

ORDINANCE NO. O-2014-53

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING TYLER CITY CODE CHAPTER 17, "STREETS AND TRAFFIC", TO REVISE CERTAIN PARKING METER FEES; TO ESTABLISH AN EXCEPTION FOR THE GOOD FRIDAY TO THE PARKING METER FEES; AND TO ESTABLISH PARKING RATES FOR THE DOWNTOWN FAIR PLAZA PARKING GARAGE, WITH EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and general welfare of citizens; and

WHEREAS, the City of Tyler is a home-rule municipality acting under its Charter adopted by the electorate pursuant to Article 11, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, Texas Local Government Code Section 51.072(a) states that a home-rule municipality has full power of self-government; and

WHEREAS, Texas Local Government Code Section 51.072(b) provides that the grant of powers to a municipality under the Texas Local Government Code does not prevent by implication or otherwise, the municipality from exercising the authority incident to self-government; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.001(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make any and all rules and regulations by ordinances and resolutions; and

WHEREAS, Section 1 of the Tyler City Charter states that the City of Tyler may make and enforce local police, sanitary, and other regulations, and may pass such ordinances as may be expedient for maintaining and promoting the peace, good government and welfare of the City, and for the performance of the functions thereof; and

WHEREAS, Section 6 of the Tyler City Charter states that pursuant to the provisions of and subject only to the limitations imposed by State law and the Charter, all powers of the City shall be vested in an elective Council, which shall, among other duties, enact legislation; and

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

WHEREAS, Texas Transportation Code Section 542.202(a)(2) provides that Texas Transportation Code Title 7, "Vehicles and Traffic", Subtitle C., "Rules of the Road", does not prevent a local authority, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, from regulating the stopping, standing, or parking of a vehicle; and

WHEREAS, Texas Transportation Code Section 681.006(b) provides that the owner of a vehicle is exempt from the payment of a fee or penalty imposed by a governmental unit for parking at a meter if the vehicle is being operated by or for the transportation of person with a disability and there are displayed on the vehicle special license plates issued under Section 504.201 or placed on the rearview mirror of the vehicle's front windshield a disabled parking placard; and

WHEREAS, the City of Tyler has established parking meter regulations in City Code Chapter 17; and

WHEREAS, many of the parking meter fees in the City of Tyler have not been amended in many years; and

WHEREAS, it is important to update some of the parking meter fees in the downtown area; and

WHEREAS, the City of Tyler has established a downtown Fair Plaza Parking Garage for the safety and convenience of citizens utilizing the facilities and businesses in downtown Tyler; and

WHEREAS, the use of the downtown Fair Plaza Parking Garage shall also help to reduce traffic, congestion and pollution in the downtown area; and

WHEREAS, it is important to establish specific parking fees for the use of the downtown Fair Plaza Parking Garage;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That Tyler City Code Chapter 17, "Streets and Traffic", Article V., "Stopping, Standing or Parking", is hereby amended by amending Section 17-84 to read as follows:

Sec. 17-84. Parking meters.

- a. Through c. No changes...
- d. Deposit of coins required; parking meter fees.

1. During the period when the parking time limit is in effect and the deposit of an appropriate coin in the parking meter is required, the owner, operator, manager or driver of a vehicle shall upon entering a parking meter stall, immediately deposit an appropriate coin in the parking meter alongside of the parking stall, and the parking stall may then be used by the vehicle for the period of time shown by the indicator on the calibrated dial of the meter.

2. Parking meter fees. Except as otherwise established in the Tyler City Code, a parking meter fee of \$0.25 per hour with two-hour maximum limit shall be collected from all vehicles using City-provided on-street parking spaces with parking meters. A parking meter fee of \$.050 per hour with a two-hour maximum limit shall be collected from all vehicles using City-provided on-street parking with parking meters located at: Spring Avenue from the intersection with Ferguson Street to the intersection with Elm Street; Broadway Avenue from the intersection with Ferguson Street to the intersection with University Place; College Avenue from the intersection with Ferguson Street to the intersection with Elm Street; Ferguson Street from the intersection with College Avenue to the intersection with Spring Avenue; and Erwin Street from the intersection with Bois d'Arc Avenue to the intersection with Fannin Avenue. (Ord. No. 0-2014-54; 6/25/14)

e. through i. No changes...

j. Collection and disposition of coins deposited. The City Manager shall designate someone to make regular collections of the monies deposited in parking meters, which shall be deposited to the City's credit, the same as funds that are collected through the Municipal Court. (Ord. No. 0-2014-54; 6/25/14)

k. through m. No changes...

n. Hours effective. This section shall be in effect between the hours of 8:00 a.m. and 5:00 p.m. every day except Saturdays and Sundays and the holidays as hereinafter designated by the City Council. Holidays which shall be recognized as exceptions to this section shall be: New Year's Day, Martin Luther King, Jr.'s Birthday, Confederate Heroes Day, Washington's Birthday, Texas Independence Day, San Jacinto Day, Good Friday, Memorial Day, Emancipation Day, U. S. Independence Day, LBJ's Birthday, Labor Day, Veteran's Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve Day, Christmas Day, and Day After Christmas. However, this section shall be effective as to regulated parking at Tyler Pounds Field Airport at all times, with exceptions only for Christmas Day and January 1. (Ord. 0-98-43, 5/27/98) (Ord. No. 0-2014-54; 6/25/14)

o. Exceptions for persons with disabilities and veterans with disabilities. The parking restrictions in subsections a., d., e., f., g., k., l., and m., of this Section shall not apply to:

1. a vehicle properly displaying special license plates issued under Texas Transportation Code Section 504.201 or successor, or properly displaying a disabled parking placard issued under Texas Transportation Code Section 681.002 or successor, if the vehicle is being operated by or is being used for the transportation of a person with a disability.

2. a vehicle properly displaying disabled veteran license plates issued under Texas Transportation Code Section 504.202 or successor, if the vehicle is being operated by the person who registered the vehicle or by an organization transporting veterans with disabilities without charge. (Ord. No. 0-2004-65, 8/25/04) (Ord. No 0-2014-54; 6/25/14)

PART 2: That Tyler City Code Chapter 17, "Streets and Traffic", Article V., "Stopping, Standing or Parking", is hereby amended by adopting a new Section 17-89 to read as follows:

Sec. 17-89. Fair Plaza Parking Garage charges.

a. Daily parking rate. A parking fee of *one dollar (\$1.00)* per hour with a maximum daily rate of *five dollars (\$5.00)* per day shall be collected from all vehicles using the City-provided Fair Plaza Parking Garage. This daily parking rate shall not apply to:

1. a vehicle properly displaying special license plates issued under Texas Transportation Code Section 504.201 or successor, or properly displaying a disabled parking placard issued under Texas Transportation Code Section 681.002 or successor, if the vehicle is being operated by or is being used for the transportation of a person with a disability.

2. a vehicle properly displaying disabled veteran license plates issued under Texas Transportation Code Section 504.202 or successor, if the vehicle is being operated by the person who registered the vehicle or by an organization transporting veterans with disabilities without charge.

b. Monthly parking rate. A monthly parking fee of *seventy dollars (\$70.00)* per parking space in the City-provided Fair Plaza Parking Garage is established and may be obtained by execution of a written Monthly Lease Agreement through the City Traffic Engineering Department. Payment of said monthly fee shall be due by the second day of each month.

c. Monthly parking rate based on number of spaces and tenancy in Fair Foundation Building. The City Manager or designee is authorized to establish a separate monthly parking fee based on the total volume of parking spaces leased in the Fair Plaza Parking Garage and based upon the person leasing such parking space(s) being a tenant in the adjacent Fair Foundation Building.

d. The fee for a lost ticket for parking in the Fair Plaza Parking Garage shall be *eight dollars (\$8.00)*.

e. Hours effective. A booth attendant shall be available in the Fair Plaza Parking Garage from 7:00 a.m. to 7:00 p.m. every day except Saturdays and Sundays and the holidays as hereinafter designated by the City Council.

f. Exception to daily fees; holidays and Saturdays and Sundays. The fees established in this Section shall not be applicable to parking that occurs on Saturday, Sunday, or holidays as designated or hereafter designated by the City Council. Holidays which shall be recognized as exceptions to this section shall be: New Year's Day, Martin Luther King, Jr.'s Birthday, Confederate Heroes Day, Washington's Birthday, Texas Independence Day, San Jacinto Day, Good Friday, Memorial Day, Emancipation Day, U. S. Independence Day, LBJ's Birthday, Labor Day, Veteran's Day, Thanksgiving Day, Day After Thanksgiving, Christmas Eve Day, Christmas Day, and Day After Christmas. (Ord. No. 0-2014-54; 6/25/14)

Secs. 17-90 – 17-99 Reserved.

PART 3: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or

be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be September 1, 2014.

PASSED AND APPROVED this the 25th day of June, A.D., 2014



MARTIN HEINES, MAYOR OF
THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK

APPROVED:



DEBORAH G. PULLUM, CITY ATTORNEY

