

ORDINANCE NO. 2024-55

AN ORDINANCE OF THE CITY COUNCIL OF THE OF THE CITY OF SAN MARCOS, TEXAS AMENDING CHAPTER 82, ARTICLE 4, OF THE SAN MARCOS CITY CODE BY ADDING A NEW DIVISION 4 TO AUTHORIZE THE ISSUANCE OF TICKETS BY MAIL FOR NON-PAYMENT OF PARKING FEES WITHIN THE CITY OF SAN MARCOS PARKS PAID PARKING LOTS, BY UPDATING THE PARKING VIOLATION FEE SCHEDULE TO INCLUDE A LEVEL 1 VIOLATION FOR NON-PAYMENT OF PARKING FEES WITHIN THE CITY OF SAN MARCOS PARKS PAID PARKING LOTS, PROVIDING FOR A PROCEDURE TO EXEMPT RESIDENTS FROM PAYMENT OF THE PARKING FEES, AND INCLUDING A SUNSET PROVISION FOR RENEWAL OF THE ORDINANCE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND DECLARING AN EFFECTIVE DATE.

RECITALS:

1. The City Council of the City of San Marcos, Texas has determined that there is a public benefit to the collection of fees for parking within the City Park parking lot on an annual basis for a pilot period of three years to collect revenue that supports the funding for management of riverfront park operations and parking lot maintenance.

2. The City Council has determined that charging a parking fee at this parking lot located at City Park, 170 Charles Austin Drive, would be borne by visitors to the community and would remove some of the burden of funding riverfront park operations from the residents of the City of San Marcos.

3. The City Council provides that the paid parking pilot program will run for a three-year period beginning on May 1, 2025, until April 30, 2028. Staff shall provide the City Council an update of the program's progress during the first City Council meeting of December 2025, 2026, and 2027. At the City Council meeting in 2027 it shall be determined whether the pilot program should be concluded and paid parking become permanent.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Section 82.159 of the San Marcos City Code is hereby amended as set forth below.

Sec. 82.159. Penalties for parking violations.

(a) A person who violates this article shall be liable for a civil penalty (except for disabled parking violations)-as follows:

(1) *Level one violations* (\$50.00)

Parked overtime

Parked within 20 feet of crosswalk

Wheels more than 18 inches from the curb

Parked on wrong side of the street

Parking within four feet of a residential mailbox during prohibited hours

Parked for sale or repair within the public right-of-way

Non-payment of posted fees for parking within City of San Marcos parks paid parking lots

* For the first Level 1 violation within a 12-month period, a 50 percent discount shall be applied to the penalty if paid within 14 days of the citation issued by parking enforcement personnel.

* For the first Level 1 violation within a 12-month period, a 50 percent discount shall be applied to the penalty if paid within 17 days of citation issued by mail.

SECTION 2. Chapter 82, Article 4, Stopping, Standing, Parking of the San Marcos Municipal Code of Ordinances is hereby amended to add a new Division 4, Parking Citations by Mail, as set forth below:

DIVISION 4. PARKING CITATIONS BY MAIL

Section 82.197. General Provisions.

(a) This Division only applies to designated City of San Marcos paid parking lots and citations issued for non-payment of parking fees within the paid parking lots.

(b) The City of San Marcos may utilize an automated system that will monitor the duration of a vehicle's stay within a paid parking lot. If an individual fails or refuses to pay the required parking fee to park a motor vehicle in the parking lot, then the automated system will note the violation.

(c) All violations identified by the automated system for non-payment of parking fees shall be reviewed by an employee of the City of San Marcos.

(d) Upon review and verification by a City employee of a non-payment parking violation, the automated system will prepare a citation and letter to the registered owner of the motor vehicle. Parking citations shall be issued by mailing them via first class mail to the registered owners thereof for illegally stopped or parked vehicles.

(e) The registered owner of the motor vehicle shall have 30 days to

address the citation in the manner prescribed in Division 1 of this Article. Failure to answer the citation or appear within 30 days is considered an admission of liability.

(f) Unless otherwise specified in this Division, all other provisions of Division 1 apply to this Division for purposes of enforcement and appeal.

Section 82.198. Paid Parking Lots.

(a) The following matrix provides for the lot location and times when parking is restricted to paid parking:

<u>Parking lot</u>	<u>Restricted parking times</u>
City Park	6:00am – 11:00pm

(b) The City shall post signs in a conspicuous location at the entrance of each paid parking lot to indicate the required fees to park.

(c) The required parking fees shall be established by the city council from time to time in conjunction with the city council's approval, at least every three years, on the schedule of other city fees.

(d) Overnight parking is prohibited.

(e) In order to receive the resident benefit under subsection (c)(1), the resident shall register with the City and provide proof of address verifiable through one of the following:

- (1) Valid driver's license.
- (2) Current San Marcos Utilities statement with photo identification.
- (3) Other current utility statement with photo identification.
- (4) Rental or Housing contract with photo identification.
- (5) Enhanced Library Card provided by the San Marcos Public Library.

Section 82.199. Sunset Provision.

This Division will expire on April 30, 2028, unless otherwise renewed by the city council.

SECTION 3. The City of San Marcos Schedule of City Fees is hereby amended to include the following fees for the City's Paid Parking Lot(s):

- (1) City of San Marcos Residents – free.
- (2) First 30 minutes – free.
- (3) 30 minutes to one hour – \$5.00.
- (4) One hour to two hours – \$10.00.

- (5) More than three hours or all day – \$15.00.
- (6) Holiday (Memorial Day Weekend and Memorial Day, Independence Day, Labor Day Weekend and Labor Day) – \$25.00 flat fee.
- (7) Special Event (Texas State University events) – \$25.00 flat fee.

SECTION 4. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 5. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 6. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 7. After its passage, approval and adoption on second reading, this ordinance shall be effective on April 1, 2025.

PASSED AND APPROVED on first reading on November 19, 2024

PASSED, APPROVED AND ADOPTED on second reading on December 3, 2024.

Jane Hughson
Mayor

Attest:

Approved:

Elizabeth Trevino
City Clerk

Samuel J. Aguirre
City Attorney