.**

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

220 **§ 12-5-3 COMPLIANCE WITH PARKING SPACE MARKINGS.**

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

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

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

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

228 **§ 12-5-4 PARKING TO SELL, WASH, OR REPAIR A MOTOR VEHICLE**
229 **PROHIBITED.**

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

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

233 (C) A person may not:

234 (1) wash a motor vehicle; or

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

236 **§ 12-5-5 REQUIREMENTS FOR COMMERCIAL DELIVERY VEHICLES.**

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

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

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

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

247 (a) is constructed of durable material;

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

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

251 **§ 12-5-6 MOTOR VEHICLE LOADING OR UNLOADING MUSICAL**
252 **EQUIPMENT.**

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

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

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

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

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

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

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

272 **§ 12-5-7 USE OF BUS OR TRANSIT STOPS BY OTHER MOTOR**
273 **VEHICLES.**

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

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

279 **§ 12-5-8 REPAIRS PERFORMED ON A STREET, ALLEY OR SIDEWALK.**

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

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

290 **§ 12-5-9 PARKING MOTOR VEHICLES IN EXCESS OF 9,000 POUNDS**
291 **ON CERTAIN STREETS.**

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

295 (B) This restriction does not apply:

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

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

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

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

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

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

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

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

307 ~~(1[2]) to a motor vehicle engaged in loading, or unloading, of materials or~~
308 ~~property [a service or delivery function]; or~~

309 ~~(2[3]) to a [an emergency] motor vehicle of a public utility making~~
310 ~~emergency utility service repairs.~~

311 **§ 12-5-10 PARKING OF CERTAIN NON-MOTORIZED VEHICLES**
312 **PROHIBITED.**

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

316 **§ 12-5-11 RESTRICTION ON PARKING A MOTOR HOME.**

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

320 **§ 12-5-12 COMMERCIAL VEHICLES LOADING OR UNLOADING FROM**
321 **A METERED SPACE, COMMERCIAL LOADING ZONE, OR CURB-SIDE**
322 **TRAVEL LANE.**

323 (A) This section does not apply [~~applies~~] to commercial vehicles loading or
324 unloading [~~within the Downtown Austin Project Coordination Zone, as defined in~~
325 ~~the Austin Utilities Criteria Manual, Monday through Saturday, except for~~] on a
326 roadway or facility within the jurisdiction of the State of Texas, including but not
327 limited to the University of Texas campus; the Capitol Complex, bounded by
328 Lavaca Street, Martin Luther King, Jr. Boulevard, Trinity Street and 10th Street.

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

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

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

- 337 (a) parked in a designated commercial loading zone for less than the
338 amount of time allowed, as specified on the sign for that area; or
339 (b) parked in a metered parking space regulated by the City of Austin
340 and the parking meter fee has been paid;

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

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

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

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

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

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

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

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

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

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

363 **ARTICLE 2. PARKING RESTRICTED IN CERTAIN PLACES.**

364 **§ 12-5-20 DEFINITIONS.**

365 In this article:

366 (1) MARKINGS means bicycle symbols, bicycle arrows, or bicycle
367 conflict markings (“chevrons”) which indicate the presence of a bicycle path
368 or lane.

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

371 **§ 12-5-21 EXCEPTION TO PARKING RESTRICTIONS IN CERTAIN** 372 **AREAS.**

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

377 **§ 12-5-22 DESIGNATED BICYCLE LANES.**

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

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

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

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

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

389 (5) in a case of emergency; or

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

392 (B) Regulatory traffic signage for “No Parking in Bike Lane” is not required to
393 be posted to enforce this section.
394

395 **§ 12-5-23[2] ALLEY.**

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

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

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

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

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

406 (b) block a driveway or building entrance.

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

410 ~~[\S 12-5-23 CERTAIN DOWNTOWN AREAS.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

444 **§ 12-5-24 CITY PARKING FACILITIES AND ELECTRIC VEHICLE**
445 **CHARGING SPACES.**

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

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

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

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

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

460 **§ 12-5-25 COMMERCIAL DELIVERY [SERVICE] ZONES.**

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

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

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

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

474 **§ 12-5-26 CUSTOMER SERVICE ZONE.**

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

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

481 **§ 12-5-27 EMERGENCY ROOM SERVICE ZONE.**

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

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

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

489 **§ 12-5-28 FIRE OR SAFETY ZONES.**

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

492 **§ 12-5-29 FRONT OR SIDE YARD PARKING.**

493 (A) In this section:

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

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

499 (3) MOTOR VEHICLE means a self- propelled vehicle designed for use
500 on a highway and includes an inoperable motor vehicle as defined in Section
501 9-1-1 [~~of the Code (Definitions)~~].

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

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

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

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

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

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

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

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

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

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

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

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

- 531 (a) each neighborhood association;
532 (b) the chair of each planning area contact team;
533 (c) each City of Austin utility account holder; and
534 (d) each notice owner who does not reside in the affected area.

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

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

541 **§ 12-5-30 LAW ENFORCEMENT ZONE.**

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

546 **§ 12-5-31 LEGISLATIVE PARKING ZONE.**

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

551 **§ 12-5-32 MEXICAN CONSULATE PASSENGER AND LOADING ZONE.**

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

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

557 **§ 12-5-33 MOTORCYCLE PARKING ZONE.**

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

560 **§ 12-5-34 PASSENGER PICKUP AND DROPOFF ZONES.**

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

563 (B) A person may stop, stand, or park an attended motor vehicle in a pickup
564 or drop off [~~passenger~~] zone for a period not to exceed five minutes to load or
565 unload a passenger if the motor vehicle has the emergency flasher lights activated
566 for the duration of the stay.

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

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

571 **§ 12-5-35 PARKING AREAS DESIGNATED FOR PERSONS WITH**
572 **DISABILITIES.**

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

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

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

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

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

587 **§ 12-5-36 POLICE AND CITY [~~COURTS~~] COMPLEX.**

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

- 590 (1) the portions of Lots 4, 5, 6 and 7 of Original City Block 89 located
591 north and east of Waller Creek, including the 20-foot wide area extending
592 north from the east line of Original City Block 89 to Waller Creek that was
593 an alley;
- 594 (2) block 90 of the original city, including the 20-foot wide area
595 traversing Original City Block 90 that was an alley;
- 596 (3) lots 1, 2, 3 and 4 of Original City Block 91, including the 20-foot
597 wide alley that traverses Original City Block 91;
- 598 (4) lots 3 and 4 of Original City Block 92 and the portion of lot 5 of
599 Original City Block 92 located south of the south bank of Waller Creek,
600 including the 20-foot wide area extending north from the east line of block
601 92 to Waller Creek that was an alley;
- 602 (5) the 80-foot wide areas extending from the north line of Seventh Street
603 (East) to the south line of Eighth Street (East) and from the north line of
604 Eighth Street (East) to Waller Creek, that were part of Sabine Street; and
- 605 (6) the elevated parking decks located on the west side of the police and
606 City [courts] buildings.
- 607 (B) Except as otherwise provided in this section, a person may not stop, stand, or
608 park a motor vehicle at the police and City [courts] complex.
- 609 (C) The city manager may designate parking spaces in the following areas:
- 610 (1) the area between the police and City [courts] building and the IH-35
611 West Frontage Road;
- 612 (2) the area between the police and City [courts] building and Waller
613 Creek;
- 614 (3) the elevated parking decks on the west side of the police and City
615 [courts] building; and
- 616 (4) the paved areas adjacent to the north and east sides of Service Center
617 No. 5.
- 618 (D) A parking space designated under Subsection (C) may be used by:
- 619 (1) a City-owned motor vehicle;
- 620 (2) a privately-owned motor vehicle used by a City officer or employee in
621 the performance of an official duty with the approval of the city manager;

- 622 (3) a motor vehicle operated by or transporting a physically handicapped
623 person;
- 624 (4) a motor vehicle operated by a law enforcement officer of another
625 governmental entity in the performance of the officer's duty; or
- 626 (5) a motor vehicle operated by or transporting an accredited member of
627 the news media.

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

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

633 **§ 12-5-37 RESIDENTS ONLY ZONE.**

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

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

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

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

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

646 (a) trails and parks;

647 (b) commercial or mixed-use areas;

648 (c) stadiums;

649 (d) hospitals; and

650 (e) universities.

651 (4) establish a process to revoke or suspend permits for misuse of permits,

652 including illegal duplication or resale to unauthorized persons.

653 **§ 12-5-38 SIDEWALK OR RIGHT-OF-WAY.**

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

659 **§ 12-5-39 TAXI ZONES.**

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

662 **§ 12-5-40 TOW-AWAY ZONE.**

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

665 **§ 12-5-41 UNITED STATES GOVERNMENT MOTOR VEHICLE ZONES.**

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

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

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

678 **§ 12-5-42 BACK-IN ANGLE PARKING ONLY ZONE.**

679 An operator who stops or parks in a metered or non-metered back-in angle
680 parking only space must stop or park the motor vehicle with the rear wheels of the

681 motor vehicle at an angle to the curb or edge of the roadway. No portion of the
682 motor vehicle shall extend into the roadway so as to obstruct traffic flow.

683 **§ 12-5-43 BUS OR TRANSIT PRIORITY LANES.**

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

- 687 (1) for motor vehicles authorized by the City to travel in a bus only lane;
- 688 (2) for a bicycle and micro-mobility device to bypass an authorized motor
689 vehicle in the bus only lane;
- 690 (3) to execute a right turn; or
- 691 (4) to yield to emergency motor vehicles displaying or using emergency
692 devices such as lights and sirens.

693 **§ 12-5-44 PARKING AT A PUBLIC RECREATION AREA OR RIGHT-**
694 **OF-WAY CLOSURE AREA.**

695 (A) In this section:

- 696 (1) PUBLIC RECREATION AREA [~~public recreation area~~] means a
697 park, recreational facility, athletic field, building, swimming pool,
698 playground, nature preserve, trail, dock, or greenbelt managed, maintained,
699 or operated by the Parks and Recreation Department or on its behalf.
- 700 (2) RIGHT-OF-WAY CLOSURE AREA means a City street, sidewalk,
701 alley, walkway, or right-of-way signed and barricaded for public safety
702 purposes.

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

- 705 (1) in a designated parking area; [ø]
- 706 (2) within 12 feet of the edge of a roadway where parking is authorized;
707 or
- 708 (3) at the direction of a police officer or an employee of the Parks and
709 Recreation Department or the Transportation and Public Works Department.

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

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

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

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

721 **ARTICLE 3. ADMINISTRATIVE ADJUDICATION OF PARKING**
722 **VIOLATIONS.**

723 **§ 12-5-51 DEFINITIONS.**

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

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

729 **§ 12-5-52 PARKING VIOLATIONS MADE CIVIL OFFENSES.**

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

732 **§ 12-5-53 CLERK OF THE MUNICIPAL COURT.**

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

736 **§ 12-5-54 HEARING OFFICER POWERS, DUTIES AND FUNCTIONS.**

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

740 (B) A hearing officer may:

741 (1) Administer oaths;

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

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

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

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

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

751 **§ 12-5-55 PARKING CITATIONS.**

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

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

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

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

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

762 (4) The appearance date for the parking citation;

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

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

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

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

774 **§ 12-5-56 SERVICE OF A PARKING CITATION; PRESUMPTION OF**
775 **SERVICE.**

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

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

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

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

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

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

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

796 (1) a description of the alleged violation;

797 (2) the location where the violation occurred;

- 798 (3) the date and time of the violation;
- 799 (4) the name and address of the owner of the motor vehicle involved in
800 the violation;
- 801 (5) the registration number displayed on the license plate of the motor
802 vehicle involved in the violation;
- 803 (6) a copy of a recorded image of the violation including a depiction of
804 the area of the registration number displayed on the license plate of the
805 motor vehicle involved in the violation;
- 806 (7) the amount of the civil penalty for which the owner is liable;
- 807 (8) the number of days the person has to pay or contest the imposition of
808 the civil penalty and a statement that the person may incur a late payment
809 penalty if the civil penalty is not paid or the imposition of the penalty is not
810 contested within that period;
- 811 (9) a statement that the person may pay the civil penalty in person, by
812 mail sent to a specified address, or by electronic means instead of appearing
813 at the time and place of the administrative adjudication hearing;
- 814 (10) information that informs the person:
- 815 (a) of the owner's right to contest the imposition of the civil penalty
816 against the person in an administrative adjudication hearing;
- 817 (b) that imposition of the civil penalty may be contested in person
818 or by submitting a written request for an administrative adjudication
819 hearing before the expiration of the period specified under subdivision
820 (E)(8); and
- 821 (c) that failure to pay the civil penalty or to contest liability for the
822 penalty in a timely manner is an admission of liability and a waiver of
823 the owner's right to appeal the imposition of the civil penalty;
- 824 (11) a statement that, if at the time and place of the alleged violation, the
825 motor vehicle depicted in the photograph or digital image taken was being
826 operated by a person other than the owner, then the owner may transfer
827 liability for the violation to the person who was operating the motor vehicle
828 if the owner provides to the court in an affidavit of non-liability, or under
829 oath at an administrative adjudication hearing, the name and current address
830 of the person who was:

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

833
834 (b) renting or leasing the motor vehicle at the time of the alleged
835 violation, if the motor vehicle was rented or leased from a person in
836 the business of renting or leasing motor vehicles at that time;

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

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

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

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

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

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

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

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

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

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

864 **§ 12-5-57 LIABILITY OF THE MOTOR VEHICLE OWNER AND**
865 **OPERATOR; PRESUMPTION OF LIABILITY.**

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

868 (B) A registered owner is not liable if:

869 (1) The operator assumes responsibility with the court;

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

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

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

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

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

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

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

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

894 **§ 12-5-58 PRESUMPTION.**

895 In an administrative adjudication hearing for a parking citation:

- 896 (1) It is presumed that the registered owner of the motor vehicle is the
897 person who stopped, stood, or parked the motor vehicle at the time and place
898 of the parking violation; and
- 899 (2) The Texas Department of Transportation's computer-generated record
900 of the registered motor vehicle owner is prima facie evidence of the contents
901 of the record.

902 **§ 12-5-59 ANSWERING A PARKING CITATION.**

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

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

- 906 (1) A person may admit liability and pay the applicable civil fine, and any
907 additional penalties and costs. A person may pay in person, by mail, by
908 electronic means, or by other method of payment as determined by the
909 municipal court clerk;
- 910 (2) A person may appear before a hearing officer at an instanter hearing
911 on or before the appearance date on the parking citation;
- 912 (3) A person may request permission from a hearing officer to adjudicate
913 by mail or electronic means; or
- 914 (4) A person may file a written request for a scheduled hearing.

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

918 **§ 12-5-60 ADJUDICATION BY MAIL OR ELECTRONIC MEANS.**

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

- 921 (1) the [~~The~~] person shows good cause to adjudicate by mail or electronic
922 means; and
- 923 (2) [~~If~~] the person makes the request on or before the appearance date.

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

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

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

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

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

938 **§ 12-5-61 HEARINGS FOR DISPOSITION OF A PARKING CITATION.**

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

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

942 (C) The hearing officer shall hear and consider:

943 (1) Evidence presented by the person charged;

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

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

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

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

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

- 955 (G) The issuing officer is not required to attend an instanter hearing.
- 956 (H) The issuing officer shall attend a hearing that is scheduled:
- 957 (1) If requested by the person charged with the violation; and
- 958 (2) The request is filed with the municipal court clerk at least three
- 959 business days before the scheduled hearing date.
- 960 (I) A scheduled hearing may be set after the appearance date on the parking
- 961 citation without the posting of a bond in the amount of fines, costs, and fees.
- 962 (J) A scheduled hearing may be reset for cause if the person charged submits a
- 963 written request for a reset received by the court at least three days before the
- 964 scheduled hearing date; and posts a bond with the municipal court equal to the total
- 965 amount of the civil fine, costs, and fees. If the court does not respond to a request
- 966 for a reset, the request is denied, and the person must appear as scheduled.
- 967 (K) At the conclusion of the hearing, the hearing officer shall issue an order
- 968 either:
- 969 (1) Finding the person is liable for the parking violation and assessing the
- 970 applicable civil fines, costs, and fees in accordance with fines, costs, and
- 971 fees found in this chapter; or
- 972 (2) Finding the person is not liable for the parking violation.
- 973 (L) A hearing officer may not waive fines, costs, and fees established in this
- 974 chapter, but a hearing officer may reduce fine amounts based on an inability to
- 975 pay.
- 976 (M) A hearing officer may add additional fines, costs, and fees in accordance
- 977 with this chapter.
- 978 (N) The hearing officer's order shall be filed with the municipal court clerk in a
- 979 separate index and file. The order may be recorded using microfilm, microfiche, or
- 980 other data processing techniques.
- 981 **§ 12-5-62 FAILURE TO ANSWER A PARKING CITATION OR APPEAR**
- 982 **AT A HEARING.**
- 983 (A) If a person charged with a parking violation accepts liability for the violation
- 984 on or before appearance date, an early fine shall be assessed in accordance with
- 985 Section 12-5-90 (*Civil Fines, Costs, and Fees*).

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

991 (C) If a person charged with a parking violation fails to attend a scheduled
992 hearing, including an appeal hearing, the person is liable for the violation and will
993 be assessed the standard civil fines, costs, and fees in accordance with Section 12-
994 5-90 (*Civil Fines, Costs, and Fees*).

995 **§ 12-5-63 ENFORCEMENT OF ORDER.**

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

999 **§ 12-5-64 APPEAL FROM A HEARING.**

1000 (A) A person found liable by a hearing officer for a parking violation may appeal
1001 the determination by:

1002 (1) Filing a petition with the municipal court clerk within 30 business days after
1003 the hearing officer's order is issued; and

1004 (2) Paying a non-refundable filing fee.

1005 (B) A person who accepts liability, as set forth in Section 12-5-59(B)(1) or fails
1006 to contest liability by the appearance date is not entitled to an appeal hearing.

1007 (C) When an appeal petition is received, the municipal court clerk shall schedule
1008 an appeal hearing and notify all parties of the date, time, and location of the
1009 hearing.

1010 (D) An appeal hearing is conducted by a municipal court judge.

1011 (E) The judge shall review the record and hear oral arguments of the parties at
1012 the appeal hearing.

1013 (F) At an appeal hearing, a party may request for leave to present additional
1014 evidence.

1015 (1) A request may be granted if the party:

1016 (a) Shows that the additional evidence is material; and

1017 (b) Shows good reason it was not presented to the hearing officer during the
1018 hearing.

1019 (2) If the court grants a party's request for leave to present additional evidence,
1020 the judge may order the hearing officer take the additional evidence or the judge
1021 may take the additional evidence.

1022 (3) The hearing officer may modify the findings and decision based on
1023 additional evidence.

1024 (G) The judge may receive evidence of procedural irregularities alleged to have
1025 occurred at the hearing that are not reflected in the record.

1026 (H) The judge may not substitute his or her judgment for that of the hearing
1027 officer as to the weight of the evidence given by the hearing officer for questions
1028 that fall within the hearing officer's discretion.

1029 (I) The court may reverse the hearing officer's order or remand the case for a
1030 rehearing if the appellant's substantial rights have been violated because the
1031 administrative findings, conclusions, or decisions are:

1032 (1) In violation of constitutional or statutory provisions;

1033 (2) In excess of the statutory authority;

1034 (3) Made upon unlawful procedure;

1035 (4) Affected by other error of law;

1036 (5) Not reasonably supported by substantial evidence in view of the
1037 reliable and probative evidence in the record as a whole; or

1038 (6) Arbitrary, capricious, characterized by abuse of discretion, or clearly
1039 unwarranted exercise of discretion.

1040 (J) If the findings of the hearing officer are affirmed, the civil fines, costs, or
1041 fees may not be modified except that additional penalties, and other costs, or fees
1042 may be added in accordance with the schedule in this chapter.

1043 (K) Service of notice of appeal under this section does not stay enforcement and
1044 collection of any order of a hearing officer, unless the person filing the appeal
1045 posts with the municipal court clerk an appeal bond in an amount equal to all civil
1046 fines, costs, and fees assessed against the person charged.

1047 **§ 12-5-65 PARKING BY A PERSON WHOSE PRESENCE IS REQUIRED**
1048 **IN A JUDICIAL PROCEEDING.**

1049 Notwithstanding any other provision of this title, a hearing officer appointed
1050 under Section 12-5-54 (*Hearing Officer Powers, Duties, and Functions*) may
1051 dismiss parking citations for expired meter, expired parking pay station, expired
1052 parking space, and extending time limit that are issued to jurors, witnesses, or any
1053 other individual compelled to attend any court within the city limits of Austin if the
1054 hearing officer determines that free or unrestricted parking was not available.

1055 **§ 12-5-66 USE OF PAID PARKING BY A GOVERNMENTAL ENTITY.**

1056 The city manager may provide for the use of paid parking spaces [~~and paid~~
1057 ~~parking zones~~] by a governmental entity.

1058 **§ 12-5-67 PARKING BY A PERSON ACCESSING OR REMAINING AT A**
1059 **POLLING LOCATION.**

1060 Notwithstanding any other provision of this title, a hearing officer appointed
1061 under Section 12-5-54 (*Hearing Officer Powers, Duties, and Functions*) may
1062 dismiss parking citations for expired meter, [;] [~~expired parking pay station,~~]
1063 expired parking space, and extending time limit that are issued to any person
1064 accessing or remaining at polling locations for the purposes of voting,
1065 volunteering, or working at a polling site within the city limits of Austin if the
1066 hearing officer determines that free or unrestricted parking was not available.

1067 **ARTICLE 4. IMPOUNDMENT OR IMMOBILIZATION OF MOTOR**
1068 **VEHICLE FOR UNPAID PARKING CITATIONS.**

1069 **§ 12-5-81 CONDITIONS AUTHORIZING IMMOBILIZATION OR**
1070 **IMPOUNDMENT.**

1071 (A) The procedures in this article apply to parking violations adjudicated in
1072 accordance with Article 3 (*Administrative Adjudication of Parking Violations*).

1073 (B) A motor vehicle may be immobilized if the owner or operator of the motor
1074 vehicle has accumulated three or more unpaid parking violation fines.

1075 (C) A motor vehicle may be impounded immediately if the owner or operator of
1076 the motor vehicle has accumulated three or more unpaid parking violation fines
1077 within a calendar year.

1078 (D) A hearing officer shall determine if a motor vehicle is subject to
1079 impoundment or immobilization under this chapter.

1080 (E) If a hearing officer determines that a motor vehicle is subject to
1081 impoundment or immobilization, the hearing officer shall send a written notice of
1082 the opportunity for a hearing before a written order to impound or immobilize the
1083 motor vehicle is issued.

1084 **§ 12-5-82 NOTICE REQUIREMENTS.**

1085 (A) Notice shall be sent to the last known registered owner of the motor vehicle,
1086 unless the municipal court has been advised that the motor vehicle was sold prior
1087 to the violation date.

1088 (B) If the municipal court has been advised that the motor vehicle was sold prior
1089 to the violation date, as set forth in Section 12-5-57(B)(3) and (4), notice shall be
1090 sent to the individual who purchased , or assumed ownership of the motor vehicle
1091 from the last known registered owner of the motor vehicle.

1092 (C) Notice may be sent by regular mail to:

1093 (1) The address of the owner listed on the motor vehicle registration; or

1094 (2) Another address determined by the municipal court clerk to be more current.

1095 (D) Notice to the owner may be delivered in person or by electronic means.

1096 (E) A notice under this Section shall include:

1097 (1) The license plate number of the motor vehicle;

1098 (2) The name of the registered owner or person to whom the motor vehicle was
1099 transferred[~~sold~~] prior to the violations if known;

1100 (3) A list of all unpaid parking violation fines;

1101 (4) The amount of the fine assessed for each violation and the total amount for
1102 all unpaid fines, costs, and fees;

1103 (5) A statement that the registered owner of the motor vehicle or person to
1104 whom the motor vehicle was transferred [~~sold~~] prior to the violations, if known, is
1105 responsible for all charges and costs incurred in providing notice, impounding, or

1106 immobilizing the motor vehicle and storage fees, in addition to all amounts
1107 assessed for the accumulated parking violations; and

1108 (6) A statement summarizing the method to request a hearing under Section 12-
1109 5-83 (*Hearing Before a Hearing Officer Regarding Impoundment or*
1110 *Immobilization of Motor Vehicle; Issuance of Order*).

1111 **§ 12-5-83 HEARING BEFORE A HEARING OFFICER REGARDING**
1112 **IMPOUNDMENT OR IMMOBILIZATION OF MOTOR VEHICLE;**
1113 **ISSUANCE OF ORDER.**

1114 (A) The only issue at a hearing held under this section is whether the motor
1115 vehicle may be impounded or immobilized under Section 12-5-81 (*Conditions*
1116 *Authorizing Immobilization or Impoundment[; ~~Notice Requirements~~]*).

1117 (B) A person may request a hearing before a hearing officer to contest
1118 impoundment or immobilization of a motor vehicle.

1119 (C) A request for a hearing under this section must be submitted in writing to the
1120 municipal court clerk not later than the 20th business day after the date on the
1121 notice of impoundment or immobilization.

1122 (D) A failure to timely request or appear at a hearing under this section waives
1123 any objection to the proposed impoundment or immobilization of the motor
1124 vehicle.

1125 (E) The hearing officer shall issue an order of impoundment or immobilization
1126 if:

1127 (1) A person does not timely request a hearing under this section;

1128 (2) A person does not appear at a scheduled impoundment or
1129 immobilization hearing; or

1130 (3) A hearing officer determines at the hearing that the motor vehicle is
1131 subject to impoundment or immobilization.

1132 (F) An impoundment order and an immobilization order must include the
1133 information described in Subsection 12-5-82 (*Notice Requirements*).

1134 (G) If a hearing is requested and held, the hearing officer shall provide the
1135 signed order of immobilization or impoundment at the hearing or make
1136 arrangements at the hearing to have it mailed.

1137 (H) If a hearing is not requested, a signed order of immobilization or
1138 impoundment will be provided upon request and at no cost to a party to the case.

1139 **§ 12-5-84 STAY OF IMPOUNDMENT OR IMMOBILIZATION ORDER.**

1140 (A) A person whose motor vehicle has been ordered to be impounded or
1141 immobilized may petition a hearing officer to stay the execution of the order.

1142 (B) The hearing officer may impose conditions on a stay issued under this
1143 section, including a requirement that the person pay:

1144 (1) All accumulated civil fines, costs, and fees by a deadline specified in
1145 the stay; or

1146 (2) A specified portion of the accumulated civil fines, costs, and fees at
1147 designated intervals.

1148 (C) A person whose motor vehicle has been ordered to be impounded or
1149 immobilized by a municipal judge before December 10, 2001, may petition a
1150 municipal court judge to stay the execution of the order. The judge may impose
1151 conditions on a stay issued under this Section, including a requirement that the
1152 person pay:

1153 (1) All accumulated civil fines, costs, and fees by a deadline specified in
1154 the stay; or

1155 (2) A specified portion of the civil fines, costs, and fees at designated
1156 intervals.

1157 (D) A stay will be lifted and the motor vehicle impounded or immobilized
1158 without further notice if a person fails to comply with stay issued under this
1159 chapter.

1160 **§ 12-5-85 INTERFERENCE WITH IMPOUNDMENT OR**
1161 **IMMOBILIZATION PROHIBITED.**

1162 (A) A person may not knowingly, intentionally, or recklessly obstruct, prevent,
1163 hinder, or interfere with a person executing an order of impoundment or
1164 immobilization.

1165 (B) A person may not tamper with, deface, damage, or attempt to remove an
1166 immobilization device when it has been installed.

1167 (C) An offense under this Section is a Class C misdemeanor.

1168 **§ 12-5-86 EXECUTION OF IMPOUNDMENT ORDER.**

1169 (A) An impoundment order is executed when the motor vehicle identified in the
1170 order is seized, removed to, and stored at an authorized motor vehicle depository.

1171 (B) A motor vehicle subject to an impoundment order and located on private
1172 property with the consent of the property owner may not be impounded.

1173 (C) An impoundment order may be executed by:

1174 (1) A certified peace officer;

1175 (2) A city parking enforcement officer; or

1176 (3) An employee designated by the municipal court clerk.

1177 (D) If it is necessary for a person executing an order of impoundment to enter a
1178 motor vehicle to effectuate its impoundment, entry into the motor vehicle shall be
1179 made by or in the presence of a certified peace officer. An inventory of the motor
1180 vehicle shall be conducted by or in the presence of certified peace officer who shall
1181 sign the inventory.

1182 (E) The person executing an order of impoundment shall promptly notify the
1183 municipal court clerk or designee of the date and time of the impoundment.

1184 **§ 12-5-87 EXECUTION OF IMMOBILIZATION ORDER.**

1185 (A) An immobilization order is executed when a device designed to restrict the
1186 normal movement of the motor vehicle has been installed or attached.

1187 (B) An immobilization order may be executed by:

1188 (1) A certified peace officer;

1189 (2) A city parking enforcement officer; or

1190 (3) An employee designated by the municipal court clerk.

1191 (C) At the time of immobilization, the person executing the order of
1192 immobilization shall attach to the motor vehicle a conspicuous written notice, on a
1193 form provided by the City, that includes the following information:

1194 (1) Notice that the motor vehicle has been immobilized under a court
1195 order and that attempted movement may cause damage to the motor vehicle;

1196 (2) Notice that it is unlawful for any person to tamper with, deface,
1197 damage, or attempt to remove an immobilization device when it has been
1198 installed;

1199 (3) Instructions to obtain a release of the motor vehicle;

1200 (4) Notice that the motor vehicle will be towed and impounded if the
1201 owner or a person authorized to act on behalf of the owner does not obtain a
1202 release of the motor vehicle from the municipal court by 6:00 p.m. the day
1203 the motor vehicle has been immobilized; and

1204 (5) Notice that if the motor vehicle is towed and impounded, the owner
1205 shall be responsible for payment of applicable fees for towing,
1206 impoundment, and storage in addition to the civil fines, costs, and fees under
1207 this chapter.

1208 (D) This section does not restrict or limit the right to tow and impound motor
1209 vehicles under other applicable law.

1210 **§ 12-5-88 RECLAMATION OF AN IMPOUNDED OR IMMOBILIZED**
1211 **MOTOR VEHICLE.**

1212 (A) The owner or other person with legal right of possession of a motor vehicle
1213 that has been impounded or immobilized under an order may reclaim the motor
1214 vehicle by:

1215 (1) Presenting evidence satisfactory to the municipal court clerk that
1216 establishes ownership or right of possession, and

1217 (2) Paying in full accumulated civil fines, costs, and fees.

1218 (B) If the owner or other person with legal right of possession cannot provide
1219 payment in full, the person may appear before a hearing officer to arrange to pay:

1220 (1) All accumulated civil fines, costs, and fees at some later date; or

1221 (2) A specified portion of the accumulated civil fines, costs, and fees at
1222 designated intervals.

1223 (C) If the owner or other person with legal right of possession has paid, or
1224 arranged to pay, the accumulated civil fines, costs and fees, the owner or other
1225 person may reclaim the impounded motor vehicle or have the immobilization
1226 device removed.

1227 (D) The municipal court clerk may issue a written order to release an impounded
1228 motor vehicle to its owner or to a person named in the order that the hearing officer
1229 has determined to have a legal right of possession of the motor vehicle.

1230 (E) A hearing officer may reissue an impoundment or immobilization order
1231 under Section 12-5-83 (*Hearing Before a Hearing Officer Regarding Impoundment*
1232 *or Immobilization of Motor Vehicle; Issuance of Order*) without additional notice
1233 if the owner or other person with legal right of possession of the motor vehicle fails
1234 to comply with a condition imposed under this section.

1235 **§ 12-5-89 RELEASE OF IMPOUNDED MOTOR VEHICLE.**

1236 (A) A person in actual possession of the impounded motor vehicle shall release
1237 the motor vehicle to a person named in the release order if the person named in the
1238 order presents the signed release order and proof of identity.

1239 (B) A person releasing the motor vehicle shall indicate the date and time that a
1240 motor vehicle was released on the release order, or on a paper attached to it.

1241 (C) A release order shall be signed by the person reclaiming the motor vehicle
1242 and the person releasing the motor vehicle.

1243 (D) After the release order is signed, the person releasing the motor vehicle shall
1244 return the order to the municipal court.

1245 (E) A person in possession of an impounded motor vehicle may not request or
1246 require the person reclaiming the motor vehicle to sign a release from liability for
1247 damages or loss until the person authorized to reclaim the motor vehicle has been
1248 provided a meaningful opportunity to inspect the motor vehicle and its contents.

1249 (F) A release from liability shall:

1250 (1) Indicate whether the person reclaiming the motor vehicle has made an
1251 inspection of the motor vehicle;

1252 (2) An enumeration of the damages, if any, allegedly the result of
1253 impounding the motor vehicle; and

1254 (3) A list of the items, if any, allegedly missing from the motor vehicle.

1255 (G) A copy or duplicate of the original release shall be provided to the person
1256 that reclaims an impounded motor vehicle.

1257 **§ 12-5-90 CIVIL FINES, COSTS, AND FEES.**

1258 (A) If the payment of the fine is made on or before the appearance date, the
1259 owner or operator shall remit "EARLY PAYMENT FINE" as the total fine and
1260 costs due for the violation.

1261 (B) If the payment of the fine is made after the appearance date or on the
1262 scheduled hearing date, the owner or operator shall remit the "STANDARD FINE"
1263 as the total fine and costs due for the violation.

1264 (C) A person may submit to the municipal court a request for an extension of
1265 time to pay the Early Payment Fine, if the request is made on or before the
1266 appearance date.

1267 (D) If a person is granted an extension to pay the Early Payment Fine and does
1268 not pay on or before the date the extension period expires, the person must pay the
1269 Standard Fine.

1270 (E) A payment received by mail is considered remitted on the post-marked date.

1271 (F) A fine for "Parking- In a Handicapped Space" or "Parking- In a
1272 Handicapped Zone" may be reduced if the violation resulted from an expired
1273 disabled parking placard that is renewed within 20 business days from the date of
1274 the violation, and proof of the renewal is provided to a hearing officer.

1275 (G) Civil fines, costs, and fees assessed in connection with the impounding or
1276 immobilizing process are limited to those specified by ordinance. Fines, costs, or
1277 fees may not be waived by a hearing officer or a judge of the municipal court.

1278 (H) If a motor vehicle violates more than one parking regulation, the issuing
1279 officer shall issue a citation for the violation that carries the highest civil fine.

1280 (I) The following schedule of fines, fees, and costs is established:
1281

Parking Violation	Standard Fine	Early Payment Fine
Appeal Fee	\$5.00	
Commercial <u>Motor</u> Vehicle Loading or Unloading - Without a Permit	\$500.00	\$250.00

Commercial <u>Motor</u> Vehicle Loading or Unloading - Restricted Hours or Area	\$300.00	\$150.00
Commercial <u>Motor</u> Vehicle Loading or Unloading - Beyond Time Limit	\$300.00	\$150.00
Commercial <u>Motor</u> Vehicle Loading or Unloading - Adjacent Lane Obstruction	\$300.00	\$150.00
Commercial <u>Motor</u> Vehicle Loading or Unloading - Bike Lane Obstruction	\$300.00	\$150.00
Commercial <u>Motor</u> Vehicle Permit - Not Properly Displayed	\$300.00	\$150.00
Commercial <u>Motor</u> 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
<u>Parking – Blocking Signed or Marked Bike Lane</u>	<u>\$75.00</u>	<u>\$50.00</u>
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
<u>Parking – City Facility</u>	<u>\$50.00</u>	<u>\$35.00</u>
Parking - Commercial <u>Delivery</u> [<u>Service</u>] Zone (No Markings)	\$ 75 [40].00	\$ 50 [25].00

Parking - Commercial <u>Delivery</u> [<u>Service</u>] Zone (Over 30 Minutes)	\$ <u>75</u> [40].00	\$ <u>50</u> [25].00
Parking - Customer Service Zone	\$ <u>75</u> [40].00	\$ <u>50</u> [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]
<u>Parking Electric Vehicle Charging Station</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
<u>Parking – Emergency Service Zone</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
<u>Parking – Excess of 9,000 Pounds</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
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	\$ <u>75</u> [70].00	\$ <u>50</u> [40].00
Parking - In a Handicap Space or Zone	\$ <u>500</u> [300].00	\$255.00
<u>Parking – Law Enforcement Zone</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
Parking - Left Wheel to Curb	\$ <u>50</u> [40].00	\$ <u>35</u> [25].00
<u>Parking – Legislative Zone</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
Parking - Loading Zone	\$40.00	\$25.00
Parking - Mexican Consulate Zone	\$40.00	\$25.00
<u>Parking – Motor Home</u>	\$ <u>50.00</u>	\$ <u>35.00</u>
<u>Parking - Motorcycle Parking Zone</u>	\$40.00	\$25.00

Parking - No Parking Area	\$50 [40] .00	\$35 [25] .00
<u>Parking – No Payment For Use of Metered Space</u>	<u>\$75.00</u>	<u>\$50.00</u>
<u>Parking – Non-Motorized Vehicle</u>	<u>\$50.00</u>	<u>\$35.00</u>
Parking - Not within Lines (Meter Zone)	\$40.00	\$25.00
<u>Parking – Obstructing Bus Stop</u>	<u>\$50.00</u>	<u>\$35.00</u>
[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
<u>Parking – Police Complex</u>	<u>\$50.00</u>	<u>\$35.00</u>
Parking - Reserved for Municipal Court	\$40.00	\$25.00
<u>Parking – Resident Only Zone</u>	<u>\$50.00</u>	<u>\$35.00</u>
<u>Parking – Restricted Area</u>	<u>\$50.00</u>	<u>\$35.00</u>
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
<u>Parking – To Sell, Wash, or Repair Vehicle</u>	<u>\$50.00</u>	<u>\$35.00</u>
Parking – <u>Bus or Transit Priority Lanes</u>	\$500.00	\$350.00

<u>Parking – U.S. Government Zone</u>	\$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 (<u>Undesignated Area</u>)	\$50.00	\$30.00
Public Recreation Area <u>or Right-of-Way-Closure Area</u> - 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 4. This ordinance takes effect on _____, 2025.

PASSED AND APPROVED

_____, 2025

§
§
§

Kirk Watson
Mayor

APPROVED: _____

Deborah Thomas
Interim City Attorney

ATTEST: _____

Myrna Rios
City Clerk