

ORDINANCE NO. 23048-12-2017

AN ORDINANCE AMENDING CHAPTER 22 “MOTOR VEHICLES AND TRAFFIC,” ARTICLE VI “STOPPING, STANDING AND PARKING,” DIVISION 1 “GENERALLY,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY ADDING SECTIONS 22-180 THROUGH 22-186 TO CREATE A RESIDENTIAL PERMITTED PARKING PROGRAM IN CERTAIN NEIGHBORHOODS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth ("City Council") seeks to protect the public safety and preserve the quality of life within the City;

WHEREAS, residents of neighborhoods have expressed concerns that residential streets are being used for the parking of vehicles by persons using adjacent nonresidential parking generators but who do not reside in the neighborhood;

WHEREAS, it is necessary to restrict parking in residential areas near nonresidential parking generators in order to reduce hazardous traffic conditions resulting from the parking of vehicles in residential areas by persons visiting or working at nearby parking generators; to protect residential areas from polluted air, excessive noise, trash and refuse caused by the entry of such vehicles; to protect the individuals living in residential areas from unreasonable traffic obstacles while attempting to access their residences; to preserve the residential character of residential areas; to promote efficiency in maintaining residential streets in a clean and safe condition; to preserve residential property values; and to preserve the safety of children, pedestrians and occupants of vehicles, and the peace, good order, comfort, convenience and welfare of the residents of the City generally;

WHEREAS, it is advisable to amend Chapter 22 of the Code of the City of Fort Worth, Texas (2015), as amended, (“City Code”) to create residential permitted parking programs in the designated neighborhoods to eliminate these hazards; and

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Chapter 22 “Motor Vehicles and Traffic,” Article VI “Stopping, Standing and Parking,” Division 1 “Generally,” Sections 22-180 through 22-186 of the City Code are hereby added to read as follows:

§ 22-180 DEFINITIONS

The definitions under this section are applicable to Sections 22-180 through 22-186 only.

DIRECTOR. The Director of the City’s Transportation and Public Works Department or the Director’s authorized representative.

PERMIT. A resident-parking-only permit issued by the Director under sections 22-182 or 22-183.

RESIDENCE. Each dwelling unit of a single-family, duplex, or multifamily use.

RESIDENT-PARKING-ONLY ZONE. One or more blocks of a residential street as determined by the Director in the areas designated under section 22-181, upon which on-street parking is limited to residents’ or residents’ visitors’ or vendors’ Vehicles properly displaying a valid Permit.

VEHICLE. Shall have the same meaning as included in Chapter 22 of the Code of the City of Fort Worth.

VENDOR. People or businesses providing a service to a Residence such as child care providers, lawn services, repair companies, etc.

§ 22-181 AREAS DESIGNATED

(a) The Director may designate Resident-Parking-Only Zones in eligible neighborhoods surrounding the following nonresidential parking generators as determined by traffic studies:

- (1) Will Rogers Memorial Center/Dickies Arena;
- (2) Texas Christian University;
- (3) University of North Texas Health Science Center;
- (4) Stockyards; and
- (5) Magnolia Historic Area.

(b) The Director shall maintain a map depicting all Resident-Parking-Only Zones.

§ 22-182 ISSUANCE OF PERMITS AND VENDOR PERMITS

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(a) The Director shall, upon application, issue resident-parking-only Permits, up to a maximum of three (3) Permits and two (2) Vendor Permits per residence, to any person who is eligible for a Permit. An applicant is eligible for a resident-parking-only Permit if:

(1) The applicant owns or occupies a residence located within a Resident-Parking-Only Zone; and

(2) The applicant and every other person owning or occupying the same residence as the applicant complies with all other requirements of sections 22-180 through 22-186.

(b) The annual application for a Permit must contain:

(1) The applicant's name and driver's license number;

(2) The name of every other licensed driver who owns or occupies the same residence as the applicant and each such person's driver's license number;

(3) The address of the applicant's residence located within a Resident-Parking-Only Zone;

(4) The make, model, and license plate numbers of each Vehicle to be parked in a Resident-Parking-Only Zone; and

(5) Any other information the Director determines necessary to prove that an applicant owns or occupies a residence located within a Resident-Parking-Only Zone, including, but not limited to, examination of a valid driver's license showing the applicant's current home address, a utility bill at the same address, and proof of automobile liability insurance for each Vehicle to be parked in a Resident-Parking-Only Zone.

(c) Up to two (2) Vendor Permits may be issued with the first Permit.

§ 22-183 VISITOR PERMITS

(a) Upon application, a resident of a Resident-Parking-Only Zone may be issued temporary parking Permits for the use of visitors of the residence or for when the owner or occupant is temporarily using a Vehicle. A temporary parking Permit shall be valid for a period not to exceed twenty-four (24) hours. Long-term visitors staying longer than twenty-four (24) hours may receive a temporary parking Permit valid for up to thirty (30) days.

(b) An application for one or more temporary parking Permits may be made through an online system or in person at a location designated by the Director not less than twenty-four (24) hours before the Permit is scheduled to be used.

- (c) There shall be no fee for temporary parking Permits issued under this section.

§ 22-184 PARKING RESTRICTIONS

(a) No person shall park a Vehicle on any street of a Resident-Parking-Only Zone designated under section 22-181 without displaying on such Vehicle a valid Permit. Provided, however, that it shall be an exception to this section that any person has parked a Vehicle in compliance with the directions of a police officer or due to a mechanical or other emergency and was unable to move the Vehicle to a lawful parking space.

(b) When a Vehicle is parked in violation of the provisions of this section, such fact shall be prima facie evidence that the person in whose name said Vehicle is registered is liable for a violation of the parking prohibition contained herein.

(c) The Director is hereby authorized and directed to erect appropriate signs and markings within a Resident-Parking-Only Zone to give notice of the requirements of this section.

§ 22-185 EFFECT OF PERMIT; DISPLAY; EXPIRATION; RENEWAL; REPLACEMENT

(a) A Permit authorizes the holder to park a Vehicle at any time in a Resident-Parking-Only Zone unless such parking is prohibited or restricted by regulations other than those established under sections 22-180 through 22-186. A Permit does not guarantee or reserve to the holder a parking space within the Resident-Parking-Only Zone and does not exempt the holder from other applicable parking and traffic regulations.

(b) When a Vehicle is parked in a Resident-Parking-Only Zone, the Permit is only valid if it is conspicuously displayed on the Vehicle in accordance with the policy set by the Director.

(c) Except for Visitor Permits, all Permits shall expire at 11:59:59 p.m. on December 31 of each year. Visitor Permits shall expire in accordance with section 22-183.

(d) A Permit holder may submit an application to renew existing Permit(s) by completing an application with the same information outlined under section 22-182(b).

(e) A lost, destroyed, or stolen Permit may be replaced. The owner or occupant of a Residence located in a Resident-Parking-Only Zone must sign an affidavit stating that the Permit was lost, destroyed, or stolen.

§ 22-186 OFFENSES; DENIAL OR REVOCATION OF PERMIT

(a) A person commits an offense if he parks a Vehicle in a Resident-Parking-Only Zone without displaying a valid Permit on the Vehicle.

(b) It shall be a defense to prosecution under this section that the person was expeditiously loading or unloading passengers or property, was in the performance of official duties as a law enforcement officer, government employee or contractor or utility company employee or contractor, or was operating an authorized emergency Vehicle in the performance of official duties.

(c) It shall be a defense to prosecution under this section that the registered owner of the Vehicle was a Vendor providing services to the Residence. The registered owner must submit to the hearing officer an affidavit from the owner or occupant of the Residence describing the services being provided and the date and time the services were provided.

(d) The Director may deny a Permit if an applicant is not eligible to receive a Permit, fails to submit all information required on an application, falsely represents himself as being eligible for a Permit, submits false documents, or otherwise makes a false statement of a material fact on an application for a Permit.

(e) The Director may revoke the Permit of any person who violates any provision of this ordinance.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas, (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

Violation of the provisions of this ordinance shall be civil offenses subject to civil penalties and fines pursuant to the procedures for administrative adjudication as set forth in Chapter 10 of this Code. Accordingly, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined an amount not exceeding two hundred dollars (\$200.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 7.

All other provisions of Chapter 22 of the Code of the City of Fort Worth, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:



Jessica Sangsvang, Assistant City Attorney II

ATTEST:



Mary J. Kayser, City Secretary

ADOPTED: December 12, 2017

EFFECTIVE: December 23, 2017

City of Fort Worth, Texas

Mayor and Council Communication

COUNCIL ACTION: Approved on 12/12/2017 - Ordinance No. 23048-12-2017

DATE: Tuesday, December 12, 2017

REFERENCE NO.: G-19194

LOG NAME: 20RESIDENTIAL PERMITTED PARKING PROGRAM ORDINANCE

SUBJECT:

Adopt Ordinance Amending Chapter 22, Article VI Stopping, Standing and Parking of the Code of the City of Fort Worth, Texas (2015) to Add Sections 22-180 Through 22-186 to Add a Residential Permitted Parking Program to Address Parking Issues in Residential Areas Near Nonresidential Parking Generators (COUNCIL DISTRICTS 2, 3, 7 and 9)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 22, Article VI Stopping, Standing and Parking of the Code of the City of Fort Worth, Texas (2015) to add Sections 22-180 through 22-186 to add a residential permitted parking program to address parking issues in residential areas near nonresidential parking generators.

DISCUSSION:

This M&C provides for the creation of a Residential Parking Permit Program to manage the impact of spill over on-street parking generated by nonresidential parking generators that are adjacent to residential areas. The Residential Parking Permit Program creates a manageable environment where by on-street parking spaces can be effectively available for parking by abutting residential users without competition from adjacent nonresidential commercial parking generators. At the December 5, 2017 City Council Work Session, staff briefed City Council on the specifics of the recommended ordinance and the comments that have been received from residential users in the existing three geographic areas where Residential Parking Permit Programs exist.

Currently, Bluebonnet Hills and North Hi Mount Neighborhood Associations have neighborhood administered programs. The City of Fort Worth administered a pilot program in the Arlington Heights Neighborhood from January – March 2017. This pilot received positive feedback from the neighborhood on the benefits of the program. Transportation & Public Works staff met with all three of the above mentioned neighborhood associations to discuss the proposed program as in the attached ordinance and obtain feedback.

The areas included in the ordinance are neighborhoods adjacent to major land uses that generate spillover parking and the level of spillover parking was determined by parking utilization studies. The major land uses include Will Rogers Memorial Center/Dickies Arena, Texas Christian University and University of North Texas Health Science Center. The Stockyards and Magnolia Village areas are major land uses included in the ordinance but further parking utilization studies need to be conducted prior to inclusion into the program. A map will be maintained by the Transportation and Public Works Department of the specific street segments included in each Residential Parking Permit area.

The program will be administered via contract with online and in person options for purchasing permits. A resident may receive purchase up to a maximum of three permits. The permit fee is \$25.00 per permit and that fee The first permit includes up to two vendor permits per resident. Also included in the permit

fee are temporary parking permits that are valid for a period not to exceed twenty-four hours. In the event an existing Program area would desire expansion of a Program to other street segments, the neighborhood association or abutting property owners along the new street segments, would be required to pay for additional No Parking signage as these areas become effective.

This M&C does not request approval of a contract with a business entity.

This applies to COUNCIL DISTRICTS 2, 3, 7 and 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that the Transportation and Public Works Department will be responsible for the collection of fees under this program.

FUND IDENTIFIERS (FIDs):

TO

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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FROM

Fund	Department ID	Account	Project ID	Program	Activity	Budget Year	Reference # (Chartfield 2)	Amount
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CERTIFICATIONS:

Submitted for City Manager's Office by:

Jay Chapa (5804)

Originating Department Head:

Douglas Wiersig (7801)

Additional Information Contact:

Samuel Werschky (6080)
