



Legislation Details (With Text)

File #: Ord. 2023-45 **Version:** 1 **Name:**
Type: Ordinance **Status:** Individual Consideration
File created: 5/9/2023 **In control:** City Council
On agenda: 6/6/2023 **Final action:**
Title: Consider approval of Ordinance 2023-45, on the first of two readings, amending Chapter 82, Article 4, Stopping, Standing, Parking, Division 1, of the San Marcos City Code by modifying the requirements and fees for, and remedies related to, the City's immobilization of vehicles illegally parked on public rights-of-way or city property; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Presentation Booting Ordinance.pdf, 2. Ordinance, 3. Redline Ordinance, 4. revisedbooting clean copy

Date	Ver.	Action By	Action	Result
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AGENDA CAPTION:

Consider approval of Ordinance 2023-45, on the first of two readings, amending Chapter 82, Article 4, Stopping, Standing, Parking, Division 1, of the San Marcos City Code by modifying the requirements and fees for, and remedies related to, the City's immobilization of vehicles illegally parked on public rights-of-way or city property; providing a savings clause; providing for the repeal of any conflicting provisions; and providing an effective date.

Meeting date: June 6, 2023

Department: City Marshal, Jade Huffman

Amount & Source of Funding

Funds Required: N/A

Account Number: N/A

Funds Available: N/A

Account Name: N/A

Fiscal Note:

Prior Council Action: N/A

City Council Strategic Initiative: [Please select from the dropdown menu below]

Public Safety, Core Services & Fiscal Excellence

Choose an item.

Choose an item.

Comprehensive Plan Element (s): [Please select the Plan element(s) and Goal # from dropdown menu below]

- ☐ Economic Development - Choose an item.
- ☐ Environment & Resource Protection - Choose an item.
- ☐ Land Use - Choose an item.
- ☐ Neighborhoods & Housing - Choose an item.
- ☐ Parks, Public Spaces & Facilities - Choose an item.
- ☒ Transportation - Choose an item.
- ☐ Core Services
- ☐ Not Applicable

Master Plan: [Please select the corresponding Master Plan from the dropdown menu below (if applicable)]

Choose an item.

Background Information:

Staff has recommended a change in our parking ordinances which would streamline the process used to install immobilizing devices, also known as boots, on vehicles for unpaid parking citations. The process currently described in our ordinances is much more complicated and restrictive than allowed by law. The parking advisory board has expressed support for these ordinance changes in the form of a recommendation resolution considered by Council during the May 2 meeting. At that meeting, Council directed staff to bring back these ordinance changes for consideration.

The updates to the booting ordinance will allow staff to install a boot on a vehicle when the vehicle has been issued 3 or more parking citations that have each gone beyond 15 days past due. The owner of the vehicle will have 10 days to appeal the installation of the boot with municipal court. If they do not do that, staff may install a boot without obtaining a court order. Another key change is that it will allow staff to deliver this notice of a potential booting device by affixing it to the vehicle rather than using certified mail, a process we have found to be less than reliable.

Council Committee, Board/Commission Action:

The Parking Advisory Board has expressed support for these changes.

Alternatives:

N/A

Recommendation:

Staff recommends approval of these ordinance updates.