

## Chapter 34 - TRAFFIC<sup>11</sup>

### Footnotes:

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**Cross reference**— Ambulances, Ch. 5; driving on sand dunes, § 8-4; bicycles, Ch. 9; illegal parking of vehicles on wharves, § 16-4; litter from vehicles, § 20-8; abandoned and junked vehicles, § 23-24 et seq.; automobiles in parks, § 26-8; streets, sidewalks and public places, Ch. 32; parade permit, § 32-7; vehicles for hire, Ch. 35; wreckers, Ch. 37.

**State Law reference**— Power of city to regulate traffic, V.T.C.A., Transportation Code § 542.202.

### ARTICLE I. - IN GENERAL

#### Sec. 34-1. - Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

*Alley*: A public way, the principal purpose which is to provide access to the rear of private property.

*Central business district*: All streets and portions of streets within the area described as follows:

All that area bounded by and including the following streets: Broadway (Avenue J) on the south, Water Street (Avenue A) on the north, 19th Street on the east, and 26th Street on the west.

*Curb loading zone*: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials; which space shall be marked by painting the curb yellow and by the posting of appropriate signs.

*Director of traffic*: City engineer, or other person designated by the city engineer, or as designated by the city manager.

*Driver*: The person driving and having physical control over the golf cart.

*Electronic message*: A self-contained piece of digital communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, a text-based communication, a command or request to access an internet site, or other data that uses a commonly recognized electronic communications protocol.

*Golf cart*: Shall have the meaning assigned by V.T.C.A., Transportation Code § 502.001(7), as amended, and means a motor vehicle—commonly referred to as a golf cart, which must have a minimum of four (4) wheels and has an attainable top speed not greater than twenty-five (25) miles per hour on a paved level surface and which is manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as all-terrain vehicles ("ATVs"), off-road vehicles, four-wheelers, Mules, Gators- and esign-altered golf carts which have been altered to allow them to travel at a speed greater than twenty-five (25) miles per hour.

*Golf cart registration permit*: Shall mean a privilege granted, upon compliance with the terms of this chapter, to legally operate a golf cart upon a public street or roadway within the corporate boundaries of the city during the year when granted.

*Golf cart registration permit decal*: Shall mean a certificate for attachment to a golf cart carrying a serial number corresponding to the number of the golf cart license for such golf cart and showing the month and calendar year the license shall expire.

*Golf cart registration permit fee*: Shall mean an administrative charge imposed as specified in this chapter for the granting of a golf cart registration permit and the issuance of a golf cart registration permit decal.

*Owner* means the person holding title to the golf cart and the person required to register the golf cart with the city.

*Park or parking:* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 20E.

*Parking area* means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

*Stop or stopping:* When required, means complete cessation from movement. When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

*Street* means a public roadway of the city by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- (1) Has a posted speed limit of thirty-five (35) miles per hour or less;
- (2) Provides for no more than two (2) lanes of vehicular traffic per direction; or
- (3) Is not designated as part of either the state or federal highway system.

*Wireless communication device:* A device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332, as amended.

(Code 1960, Ch. 21 App., §§ 2, 4—7; Ord. No. 99-78 § 2, 9-9-99; Ord. No. 10-004, § 2, 1-14-10; Ord. No. 10-028, § 2, 3-11-10)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, §§ 20G, 20H.

Sec. 34-2. - Use of coasters, roller skates and similar devices.

No person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply to any streets while set aside as a play street.

(Code 1960, Ch. 21 App., § 16)

Sec. 34-3. - Authorized emergency vehicles.

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
  - (1) Park or stand, irrespective of the provisions of this ordinance;
  - (2) Proceed past a red stop signal or stop sign, but only after slowing down or stopping as may be necessary for safe operation, subject to the limitations set forth in subsection (e) hereof;
  - (3) Exceed the maximum speed limits so long as he does not endanger life or property, subject to the limitations set forth in subsection (e) hereof;

- (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.
- (e) Irrespective of any other provisions of this chapter, it shall be unlawful for the operator of any ambulance to violate any city, county or state law while engaged in the emergency operation of any ambulance. No preferential treatment with reference to speed or ignoring traffic control devices shall be afforded any ambulance driver except that when responding to an emergency call, the driver of an ambulance may proceed through any intersection in violation of any red light or stop sign after first slowing down or stopping and clearing said intersection by making sure that all adverse traffic has stopped.

(Code 1960, Ch. 21, App., § 17)

**State Law reference**— Operation of vehicles on approach of authorized emergency vehicles, Vernon's Ann. Civ. St. art. 6701d, § 75.

Sec. 34-4. - Funeral processions.

All funeral processions shall be accompanied by a uniformed police escort provided by a person or persons licensed to perform escort service within this city. All such escort service shall be provided in conformance with rules and regulations adopted by the chief of police and approved by the director of traffic and traffic commission.

(Code 1960, Ch. 21 App., § 11)

**State Law reference**— Power of city to regulate processions, Vernon's Ann. Civ. St. art. 6701d, § 27(a)3.

Sec. 34-5. - Attempted escape from peace officer.

- (a) Any person who, while driving, operating or propelling, or by use of a motor vehicle attempts, tries or endeavors to escape from, flee from or evade any peace officer, driving, operating or propelling a motor vehicle shall be guilty of a misdemeanor.
- (b) On the display by a motor vehicle of a flashing red light or by sounding of a siren, or any combination thereof, all persons driving, operating and propelling a motor vehicle shall immediately drive and propel said vehicle parallel and adjacent to the nearest side of the road, street or highway.

(Code 1960, Ch. 21 App., § 119)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 186.

Sec. 34-6. - Intersection visibility.

- (a) It shall be unlawful for any person to install or maintain any sign, hedge, fence, shrubbery or other obstruction to the view of a driver higher than thirty (30) inches above the level of the center of the adjacent roadway within the public right-of-way and within twenty (20) feet of the intersection of the curb line or the edge of the roadway of the intersection of two (2) or more public streets or of any intersection of a public street and a private roadway normally open to public traffic. Trees are subject to chapter 32.
- (b) The provisions of this section shall not apply to any public utility pole, nor to supporting members of appurtenances to permanent buildings existing on January 8, 1976.
- (c) No tree or plant shall be allowed to grow over and above the public right-of-way at any location when the foliage from such tree or plant:
  - (1) Obstructs the view of any driver to any conflicting traffic approaching on any intersecting street;
  - (2) Obstructs the view of any driver to any traffic control device;
  - (3) Obstructs any sidewalk or sidewalk area from the free passage of any pedestrian;
  - (4) Overhangs any street or alley by a height of less than fifteen (15) feet above the street or alley elevation.
- (d) It shall be the responsibility of the owner of the property adjacent to or abutting any such intersection to remove any obstruction from the public right-of-way within ten (10) calendar days following receipt of notice from the city manager or designee. Such notice shall be prepared by the director of traffic, and delivered by registered or certified mail to the owner of record of the property.

A person served with a notice pursuant to the provisions of this section shall have ten (10) days within which to request the city manager to hold a hearing to determine whether an obstruction does exist and whether the person served with the notice is responsible for its abatement. Such hearing shall be conducted in a manner that affords the person served with the notice due process.

It shall be unlawful for any person to fail to abate the obstruction within the time limits prescribed in the notice if such person did not request a hearing before the city manager within ten (10) days of the service of the notice.

- (e) If the property owner fails to remove the obstruction as required by this section, the city may proceed to abate the obstruction and shall prepare a statement of costs incurred in the abatement. Where the unabated obstruction is a tree that overhangs a street or alley by a height of less than fifteen (15) feet, the city may abate the obstruction by cutting the branches back to a height of eighteen (18) feet.

The expense incurred by the city in abating the obstruction may be assessed on the real estate or lot or premises upon which such expense incurred, or upon the abutting premises, lot or real estate. On filing a statement signed by the city manager or designee with the county clerk, the city shall have a privileged lien against said real estate, lot or premises, second only to tax liens and liens for street improvements. The lien shall secure the expenditures so made and include ten (10) percent compound interest compounded quarterly on the amount of expenditures from the date of the lien until paid. For any such expenditures and interest, the city may institute a lawsuit and foreclosure in the city's name. The statement filed by the city with the county clerk, or a certified copy of such statement, shall be prima facie proof of the amount expended.

On filing a statement signed by the city manager or designee, with the county clerk the city shall have a privileged lien against said real estate, lot or premises, second only to tax liens and liens for street improvements. The lien shall secure the expenditures so made and include ten (10) percent compound interest compounded quarterly, on the amount of expenditures from the date of the lien until paid. For any such expenditures, and interest the city may institute a lawsuit and foreclosure in the city's name. The statement filed by the city with the county clerk, or a certified copy of such statement, shall be prima facie proof of the amount expended.

- (f) In the event the traffic engineer determines that the obstruction presents an imminent threat to the travelling public, the city may abate the obstruction without providing notice to the property owner.

Within ten (10) business days of abating the obstruction, the city shall send, by certified mail, a statement of the costs to the adjacent property owner. A person receiving such notice shall have ten (10) business days within which to reimburse the city the assessed costs or make suitable arrangements for paying the costs, or to request the city manager hold a hearing. In the event the property owner fails to reimburse the city its costs, or fails to make suitable arrangements for paying the costs, and does not request a hearing within the time prescribed, the city shall place a lien for such costs upon the premises upon which the expenses were incurred or upon the abutting premises.

If the person requests a hearing, the city manager shall conduct a hearing and determine the following: (i) whether an obstruction existed, (ii) whether the obstruction presented an imminent threat to the travelling public, and (iii) whether the person served with the notice is responsible for the abatement. Such hearing shall be conducted in a manner that affords the person served with the notice due process. After conducting the hearing, if the city manager determines that the person who has been served notice is responsible for the costs of abatement, the person shall have ten (10) business days from the date of the city manager's determination in which to pay the assessed costs or to make arrangements for reimbursement to the city. In the event the property owner fails to reimburse the city its costs, the city shall place a lien for such costs upon the premises upon which the expenses were incurred or upon the abutting premises.

On filing a statement signed by the city manager or designee, with the county clerk the city shall have a privileged lien against said real estate, lot or premises, second only to tax liens and liens for street improvements. The lien shall secure the expenditures so made and include ten (10) percent compound interest compounded quarterly, on the amount of expenditures from the date of the lien until paid. For any such expenditures, and interest, the city may institute a lawsuit and foreclosure in the city's name. The statement filed by the city with the county clerk, or a certified copy of such statement, shall be prima facie proof of the amount expended.

(Code 1960, Ch. 21, App., § 53; Ord. 95-28, §§ 2, 4, 4-13-95; Ord. No. 99-39, § 2, 4-22-99; Ord. No. 99-79, § 2, 9-22-99; Ord. No. 00-033, §§ 2, 3, 4-13-00; Ord. No. 09-066, § 3, 11-5-09)

Sec. 34-7. - Construction barricades.

Where any portion of the streets is to be occupied or used for construction purposes, all requirements of chapter 32, article IV relating to construction barricades must be followed.

(Ord. No. 8-22, § 1, 3-19-81)

**Editor's note**— Ord. No. 81-22, § 4, adopted March 19, 1981, amended 1960 Code, Ch. 21 App. § 54, which pertained to construction barricades and was formerly codified as § 34-7 hereof. Section 1 of Ord. No. 81-22 amended 1960 Code § 19-18, formerly codified in § 32-10. At the editor's discretion, said § 1, also concerning construction barricades, has been included as a new § 34-7. Section 4 of Ord. No. 81-22 can be found in Ch. 32, Art. IV.

Sec. 34-8. - Reserved.

**Editor's note**— Ord. No. 03-041, § 2, adopted April 24, 2003, repealed § 34-8 in its entirety, which pertained to the traffic commission and derived from the Code of 1960, Ch. 21 App., § 14, Ord. No. 84-122, § 20, adopted December 13, 1984, and Ord. No. 88-23, § 19, adopted March 24, 1988.

Sec. 34-9. - Director of traffic generally.

- (a) The office of director of traffic is hereby established.
- (b) It shall be the general duty of the director of traffic to determine the installation and proper timing and maintenance of traffic control devices, to conduct analysis of traffic accidents, to conduct investigations of traffic conditions, to plan the operation of traffic on the streets and highways of this city, and to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of this city.

(Code 1960, Ch. 21 App., § 12)

Sec. 34-10. - Emergency and experimental regulations.

- (a) The director of traffic, subject to approval of the traffic commission, may test traffic control devices under actual conditions of traffic.
- (b) The chief of police by, and with the approval of the director of traffic, is hereby empowered to enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(Code 1960, Ch. 21 App., § 13)

Sec. 34-11. - Regulation of speed by traffic signals.

The director of traffic is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and may erect appropriate signs giving notice.

(Code 1960, Ch. 21 App., § 31)

Sec. 34-12. - Authority to place restricted turn signs.

The director of traffic, subject to approval of the traffic commission, is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(Code 1960, Ch. 21 App., § 34)

**State Law reference**— Power of city to regulate turns, Vernon's Ann. Civ. St. art. 6701d, § 27(a)8.

Sec. 34-13. - Authority to sign one-way streets and alleys.

Whenever any ordinance of this city designates any one-way street or alley, the director of traffic shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Code 1960, Ch. 21 App., § 37)

**State Law reference**— Power of city to designate one-way streets, Vernon's Ann. Civ. St. art. 6701d, § 27(a)4.

Sec. 34-14. - Intersections where stop or yield required.

The director of traffic is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine:

- (a) Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or
- (b) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(Code 1960, Ch. 21 App., § 41)

**State Law reference**— Power of city to designate stop or yield intersections, Vernon's Ann. Civ. St. art. 6701d, § 27(a)6.

Sec. 34-15. - Closing streets to traffic.

The director of traffic, with the approval of the traffic commission, is hereby authorized to determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles or other nonmotorized traffic and shall erect appropriate signs giving notice thereof. When signs are so erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code 1960, Ch. 21 App., § 104; Ord. No. 80-31, § 1, 4-30-80; Ord. No. 81-61, § 1, 7-30-81)

Sec. 34-16. - Authority of police and fire officials.

- (a) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws provided that, in the event of a fire or other emergency, or to expedite traffic, or to safeguard pedestrians, officers of the police department may direct traffic as conditions may warrant, notwithstanding the provisions of the traffic laws.
- (b) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1960, Ch. 21 App., § 15)

**State Law reference**— Obedience to police officers required, Vernon's Ann. Civ. St. art. 6701d, § 23.

Sec. 34-17. - Crosswalks and safety zones.

The director of traffic is hereby authorized and directed:

- (a) To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

- (b) To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(Code 1960, Ch. 21 App., § 26)

**State Law reference**— Safety zones, Vernon's Ann. Civ. St. art. 6701d, §§ 16, 85.

Sec. 34-18. - Traffic accident studies.

Whenever the accidents at any particular location become numerous, the police department shall cooperate with the director of traffic in conducting studies of such accidents and determining remedial measures.

(Code 1960, Ch. 21 App., § 8)

Sec. 34-19. - Traffic accident reports.

The police department shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the director of traffic.

(Code 1960, Ch. 21 App., § 9)

Sec. 34-20. - Police department to submit annual traffic safety report.

The police department shall annually prepare a traffic report which shall be filed with the city manager and the traffic commission. Such report shall contain information on traffic matters in this city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- (3) The plans and recommendations of the department for future traffic safety activities.

(Code 1960, Ch. 21 App., § 10)

Sec. 34-21. - Removal and impoundment of vehicles.

Any police officer is hereby authorized to remove or cause to be removed to any wrecker storage facility or other impounding area, any vehicle which under the circumstances and in the opinion of the officer is an abandoned or junked vehicle, or is in violation of the parking regulations of this city, or which poses a safety hazard or obstruction to traffic, or is otherwise found to be in violation of any provision of this Code or other law of the State of Texas.

(Code 1960, Ch. 21 App., § 118; Ord. No. 84-4, § 1, 1-26-84)

Sec. 34-22. - No conflicts with state law.

If there is any conflict between any provision in this chapter and the laws of the state, the laws of the state shall prevail.



(Code 1960, Ch. 21 App., § 120)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 94.

Sec. 34-23. - Specialty signs.

Specialty signs are defined as signs which benefit an organization or individual. Upon approval by the city manager, the traffic division will fabricate specialty signs. The organization or individual requesting the specialty sign shall pay a minimum of one hundred sixty dollars (\$160.00) to the city for time, labor and material. Such payment shall be made to the city before the city fabricates the specialty sign.

(Ord. No. 96-29, § 2, 3-14-96)

Sec. 34-24. - Closure of public streets to through vehicular traffic.

(a) *Application for petition for the closure of public streets.*

- (1) The applicant must obtain from the city traffic engineer an application for petition for the closure of public street to through traffic.
- (2) The application must be approved and signed by a minimum of sixty (60) percent of property owners whose property immediately abuts the designated street and/or an intersecting street and lies in whole or in part within a two hundred-foot radius of the requested street closure.
- (3) The application must include a site plan indicating the location of the street closure.
- (4) The application must include a nonrefundable fee, determined as follows:

Number of Properties at the Requested Location	Permit Fee
100 or less	\$300.00
101 to 200	400.00
Over 200	500.00

- (5) The applicant shall submit all documents and the required fee to the city traffic engineer.

(b) *Review of application.*

- (1) Upon receiving the completed application as set forth in (a)(1) above, the city traffic engineer will determine if the proposed street closure meets the following requirements.
  - a. The properties fronting or having access to the proposed street closure are predominately residential.

- b. The street closure will preserve and protect the neighborhood and enhance the quality of the area for the residents.
  - c. The street closure will result in an improvement of overall traffic safety and reduce the amount, or more efficiently manage, the flow of traffic traveling through the neighborhood.
  - d. The street closure will not deny any owner of property direct vehicular access to at least one abutting public street.
  - e. The street closure is not a part of city thoroughfare plan and will not have a significant negative effect upon the general mobility of the public.
  - f. The street closure will not significantly delay or prohibit service vehicular ingress or egress from the neighborhood, nor will the street closure prohibit pedestrian traffic or vehicular access to any utilities in the neighborhood.
  - g. If the street closure will result in a dead-end roadway greater than one hundred fifty (150) feet in length, a turnaround area approved by the traffic engineer is required.
  - h. If the street closure will result in a dead-end roadway one hundred fifty (150) feet or less in length, then a turnaround area is not required.
- (2) If the traffic engineer determines that the proposed street closure does not meet one (1) or more of the above requirements, the traffic engineer shall notify the applicant in writing of the reason of ineligibility. If applicant wishes to pursue the street closure, the traffic engineer shall continue the application process.
- (3) The traffic engineer shall:
- a. Submit the application to city departments, including the police department, the fire department, the city legal department, and the city emergency medical service, island transit, other city departments as determined by the traffic engineer, and other entities including utility companies, for comments and approval. The traffic engineer shall conduct the necessary transportation engineering studies, and solicit comments and recommendations from affected departments and agencies;
  - b. Send a "mail-back ballot" to private property owners within two hundred (200) feet of the primary affected area. The ballot shall ask the property owners to indicate their support or opposition to the proposed street closure, and shall advise the property owner of scheduled public meetings; and
  - c. Schedule a meeting between the applicant and city staff to discuss traffic control devices and construction required for the closure of the street;
  - d. Upon completion and receipt of the above, the traffic engineer shall present the application to the traffic commission.
- (4) Traffic commission. Upon receiving the application and relevant documents, the traffic commission shall conduct a public meeting, and vote to approve or deny the application. The traffic engineer shall forward the traffic commission's recommendations to the city council for a public hearing and action.
- (c) *Approval and implementation of street closure.*
- (1) Before approving or denying the application, city council shall conduct a public hearing. If the street closure is approved by city council, the director of public works and the city traffic engineer shall determine and approve the installation of traffic control devices, the necessity of a turnaround area, turn and the construction to be completed by the applicant for the street closure.
  - (2) If city council approves the street closure, the applicant shall submit to the city traffic engineer a private development contract between the city, the applicant and the applicant's contractor. The contract shall identify the construction, including traffic signs, to be performed by the applicant's contractor.

The applicant is responsible for all costs associated with the street closure and for providing additional property for a turnaround, if required.

(Ord. No. 97-6, § 2, 1-23-97)

**Editor's note**— Ord. No. 97-6, § 2, adopted January 23, 1997, amended the Code by adding a new section to be numbered 34-50. In order to keep related materials together, the editor has redesignated said provisions as § 34-24.

Secs. 34-25—34-35. - Reserved.

**Editor's note**— Ord. No. 06-039, § 2, adopted April 27, 2006, repealed § 34-25 in its entirety, which pertained to re-entry decals and derived from Ord. No. 98-21, § 2, adopted April 9, 1998.

## ARTICLE II. - TRAFFIC CONTROL DEVICES<sup>21</sup>

Footnotes:

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**State Law reference**— Traffic signs, signals, etc., generally, V.T.C.A., Transportation Code § 544.01 et seq.

Sec. 34-36. - Authority to install.

The director of traffic shall place and maintain traffic control signs, signals and devices when and as required under the traffic ordinances of this city to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under the traffic ordinances of this city or under state law, or to guide or warn traffic.

(Code 1960, Ch. 21 App., § 18)

**State Law reference**— Local traffic control devices authorized, V.T.C.A., Transportation Code § 544.02.

Sec. 34-37. - Manual and specifications for traffic control devices.

All traffic control signs, signals and devices shall conform to the "Manual on Uniform Traffic Control Devices (MUTCD)." All installation, repairs, and construction of traffic control signs, signals and devices shall conform to standards approved by the Texas Transportation Commission. All signs and signals required for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic control devices, provided that all traffic control signs, signals and devices in place upon the streets of this city before April 15, 1971, shall be considered official traffic control devices for the purposes of this chapter.

(Code 1960, Ch. 21 App., § 19; Ord. No. 98-105, § 2, 10-22-98)

**State Law reference**— Compliance with manual required, V.T.C.A., Transportation Code § 544.02.

Sec. 34-38. - Obedience to official traffic control devices.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto, placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer or fireman at the scene of a fire subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(Code 1960, Ch. 21 App., § 20)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 32.

Sec. 34-39. - Obedience to no turn signs.

Whenever authorized signs are erected indicating that no right, left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Code 1960, Ch. 21 App., § 35)

Sec. 34-40. - Official traffic control devices required for enforcement purposes.

No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator, if, at the time and place of the alleged violation, an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such sections shall be effective even though no devices are erected or in place.

(Code 1960, Ch. 21 App., § 21)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d, § 32.

Sec. 34-41. - Presumption of legality.

- (a) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (b) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

(Code 1960, Ch. 21 App., § 22)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d-3.

Sec. 34-42. - Speed humps—Installation, removal, and placement of warning signs.

There is hereby adopted by the city council the "Public Works and Engineering Department Speed Hump Program Policies and Procedures", which is hereby incorporated as "Attachment A" of Ord. No. 02-

063 [on file at the city clerk's office], for the purpose of prescribing regulations governing the installation of speed humps as a traffic control device within the city. Also included with said policy is the "Public Works & Engineering Department Speed Hump Program—Removal" and the "Placement of Speed Hump Warning Signs Policy" which documents are hereby adopted, the contents and provisions being incorporated herein by reference, and same being available in the respective offices of the city secretary and the department of public works and engineering.

The director of public works or the director's designated representative is hereby authorized to implement the speed hump program according to the speed hump program policies and procedures document. Applicants must complete and submit the speed hump program request form to the department of public works. All requests for installation or removal shall be reviewed and approved solely by the department of public works director or designated representative. All requests for installation or removal of speed humps must meet all eligibility requirements. If a street is determined not to be eligible for the installation or removal of speed humps, the applicant will be notified in writing of the reason for ineligibility. The applicant will not be able to reapply to the speed hump program for the following two years unless there is considerable change in traffic conditions, as determined by the department of public works.

The department of public works decision may be appealed in writing to the city manager within ten (10) days after the applicant is notified of the reason for ineligibility. The city manager will review the application in accordance with the speed hump program policies and procedures eligibility requirements and shall respond to the applicant within thirty (30) days of the appeal request. The city manager's decision shall be final.

The director of public works may also require the placement of speed humps at any location where he finds that the health, safety, and welfare of citizens would be best protected by their placement, while not unnecessarily impeding the flow of traffic.

An annual budget shall be established for construction of approved projects. Projects will be scheduled for construction by priority ranking as funding permits within the established budget. The costs for speed hump installation, including humps, signs, pavement markings, and special features, may be shared between the city and the residents according to the department's cost share criteria. The city manager may evaluate the eligibility of community development block grant funds for a particular project. Approved projects that do not receive funding in the current year, will be automatically considered for an additional two (2) years. All projects will be re-prioritized by ranking on a biannual basis.

The process for speed hump removal requested by the residents is the same as the process for installation, except there will be no city participation in the cost incurred. In order for a request to qualify, the speed hump segment must correspond with the installation segment and the speed humps must have been in place for at least one (1) year.

(Ord. No. 02-063, § 2, 7-11-02; Ord. No. 06-027, § 2, 3-23-06)

**Editor's note**— Ord. No. 02-063, § 2, adopted July 11, 2002, repealed and reenacted § 34-42 in its entirety to read as herein set out. Formerly, § 34-42 pertained to the installation of bumps and humps as traffic control devices and derived from Ord. No. 94-23, § 2, adopted April 14, 1994.

Sec. 34-43. - Possession, removal, destruction, defacing of traffic control devices.

It shall be unlawful for any person to possess, remove, destroy, mark, or deface in any way or manner any city-owned traffic control devices, including, but not limited to, traffic control signs, signals, street signs, barrels, barricades, or other traffic control devices.

(Ord. No. 95-21, § 2, 3-9-95)

Secs. 34-44—34-55. - Reserved.

### ARTICLE III. - VEHICLE OPERATION

#### Sec. 34-56. - State speed laws applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all the streets within this city, except as this chapter declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in specified areas, in which event it shall be unlawful for any person to drive a vehicle at a speed in excess of any speed so declared in this ordinance when signs are in place giving notice thereof.

(Code 1960, Ch. 21 App., § 28)

**State Law reference**— Speed generally, Vernon's Ann. Civ. St. art. 6701d, § 166 et seq.

#### Sec. 34-57. - Speed limit on flooded streets.

Notwithstanding any other provision to the contrary, or seemingly to the contrary, contained in this Code, it shall be unlawful for any person to drive or operate any motor vehicle, of whatever kind or nature, at a speed in excess of five (5) miles per hour upon any street or highway in the city while and during such time as such street or highway remains in a condition flooded with four (4) or more inches of water. At all other times such speed limits shall be as otherwise provided in this Code.

(Code 1960, Ch. 21 App., § 28.1)

#### Sec. 34-58. - Increasing state speed limits in certain zones.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law upon the following streets, is less than is reasonably necessary for safe operation of vehicles thereon by reason of the designation and sign posting of said streets as though [through] highways or by reason of widely spaced intersections, and the maximum speed limit on such streets shall be as set forth below:

(a) *Speed limit 35 miles per hour:*

- (1) Broadway (U.S. 75) from 59th Street to Seawall Boulevard.
- (2) Ferry Road (S.H. 87).
- (3) Seawall Boulevard from Ferry Road to 61st Street.
- (4) 51st Street from Broadway to the north end of the Pelican Island Causeway.
- (5) Teichman Road (F.M. 188) from I.H. 45 south a distance of 0.48 miles.
- (6) Stewart Road from 61st Street to 85th Street.
- (7) Jones Drive from 69th Street to Stewart Road.
- (8) Harborside Drive from five hundred seventy (570) feet west of 33rd Street to two hundred forty-two (242) feet east of 12th Street.

(b) *Speed limit 40 miles per hour:*

- (1) 61st Street (Butterowe Boulevard) from I.H. 45 to Seawall Boulevard.

(c) *Speed limit 45 miles per hour:*

- (1) I.H. 45 Frontage Roads from the south end of the Galveston Causeway Bridge to the centerline of 59th Street, a distance of approximately 2.761 miles.

(Code 1960, Ch. 20, App., § 29, Sch. 1; Ord. No. 83-115, § 1, 11-3-83; Ord. No. 84-30, §§ 2, 3, 4-26-84; Ord. No. 87-68, § 1, 12-10-87; Ord. No. 02-007, § 3, 1-24-02; Ord. No. 03-027, § 2, 3-27-03; Ord. No. 09-050, § 2, 8-27-09; [Ord. No. 17-050, § 2, 7-27-17](#).)

**State Law reference**— Power of city to alter speed limits, Vernon's Ann. Civ. St. art. 5601d, § 169.

Sec. 34-59. - Decrease of state law maximum speed.

It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by state law outside of business and residence districts as applicable upon the following streets, is greater than is reasonable or safe under the conditions found to exist upon such streets, and the maximum speed shall be as set forth below:

(a) *Speed limit 20 miles per hour:*

- (1) All streets within the Cohen Subdivision (situated within the city limits of the city south of IH 45 between 61st Street and 64th Street and contains the following named roadways: 62nd Street (between IH 45 Feeder Road and Avenue L), 63rd Street (between IH 45 Feeder Road and Avenue L), 64th Street (between IH 45 Feeder Road and Avenue L) and Avenue L between 64th Street and 61st Street).
- (2) Pine Street.
- (3) Sycamore Drive.
- (4) Yucca Drive.
- (5) Poplar Drive.
- (6) Youpon Drive.
- (7) Elm Lane.
- (8) Cedar Street.
- (9) Cypress Drive.
- (10) Oak Street.
- (11) Neumann Drive.
- (12) Reserved.
- (13) Reserved.
- (14) Harbor View Drive.
- (15) Harbor View Circle.
- (16) Marine Drive.
- (17) Marine Street.
- (18) Carol Lane.
- (19) Barracuda Avenue.
- (20) Dolphin Avenue.
- (21) Bonita Avenue.
- (22) Albacore Avenue.
- (23) Marlin Avenue.

- (24) Pompano Avenue.
- (25) Tarpon Avenue.
- (26) Whiting Avenue.
- (27) Trout Avenue.
- (28) Bayou Shore Drive.
- (29) 103rd Street.
- (30) Dominique Drive from Beluche Drive to 81st Street.
- (31) Reserved.
- (32) Gerol Drive.
- (33) Legas Drive.
- (34) LeBrun Drive.
- (35) 80th Street between Stewart Road and Beluche Drive.
- (36) Reserved.
- (37) South Shore Drive.
- (38) Dominique between Beluche and Stewart Road.
- (39) Oleander Drive.
- (40) Lakefront Drive.
- (41) John Reynolds Road.
- (42) Reserved.
- (43) Bermuda Drive.
- (44) Rachel Road.
- (45) Jane Road.
- (46) Pabst Road from Termini Road to the Gulf of Mexico.
- (47) 77th Street from Stewart Road to Beluche Drive.
- (48) Backbay Drive.
- (49) Backbay Circle East.
- (50) Backbay Circle West.
- (51) Colony Park Drive.
- (52) Colony Park Circle.
- (53) Dansby Drive.
- (54) Park Lane.
- (55) Wimcrest Drive.
- (56) All streets in Bay Harbor Subdivision.
- (57) Lakeview Drive.
- (58) Legas Drive.
- (59) Lebrun Circle.
- (60) On South Drive between Stewart Road and Pine Street.



- (61) Avenue L from 61st Street to 64th Street.
- (62) Miramar Street.
- (63) Camino Street.
- (64) Fresca Street.
- (65) Buena Street.
- (66) Terramar Drive.
- (67) Obra Street.
- (68) Viola Street.
- (69) Lunes Street.
- (70) Martes Street.
- (71) Chiquita Street.
- (72) Laguna Street.
- (73) Cedar Lawn Circle.
- (74) Newman Street.
- (75) Biovu Street.
- (76) All streets in the Sea Isle Subdivision.
- (77) Channelview Drive.
- (78) Pruitt Drive.
- (79) Cloud Lane between Travel Air Road and 103rd Street.
- (80) 69th Street between Heards Lane and Avenue O.
- (81) Avenue M-1/2 from 33rd Street to 35th Street.
- (82) Bayou Homes Drive.
- (83) Bayou Front Drive.
- (84) 71st Street between Heards Lane and Jones Drive.
- (85) Grover Street between Heards Lane and Stewart Road.
- (86) All streets in Section 6 of the Pirates Cove Subdivision.
- (87) East Beach Drive from Lakeside Drive to Apffel Park Drive.
- (88) All of the roadways within Section One, Section Two and the East Village Section of the Beachtown Subdivision, (Seabreeze Lane, Ramsar Road, Ramsar Lane, Shiraz Lane, Beachtown Drive, Beachtown Lane, Positano Lane, Positano Road, Seaside Drive, Ocean View Drive, Sea Park Lane, East Seaside Drive, Sunrise Lane, Sunrise Road, Sunset Lane, Seaside Lane, East Beach Lane and Bay View Lane).
- (89) All streets within the Beachside Village Subdivision (situated within the city limits of the city south of FM 3005, between 8 Mile Road and Pabst Road) containing the following named roadways: Periwinkle, Sea Urchin, Sand Dollar, Grand Avenue, Wentletrap, Conch, Neptune Abalone, Nautilus, Opihi, Beachside, Seaside Circle and Sea Butterfly;
- (90) Settegast Road;
- (91) 11 Mile Road from North of Settegast Road.

(b) *Speed limit 45 miles per hour:*

- (1) Harborside Drive from I.H. Frontage Road to five hundred seventy (570) feet west of 33rd Street.
  - (2) Seawolf Parkway from Bradner to Seawolf Park.
  - (3) Bradner Street.
  - (4) Seawall Boulevard from Ferry Road easterly.
  - (5) Stewart Road from 85th Street to the westerly city limits.
  - (6) Reserved.
  - (7) 7½ Mile Road from Stewart Road to Termini Road (F.M. 3005).
  - (8) 8 Mile Road (Anderson Ways) from a point twenty-five-hundredths (0.25) mile south of Sportsman Road to Termini Road (F.M. 3005).
  - (9) 9 Mile Road from Homrighaus Road to Stewart Road.
  - (10) 10 Mile Road (Auzston Road) from Homrighaus Road to Stewart Road.
  - (11) 13 Mile Road from Stewart Road to a point twenty-five hundredths (0.25) mile north of Termini Road (F.M. 3005).
  - (12) Reserved.
  - (13) FM 3005 from a point approximately three thousand seven hundred forty nine feet west of the intersection of Park Road to the east city limits of Jamaica Beach, a distance of approximately 0.491 miles.
  - (14) FM 3005 from a point approximately 1320 feet west of the intersection of Bay Water/Jetty Drive to the west city limit of the City of Galveston, a distance of approximately 0.409 miles.
  - (15) Ferry Road to the U.S. Marine Corps Training Center, a distance of 0.884 miles.
- (c) *Speed limit 50 miles per hour:*
- (1) IH 45 Main Lane from centerline of 59th Street to the centerline of 67th Street a distance of 0.771 miles.
  - (2) FM 3005 from the intersection of 7 Mile Road to the intersection of Sunbather Lane, a distance of approximately 2.049 miles.
  - (3) FM 3005 from the intersection of 11 Mile Road to a point approximately 3749 feet west of the intersection of Park Road to the east city limit of the City of Jamaica Beach a distance of approximately 2.741 miles.
  - (4) FM 3005 from a point approximately 370 feet west of the intersection of 16 Mile Road to a point approximately 1320 feet west of the intersection of Bay Water Drive/Jetty Drive a distance of approximately 9.284 miles.
- (d) *Speed limit 35 miles per hour:*
- (1) 11 Mile Road from Stewart Road to Termini Road (F.M. 3005).
  - (2) 13 Mile Road from a point twenty-five-hundredths (0.25) mile north of Termini Road to the end of the roadway.
  - (3) 12-Mile Road from Stewart Road northerly.
  - (4) Stewart Road from a point five hundred (500) feet east of 11-Mile Road, westerly to 13-Mile Road.
  - (5) Seawolf Parkway between the Pelican Island Bridge and Bradner Street.
- (e) *Speed limit 55 miles per hour:*

- (1) FM 3005 from the intersection of Sunbather Lane to the intersection of 11 Mile Road, a distance of approximately 1.957 miles.
- (f) *Speed limit 25 miles per hour:*
  - (1) The Strand (Avenue B) from 20th Street to Rosenberg Avenue (25th Street).
- (g) *Speed limit 30 miles per hour:*
  - (1) Apffel Park Road from Seawall Boulevard to Lakeside Drive.
  - (2) 99th Street from Stewart Road to Travel Air Road.
  - (3) Harborside Drive from two hundred forty-two (242) feet east of 12th Street to SH 87 (Ferry Road).
- (h) *Speed limit 40 miles per hour:*
  - (1) Apffel Park Road from Lakeside Drive to the entrance to R.A. Apffel Park.
  - (2) FM 3005 from the Jamaica Beach west city limits to a point approximately three hundred seventy (370) feet west of 16 Mile Road, a distance of approximately 0.415 miles.
  - (3) FM 3005 from Spur 342 (61<sup>st</sup> Street) to the intersection of 7 Mile Road, a distance of approximately 3.253 miles.
- (i) *Speed limit 10 miles per hour:*
  - (1) Beluche.
  - (2) Golf Crest.
  - (3) Fairway.
- (j) *Speed limit 60 miles per hour:*
  - (1) IH 45 Main Lane from the north city limit of the city to the centerline of 67th Street, a distance of approximately 3.586 miles.
  - (2) Reserved.
- (k) *Speed limit 15 miles per hour:*
  - (1) On all beaches within the corporate limits of this city.

(Code 1960, Ch. 21 App., § 30, Sch. 2; Ord. No. 79-21, § 1, 4-5-79; Ord. No. 79-27, § 1, 4-19-79; Ord. No. 79-58, § 1, 7-19-79; Ord. No. 79-90, § 1, 12-13-79; Ord. No. 81-45, § 1, 5-7-81; Ord. No. 82-5, §§ 1, 2, 1-14-82; Ord. No. 82-18, § 1, 2-25-82; Ord. No. 83-17, § 1, 3-31-83; Ord. No. 83-58, § 1, 7-7-83; Ord. No. 83-103, § 1, 10-13-83; Ord. No. 83-115, § 2, 11-3-83; Ord. No. 84-30, § 4, 4-26-84; Ord. No. 84-90, § 1, 10-4-84; Ord. No. 85-44, § 2, 6-27-85; Ord. No. 86-28, § 1, 5-8-86; Ord. No. 86-30, § 1, 5-29-86; Ord. No. 87-33, § 1, 6-4-87; Ord. No. 87-56, §§ 1—3, 10-8-87; Ord. No. 88-24, § 1, 3-24-88; Ord. No. 89-87, § 2, 6-22-89; Ord. No. 93-93, §§ 2, 3, 9-23-93; Ord. No. 94-76, §§ 2, 3, 12-8-94; Ord. No. 96-01, §§ 2—4, 1-11-96; Ord. No. 96-60, §§ 2, 3, 6-6-96; Ord. No. 97-12, §§ 2, 3, 3-13-97; Ord. No. 97-83, § 2, 10-9-97; Ord. No. 99-18, § 2, 3-11-99; Ord. No. 99-19, § 2, 3-11-99; Ord. No. 99-42, § 2, 5-13-99; Ord. No. 00-069, § 2, 10-12-00; Ord. No. 01-007, § 2, 2-8-01; Ord. No. 02-007, §§ 2, 4, 1-24-02; Ord. No. 03-026, § 2, 3-27-03; Ord. No. 03-027, §§ 3—7, 3-27-03; Ord. No. 03-100, § 2, 10-9-03; Ord. No. 06-034, § 2, 4-13-06; Ord. No. 06-092, §§ 2, 3, 12-14-06; Ord. No. 07-060, § 2, 8-23-07; Ord. No. 09-050, §§ 3—5, 8-27-09; Ord. No. 09-061, § 2, 9-24-09; [Ord. No. 16-069, § 2, 9-22-16](#); Ord. No. [20-026](#), § 3, 3-24-20)

Sec. 34-60. - Regulation of speed in school zones.

The director of traffic is hereby authorized to designate, by appropriate signs, special school crossing zones. When such signs are erected, it shall be unlawful for any person to drive at a speed in excess of twenty (20) miles per hour within the limits of any such zone between the hours of 7:00 and 9:00 a.m. or between the hours of 2:00 and 5:00 p.m. of any day in which school classes are in session.

At Austin Middle School, Central Middle, Upward Hope Academy and Rosenberg Elementary schools, when such signs are erected, it shall be unlawful for any person to drive at a speed in excess of twenty (20) miles per hour within the limits of any such zone between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 2:00 p.m. and 5:00 p.m. of any day in which school classes are in session. At San Jacinto Elementary, Scott Elementary, Weis Middle, and Ball High schools, when such signs are erected, it shall be unlawful for any person to drive at a speed in excess of twenty (20) miles per hour within the limits of any such zone between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 2:00 p.m. and 4:30 p.m. of any day in which school classes are in session.

(Code 1960, Ch. 21 App., § 32; Ord. No. 99-82, § 2, 9-9-99; Ord. No. 07-018, § 2, 3-8-07; Ord. No. 11-011, § 2, 2-24-11; Ord. No. [18-019](#), § 2, 3-22-18)

Sec. 34-61. - Traffic lanes.

The director of traffic is hereby authorized and directed to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code 1960, Ch. 21 App., § 27)

Sec. 34-62. - Turning markers.

- (a) The director of traffic, subject to approval of the traffic commission, is authorized to place markers, buttons or signs within or adjacent to intersections, indicating the course to be traveled by vehicles turning at such intersections and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- (b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Code 1960, Ch. 21 App., § 33)

Sec. 34-63. - Limitations on turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street located in the city and specifically named in this section and shall not, upon any other street, so turn a vehicle unless such movement can be made safely and without interfering with other traffic.

Specifically, such turns shall be prohibited on the following named roadways:

Seawall Boulevard, from 6<sup>th</sup> Street to 103<sup>rd</sup> Street.

(Code 1960, Ch. 21 App., § 36; [Ord. No. 17-054, § 2, 8-24-17](#))

Sec. 34-64. - One-way streets and alleys.

Upon those streets and parts of streets and in those alleys described below, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited:

- (1) Postoffice Street, eastbound, between Moody Avenue and 9th Street.
- (2) Church Street, westbound, between University Boulevard and 26th Street.
- (3) Kempner Street, northbound, between Broadway and The Strand.
- (4) The alley between Avenue M and M 1/2, eastbound from 30th Street to 29th Street.
- (5) Reserved.
- (6) Avenue R1/2, westbound, between 28th Street and 29th Street.
- (7) Avenue Q1/2, westbound, between 37th Street and 39th Street.
- (8) Avenue M1/2, westbound, between Seawall Boulevard and 11th Street.
- (9) Avenue S1/2, westbound, between 37th Street and 39th Street.
- (10) Avenue S, westbound, between Seawall Boulevard and 31st Street.
- (11) Avenue N1/2, eastbound, between 15th Street and 16th Street between 7:00 a.m. and 8:30 a.m. and 3:00 p.m. and 4:30 p.m. on school days.
- (12) 24th Street, northbound, between Seawall Boulevard and Avenue Q.
- (13) Avenue K, westbound, between Seawall Boulevard and 8th Street.
- (14) Avenue L, westbound, between Seawall Boulevard and 9th Street.
- (15) Avenue M, westbound, between Seawall Boulevard and 10th Street.
- (16) Avenue P, westbound, between Seawall Boulevard and 19th Street.
- (17) Avenue R1/2, westbound, between Seawall Boulevard and 29th Street.
- (18) Ursuline Avenue, westbound, between Seawall Boulevard and 12th Street.
- (19) 34th Street, southbound, between Broadway and Avenue K.
- (20) Neumann Drive, southbound, between Avenue P and Avenue Q.
- (21) 69th Street, northbound, between Jones Drive and Heards Lane.
- (22) All alleys within the central business district, eastbound from 26th Street to 19th Street; provided, however, the alley between Avenues I and J, between 25th and 26th Streets, shall be open to two-way traffic.
- (23) Port Industrial Boulevard, westbound, between Kemper Street and Water Street
- (24) Avenue O, westbound, between 15th Street and 53rd Street.
- (25) Avenue P, eastbound, between 53rd Street and 19th Street.
- (26) Avenue I, westbound, between 30th and 33rd Streets.
- (27) The alley located in Block 1, Section 2 of the Jones Addition, eastbound between the hours of 6:00 a.m. through 6:00 p.m., Monday through Friday, excluding holidays.
- (28) Avenue M1/2, westbound, between 31st Street and 32nd Street.
- (29) Avenue N1/2, eastbound, between 43rd Street and 41st Street.
- (30) 28th Street, southbound, between Avenue M and Avenue N.

- (31) 69th Street, northbound, between Jones Drive and Heards Lane between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:30 p.m. on school days.
- (32) 34th Street, southbound, between Avenue N and Avenue O.
- (33) The alley between Avenues F and G, westbound from 19th to 20th Streets.
- (34) Avenue M1/2, westbound, between 33rd and 35th Streets.
- (35) The alley between Market and Postoffice Streets, westbound from Holiday Drive to 5th Street.
- (36) Skymaster Drive, northbound, between Jones Drive and Mustang Drive.
- (37) Avenue N1/2, eastbound, between 33rd and 34th Streets.
- (38) Alley between Avenues N and N1/2, eastbound from 33rd to 35th Streets.
- (39) Bay View Lane, Eastbound between Sunrise Lane and Apffel Park Drive.
- (40) East Beach Lane, Eastbound between Sunrise Lane and Apffel Park Drive.
- (41) Eastbound alley between Avenue E and Avenue F from 28th Street to 29th Street.

(Code 1960, Ch. 21 App., § 38, Sch. 3; Ord. No. 79-29, § 1, 4-19-79; Ord. No. 81-50, § 1, 5-14-81; Ord. No. 82-35, § 1, 4-22-82; Ord. No. 83-68, §§ 1, 2, 8-4-83; Ord. No. 54-14, § 1, 3-8-84; Ord. No. 84-54, § 1, 8-2-84; Ord. No. 86-39, § 1, 9-24-86; Ord. No. 87-44, § 1, 8-27-87; Ord. No. 87-64, § 1, 11-12-87; Ord. No. 92-62, § 2, 7-23-92; Ord. No. 92-65, § 2, 8-3-92; Ord. No. 92-87, § 2, 10-22-92; Ord. No. 92-88, § 2, 10-22-92; Ord. No. 93-112, §§ 2, 3, 12-9-93; Ord. No. 95-07, § 2, 1-26-95; Ord. No. 01-036, 6-28-01; Ord. No. 03-060, § 2, 6-12-03; Ord. No. 06-033, § 2, 4-13-06; Ord. No. 07-076, § 2, 10-11-07; [Ord. No. 14-055, § 2, 9-25-14](#) )

**State Law reference**— Power of city to designate one-way streets. V.T.C.A., Transportation Code § 542.202.

Sec. 34-65. - Through streets.

Drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets, unless otherwise directed by a police officer or traffic-control signal.

- (1) Ferry Road—2nd Street.
- (2) Holiday Drive—4th Street.
- (3) University Boulevard—6th Street.
- (4) 14th Street.
- (5) 19th Street from the Strand to Seawall Boulevard.
- (6) Moody Avenue—21st Street—from the Strand to Seawall Boulevard.
- (7) Kempner Street—22nd Street—from the Strand to Broadway.
- (8) Tremont Street—23rd Street—from the Strand to Seawall Boulevard.
- (9) 24th Street from the Strand to Broadway.
- (10) Rosenberg Avenue—25th Street—from Water Street to Seawall Boulevard.
- (11) 26th Street from Market Street to Broadway.
- (12) 29th Street from Market Street to Broadway.
- (13) 33rd Street.

- (14) 37th Street from Port Industrial Boulevard to Broadway.
- (15) 39th Street from Broadway to Seawall Boulevard.
- (16) 45th Street.
- (17) 51st Street from Broadway to Pelican Island.
- (18) 53rd Street from Broadway to Seawall Boulevard.
- (19) Butterowe Boulevard—61st Street.(20) Seawall Boulevard.
- (21) Avenue S.
- (22) Stewart Road.
- (23) Heards Lane.
- (24) Avenue P.
- (25) Avenue O.
- (26) Broadway.
- (27) Market Street—Avenue D.
- (28) Mechanic Street—Avenue C—from 25th Street to 13th St.
- (29) The Strand—Avenue B.
- (30) Jones Drive.
- (31) 81st Street.
- (32) Port Industrial Boulevard.

(Code 1960, Ch. 21, § 39, Sch. 4; § 120)

**State Law reference**— Power of city to designate through streets, Vernon's Ann. Civ. St. art. 6701d, § 27(a)6, 91.

Sec. 34-66. - Signs required at through streets.

Whenever any ordinance of this city designates and describes a through street, it shall be the duty of the director of traffic to place and maintain a stop sign on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the director of traffic upon the basis of an engineering and traffic study.

(Code 1960, Ch. 21 App., § 40)

Sec. 34-67. - Stop when traffic obstructed.

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. Provided, however, that a driver may enter an intersection for the purpose of executing a left turn, when such turn is not otherwise prohibited.

(Code 1960, Ch. 21 App., § 42)

Sec. 34-68. - Driving through processions.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other procession while they are in motion and when such vehicles are properly escorted as required in this Code.

(Code 1960, Ch. 21 App., § 43)

Sec. 34-69. - Negligent collision.

If any driver or operator of a vehicle upon any public street or highway, within the city shall, with intent, knowledge, recklessness or criminal negligence, cause damage to or collide with any other vehicle of any kind whatsoever, or with any other property, resulting in a total damage to an apparent extent of fifty dollars (\$50.00) or more, within the said corporate limits of the City of Galveston, he shall be held guilty of negligent collision, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00).

(Code 1960, Ch. 21 App., § 48; Ord. No. 82-57, § 2, 7-1-82)

Sec. 34-70. - Vehicle load.

It shall be unlawful for any person to drive or operate a vehicle loaded with sand, shell, bricks, gravel, rocks, stone, soil, brickbats, coal or other materials or substances unless such vehicle is so built or constructed or equipped as to prevent any part or portion of the material with which it is loaded from spilling, dropping, dragging or falling upon the streets while the vehicle is being driven or operated.

(Code 1960, Ch. 21 App., § 51)

Sec. 34-71. - Driving on newly laid pavement.

It shall be unlawful for any person to drive any vehicle over or across any newly laid pavement, newly repaired pavement or pavement in course of construction or repair in any public street, across or around which there is a barrier, or at or over or near which there is a person or sign warning persons not to drive over or across such pavement, or a sign stating that such street is closed.

(Code 1960, Ch. 21 App., § 52)

**State Law reference**— Similar provisions, Vernon's Ann. Civ. St. art. 6701d-11, § 3.

Sec. 34-72. - Truck routes established; certain heavy vehicles prohibited.

- (a) There is hereby established a system of streets which shall be known as truck routes. Said truck routes are set forth and listed in subsection (d). It shall be unlawful for any person to drive or operate any vehicle in excess of forty-four thousand (44,000) pounds, gross vehicle weight, upon any street not designated as a truck route in this chapter; provided however, that any person or driver may deviate from a designated truck route by using the most direct route to and from a specific destination otherwise prohibited to truck traffic in order to receive or deliver materials or merchandise.
- (b) The director of traffic is hereby authorized and directed to install appropriate signs and markings to identify those streets designated as truck routes. He is further authorized and directed to install such



additional signs and markings as may be necessary to guide or direct the movement of truck traffic along designated truck routes, and to post such signs as may be reasonably necessary to give notice of and identify those streets on which truck traffic is prohibited.

- (c) The prohibition of this section shall become effective at such time as signs identifying truck routes are installed.
- (d) In accordance with subsections (a) through (c) the following streets or parts of streets are hereby declared to be and are designated as truck routes:
  - (1) Interstate Highway 45 and the frontage roads parallel thereto.
  - (2) Broadway, from IH-45 to 51st Street.
  - (3) Port Industrial Boulevard, from IH-45 to 28th Street.
  - (4) Water Street, from 28th Street to 12th Street.
  - (5) The Strand, from 12th Street to Ferry Road.
  - (6) Ferry Road, from The Strand to the Ferry Landing.
  - (7) Fifty-first Street (Seawolf Parkway), from Broadway to Shell Road.
  - (8) Sixty-first Street from Broadway to Seawall Boulevard.
  - (9) Seawall Boulevard, from 61st Street to San Luis Pass Bridge.

Deviations from these streets to points of origin or destination are restricted to the shortest, most direct route in every instance.

(Ord. No. 80-31, §§ 1, 2, 4-3-80; Ord. No. 81-61, §§ 1, 2, 7-30-81; Ord. No. 88-01, § 1, 1-7-88)

**Editor's note**— Ord. No. 80-31, §§ 1, 2, adopted April 3, 1980, and Ord. No. 81-61, §§ 1, 2, adopted July 30, 1981, amended the 1960 Code by adding § 104.1 and Schedule 10 to the appendix to Ch. 21. The editor has included this material as § 34-72.

Sec. 34-73. - Cutting into ferry line.

- (a) When there is a line of motor vehicles awaiting access to the ferry operated by the state highway and public transportation commission, the driver of a motor vehicle intending to board said ferry shall proceed directly to the end of said line of motor vehicles.
- (b) It shall be unlawful for the driver of a motor vehicle awaiting access to board the ferry to pass or cut in front of the driver of another motor vehicle awaiting access to the ferry.

(Ord. No. 82-67, § 1, 8-19-82)

Sec. 34-74. - Riding on hood, roof, trunk or tailgate of motor vehicle prohibited.

It shall be unlawful for any person to ride on the hood, roof, trunk or tailgate of any motor vehicle, to cling to any portion of the exterior of said vehicle, or to project a substantial portion of the body from any aperture of such vehicle, while such motor vehicle is in motion upon any public street, roadway or beach in the city. Likewise, it shall be unlawful for any person to operate a motor vehicle upon any public street, roadway or beach in the city while any person is so riding, clinging or projecting. Any person who shall violate this provision shall be guilty of a misdemeanor.

(Ord. No. 83-39, § 1, 6-16-83; Ord. No. 87-31, § 1, 5-7-87)

Sec. 34-75. - Transportation of hazardous materials.

(a) *Prohibited.* When signs are erected giving notice thereof, no person shall transport any hazardous or extremely hazardous material (as defined herein) upon the public streets of the city in violation of any provision of this chapter.

(b) *Definitions.* As used herein, the following words shall have the following meanings:

(1) "Hazardous materials" shall mean those materials and substances listed and identified in U.S. Department of Transportation publication DOT-5800.2, as duly adopted and amended from time to time.

(2) "Extremely hazardous materials" shall mean any of the following:

Acrolein

Acrylonitrile

Ammonia, anhydrous

Ammonia solution, not less than forty-four (44) percent

Boron trifluoride

Bromine

Carbon bisulfide

Chlorine

Dimethyl sulfate

Dimethylamine, anhydrous

Epichlorohydrin

Ethylene imine

Ethylene oxide

Fluorine, liquid

Hydrochloric acid, anhydrous

Hydrocyanic acid

Hydrogen cyanide, anhydrous

Hydrogen fluoride, anhydrous

Hydrogen sulfide

Methylamine, anhydrous

Methyl bromide (bromomethane)

Methyl chloride

Methyl mercaptan

Methyl sulfate

Nitric acid

Nitric oxide

Nitrogen tetroxide mixture

Nitrogen tetroxide, and dioxide

Oleum (sulfuric acid, fuming)

Perchloromethyl-mercaptan

Phosgene and diphosgene

Phosphorus trichloride

Sulfur dioxide

Sulfuric anhydride

Titanium tetrachloride

Trimethylamine, anhydrous.

- (c) Routes for transporting hazardous and extremely hazardous materials. Movement of hazardous and extremely hazardous materials shall be allowed on the following routes at all times, subject to restrictions set forth in subsection (e) below:

- (1) IH 45 West of Teichman Road to the city limits.
- (2) Harborside Drive from IH 45 to Ferry Road.
- (3) 51st Street North of Harborside Drive.
- (4) Pelican Island Causeway.
- (5) Pelican Island Boulevard from Pelican Island Causeway to Coastwide Drive.

Transport to or from the foregoing routes to points of destination or origin, as applicable, shall be by the most direct route.

- (d) *Distribution routes for hazardous materials.* The following routes shall be utilized for delivery of hazardous materials to sites along or south of Broadway:

- (1) Broadway, the entire length.
- (2) 61st Street from Broadway to Seawall Boulevard.

Movement of hazardous materials from the foregoing routes to the point of final destination shall be by the most direct route and shall be prohibited between the hours of 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., Mondays through Fridays. Transportation of extremely hazardous materials over said routes shall be prohibited at all times.

- (e) *Special regulation zones.*

- (1) Movement of hazardous and extremely hazardous materials is prohibited in the below-listed locations following a thirty-hour hurricane warning:
  - a. 61st Street, Seawall to Broadway.
  - b. Broadway, west of 61st Street.
  - c. Interstate Highway 45.
- (2) Movement of hazardous materials is prohibited in the following locations from 6:00 a.m. to 6:00 p.m. daily. Distribution of gasoline shall be exempt from this prohibition from 9:00 a.m. to 4:00 p.m.
  - a. Broadway, 51st Street to Ferry Road.
- (3) Movement of extremely hazardous materials in the following area (UTMB zone) is prohibited without express approval of the city fire marshal:
  - a. North of Church Street, between 14th Street and 2nd Street.
- (4) Movement of extremely hazardous materials or gasoline is prohibited between the hours of 7:00 a.m. and 9:00 a.m., and between 4:00 p.m. and 6:00 p.m., Monday through Friday, on the causeway part of IH-45.

- (5) All movement of hazardous and extremely hazardous materials is prohibited during a hurricane evacuation.

(Ord. No. 83-101, § 1, 10-13-83; Ord. No. 01-004, § 2, 1-25-01)

**Editor's note**— Ord. No. 83-101, § 1, adopted Oct. 13, 1983, amended the Code with the addition of a new § 34-74, which section, at the discretion of the editor, has been redesignated as § 34-75 in order to avoid duplication of section numbers.

Sec. 34-76. - Electronic messaging while driving.

- (a) A driver of a motor vehicle may not use a wireless communication device to view, send, or compose an electronic message while operating a motor vehicle.
- (b) It is an affirmative defense to prosecution of an offense under this section if a wireless communications device is used:
  - (1) While the vehicle is stopped;
  - (2) For making a telephone call;
  - (3) As a global positioning or navigation system that is affixed to the vehicle;
  - (4) For obtaining emergency assistance to report a traffic accident, medical emergency, serious traffic hazard, fire or hazardous response service;
  - (5) To prevent a crime about to be committed;
  - (6) In the reasonable belief that a person's life or safety is in immediate danger;
  - (7) If the device is permanently installed inside the vehicle; or
  - (8) Solely in a voice-activated or other hands-free mode.
- (c) This section does not apply to an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity.
- (d) To the extent that this section conflicts with the V.T.C.A., Transportation Code § 545.424, as amended, regarding the use of wireless communication devices while operating a motor vehicle by minors, or V.T.C.A., Transportation Code § 545.425, as amended, regarding use of wireless communication devices in school crossing zones, state law shall control.
- (e) The violation of any provision of this section shall be unlawful and a misdemeanor offense punishable by a fine not exceeding five hundred dollars (\$500.00). Each day a violation of this section continues shall constitute a separate offense.

(Ord. No. 10-004, § 3, 1-14-10)

Sec. 34-77. - Minimum distance between a motor vehicle and a vulnerable road user.

- (a) *Definitions.* The following words, terms and phrases, when used in this section will have the meanings, respectively ascribed to them, except when the context clearly indicates a different meaning:

*Motor vehicle* means a self-propelled vehicle including a passenger car, light truck, motorcycle, bus, commercial conveyance, or any other vehicle used to transport people or goods and which is powered by either an internal combustion engine, electric motor or a combination thereof.

*Passing safe distance* means, when road conditions allow, at least three (3) feet from the side of a vulnerable road user.

*Vulnerable road user* means, including, but not limited to:

- (1) A pedestrian (including a runner), stranded motorist or passenger, highway construction or maintenance worker, tow truck operator, or utility worker in or adjacent to the roadway;
  - (2) A person on horseback or operating a horse-driven conveyance, in the roadway;
  - (3) A person operating a bicycle (also including an electric bicycle), or other human-powered wheeled vehicle in the roadway, or motor assisted wheelchair.
- (b) *Action required.* An operator of a motor vehicle shall maintain a safe distance while trailing a vulnerable road user, and while passing a vulnerable road user.
- (1) An operator of a motor vehicle shall vacate the lane in which the vulnerable road user is located if the highway has two (2) or more marked lanes running in the same direction and if such action can be taken safely.
    - a. For the purposes of this section, a marked lane does not include a bicycle lane. An operator of a motor vehicle passing a vulnerable road user in a bicycle lane shall adhere to the requirements of section (b)(2);
  - (2) An operator of a motor vehicle on a city street shall slow to a speed not to exceed twenty (20) miles per hour less than the posted speed limit, or a maximum speed of twenty (20) miles per hour, whichever is greater, and pass the vulnerable road user at a safe distance. If there is no posted speed limit, an operator of a motor vehicle shall slow to a speed of twenty (20) miles per hour when passing a vulnerable road user.
- (c) *Prohibited actions.* An occupant of a motor vehicle may not:
- (1) Fail to maintain a safe distance or speed while following or passing a vulnerable road user;
  - (2) Throw or project any object or substance at or against a vulnerable road user, or the user's animal, equipment, vehicle or conveyance;
  - (3) Maneuver the vehicle in a manner that is intended to cause intimidation or harassment to a vulnerable road user.
- (d) *Affirmative defense.* It is an affirmative defense to prosecution under this section that, at the time of the offense, the vulnerable road user was acting in violation of any applicable traffic laws that resulted in a violation of this section.
- (e) *Penalty.* A violation of this section is a class C misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

(Ord. No. [19-009](#), § 2, 1-24-19)

Secs. 34-78—34-85. - Reserved.

ARTICLE IV. - PEDESTRIAN RIGHTS AND DUTIES<sup>[3]</sup>

Footnotes:

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**State Law reference**— Pedestrians, Vernon's Ann. Civ. St. art. 6701d, § 76 et seq., 6701e.

Sec. 34-86. - Pedestrians in central business district.

No pedestrian shall cross a roadway other than in a crosswalk in the central business district.

(Code 1960, Ch. 21 App., § 56)

Sec. 34-87. - Crossing at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

(Code 1960, Ch. 21 App., § 55)

Secs. 34-88—34-100. - Reserved.

ARTICLE V. - STOPPING, STANDING OR PARKING<sup>(4)</sup>

Footnotes:

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**State Law reference**— Stopping, standing and parking generally, Vernon's Ann. Civ. St. art. 6701d, § 93 et seq.; authority of city to regulate, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

DIVISION 1. - GENERALLY

Sec. 34-101. - Parking signs, parking fines, and enforcement.

- (a) Whenever by ordinance of this city, any parking time limit is imposed or parking is prohibited on designated streets, the city shall erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.
- (b) Any person violating any provision of this article that pertains to overtime parking, whether such overtime parking violation be a criminal violation, or a civil violation as provided under article VII shall be fined and shall remit the "standard fine payment" as established by ordinance. Any person who fails to timely pay the fine, or timely and properly contest the charge shall pay the "late payment" amount as established by ordinance.

(Ord. No. 94-47, § 2, 8-11-94; Ord. No. 06-035, § 2, 4-13-06; [Ord. No. 15-058, § 2, 7-23-15](#).)

Sec. 34-102. - Prohibited.

When signs are erected at each block giving notice thereof, no person shall stop, stand or park a vehicle between the hours specified herein on any day except Sundays and public holidays upon any of the following streets:

- (a) *No stopping, standing or parking 9:00 a.m. to 6:00 p.m.*
  - (1) Moody Street between Broadway and the alley north of Broadway, on the west side.
  - (2) Tremont Street between Broadway and Sealy Street, on the west side.
  - (3) Moody Avenue from the Seawall Boulevard to a point 120 feet south of Avenue P1/2, on the west side.
- (b) *No stopping, standing or parking 4:00 p.m. to 6:00 p.m.*
  - (1) 14th Street between Broadway and Sealy Street, on the west side.
  - (2) Rosenberg Street between Broadway and Sealy Street, on the west side.

- (3) 27th Street between Broadway and the alley north of Broadway, on the west side.
  - (4) Tremont Street between Seawall Boulevard and Avenue Q, on the west side.
- (c) *No stopping, standing or parking at any time:*
- (1) Church Street from Rosenberg Avenue to a point 150 feet west of Rosenberg Avenue, on the south side, except adjacent to and while depositing mail in the post office mailboxes installed for such purpose, and excepting cars belonging to deputy United States marshals when parked in spaces assigned and marked for their exclusive use.
  - (2) 81st Street from Stewart Road to Kleimann Avenue, on either side.
  - (3) Pabst (101/2 Mile) Road from Termini Road (FM 3005) to the beach, on either side.
  - (4) Church Street from Kempner Street to Tremont Street, on the south side.

(Code 1960, Ch. 21 App., § 93, Sch. 7; Ord. No. 79-9, § 2, 3-1-79; Ord. No. 81-44, §§ 2, 3, 5-7-81)

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-103. - Standing or parking close to curb.

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked so that the vehicle shall be parallel to, and within eighteen (18) inches of, the nearest curb. Where curbs do not exist, vehicles shall be parked so that the vehicle shall be as near as practicable to the nearest edge of the roadway clear of any lane designated for moving traffic.

(Code 1960, Ch. 21 App., § 76)

**State Law reference**— Parking within eighteen (18) inches of curb, Vernon's Ann. Civ. St. art. 6701d, § 96.

Sec. 34-104. - Angled parking.

- (a) The city manager or his/her designee shall determine upon what streets angled parking shall be permitted;
- (b) Angled parking shall not be indicated upon any federal or state highway within the city unless the state highway department has determined by resolution or order that the roadway is of sufficient width to permit angled parking without interfering with the free movement of traffic;
- (c) Angled parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

(Code 1960, Ch. 21 App., § 77; Ord. No. 81-64, § 1, 8-13-81; Ord. No. 84-30, § 1, 4-26-84; [Ord. No. 16-075, § 3, 10-13-16](#))

**Editor's note**— [Ord. No. 16-075, § 3, adopted October 13, 2016](#), amended § 34-104 to read as set out herein. Previously § 34-104 was titled "Angle parking."

**State Law reference**— Angle parking, Vernon's Ann. Civ. St. art. 6701d, § 96.

Sec. 34-105. - Parking in alleys; loading and unloading.

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic; and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

However, no vehicle shall be left unattended at any time in any alley in the area bounded by 19th Street on the east, Avenue J on the south, 26th Street on the west, and Avenue A on the north unless such vehicle is parked for the purposes of loading or unloading of materials to be used by a downtown merchant or resident. The flashers on the vehicle must be activated. The vehicle is allowed to park in an alley for no more than thirty (30) minutes.

(Code 1960, Ch. 21 App., § 78; Ord. No. 82-34, § 1, 4-22-82; [Ord. No. 15-058, § 4, 7-23-15](#).)

**Editor's note**— [Ord. No. 15-058, § 4, adopted July 23, 2015](#), amended § 34-105 to read as set out herein. Previously § 34-105 was titled "Parking in alleys."

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-105a. - Parking in streets; loading and unloading.

No vehicle shall be left unattended at any time on any street in the area bounded by 19th Street on the east, Avenue J on the south, 26th Street on the west, and Avenue A on the north unless such vehicle is parked for the purposes of loading or unloading of materials to be used by a downtown merchant or resident. The flashers on the vehicle must be activated. The vehicle is allowed to park on the street for no more than thirty (30) minutes.

( [Ord. No. 15-058, § 5, 7-23-15](#) )

Sec. 34-106. - Parking adjacent to schools.

- (a) The director of traffic is hereby authorized, subject to the approval of the traffic commission, to erect signs indicating no parking upon either or both sides on any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- (b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property, as authorized herein, no person shall park a vehicle in any such designated place.

(Code 1960, Ch. 21 App., § 79)

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-107. - Parking prohibited on narrow streets.

- (a) The director of traffic is hereby authorized, subject to the approval of the traffic commission, to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet; or upon one side of a street, as indicated by such signs, when the width of the roadway does not exceed thirty (30) feet.



- (b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

(Code 1960, Ch. 21 App., § 80)

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-108. - Standing or parking on one-way roadways.

In the event a highway includes two (2) or more separate roadways and traffic is restricted to one (1) direction upon such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The director of traffic is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

(Code 1960, Ch. 21 App., § 81)

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-109. - Hazardous or congested places.

- (a) The director of traffic is hereby authorized to determine and designate, by proper signs or markings, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual traffic delays.
- (b) When official signs or markings are erected at hazardous or congested places, as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.
- (c) Such places shall be marked by painting the curb red, by the installation of appropriate signs, or by both such signs and curb markings.

(Code 1960, Ch. 21 App., § 82)

**State Law reference**— Power of city to regulate stopping, standing or parking, Vernon's Ann. Civ. St. art. 6701d, § 27(a)1.

Sec. 34-110. - Parking totally prohibited.

When signs and/or curb markings have been installed giving notice thereof, no person shall at any time, park a vehicle upon any of the following streets:

- (1) Tremont Street between The Strand and the alley north of The Strand, on the west side.
- (2) Seawall Boulevard between 26th Street and Rosenberg Avenue, on the south side.
- (3) 20th Street between Water Street and the alley north of The Strand, on the west side.
- (4) Avenue G between 41st and 43rd Streets, on either side.
- (5) Avenue S between Seawall Boulevard and 31st Street, on either side.
- (6) Avenue L between 64th Street and a point two hundred (200) feet east of 62nd Street, on the south side.

- (7) Avenue S between 61st Street and 57th Street, on either side.
- (8) Avenue S between 57th Street and 56th Street, on the north side.
- (9) New Strand between a point one hundred sixty-five (165) feet east of 28th Street and a point two hundred thirty (230) feet easterly thereof, on the north side.
- (10) New Strand between a point six hundred sixty (660) feet east of 28th Street and a point one hundred ten (110) feet easterly and between a point nine hundred ninety-five (995) feet east of 28th Street and a point one hundred one (101) feet thereof, on the north side.
- (11) New Strand twenty (20) feet east of 28th Street;
- (12) New Strand between a point three hundred six (306) feet east of 28th Street and a point ninety-four (94) feet easterly thereof, on the south side.
- (13) New Strand between a point five hundred eighty (580) feet east of 28th Street and a point two hundred twenty-one (221) feet easterly and between a point nine hundred twenty (920) feet east of 28th Street and a point one hundred seventy-six (176) feet easterly thereof, on the south side.
- (14) 61st Street between Broadway and Seawall Boulevard, on either side.
- (15) On Seawall right-of-way from 53rd Street to the west city limits, in the area north of the Seawall Boulevard, roadway and sidewalks.
- (16) Seawall Boulevard between Ferry Road and University Boulevard; Seawall Boulevard between Second Street to Military Reservation; and, Seawall Boulevard between 38th Street and 39th Street; all on the north side.
- (17) Stewart Road between 61st Street and South Drive, on either side.
- (18) 69th Street between Stewart Road and Seawall boulevard, on either side.
- (19) 20th Street from Market Street to Mechanic Street, on the east side.
- (20) Tremont Street between Broadway and Sealy Avenue, on either side.
- (21) Market Street from Kempner Avenue to Tremont Street, on the north side.
- (22) Avenue P beginning at a point one hundred thirty-seven (137) feet west of its intersection with 23rd Street and continuing west a distance of seventy-three (73) feet, on the north side.
- (23) Water Street between 22nd Street and 13th Street, on the north side, except for the purpose of and while engaged in the act of loading or unloading goods or merchandise at established loading docks.
- (24) First Street between Seawall and San Marino Drive, on the east side.
- (25) Postoffice Street between 23rd Street and 24th Street, on the north side.
- (26) East side of Holiday Drive, also known as 4th Street, between Barracuda Avenue and Harborside Drive.
- (27) Reserved.
- (28) Stewart Road from one hundred fifty (150) feet east of the east right-of-way line of Pine Drive to two hundred (200) feet west of the west right-of-way line of Pine Drive, on the north side.
- (29) Market Street between 13th and 14th Streets, on the north side.
- (30) Avenue D (Market) between 7th Street and 10th Street, on either side; and Avenue D (Market) between 10th Street and 13th Street, on the north side.
- (31) Stewart Road, from 81st Street to a point four hundred (400) feet east of 81st Street, on the north side.
- (32) Church Street, from 33rd Street to 35th Street, on both sides.

- (33) Market Street, both sides, from 7th Street to North Boulevard and on the south side of Market Street from 10th Street to 11th Street.
- (34) Legas Drive from Jones Drive to Lakeview Drive, both sides.
- (35) Beluche Drive from Jones Drive to Gerol Drive, both sides.
- (36) 53rd Street from Avenue G north to the end of 53rd Street, both sides.
- (37) 28th Street between Avenue M and Avenue N, east side.
- (38) Water Street, between 19th and 22nd Streets, on the south side.
- (39) 42nd Street, between Avenue N1/2 and Avenue O, on either side, on school days only.
- (40) 25th Street between Avenue I and Avenue J, on the west side.
- (41) Pabst Road from Termini Road southerly to the Gulf of Mexico, on both sides.
- (42) Bermuda Beach Drive, and either side thereof.
- (43) Bermuda Drive from Pabst Road to the westerly end of Bermuda Drive, on the south side.
- (44) Reserved.
- (45) 14th Street between Strand Street and the alley south of Strand Street on the east side.
- (46) Broadway between 48th Street and 49th Street, on the north side.
- (47) Market Street on the north side between Moody Avenue and Kempner Street.
- (48) Central Cities Boulevard between 61st Street and Seawall Boulevard, and either side thereof.
- (49) New Strand on the north side from 25th to 28th Streets.
- (50) Avenue L between 61st Street and 64th Street, and either side thereof.
- (51) Seawall Boulevard, on the north side, from 53rd Street to a point one hundred (100) feet east of the entrance to the drive-in bank teller at the Holiday Inn motel.
- (52) Port Industrial Boulevard from IH-45 to 25th Street on both sides.
- (53) 11-Mile Road from Termini Road to beach front, on either side.
- (54) Dale Street, on either side.
- (55) Fort Crockett Boulevard from Seawall Boulevard to Sias Drive, as follows:
  - a. On the east side, north from Seawall Boulevard a distance of sixty-five (65) feet and from a point two hundred ninety-five (295) feet from Seawall Boulevard to the intersection of Sias Drive.
  - b. On the west side, north from Seawall Boulevard to stop sign.
- (56) 16-Mile Road from Termini Road to the Beachfront.
- (57) Bristow Street on either side.
- (58) Santa Fe Place between 25th Street and 28th Street, on the south side.
- (59) Seawall Boulevard between 21st and 25th Streets, on the north side.
- (60) Seawall Boulevard, from the east line of 25th Street to a point two hundred twenty (220) feet westerly thereof, on the south side.
- (61) Seawall Boulevard, from the easterly line of 26th Street to the easterly line of 27th Street, on the south side.
- (62) Seawall Boulevard, from the easterly line of 27th Street to the westerly line of 29th Street, on the south side.

- (63) Seawall Boulevard, from the westerly line of 29th Street to the easterly line of 32nd Street, on the south side.
- (64) Seawall Boulevard, from the easterly line of 32nd Street to the westerly line of 34th Street, on the south side.
- (65) Seawall Boulevard, from the easterly line of Sixth Street to the westerly line of Seventh Street, on the south side.
- (66) Seawall Boulevard, from the easterly line of Ninth Street to the westerly line of Eleventh Street, on the south side.
- (67) Seawall Boulevard, from the easterly line of Twelfth Street to the westerly line of Thirteenth Street, on the south side.
- (68) 40th Street between Avenue R and Avenue R-1/2.
- (69) Both sides of 81st Street between Stewart Road and Seawall Boulevard.
- (70) Sias Drive, from Avenue U to the southerly extension of Fort Crockett Boulevard, on the east side.
- (71) 73rd Street from Heards Lane to Avenue N1/2, on the west side.
- (72) North side of Seawall Boulevard, from a point approximately eight hundred fifty (850) feet west of 45th Street, (4700 Seawall Boulevard), to a point approximately one thousand forty-five (1,045) feet west of 45th Street, (4714 Seawall Boulevard).
- (73) The north side of Avenue P from 18th to 20th Street, the east and west side of 19th Street from Avenue P to Avenue O 1/2, and the east and west side of 20th Street from Avenue P to Avenue O½(San Jacinto Neighborhood Area Residential Parking District)
  - a. When signs are erected at each block giving notice thereof, no person shall park a vehicle at any time on any day upon the following streets:
    - 1. The north side of Avenue P from 18th to 20th Street.
    - 2. The east and west sides of 19th Street from Avenue P to Avenue O 1/2.
    - 3. The east and west side of 20th Street from Avenue P to Avenue O 1/2.
  - b. The parking prohibitions of this subsection shall not apply to those residents exhibiting residential parking decals, or to guests of residents who display a visitor parking decal or sign, or to police, fire, or other emergency vehicles parking in the area in performance of police, fire, or other emergency functions. Residential parking decals shall be issued by the city manager or his designee. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange, or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
  - c. Penalties. In addition to penalties set forth in section 34-101, any vehicle in violation of this subsection (73) shall be subject to being removed or towed away in accordance with the city Code. Any resident requesting towing of a vehicle illegally parked shall contact the Galveston Police Department.
  - d. The traffic safety division of the public works department is authorized to erect signs and markers indicating no parking upon the streets set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.
- (74) Seawolf Parkway from the entrance of Seawolf Park to a distance two thousand five hundred (2,500) feet west of the entrance to Seawolf Park.
- (75) Boddecker Drive from Seawall Boulevard to Apfel Park, as follows:

- a. On the east side, from the road right-of-way to the water, excepting any parking areas having appropriate signage located on park board property.
  - b. On the west side, along the road right-of-way, excepting any parking areas having appropriate signage located on park board property.
  - c. This subsection expires on September 30, 2012.
- (76) Pleasure Pier Residential Parking Area—"No Parking-Residential Permits Parking Exempted". When signs are erected at each block giving thereof, no person shall park a vehicle at any time on any day upon the following streets:
- a. West side of 28th Street between the Avenue R - R½ alley to Avenue Q.
  - b. West side of 28th Street from approximately ninety (90) feet north of Avenue Q to Avenue P½.
  - c. East side of 28th Street from P½ to the Avenue P½ - Q alley.
  - d. West side of 27th Street between Avenue P½ and Avenue Q.
  - e. East side of 27th Street from Avenue P½ to approximately eighty-five (85) feet north of Avenue Q.
  - f. East side of 27th Street from Avenue Q to the Avenue Q - Q½ alley.
  - g. East side of 27th Street from approximately one hundred six (106) feet north of Avenue Q½ to Avenue Q½.
  - h. West side of 26th Street from Avenue P½ to the Avenue P½ - Q alley.
  - i. West side of 26th Street between Avenue Q and Avenue Q½.
  - j. East side of 26th Street between Avenue P½ and Avenue Q.
  - k. East side of 26th Street from approximately sixty (60) feet north of Avenue Q to Avenue Q½.
  - l. West side of 25th Street between Avenue P½ and Avenue Q.
  - m. West side of 25th Street from approximately seventy (70) feet south of Avenue Q to Avenue Q½.
  - n. East side of 25th Street between Avenue P½ and the Avenue Q - Q½ alley.
  - o. West side of 24th Street between Avenue P½ and Avenue Q.
  - p. East side of 24th Street between Avenue P½ and the Avenue P½ - Q alley.
  - q. Both side of Avenue P½ between 25th Street and 28th Street.
  - r. South side of Avenue P½ between 24th Street and 25th Street.
  - s. North side of Avenue P½ from 24th Street to approximately one hundred sixty-six (166) feet east of 24th Street.
  - t. South side of Avenue P½ from 24th Street to approximately one hundred two (102) feet east of 24th Street.
  - u. North side of Avenue Q from approximately sixty (60) feet east of 28th Street to 27th Street.
  - v. North side of Avenue Q from approximately forty-four (44) feet east of 27th Street to approximately eighty (80) feet west of 26th Street.
  - w. North side of Avenue Q between 24th Street and 26th Street.
  - x. South side of Avenue Q between 26th Street and 27th Street.

- y. South side of Avenue Q from approximately sixty-six (66) feet east of 26th Street to approximately ninety (90) feet west of 25th Street.
  - z. South side of Avenue Q from 25th Street to approximately one hundred seventy-four (174) feet east of 25th Street.
  - aa. North side of Avenue Q½ from 27th Street to approximately fifty-two (52) feet east of 27th Street.
  - bb. North side of Avenue Q½ from 26th Street to approximately one hundred forty-four (144) feet west of 26th Street.
  - cc. North side of Avenue Q½ between 25th Street and 26th Street.
  - dd. North side of Avenue Q½ from approximately one hundred forty-five (145) feet east of 25th Street to approximately one hundred twelve (112) west of 24th Street.
  - ee. East side of 23rd Street from the Avenue P - P½ alley to Seawall Boulevard.
- (77) Seawall Residential Parking District—Parking Totally Prohibited.
- a. North side of Broadway between 6th Street and 7th Street.
  - b. West side of 7th Street from the Broadway—Avenue K Alley to Avenue K.
  - c. West side of 19th Street from Avenue P to Seawall Boulevard.
  - d. West side of 21st Street from approximately three hundred twenty (320) feet north of Seawall Boulevard to Seawall Boulevard.
  - e. East and west side of 29th Street from Avenue R½ to Seawall Boulevard.
  - f. West side of 31st Street from Avenue S to Seawall Boulevard.
  - g. East side of 37th Street from the Avenue S½—T Alley to Seawall Boulevard.
  - h. West side of 37th Street from approximately seventy (70) feet north of Seawall Boulevard to Seawall Boulevard.
  - i. East side of 39th Street from Avenue U to Seawall Boulevard.
  - j. West side of 39th Street from approximately two hundred forty (240) feet north of Seawall Boulevard to Seawall Boulevard.
  - k. North side of Avenue U from 39th Street to approximately two hundred thirty-six (236) feet west of 39th Street.
  - l. South side of Avenue U from 39th Street to approximately one hundred twenty (120) feet west of 39th Street.
  - m. South side of Avenue U from approximately one hundred (100) feet east of 41st Street to approximately two hundred seventy-five (275) feet west of 41st Street.
  - n. East and west side of 41st Street from Avenue U to Seawall Boulevard.
  - o. East and west side of 45th Street from Avenue U to Seawall Boulevard.
  - p. West side of 53rd Street from Seawall Boulevard to approximately four hundred (400) feet north of Seawall Boulevard.
  - q. West side of 53rd Street from approximately five hundred eighty (580) feet north of Seawall Boulevard to Avenue U.
  - r. East and west side of 57th Street from Seawall Boulevard to approximately four hundred (400) feet north of Seawall Boulevard.
  - s. East and west side of 59th Street from Seawall Boulevard to approximately four hundred (400) feet north of Seawall Boulevard.

- (78) West side of 27<sup>th</sup> Street between Broadway and Ball Streets — No parking: residential permits exempted.
- (79) South side of Avenue M and a half [way] between 21<sup>st</sup> and 22<sup>nd</sup> Streets — No parking: residential permits exempted.

(Code 1960, Ch. 21 App., § 91, Sch. 5; Ord. No. 79-9, § 1, 3-1-79; Ord. No. 79-59, § 1, 7-19-79; Ord. No. 79-86, § 1, 12-13-79; Ord. No. 80-16, § 1, 2-21-80; Ord. No. 80-43, § 1, 5-22-80; Ord. No. 81-44, § 2, 5-7-81; Ord. No. 83-112, § 1, 10-27-83; Ord. No. 84-20, § 1, 3-29-84; Ord. No. 84-44, § 1, 7-5-84; Ord. No. 84-55, § 1, 8-2-84; Ord. No. 84-71, § 1, 9-13-84; Ord. No. 84-118, § 1, 12-13-84; Ord. No. 85-36, § 1, 5-9-85; Ord. No. 85-44, § 1, 6-27-85; Ord. No. 86-43, § 1, 8-28-86; Ord. No. 86-51, § 1, 10-2-86; Ord. No. 88-09, § 2, 2-11-89; Ord. No. 89-64, § 2, 5-25-89; Ord. No. 89-73, § 2, 6-8-89; Ord. No. 104, § 2, 8-3-89; Ord. No. 109, § 2, 8-24-89; Ord. No. 92-55, §§ 2, 3, 6-25-92; Ord. No. 92-63, § 2, 7-23-92; Ord. No. 93-19, § 2, 2-11-93; Ord. No. 95-06, § 2, 1-26-95; Ord. No. 95-79, § 2, 12-14-95; Ord. No. 97-52, § 4, 7-10-97; Ord. No. 97-66, § 2, 8-14-97; Ord. No. 97-77, § 2, 9-11-97; Ord. No. 99-104, § 2, 11-11-99; Ord. No. 01-023, § 2, 4-12-01; Ord. No. 01-080, § 2, 10-25-01; Ord. No. 02-042, § 2, 4-25-02; Ord. No. 10-018, § 2, 2-25-10; Ord. No. 11-009, § 2, 2-10-11; Ord. No. 11-068, § 2, 10-13-11; Ord. No. 12-023, § 2, 4-26-12; [Ord. No. 13-022, § 2, 4-11-13](#); [Ord. No. 16-020, § 2, 3-24-16](#).)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code § 542.202.

Sec. 34-110a. - Seawall residential parking district—No parking; exemption with parking permit.

- (a) When signs area erected at each block giving notice thereof, no person shall park a vehicle at any time on any day upon the following streets:
- (1) South side of Broadway from approximately one hundred two (102) feet west of 7th Street to approximately one hundred forty-five (145) feet west of 7th Street.
  - (2) South side of Broadway from approximately one hundred forty-five (145) feet east of 8th Street to 9th Street.
  - (3) North side of Avenue K from approximately one hundred sixty-five (165) feet east of 8th Street to approximately sixty (60) feet east of 10th Street.
  - (4) South side of Avenue K from approximately one hundred sixty-five (165) feet east of 8th Street to 10th Street.
  - (5) North side of Avenue L from approximately one hundred two (102) feet west of 8th Street to 11th Street.
  - (6) South side of Avenue L from 9th Street to 11th Street.
  - (7) North side of Avenue M from 10<sup>th</sup> to 13<sup>th</sup> Street.
  - (8) South side of Avenue M from 10th Street to 13th Street.
  - (9) North side of Avenue M½ from 10th Street to 15th Street.
  - (10) South side of Avenue M½ from 12th Street to 15th Street.
  - (11) North side of Avenue N from 12th Street to 15th Street.
  - (12) South side of Avenue N from 12th Street to 15th Street.
  - (13) North side of Avenue N½ from 13th Street to 15th Street.

- (14) North side of Avenue N½ from 16th Street to 18th Street.
- (15) South side of Avenue N½ from 15th Street to 18th Street.
- (16) North side of Avenue O from 15th Street to 17th Street.
- (17) North side of Avenue O from approximately forty-one (41) feet west of 17th Street to 20th Street.
- (18) South side of Avenue O from approximately one hundred eighty-six (186) feet west of 15th Street to approximately seventy-five (75) feet east of 17th Street.
- (19) South side of Avenue O from 17th Street to 20th Street.
- (20) North side of Avenue O½ from 18th Street to 21st Street.
- (21) South side of Avenue O½ from 18th Street to 20th Street.
- (22) South side of Avenue O½ from approximately fifty-nine (59) feet west of 20th Street to 21st Street.
- (23) North side of Avenue P from 21st Street to 23rd Street.
- (24) South side of Avenue P from 21st Street to approximately eighty (80) feet east of 23rd Street.
- (25) North and south side of Avenue O½ from 28th Street to 30th Street.
- (26) North side of Avenue R from 28th Street to 32nd Street.
- (27) South side of Avenue R from 28th Street to approximately one hundred forty-five (145) feet east of 29th Street.
- (28) South side of Avenue R from 29th Street to 32nd Street.
- (29) North side of Avenue R½ from 29th Street to 35th Street.
- (30) South side of Avenue R½ from approximately one hundred twenty-three (123) feet east of 30th Street to 35th Street.
- (31) North side of Avenue S from Seawall Boulevard to approximately one hundred two (102) feet east of 32nd Street.
- (32) North side of Avenue S from approximately seventy-two (72) feet east of 32nd Street to 32nd Street.
- (33) North side of Avenue S from approximately seventy-five (75) feet west of 32nd Street to approximately forty (40) feet east of 33rd Street.
- (34) North side of Avenue S from 33rd Street to 34th Street.
- (35) North side of Avenue S from approximately eighty (80) feet west of 34th Street to approximately one hundred two (102) feet east of 35th Street.
- (36) North side of Avenue S from 35th Street to 37th Street.
- (37) South side of Avenue S from Seawall Boulevard to 31st Street.
- (38) South side of Avenue S from 35th Street to 37th Street.
- (39) North side of Avenue S½ from 35th Street to 39th Street.
- (40) South side of Avenue S½ from 36th Street to 39th Street.
- (41) North side of Avenue T from 37th Street to 39th Street.
- (42) North side of Avenue T from 40th Street to 42nd Street.
- (43) South side of Avenue T from 41st Street to 42nd Street.
- (44) North and South side of Avenue T½ from 41st Street to 42nd Street.



- (45) North side of Avenue U from 41st Street to 47th Street.
- (46) South side of Avenue U from approximately one hundred twenty (120) feet west of 39th Street to approximately one hundred (100) feet east of 41st Street.
- (47) North side of Avenue U from 41st Street to 47th Street.
- (48) South side of Avenue U from approximately two hundred seventy-five (275) feet west of 41st Street to 47th Street.
- (49) North side of Fort Crocket Boulevard from 45th Street to approximately one hundred twenty (120) feet west of 45th Street.
- (50) East and west side of 8th Street from Broadway to the Avenue K—Seawall Boulevard Alley.
- (51) East side of 9th Street from Broadway to Avenue L.
- (52) West side of 9th Street from Broadway to the Avenue L—Seawall Boulevard Alley.
- (53) East side of 10th Street from Avenue K to Avenue M.
- (54) West side of 10th Street from Avenue K to Seawall Boulevard.
- (55) East and west side of 11th Street from Avenue L to Avenue M½.
- (56) East side of 12th Street from Avenue M to Avenue M½.
- (57) West side of 12th Street from Avenue M to Seawall Boulevard.
- (58) East side of 13th Street from Avenue M to the Avenue N—Seawall Boulevard Alley.
- (59) West side of 13th Street from Avenue M to Avenue N½.
- (60) East and west side of 14th Street from Avenue M½ to Avenue N½.
- (61) East side of 15th Street from Avenue M½ to Avenue N½.
- (62) West side of 15th Street from Avenue N½ to Avenue O.
- (63) East side of 16th Street from Avenue N½ to the Avenue O—Seawall Boulevard Alley.
- (64) West side of 16th Street from Avenue N to the Avenue O—Seawall Boulevard Alley.
- (65) East side of 17th Street from Avenue N½ to Avenue O.
- (66) West side of 17th Street from Avenue N½ to approximately sixty-six (66) feet north of Avenue O.
- (67) East side of 18th Street from Avenue N½ to the Avenue O—Avenue O½ Alley.
- (68) West side of 18th Street from Avenue N½ to Seawall Boulevard.
- (69) East and west side of 19th Street from Avenue O to Seawall Boulevard.
- (70) East and west side of 20th Street from Avenue O to Seawall Boulevard.
- (71) East side of 21st Street from Avenue O½ to Avenue P.
- (72) West side of 21 Street from Avenue O½ to approximately one hundred forty-six (146) feet south of Avenue P.
- (73) East and west side of 22nd Street from Avenue P to the Avenue P—Avenue P½ Alley.
- (74) East side of 29th Street from Avenue Q to Avenue R.
- (75) West side of 29th Street from Avenue Q to Avenue R½.
- (76) East side of 30th Street from Avenue Q½ to the Avenue R½ - Seawall Boulevard Alley.
- (77) West side of 30th Street from Avenue Q½ to Seawall Boulevard.
- (78) East side of 31st Street from Avenue Q½ to Seawall Boulevard.

- (79) West side of 31st Street from Avenue Q½ to Avenue S.
  - (80) East side of 32nd Street from Avenue R to Avenue S.
  - (81) West side of 32nd Street from Avenue R to approximately seventy-six (76) feet north of Avenue S.
  - (82) East side of 33rd Street from Avenue R to approximately fifty-six (56) feet north of Avenue S.
  - (83) West side of 33rd Street from Avenue R to Avenue S.
  - (84) East side of 34th Street from Avenue R½ to Avenue S.
  - (85) West side of 34th Street from Avenue R½ to approximately sixty-six (66) feet north of Avenue S.
  - (86) East side of 35th Street from Avenue R½ to approximately fifty-six (56) feet north of Avenue S.
  - (87) West side of 35th Street from Avenue R½ to Avenue S½.
  - (88) East and West side of 36th Street from Avenue R½ to Avenue S.
  - (89) East side of 37th Street from Avenue R½ to the Avenue S½—Avenue T Alley.
  - (90) West side of 37th Street from Avenue R½ to Avenue T.
  - (91) East side of 39th Street from Avenue S½ to Avenue T.
  - (92) West side of 41st Street from Avenue T to Avenue U.
  - (93) Both sides of 42nd Street from Avenue T to Avenue U.
  - (94) East and west side of 57th Street from Maco Drive/Heron Avenue to approximately four hundred (400) feet north of Seawall Boulevard.
  - (95) East and west side of 59th Street from Maco Drive to approximately four hundred (400) feet north of Seawall Boulevard.
- (b) The parking prohibitions of this subsection shall not apply to those residents exhibiting residential parking decals, or to guests of residents who display a visitor parking decal or sign, or to police, fire, or other emergency vehicles parking in the area in performance of police, fire, or other emergency functions. Residential parking decals shall be issued by the city manager or his designee. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange, or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
- (c) *Penalties.* In addition to penalties set forth in section 34-101, any vehicle in violation of this section shall be subject to being removed or towed away in accordance with this Code. Any resident requesting towing of a vehicle illegally parked shall contact the city police department.
- (d) The traffic safety division of the public works department is authorized to erect signs and markers indicating no parking upon the streets set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.

( [Ord. No. 13-022, § 3, 4-11-13](#) ; [Ord. No. 18-028, § 2, 4-19-18](#) )

Sec. 34-111. - Limited parking between 8:00 a.m. and 6:00 p.m., etc.

When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than is specified herein between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays or holidays or after 1:00 p.m. on Saturdays, within the district or upon any of the following streets:

- (a) *One-hour time limit:*

- (1) Postoffice Street from 18th to 19th Street on either side;
- (2) Market Street from 18th to 19th Street on either side;
- (3) Reserved;
- (4) 24th Street from Winnie Street to Ball Avenue on the west side;
- (5) Reserved;
- (6) Reserved;
- (7) 18th Street, from Market to the first alley south of Market on the east side;
- (8) Ball Avenue from 19th Street to Moody Avenue on both sides;
- (9) Winnie Street from 19th Street to Moody Avenue on both sides;
- (10) Moody Avenue from Winnie Street to Sealy Street on both sides;
- (11) Reserved.

(b) *Two-hour time limit:*

- (1) Sealy Avenue from Moody Avenue to Tremont Street on both sides;
- (2) Ball Avenue from Tremont Street to 24th Street on both sides;
- (3) Ball Avenue from Kempner Street to Tremont Street on the north side;
- (4) West side of 25th Street from Avenue H to Avenue I;
- (5) Winnie Street from Rosenberg to 24th Street on the south side;
- (6) The east side of 20th Street from Avenue A to the alley between Avenue A and the Strand;
- (7) Winnie Street from 22nd Street to 23rd Street on both sides;
- (8) Mechanic Street from 25th Street to the dead-end of the block past 26th Street on both sides;
- (9) Moody Avenue from the Strand to Water Street on both sides;
- (10) Kempner Street from the Strand to Water Street on both sides;
- (11) 24th Street from the Strand to Water Street on both sides;
- (12) 26th Street from Santa Fe Place to Market Street on both sides;
- (13) 18th Street from Market Street to Mechanic Street on both sides;
- (14) Sealy Avenue from 24th Street to Rosenberg Avenue on the south side;
- (15) Market Street from 5th Street to University Boulevard on the south side;
- (16) Postoffice Street, from 5th Street to University Boulevard on the north side;
- (17) Church Street, from the east line of 25th Street to a point one hundred fifty (150) feet easterly thereof on both sides;
- (18) 21st Street (Moody Avenue) between Avenues K and L, east side, from a point sixty (60) feet south of Avenue K to a point sixty (60) feet north in Avenue L;
- (19) Tremont Street from Winnie Street to Sealy Street on both sides;
- (20) The south side of Avenue F between 19th and 20th Streets;
- (21) Reserved.
- (22) New Strand, on the south side, from 25th to 28th Streets;

- (23) The east side of 19<sup>th</sup> Street from Postoffice Street to the Alley between Church and Postoffice Street;
  - (24) The Strand from Rosenberg to 20th Street on both sides;
  - (25) Church Street, from 8th Street to 7th Street, on the north side;
  - (26) 14th Street from The Strand to Mechanic Street on the west side;
  - (27) South side of Mechanic Street from 18th to 19th Streets and the east side of 19th Street from Mechanic Street to the alley south of Mechanic Street;
  - (28) Postoffice Street, from 14th Street to a point one hundred (100) feet east of 14th Street, on both sides;
  - (29) Postoffice Street, from a point one hundred (100) feet west of 12th Street to 12th Street, on the north side;
  - (30) Postoffice Street, from 12th Street to a point sixty (60) feet east of 12th Street, on the south side;
  - (31) Postoffice Street, from 10th Street to a point sixty (60) feet east of 10th Street, on the south side;
  - (32) The Strand, from 14th Street to a point one hundred (100) feet east of 14th Street, on the north side;
  - (33) 12th Street, from Postoffice street to the alley north of Postoffice Street, on the west side;
  - (34) 12th Street, from Postoffice Street to the alley south of Postoffice Street, on the east side;
  - (35) 10th Street, from Postoffice Street to a point fifty (50) feet south of Postoffice Street, on the east side.
- (c) The director of traffic is hereby authorized to determine and designate, by proper signage or markings, locations in the East End and Courthouse Residential Parking District, where "Two Hour Limited Parking" areas can be changed to "Two Hour Limited Parking; Exemption with Parking Permits."

(Code 1960, Ch. 21 App., Sch. 8, 94; Ord. No. 79-87, § 1, 12-13-79; Ord. No. 79-88, § 2, 12-13-79; Ord. No. 80-15, §§ 1, 2, 2-21-80; Ord. No. 80-25, § 1, 3-6-80; Ord. No. 81-78, § 3, 9-10-81; Ord. No. 83-68, § 3, 8-4-83; Ord. No. 84-44, § 2, 7-5-84; Ord. No. 85-91, § 1, 12-19-85; Ord. No. 87-16, §§ 1—4, 4-2-87; Ord. No. 88-33, § 1, 4-14-88; Ord. No. 88-91, § 1, 12-1-88; Ord. No. 89-4, § 2, 1-12-89; Ord. No. 88-1, § 2, 1-7-88; Ord. No. 96-75, §§ 2, 3, 8-8-96; Ord. No. 97-3, § 2, 1-9-97; Ord. No. 97-11, § 2, 3-13-97; Ord. No. 97-53, § 2, 7-10-97; Ord. No. 98-44, §§ 2, 3, 6-25-98; Ord. No. 98-82, § 2, 9-10-98; Ord. No. 99-78 § 4, 9-9-99; Ord. No. 03-001, § 2, 1-9-03; [Ord. No. 14-020, § 2, 3-31-14](#).)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code, § 542.202.

Sec. 34-111a. - Pleasure Pier residential parking area—Limited parking.

When signs are erected giving notice thereof, no person shall park a vehicle for a period of time longer than is specified herein within the area or upon any of the following streets:

*Two-hour time limit:*

- (1) East side of 28th Street from Avenue Q to Seawall Boulevard.

- (2) South side of Avenue Q from 27th Street to 28th Street.
- (3) West side of 27th Street from Avenue Q to Seawall Boulevard.
- (4) East side of 24th Street from Avenue Q to the Avenue P½ - Q alley.
- (5) West side of 23rd Street from approximately one hundred forty-six (146) feet south of Avenue P½ to Seawall Boulevard.
- (6) North side of Avenue P½ from 24th Street to 25th Street.

(Ord. No. 12-023, § 3, 4-26-12)

Sec. 34-112. - Parking prohibited during certain hours.

When signs are erected at each block giving notice thereof, no person shall park a vehicled between the hours specified herein on any day except Sundays and public holidays and, for subsection (j) only, Saturdays, within the district or upon any of the streets described below:

- (a) *No parking, 4:00 p.m. to 6:00 p.m.:*
  - (1) Moody Street, from Avenue J to Avenue I, on the west side.
- (b) *No parking, 8:00 a.m. to 4:00 p.m.:*
  - (1) Reserved.
  - (2) Reserved.
  - (3) Avenue O between 41st Street and 43rd Street, on the south side, provided that this restriction shall apply only upon those days when classes are in session at Ball High School.
  - (4) Avenue I between 30th Street and 32nd Street, on the north side, provided that this restriction shall apply only upon those days when classes are in session at Central High School.
  - (5) Avenue I from 30th to 32nd Streets, on the north side, provided that this restriction shall apply only upon those days when classes are in session at Central Middle School.
- (c) *No parking, 7:00 a.m. to 7:00 p.m.:*
  - (1) University Boulevard between Broadway and the alley north of Market Street, on either side.
- (d) *No parking, 7:30 a.m. to 9:00 a.m. and 2:30 p.m. to 4:00 p.m.:*
  - (1) Tremont Street, east side, adjacent to O'Connell High School.
- (e) *No parking, 6:00 p.m. to 6:00 a.m.:*
  - (1) The alley between Water Street and The Strand from Rosenberg Avenue to 20th Street.
  - (2) The alley between The Strand and Mechanic Street from Rosenberg Avenue to 20th Street.
  - (3) The alley between Mechanic Street and Market Street from Rosenberg Avenue to 20th Street.
  - (4) The alley between Market Street and Postoffice Street from Rosenberg Avenue to 20th Street.
  - (5) The alley between Postoffice Street and Church Street from Rosenberg Avenue to 20th Street.
  - (6) The alley between Church Street and Winnie Street from Rosenberg Avenue to 20th Street.
- (f) *No parking, 4:30 p.m. to 5:30 p.m.:*
  - (1) 27th Street between Broadway and the alley north of Broadway, on the west side.
- (g) *No parking, 6:00 a.m. to 6:00 p.m.:*
  - (1) Market Street between 19th Street and 20th Street, on the north side.

- (2) Winnie Street between 19th Street and eighty-two feet (82') west of 19th Street on the south side.
- (h) *No parking, 8:00 a.m. to 5:00 p.m.:*
  - (1) Reserved.
- (i) *No parking, 7:30 a.m. to 9:00 p.m. and 2:00 p.m. to 3:30 p.m.:*
  - (1) 21st Street (Moody Avenue) between Avenues K and L, east side.
- (j) *No parking, 8:00 a.m. to 9:00 p.m. (Galveston College Area Residential Parking District):*
  - (1) Avenue R from 42nd to 41st Streets, both sides.
  - (2) Avenue R from 41st to 40th Streets, south side.
  - (3) Avenue R from 40th to 39th Streets, both sides.
  - (4) Avenue Q-1/2 from 42nd to 41st Streets, both sides.
  - (5) Avenue Q-1/2 from 40th to 39th Streets, both sides.
  - (6) Avenue Q from 42nd to 41st Streets, south side.
  - (7) Avenue Q from 41st to 40th Streets, north side.
  - (8) Avenue Q from 40th to 39th Streets, both sides.
  - (9) 41st Street from Avenues R to Q, west side only.
  - (10) 39th Street from Avenues R to Q, west side only.
  - (11) 39th Street from Avenues R to Q-1/2, east side only.
  - (12) Avenues Q to R-1/2 from 39th to 42nd Streets, both sides.
  - (13) 40th Street from Avenue P-1/2 to Avenue Q.
  - (14) The south side of the 3800 block of Avenue Q-1/2.
  - (15) On the south side Avenue P-1/2 between 41st Street and 42nd Street.
  - (16) Provided, however, that this parking prohibition shall not apply to those residents exhibiting residential parking decals, guest of residents who display a visitor parking decal or sign and to police, fire or other emergency vehicles parking in the area to perform police, fire or other emergency functions. Both residential parking decals and visitor parking decals will be issued by the city manager or his designee. These decals shall be nontransferable and it shall be unlawful for any resident or guest to transfer these decals to any other person. All residents and guests shall display the residential and guest parking decals on the front or rear windshield of the vehicle.
  - (17) In addition to being subject to the fine imposed herein, any vehicles in violation of this section shall be subject to being removed or towed away, in accordance with the provisions of Chapters 34 and 37, and other applicable sections of the city Code. A resident shall call the Galveston Police Department to request towage of any vehicle illegally parked.
  - (18) The traffic safety division of public works is hereby authorized to erect signs and markers indicating no parking upon either or both sides of the street, as set forth herein and notifying the public that illegally parked vehicles are subject to being towed away.
- (k) *No parking 8:00 a.m. to 5:00 p.m. (Lindale Park/Lyncrest Manor Subdivision Residential Parking District):*
  - (1) When signs are erected at each block giving notice thereof, no person shall park a vehicle from 8:00 a.m. to 5:00 p.m. on any day except Saturdays, Sundays and city holidays upon the following streets:

- a. Both sides of Barracuda Avenue from Marine Street to Holiday Drive.
  - b. Both sides of Tuna Avenue from Marine Street to Holiday Drive.
  - c. Both sides of Mackerel Avenue from Marine Street to Holiday Drive.
  - d. Both sides of Marine Street from Barracuda Avenue to Mackerel Avenue.
- (2) The parking prohibition of this subsection (k) shall not apply to those residents exhibiting residential parking decals, or to guests of residents who display a visitor parking decal or sign, or to police, fire or other emergency vehicles parking in the area in performance of police, fire or other emergency functions. Residential parking decals shall be issued by the city manager or designee. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
- (3) Penalties. In addition to penalties set forth in section 34-101, any vehicle in violating of this subsection (k) shall be subject to being removed or towed away in accordance with the City Code. Any resident requesting towing of a vehicle illegally parked shall contact the Galveston police department.
- (4) The traffic safety division of the public works department is authorized to erect signs and markers indicating no parking upon the street set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.
- (l) *No parking 7:00 a.m. to 9:00 p.m. (Ball High School Residential Parking District):*
- (1) When signs are erected at each block giving notice thereof, no person shall park a vehicle from 7:00 a.m. to 9:00 p.m. on any day except Saturdays, Sundays and city holidays upon the following streets:
- a. The east side of 41st Street, from Avenue O to Avenue P;
  - b. Both sides of 40th Street, from Avenue O to Avenue P;
  - c. Both sides of Avenue O1/2, from 40th Street to 41st Street.
- (2) The parking prohibition of this subsection (l) shall not apply to those residents exhibiting residential parking decals, or to guests of residents who display a visitor parking decal or sign, or to police, fire or other emergency vehicles parking in the area in performance of police, fire or other emergency functions. Residential parking decals shall be issued by the city manager or designee. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
- (3) Penalties. In addition to penalties set forth in section 34-101, any vehicle in violating of this subsection (l) shall be subject to being removed or towed away in accordance with the city Code. Any resident requesting towing of a vehicle illegally parked shall contact the Galveston police department.
- (4) The traffic safety division of the public works department is authorized to erect signs and markers indicating no parking upon the street set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.
- (m) *No parking 7:00 a.m. to 5:00 p.m.:*
- (1) When signs are erected at the following streets giving notice thereof, no person shall park a vehicle from 7:00 a.m. to 5:00 p.m. on any day except Saturdays, Sundays, and city holidays:
- a. Winnie Street, from 12th Street to 10th Street, on the north side;
  - b. Winnie Street, from 10th Street to 7th Street, on both sides;
  - c. Church Street, from 12th Street to 8th Street, on both sides;

- d. Church Street, from 8th Street to 7th Street, on the south side;
  - e. Church Street, from 7th Street to 6th Street, on both sides;
  - f. Postoffice Street, from a point one hundred (100) feet east of 14th Street to a point one hundred (100) feet west of 12th Street, on the north side;
  - g. Postoffice Street, from a point one hundred (100) feet east of 14th Street to 12th Street, on the south side;
  - h. Postoffice Street, from a point sixty (60) feet east of 12th Street to 10th Street, on the south side;
  - i. Postoffice Street, from 12th Street to 10th Street, on the north side;
  - j. Postoffice Street, from a point sixty (60) feet east of 10th Street to 9th Street on the south side;
  - k. Postoffice Street, from 10th Street to 9th Street, on the north side;
  - l. Market Street, from 14th Street to 11th Street, on the south side;
  - m. The Strand, from a point one hundred (100) feet east of 14th Street to 13th Street, on the north side;
  - n. 13th Street, from Postoffice Street to Market Street, on both sides;
  - o. 13th Street, from The Strand to Harborside Drive, on both sides;
  - p. 12th Street, from Winnie Street to the alley south of Postoffice Street, on both sides;
  - q. 12th Street, from Postoffice Street to the alley south of Postoffice Street, on the west side;
  - r. 12th Street, from the alley north of Postoffice Street to Market Street, on the west side;
  - s. 12th Street, from Postoffice Street to Market Street, on the east side;
  - t. 11th Street, from Winnie to the alley south of Market Street, on both sides;
  - u. 11th Street, from Market Street to the alley south of Market Street, on the west side;
  - v. 10th Street, from Ball Street to Winnie Street, on the east side;
  - w. 10th Street, from Winnie to a point fifty (50) feet south of Postoffice Street, on the east side;
  - x. 10th Street, from Winnie to Postoffice Street, on the west side;
  - y. 10th Street, from Postoffice Street to the alley south of Market Street, on both sides;
  - z. 9th Street, from Ball Street to Postoffice Street, on the east side;
  - aa. 9th Street, from Ball Street to the alley north of Postoffice Street, on the west side;
  - bb. 8th Street, from Ball Street to Church Street, on both sides;
  - cc. 7th Street, from Winnie Street to Church Street, on both sides.
- (2) The parking prohibition of this subsection (m)(1) shall not apply to: (a) those residents who display residential parking decals in accordance with this subsection (m)(2); (b) to guests of residents who display a visitor parking decal or sign on the vehicle in accordance with this section (m)(2); or (c) to police, fire or other emergency vehicles parking in the area in performance of police, fire or other emergency functions. The city manager or designee shall issue residential parking decals. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
- (3) Penalties. In addition to penalties set forth in section 34-101, any vehicle in violation of this subsection (m) shall be subject to being removed or towed away in accordance with the city



Code. Any resident requesting towing of a vehicle illegally parked shall contact the Galveston police department.

- (4) The traffic safety division of the public works department is authorized to erect signs and markers indicating "no parking" upon the street set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.
- (n) (1) When signs are erected at each block giving notice thereof, no person shall park a vehicle from 8:00 a.m. to 5:00 p.m. on any day except Saturdays, Sunday and city holidays upon the following streets:
- a. Reserved.
  - b. The East Side of 19th Street from Winnie Street to the Alley between Winnie and Church Street.
  - c. The East Side of 19th Street from Church Street to the Alley between Church and Postoffice Street.
- (2) The parking prohibition of this subsection shall not apply to those residents exhibiting residential parking decals, or to guests of residents who display a visitor parking decal or sign, or to police, fire or other emergency vehicles parking in the area in performance of police, fire or other emergency functions. Residential parking decals shall be issued by the city manager or designee. Residential decals shall be nontransferable. It shall be unlawful for any resident or guest to transfer, give, exchange or sell any residential decal to another person. All residential decals shall be displayed on the front or rear windshield of the vehicle.
- (3) Penalties. In addition to penalties set forth in section 34-101, any vehicle in violating of this subsection shall be subject to being removed or towed away in accordance with this Code. Any resident requesting towing of a vehicle illegally parked shall contact the Galveston police department.
- (4) The traffic safety division of the public works department is authorized to erect signs and markers indicating no parking upon the street set forth above and is further authorized to notify the public that illegally parked vehicles are subject to towing.

(Code 1960, Ch. 21 App., § 92, Sch. 6; Ord. No. 79-86, § 2, 12-13-79; Ord. No. 80-25, § 2, 3-6-80; Ord. No. 90-17, § 2, 3-22-90; Ord. No. 90-85, § 2, 12-13-90; Ord. No. 92-94, § 2, 11-12-92; Ord. No. 92-103, § 2, 12-10-92; Ord. No. 93-82, §§ 2, 5, 8-26-93; Ord. No. 93-113, § 2, 12-9-93; Ord. No. 97-52, § 2, 7-10-97; Ord. No. 97-66, § 3, 8-14-97; Ord. No. 97-62, § 2, 11-13-97; Ord. No. 98-82, § 3, 9-10-98; Ord. No. 03-001, § 3, 1-9-03; [Ord. No. 14-020, § 2, 3-31-14](#).)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A. Transportation Code § 542.202.

Sec. 34-113. - Removal of illegally parked vehicles.

Any vehicle so stopped, standing or parked in violation of this chapter may be removed and towed to any authorized auto storage yard upon order of any police officer. When so removed by order of any police officer, an immediate report shall be made to the police department regarding the make, model and color of such vehicle, the vehicle identification and license number, and the address of the auto storage yard to which such vehicle has been removed. Such vehicle shall be reclaimed by the registered owner or other authorized person upon payment of a towing fee to the operator of the auto storage yard within twenty-four (24) hours of the time of removal from the public street.

Vehicles not claimed within such twenty-four (24) hours shall be subject to additional storage charges. Charges for such towing and storage shall not exceed those charges authorized in the wrecker service code, chapter 37 of this Code.

(Code 1960, Ch. 21 App., § 93; Ord. No. 81-44, § 3, 5-7-81; Ord. No. 10-019, § 2, 2-25-10)

Sec. 34-114. - Parking prohibited other times and locales.

When signs are erected giving notice thereof, no person shall park a vehicle during the times or upon the streets as specified herein:

- (1) Seawall Boulevard from 6<sup>th</sup> Street, to 59<sup>th</sup> Street, from 63<sup>rd</sup> Street to 89<sup>th</sup> Street, and from the 9300 block of Seawall Boulevard to the western terminus of the Seawall, from 3:00 a.m. to 5:00 a.m. every day including Saturdays, Sundays and holidays.

The foregoing areas shall be marked "tow-away zone," and vehicles shall be removed at the owner's expense in accordance with section 34-113 of this Code.

- (2) On the north side of Post Office Street between 20<sup>th</sup> and 21<sup>st</sup> Streets for a distance of twenty (20) feet from a point one hundred seven (107) feet eastward from 21<sup>st</sup> Street.

(Ord. No. 82-8, § 2, 1-21-82; Ord. No. 82-50, § 1, 6-10-82; Ord. No. 88-31, § 1, 4-14-88; Ord. No. 90-30, § 2, 5-3-90; Ord. No. 91-32, § 2, 3-28-91; Ord. No. 91-56, § 2, 6-27-91; Ord. No. 92-20, § 1, 2-27-92; Ord. No. 93-29, § 2, 3-11-93; Ord. No. 97-37, § 1, 6-12-97; Ord. No. 97-93, § 2, 11-13-97; Ord. No. 07-059, § 2, 8-23-07; Ord. No. [16-088](#), § 2, 12-15-16)

Sec. 34-115. - Parking spaces reserved for the disabled or handicapped.

- (a) The director of traffic is hereby authorized to select and to designate reserved parking spaces on public or private property for the exclusive use of appropriately marked vehicles regularly operated by or for the transportation of persons with disabilities as defined by state law.
- (b) Such reserved parking shall be designated by signs conforming to the standards adopted by the commissioner of licensing and regulation pursuant to state law.
- (c) It shall be unlawful for any person to park a vehicle in a space designated for the use of persons with disabilities unless such vehicle is appropriately identified in accordance with state law.

(Ord. No. 80-23, § 1, 3-6-80; Ord. No. 98-5, § 2, 1-22-98)

**Editor's note**— Section 1 of Ord. No. 80-23, adopted March 6, 1980, reenacted § 86 of the appendix to Ch. 21 of the 1960 Code, adding provisions as paragraph B, relative to parking spaces for the handicapped, which the editor has designated as § 34-115.

Sec. 34-116. - Passageways and parking area; blocking and monopolizing.

- (a) *Obstructing; deemed unlawful.* It shall be unlawful for any person to obstruct the sidewalk, roadway of any public street or alley by monopolizing the space provided for pedestrian or vehicular travel or the parking of vehicles.
- (b) *Acts construed as violations:*
  - (1) Parking a vehicle on a sidewalk or in such other manner as to obstruct a pedestrian walkway shall constitute a violation of this section;
  - (2) Leaving a vehicle in the same position for more than forty-eight (48) hours shall constitute a violation of this section;
  - (3) Parking or to leave standing a truck or other commercial vehicle with more than two (2) axles or which vehicle has a manufacturer's gross vehicle rating of ten thousand (10,000) pounds or

more on any street or alley within any residential district, as defined by the zoning ordinance, within the corporate limits of the city during the hours of 7:00 a.m. to 7:00 p.m. or at any place where the vehicle would block the use of a driveway shall constitute a violation of this section.

- (c) *Exception.* Subsection (b)(1) hereof shall not apply to the eight (8) foot strip north of and adjacent to the north curb of Avenue G between 41st Street and 43rd Street. Parking on the eight (8) foot strip adjacent to the north curb of Avenue G between 41st Street and 43rd Street shall be permitted.

Subsection (b)(3) hereof shall not apply to such trucks parked for the purpose of loading or unloading or for the purpose of making emergency repairs.

(Ord. No. 82-72, § 1, 9-16-82; Ord. No. 89-21, § 2, 2-9-89)

**Cross reference**— Removal of obstructions from streets, alleys, sidewalks, § 32-8.

Sec. 34-117. - Two-hour limited parking between 8:00 a.m. and 5:00 p.m.; exemption with parking permit.

- (a) Except as exempted herein, there shall be a maximum of two (2) hours of parking allowed per block, per calendar day.
- (b) Vehicles may not re-park in the same city block, per calendar day. It shall be a violation for any person to park a vehicle in excess of two (2) hours in any given parking space or designated area, if the vehicle has not been moved into another city block.
- (c) When signs are erected giving notice thereof, no person shall park a vehicle for a period longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. in the following locations, unless exempt by displaying on the rear window a "resident parking permit" or displaying in the front window a "visitor parking permit" as issued by the city. The city manager shall provide written criteria for city staff to use in determining if a resident or visitor parking permit should be issued. A vehicle displaying a "resident parking permit" or a "visitor parking permit" shall not be exempt from other parking rules and regulations, including but not limited to, abandoned motor vehicle laws and overweight commercial vehicles.
- (1) Postoffice Street from 19th Street to 17th Street on both sides;
  - (2) Church Street from 19th Street to 17th Street on both sides;
  - (3) 18th Street from Postoffice Street to Winnie Street on both sides;
  - (4) 6th Street to 14th Street from Market Street to Broadway;
  - (5) 14th Street, Broadway to Port Industrial, east and west sides;
  - (6) 17th Street from Avenue D to Avenue G, both sides;
  - (7) 15th Street, between Mechanic and Market Streets on both sides, 15th Street, between Market and Postoffice Streets on the east side and 15th Street, between Postoffice and Winnie Streets, both sides;
  - (8) Avenue C from 14th to 15th Streets, both sides;
  - (9) Avenue E from 14th to 15th Streets, both sides;
  - (10) Avenue F from 14th to 15th Streets, both sides;
  - (11) Avenue G from 14th to 15th Streets, both sides;
  - (12) 18th Street from Avenue D to Avenue E, both sides;
  - (13) 15th Street (west side) between Avenue A and Avenue B;
  - (14) 16th Street (both sides) between Avenue A and Avenue C;

- (15) 18th Street (east side) between Avenue B and Avenue C;
- (16) Avenue B (north side) between 15th and 16th Streets;
- (17) Avenue B (both sides) between 16th and 17th Streets;
- (18) Avenue B (south side) between 17th and 18th Streets;
- (19) Avenue C (both sides) between 16th and 18th Streets;
- (20) Market Street from 18th to 19th Street, except for East End residential parking permits, and from 19th to 26th Streets on both sides;
- (21) Postoffice Street from 15th to 16th Streets (south side), except for East End residential parking permits, and 19th to Rosenberg Avenue on both sides.
- (22) The east side of 19<sup>th</sup> Street from Church Street to the alley between Winnie and Church Street;
- (23) Market Street from 14<sup>th</sup> to 15<sup>th</sup> Streets (both sides);
- (24) Market Street from 15<sup>th</sup> to 16<sup>th</sup> Streets (north side);
- (25) Market Street from 16<sup>th</sup> to 18<sup>th</sup> Streets (both sides).
- (26) The 1500 Block of Mechanic Street (aka Avenue C).

(Ord. No. 88-09, § 1, 2-11-88; Ord. No. 88-45, § 1, 4-28-88; Ord. No. 88-76, § 1, 9-29-88; Ord. No. 89-56, § 2, 5-4-89; Ord. No. 91-07, § 2, 1-24-91; Ord. No. 93-72, § 2, 7-22-93; Ord. No. 94-41, § 3, 7-28-94; Ord. No. 98-82, § 4, 9-10-98; Ord. No. 99-17, § 2, 3-11-99; Ord. No. 99-114, § 2, 12-9-99; Ord. No. 03-001, § 4, 1-9-03; Ord. No. 04-105, § 2, 11-30-04; [Ord. No. 14-020, § 2, 3-31-14](#); [Ord. No. 15-065, § 2, 8-27-15](#); Ord. No. [19-023](#), § 2, 3-28-19)

Sec. 34-117.5. - Two-hour limited parking between 9:00 a.m. and 6:00 p.m.

- (a) As provided herein, there shall be a maximum of two (2) hours of parking allowed per block, per calendar day.
- (b) Vehicles may not re-park in the same city block, per calendar day. It shall be a violation for any person to park a vehicle in excess of two (2) hours in any given parking space or designated area, if the vehicle has not been moved to another city block.
- (c) When signs are erected giving notice thereof, no person shall park a vehicle for a period longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. in the following locations:
  - (1) 25th Street (Rosenberg Avenue) between Avenue E (Postoffice Street) and Avenue F (Church Street) on the east side only;
  - (2) 25th Street (Rosenberg Avenue) between Avenue G (Winnie) and Avenue H (Ball) on the east side only;
  - (3) 22nd Street (Kempner Avenue) between Avenue F (Church Street) and Avenue G (Winnie Street) on both sides;
  - (4) Avenue F (Church Street) between 20th Street and 22nd Street on both sides;
  - (5) Church Street from 20th to 26th streets on both sides;
  - (6) Postoffice Street from 24th to 26th Streets on both sides;
  - (7) Postoffice from 20th Street to 19th Street on both sides;
  - (8) Market Street from 25th to 26th Street on both sides;
  - (9) Market Street from 20th Street to 19th Street on the south side only;

- (10) Mechanic Street from 25th to 26th Street on both sides;
- (11) Mechanic Street from 20th Street to 19th Street on both sides;
- (12) Santa Fe Place from 25th Street to 26th Street on both sides;
- (13) 25th Street from Church Street to Mechanic Street on the east side only;
- (14) 25th Street from Church Street to Santa Fe Place on the west side only;
- (15) 20th street from Church Street to Postoffice Street on both sides;
- (16) 20th street from Market Street to Harborside Drive on the west side only;
- (17) 20th Street from Mechanic Street to Harborside Drive on the east side only.
- (18) The East Side of the 300 Block on 19<sup>th</sup> Street.

(Ord. No. 98-121, § 2, 12-29-98; Ord. No. 10-088, § 2, 10-28-10; [Ord. No. 15-065, § 2, 8-27-15](#); [Ord. No. 16-050, § 2, 6-23-16](#) )

**Editor's note**— Ord. No. 10-088, § 2, adopted October 28, 2010, changed the title of section 34-117.5 from "Two-hour limited parking between 8:00 a.m. and 5:00 p.m." to "Two-hour limited parking between 9:00 a.m. and 6:00 p.m." The historical notation has been preserved for reference purposes.

Sec. 34-117a. - Pleasure Pier residential parking area—Two-hour limited parking; exemption with parking permit.

- (a) Except as exempted herein, there shall be a maximum of two (2) hours of parking allowed per block, per calendar day.
- (b) Vehicles may not re-park in the same city block, per calendar day. It shall be a violation for any person to park a vehicle in excess of two (2) hours in any given parking space or designated area if the vehicle has not been moved to another city block.
- (c) When signs are erected giving notice thereof, no person shall park a vehicle for a period longer than two (2) hours in the following locations, unless exempt by displaying on the rear window a "resident parking permit" or displaying in the front window a "visitor parking permit" as issued by the city. The city manager shall provide written criteria for city staff to use in determining if a resident or visitor parking permit should be issued. A vehicle displaying a "resident parking permit" or a "visitor parking permit" shall not be exempt from other parking rules and regulations, including but not limited to, abandoned motor vehicle laws and overweight commercial vehicles.

*"Two-hour parking—Residential permits parking exempted" locations:*

- (1) West side of 28th Street from the Avenue R - R<sup>1</sup>/<sub>2</sub> alley to Avenue R<sup>1</sup>/<sub>2</sub>.
- (2) West side of 28th Street from Avenue Q to approximately ninety (90) feet north of Avenue Q.
- (3) East side of 28th Street from Avenue Q to the Avenue P<sup>1</sup>/<sub>2</sub> - Q alley.
- (4) East side of 27th Street from Avenue Q to approximately eighty-five (85) feet north of Avenue Q.
- (5) East side of 27th Street from the Avenue Q - Q<sup>1</sup>/<sub>2</sub> alley to approximately thirty (30) feet south of the alley.
- (6) West side of 26th Street from Avenue Q to the Avenue Q - P<sup>1</sup>/<sub>2</sub> alley.
- (7) East side of 26th Street from Avenue Q to approximately sixty (60) feet south of Avenue Q.
- (8) West side of 25th Street from Avenue Q to approximately seventy (70) feet south of Avenue Q.

- (9) East side of 25th Street from the Avenue Q - Q½ alley to Avenue Q½.
- (10) West side of 24th Street from Avenue Q to Avenue Q½.
- (11) West side of 23rd Street from Avenue P½ to approximately one hundred forty-six (146) feet south of Avenue P½.
- (12) North side of Avenue P½ from 23rd Street to approximately one hundred sixty-six (166) feet west of 23rd Street.
- (13) South side of Avenue P½ from 23rd Street to approximately two hundred thirty (230) feet west of 23rd Street.
- (14) North side of Avenue Q from 28th Street to approximately sixty (60) feet east of 28th Street.
- (15) North side of Avenue Q from 27th Street to approximately forty-four (44) feet east of 27th Street.
- (16) North side of Avenue Q from 26th Street to approximately eighty (80) feet west of 26th Street.
- (17) South side of Avenue Q from 26th Street to approximately sixty-six (66) feet east of 26th Street.
- (18) South side of Avenue Q from 25th Street to approximately ninety (90) feet west of 25th Street.
- (19) South side of Avenue Q from 24th Street to approximately one hundred fifty (150) feet west of 24th Street.
- (20) North side of Avenue Q½ from approximately fifty-two (52) feet east of 27th Street to approximately one hundred forty-four (144) feet west of 26th Street.
- (21) North side of Avenue Q½ from 25th Street to approximately one hundred forty-five (145) feet east of 25th Street.
- (22) North side of Avenue Q½ from 24th Street to approximately one hundred twelve (112) feet west of 24th Street.
- (23) South side of Avenue Q½ from 25th Street to 24th Street.
- (24) North side of Avenue R½ from 28th Street to approximately one hundred eighty-seven (187) feet west of 28th Street.
- (25) South side of Avenue R½ from 28th Street to 29th Street.

(Ord. No. 12-023, § 4, 4-26-12; [Ord. No. 15-065, § 2, 8-27-15](#))

Sec. 34-117b. - Seawall residential parking district—Two-hour limited parking; exemption with parking permit.

- (a) Except as exempted herein, there shall be a maximum of two (2) hours of parking allowed per block, per calendar day.
- (b) Vehicles may not re-park in the same city block, per calendar day. It shall be a violation for any person to park a vehicle in excess of two (2) hours in any given parking space or designated area if the vehicle has not been moved to another city block
- (c) When signs are erected giving notice thereof, no person shall park a vehicle for a period longer than two (2) hours in the following locations, unless exempt by displaying on the rear window a "resident parking permit" or displaying in the front window a "visitor parking permit" as issued by the city. The city manager shall provide written criteria for city staff to use in determining if a resident or visitor parking permit should be issue. A vehicle displaying a "resident parking permit" or a "visitor parking permit" shall not be exempt from other parking rules and regulations, including but not limited to, abandoned motor vehicle laws and overweight commercial vehicles.

*"Two-hour parking—Residential permits parking exempted" locations:*

- (1) South side of Broadway from 7th Street to approximately one hundred two (102) feet west of 7th Street.
- (2) South side of Broadway from approximately one hundred forty-five (145) feet east of 8th Street to approximately one hundred eighty-five (185) feet east of 8th Street.
- (3) North side of Avenue K from 7th Street to approximately one hundred sixty-five (165) feet east of 8th Street.
- (4) North side of Avenue K from approximately sixty (60) feet east of 10th Street to 10th Street.
- (5) South side of Avenue K from 7th Street to approximately one hundred sixty (160) feet west 7th Street.
- (6) North side of Avenue L from 8th Street to approximately one hundred two (102) feet west of 8th Street.
- (7) South side of Avenue L from 8th Street to 9th Street.
- (8) South side of Avenue M from 9th Street to 10th Street.
- (9) North side of Avenue M from 9th Street to approximately one hundred (100) feet west of 9th Street.
- (10) South side of Avenue M½ from 10th Street to 12th Street.
- (11) North side of Avenue N from 11th Street to 12th Street.
- (12) South side of Avenue N from 11th Street to 12th Street.
- (13) South side of Avenue N½ from 13th Street to 15th Street.
- (14) North side of Avenue O from 17th Street to approximately forty-one (41) feet west of 17th Street.
- (15) South side of Avenue O from 15th Street to approximately one hundred eighty-six (186) feet west of 15th Street.
- (16) South side of Avenue O from approximately seventy-five (75) feet east of 17th Street to 17th Street.
- (17) South side of Avenue O½ from 20th Street to approximately fifty-nine (59) feet west of 20th Street.
- (18) South side of Avenue P from approximately eighty (80) feet east of 23rd Street to 23rd Street.
- (19) South side of Avenue R from 29th Street to approximately one hundred forty-five (145) feet east of 29th Street.
- (20) South side of Avenue R½ from 29th Street to approximately one hundred twenty-three (123) feet east of 30th Street.
- (21) North side of Avenue S from approximately one hundred two (102) feet east of 32nd Street to approximately one hundred forty-two (142) feet east of 32nd Street.
- (22) North side of Avenue S from 32nd Street to approximately one hundred twenty-four (124) feet west of 32nd Street.
- (23) North Side of Avenue S from approximately forty (40) feet east of 33rd Street to 33rd Street.
- (24) North side of Avenue S from 34th Street to approximately eighty (80) feet west of 34th Street.
- (25) North side of Avenue S from approximately one hundred two (102) feet east of 35th Street to 35th Street.
- (26) South side of Avenue S from 31st Street to 35th Street.

- (27) South side of Avenue T from 37th Street to 41st Street.
- (28) North side of Avenue U from 39th Street to 41st Street.
- (29) North side of Fort Crocket Boulevard from approximately one hundred twenty (120) feet west of 45th Street to approximately seven hundred sixty (760) feet west of 45th Street.
- (30) South side of Fort Crocket Boulevard from 45th Street to approximately nine hundred (900) feet west of 45th Street.
- (31) East side of 7th Street from Broadway to Seawall Boulevard.
- (32) West side of 7th Street from Broadway to the Broadway—Avenue K Alley.
- (33) East and west side of 8th Street from the Avenue K—Seawall Boulevard Alley to Seawall Boulevard.
- (34) East side of 9th Street from the Avenue L to Seawall Boulevard.
- (35) West side of 9th Street from the Avenue L—Seawall Boulevard Alley to Seawall Boulevard.
- (36) East side of 10th Street from the Avenue M to Seawall Boulevard.
- (37) East and west side of 11th Street from Avenue M½ to Seawall Boulevard.
- (38) East side of 12th Street from Avenue M½ to Seawall Boulevard.
- (39) East side of 13th Street from the Avenue N—Seawall Boulevard Alley to Seawall Boulevard.
- (40) West side of 13th Street from Avenue N½ to Seawall Boulevard.
- (41) East and west side of 14th Street from Avenue N½ to Seawall Boulevard.
- (42) East side of 15th Street from Avenue N½ to Seawall Boulevard.
- (43) West side of 15th Street from Avenue O to Seawall Boulevard.
- (44) East and west side of 16th Street from the Avenue O - Seawall Boulevard Alley to Seawall Boulevard.
- (45) East side of 17th Street from Avenue O to Seawall Boulevard.
- (46) West side of 17th Street from Avenue O to approximately sixty-six (66) feet north of Avenue O.
- (47) West side of 17th Street from the Avenue O—Avenue O½ Alley to Seawall Boulevard.
- (48) East side of 18th Street from the Avenue O—Avenue O½ Alley to Seawall Boulevard.
- (49) East side of 19th Street from Avenue P to Seawall Boulevard.
- (50) East side of 21st Street from Avenue P to Seawall Boulevard.
- (51) East side of 22nd Street from approximately one hundred forty-six (146) feet south of Avenue P to Seawall Boulevard.
- (52) West side of 22nd Street from approximately one hundred thirty-six (136) feet south of Avenue P to Seawall Boulevard.
- (53) East and west side of 23rd Street from Avenue P to Avenue P½.
- (54) East side of 29th Street from Avenue R to Avenue R½.
- (55) East side of 30th Street from the Avenue R½—Seawall Boulevard Alley to Seawall Boulevard.
- (56) East side of 32nd Street from Avenue S to Seawall Boulevard.
- (57) West side of 32nd Street from the Avenue R½—S Alley to Seawall Boulevard.
- (58) East side of 33rd Street from approximately fifty-six (56) feet north of Avenue S to Seawall Boulevard.



- (59) West side of 33rd Street from Avenue S to Seawall Boulevard.
- (60) West side of 34th Street from approximately sixty-six (66) feet north of Avenue S to Avenue S.
- (61) East side of 35th Street from approximately fifty-six (56) feet north of Avenue S to Seawall Boulevard.
- (62) West side of 35th Street from Avenue S½ to Seawall Boulevard.
- (63) West side of 37th Street from seventy (70) feet north of Seawall Boulevard to Avenue T.
- (64) East side of 39th Street from the Avenue T to Avenue U.
- (65) West side of 39th Street from approximately two hundred forty (240) feet north of Seawall Boulevard to Avenue T.
- (66) East of 41st Street from the Avenue T to Avenue U.
- (67) East and west side of Fort Crocket Boulevard from Seawall Boulevard to approximately five hundred fifty (550) feet north of Seawall Boulevard.
- (68) East side of 53rd Street from Seawall Boulevard to Avenue U.
- (69) West side of 53rd Street from approximately four hundred (400) feet north of Seawall Boulevard to approximately five hundred eighty (580) feet north of Seawall Boulevard.

( [Ord. No. 13-022, § 4, 4-11-13](#); [Ord. No. 15-065, § 2, 8-27-15](#) )

Sec. 34-117c. - Downtown paid parking district.

- (a) The downtown paid parking district shall be designated as the area located from 20th Street up to 25th Street and from Harborside up to Church Street.
- (b) There shall be no charge for legally parking in the downtown paid parking district for the first fifteen (15) minutes.
- (c) There shall be a one (1) hour minimum of paid parking in the downtown paid parking district.
- (d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

( [Ord. No. 15-065, § 2, 8-27-15](#); [Ord. No. 16-016, § 2, 3-10-16](#) )

**Editor's note**— [Ord. No. 16-016, § 2, adopted March 10, 2016](#), amended § 34-117c to read set out herein. Previously § 34-117c was titled "Downtown parking district—Two-hour limited parking between 9:00 a.m. and 6:00 p.m."

Sec. 34-118. - Prohibiting the sale, transfer or loan of residential parking permits.

It shall be unlawful for a person to sell, transfer, loan, purchase, exchange or borrow a residential parking permit.

(Ord. No. 93-79, § 2, 8-12-93)

Sec. 34-119. - Parking on private property.

- (a) Unless otherwise stated below, it shall be an offense for a person to park a motor vehicle, camper, trailer, motor home or boat on private residential property hereinafter described unless the vehicle is

parked on a maintained side or rear yard, screened from public view with either fencing and/or landscaping, as approved by the director of planning and community development or designee.

- (b) Any parking in a designated historic district is subject to approval by the landmark commission, as per subsection 29-67(b) of the city zoning standards.
- (c) Any mobile home or travel trailer, not located within an approved mobile home park or travel trailer park, and being situated at its present location, prior to December 1976, and used as a place of residence, shall be allowed to continue as a legal non-conforming use, provided the present occupant continues to maintain said mobile home or travel trailer a place of residence only.

Any mobile home or travel trailer not so located and not used as a place of residence, prior to December 1976, shall be removed or relocated to an approved mobile home park or travel trailer park. Any travel trailer or mobile home used as a place of residence after December 1976 shall be deemed in violation of the zoning standards section 29-87.

- (d) Screening devices and parking surfaces shall comply with all other ordinances of the city regulating the same.
- (e) Properties located west of 103<sup>rd</sup> Street are exempt from the screening requirements described in subsection (a);
- (f) All vehicles shall comply with all City Code and state requirements including vehicle registration, inspection, and junked vehicles.
- (g) All vehicles parked in an area that is part of a driveway that provides access to a garage or carport or located on an all-weather surface may not encroach the city right-of-way.
- (h) No motor vehicle, camper, trailer, motor home, or boat may be parked on a lot or driveway on which there is no standing structure.
  - (1) For purposes of this section, a standing structure shall mean a structure with exterior walls or firewalls, and a roof, built, erected or framed of materials to shelter persons, animals, or property.

(Ord. No. 93-76, § 2, 8-12-93; Ord. No. 03-062, § 3, 6-26-03; Ord. No. 10-066, § 2, 8-12-10; [Ord. No. 16-053, § 2, 7-28-16](#).)

Secs. 34-120—34-124. - Reserved.

#### DIVISION 2. - LOADING OR UNLOADING

Sec. 34-125. - Director of traffic to designate loading zones.

The director of traffic is hereby authorized to determine the location of passenger and freight curb-loading zones and shall place and maintain appropriate signs and curb markings indicating the same and stating the hours during which the provisions of this section are applicable.

(Code 1960, Ch. 20 App., § 83)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code § 542.202.

Sec. 34-126. - Standing in freight curb loading zone.

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a

freight curb-loading zone during hours when the provisions applicable to such curb loading zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

- (b) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb-loading zone for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.
- (c) The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in the loading or unloading of materials provided that such passenger vehicle has prominently displayed thereon a sign indicating the name of the commercial firm for whom such loading or unloading services are being provided. Such sign shall be either permanently affixed to the side or rear of such vehicle or displayed upon a placard displayed in the windshield thereof.

(Code 1960, Ch. 21 App., § 85)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code § 542.202.

Sec. 34-126.1. - Reserved.

**Editor's note**— Ord. No. 97-52, § 3, adopted July 10, 1997, amended the Code by repealing former § 34-126.1 in its entirety. Former § 34-126.1 pertained to specific loading zones, and carried no history note.

Sec. 34-127. - Public carrier stops and stands—Designation.

The director of traffic is hereby authorized and required to establish bus stops, bus stands, taxicab stands, and stands for other public conveyances on such public streets in such places and in such number as he shall deem to be of the greatest benefit and convenience to the public; and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

(Code 1960, Ch. 21 App., § 86; Ord. No. 80-23, § 1, 3-6-80)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code § 542.202.

Sec. 34-128. - Same—Use.

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

(Code 1960, Ch. 21 App., § 88)

**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A., Transportation Code § 542.202.

Sec. 34-129. - Stopping, standing and parking of buses and taxicabs.

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand, so designated as provided herein, except in case of emergency.
- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of emergency.
- (c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position approximately parallel to the curb and parked or stopped in such a manner so as not to unduly impede the movement of other vehicular traffic.

(Code 1960, Ch. 21 App., § 87)

Secs. 34-130—34-140. - Reserved.

DIVISION 3. - METERED PARKING<sup>[5]</sup>

Footnotes:

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**State Law reference**— Power of city to regulate stopping, standing or parking, V.T.C.A Transportation Code § 542.202.

Sec. 34-141. - Locations of paid parking systems.

The parking of vehicles in certain locations shall be regulated by paid parking systems. The city manager shall have the authority to relocate such paid parking system without further action by city council. Except for Seawall Boulevard, the city manager shall have the authority to designate paid parking system locations where none have previously existed without further action by city council. The city manager shall have the authority to establish and amend the maximum times allowed at each paid parking system location, without further action by city council. The city manager shall have the discretion to bag parking meters, and to set the bagged parking meter rate, as the city manager deems appropriate and necessary.

(Code 1960, Ch. 21 App., § 103, Sch. 9; Ord. No. 79-9, §§ 3, 3-1-79; Ord. No. 79-88, § 1, 12-13-79; Ord. No. 81-78, §§ 1, 2, 9-10-81; Ord. No. 82-8, § 3, 1-21-82; Ord. No. 83-137, §§ 1, 2, 12-15-83; Ord. No. 84-102, §§ 1, 2, 11-8-84; Ord. No. 85-91, § 2, 12-19-85; Ord. No. 87-68, § 2, 12-10-87; Ord. No. 90-04, § 2, 1-18-90; Ord. No. 90-12, § 2, 3-8-90; Ord. No. 91-25, § 2, 3-14-91; Ord. No. 91-108, § 2, 12-30-91; Ord. No. 93-23, § 2, 2-25-93; Ord. No. 93-60, § 2, 6-10-93; Ord. No. 93-78, § 2, 8-12-93; Ord. No. 93-82, §§ 3, 4, 8-26-93; Ord. No. 94-41, § 2, 7-28-94; Ord. No. 96-75, §§ 4, 5, 8-8-96; Ord. No. 97-53, § 3, 7-10-97; Ord. No. 98-44, §§ 4—7, 6-25-98; Ord. No. 98-58, § 2, 7-9-98; Ord. No. 98-82 § 6, 9-10-98; Ord. No. 98-111, § 2, 11-30-98; Ord. No. 99-24, § 2, 3-25-99; Ord. No. 99-78, § 3, 9-9-99; Ord. No. 00-073, § 2, 11-9-00; [Ord. No. 15-020, § 2, 3-12-15](#) )

**Editor's note**— Ord. No. 15-020, § 2, adopted March 12, 2015, amended the title of § 34-141 to read as set out herein. Previously § 34-141 was titled locations of parking meters.

Sec. 34-141.1. - Paid parking system.

Paid parking systems utilize various methods of facilitating parking payment in assigned locations throughout the city. Paid parking systems may include use of telephone, smartphone application, website, storefront payment, single or multi space meters, or any other technology as deemed appropriate by the city manager to pay for parking. Paid parking systems may utilize parking space numbers, license plates, golf cart registration sticker numbers, or any other means designated by the specific paid parking system to process parking payment.

( [Ord. No. 15-020, § 2, 3-12-15](#) )

Sec. 34-142. - Installation of parking meters.

- (a) The director of traffic shall install parking meters upon the curb adjacent to each parking space or if a multi-capacity meter near the appropriate parking spaces, designated by the city manager. Each parking meter shall be operated either automatically or manually upon the deposit of United States currency.
- (b) Each parking meter shall be designed, constructed, installed and set that upon the deposit of United States currency, the meter or the parking meter receipt will indicate the period of time for which lawful parking may occur. Each parking meter, or parking meter receipt will indicate when the time for lawful parking has expired.
- (c) Each parking meter shall bear a notice indicating the days and hours when the deposit of United States currency is required and the period of time for which parking is lawfully permitted.

(Code 1960, Ch. 21 App., § 97; Ord. No. 97-65, § 2, 8-14-97; Ord. No. 99-21, § 2, 3-11-99; Ord. 99-24, § 2, 3-25-99; Ord. No. 00-073, § 3, 11-9-00)

Sec. 34-143. - Parking meter spaces.

- (a) The director of traffic shall mark the parking space adjacent to each parking meter according to state law.
- (b) No person shall park a vehicle in a marked parking meter space so that any part of the vehicle occupies more than one (1) parking meter space or protrudes beyond the markings designating such space. However, a vehicle that is too large to be parked within a single designated parking meter zone shall be permitted to occupy two (2) adjoining parking meter spaces when United States currency has been deposited in the parking meter for each space so occupied.
- (c) In area serviced by multi-use parking meters or a paid parking system, the marking of individual parking spaces is not required.

(Code 1960, Ch. 21 App., § 98; Ord. No. 99-24, § 2, 3-25-99; Ord. No. 01-054, § 2, 8-14-01; [Ord. No. 15-020, § 2, 3-12-15](#) )

Sec. 34-144. - Paid parking system rate; deposit of coins and other forms of payment and time limits.

- (a) Subject to the excepted area(s) noted below, the parking rate for paid parking systems in the city shall be one dollar and fifty cents (\$1.50) per hour. A twenty-five cent (\$0.25) per transaction fee will be applied in addition to the parking rate.

- (1) Excepted area — Seawall Boulevard.
- (2) Excepted area — UTMB parking area — designated as the area(s) identified with signage, between 14<sup>th</sup> Street to Holiday Drive and Harborside to Broadway Boulevard.
- (b) No person shall park a vehicle in any paid parking system location without paying the appropriate parking fee. Such paid parking system fee shall be of United States currency of the appropriate denomination as posted at such paid parking system area.
- (c) No person shall park a vehicle in any paid parking system area for a time longer than purchased.
- (d) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter and the state vehicle code prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(Code 1960, Ch. 21 App., § 99; Ord. No. 96-97, § 2, 10-24-96; Ord. No. 97-67, § 2, 8-14-97; Ord. No. 98-46, § 2, 6-25-98; Ord. No. 98-120, § 2, 12-29-98; Ord. No. 99-24, § 2, 3-25-99; Ord. No. 00-073, § 4, 11-9-00; Ord. No. 09-051, § 2, 8-27-09; [Ord. No. 15-020, § 2, 3-12-15](#); [Ord. No. 17-023, § 2, 3-23-17](#).)

**Editor's note**— Ord. No. 15-020, § 2, adopted March 12, 2015, amended the title of § 34-144 to read as set out herein. Previously § 34-144 was titled parking meter rate; deposit of coins and time limits.

**Editor's note**— Ord. No. 09-051, § 2, adopted August 27, 2009, changed the title of section 34-144 from "Deposit of coins" to "Parking meter rate; deposit of coins and time limits." The historical notation has been preserved for reference purposes.

Sec. 34-145. - When use of paid parking system required.

The hours during which the use of paid parking systems is required shall be established by the city manager and shall be designated in the paid parking system area by signage. Subject to the excepted area(s) noted below, the city shall not charge for the use of paid parking systems on Sundays.

- (1) Excepted area — UTMB parking area.

(Code 1960, Ch. 21 App., § 96; Ord. No. 95-42, § 2, 6-22-95; Ord. No. 98-45, § 2, 6-25-98; Ord. No. 99-24, § 2, 3-25-99; Ord. No. 01-060, § 2, 8-28-91; Ord. No. 09-051, § 3, 8-27-09; Ord. No. 10-012, § 2, 2-11-10; [Ord. No. 15-020, § 2, 3-12-15](#); [Ord. No. 15-027, § 2, 4-23-15](#); [Ord. No. 17-023, § 3, 3-23-17](#).)

**Editor's note**— Ord. No. 15-020, § 2, adopted March 12, 2015, amended the title of § 34-145 to read as set out herein. Previously § 34-145 was titled when use of meters required.

Sec. 34-146. - Use of slugs prohibited.

No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for United States currency.

(Code 1960, Ch. 21 App., § 100; Ord. No. 99-24, § 2, 3-25-99)

Sec. 34-147. - Tampering with meters.

No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter.

(Code 1960, Ch. 21 App., § 101; Ord. No. 99-24, § 2, 3-25-99)

Sec. 34-148. - Collection of parking meter revenues.

The coins deposited in parking meters shall be collected by the duly authorized agents of the city manager and shall be deposited in the city depository.

(Code 1960, Ch. 21 App., § 102; Ord. No. 99-24, § 2, 3-25-99)

#### DIVISION 4. - PARKING WHICH IMPEDES A TROLLEY

Sec. 34-149. - Trolley defined.

For the purposes of this division, the term "trolley" shall mean any motor vehicle, as that term is defined by article 6701(d) V.A.T.C.S., which operates upon a fixed track or railway.

(Ord. No. 89-86, § 2, 6-22-89)

Sec. 34-150. - Impeding a trolley prohibited.

No person shall stop, park or leave standing a vehicle in such a manner that it blocks, impedes or otherwise interferes with the operation of a trolley.

(Ord. No. 89-86, § 2, 6-22-86)

Sec. 34-151. - Penalty for violation.

Any person who is found guilty of a violation of section 34-150 shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day any violation of this section or of this division shall continue shall constitute a separate offense.

(Ord. No. 89-86, § 2, 6-22-89)

Sec. 34-152. - Impoundment of vehicle.

Any vehicle which is stopped, standing or parked in violation hereof may be removed and towed to any authorized auto storage yard upon the order of any police officer in accordance with section 34-113 of this chapter.

(Ord. No. 89-86, § 2, 6-22-89)

Secs. 34-153—34-160. - Reserved.

#### ARTICLE VI. - VIOLATIONS

Sec. 34-161. - Traffic violations bureau—Generally.

- (a) The director of finance shall establish a traffic violations bureau to assist the court with the clerical work of traffic cases. The bureau shall be in charge of such person or persons and shall be open at such hours as the director of finance may designate. The judge of the municipal court who hear traffic cases shall designate the specified offenses under the traffic ordinances of this city and the state traffic laws in respect to which payments of fines may be accepted by the traffic violations bureau in satisfaction thereof and shall specify by suitable schedules the amount of such fines for first, second and subsequent offenses, provided such fines are within the limits declared by law or ordinance, and shall further specify what number of such offenses shall require appearance before the judge of the municipal court.
- (b) Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau shall have the option of paying such fine within the time specified in the notice of arrest at the traffic violations bureau, and shall receive a receipt therefore, or shall be entitled to a trial as authorized by law.

(Code 1960, Ch. 21 App., § 105)

Sec. 34-162. - Same—Duties.

The traffic violations bureau with reference to traffic offenses shall:

- (1) Accept designated fines and issue receipts;
- (2) Receive and issue receipts for cash bail and receive property bonds when duly executed and/or notices of recognizance from the persons who must or wish to be heard in court, enter the time of appearance on the court docket, and notify the defendant, the arresting officer and witnesses, if any, to be present;
- (3) Keep an accessible record of all violations of which each person has been found guilty during the preceding twelve (12) months.

(Code 1960, Ch. 21 App., § 106)

Sec. 34-163. - Same—Records.

The traffic violations bureau shall keep records and submit summarized monthly reports to the director of finance of all notices issued and arrests made for violations of the traffic laws and ordinances in this city and of all the fines collected by the traffic violations bureau or the court, and of the final disposition or present status of every case of violation of the provisions of said laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Said records shall be public records.

(Code 1960, Ch. 21 App., § 107)

Sec. 34-164. - Forms and records of traffic citations and arrests.

- (a) The city director of finance shall provide books to include traffic citation forms for notifying alleged violators to appear and answer to charges of violating traffic laws and ordinances in the municipal court of this city. Said books shall include serially numbered sets of citations in quadruplicate in the forms prescribed and approved jointly by the chief of police, the director of finance and the city attorney.
- (b) The city director of finance shall issue such books to the chief of police or his duly authorized agent and shall maintain a record of every book so issued and shall require a written receipt for every such book.



- (c) The chief of police shall be responsible for the issuance of such books to individual members of the police department.

The chief of police shall require a written receipt for every book so issued and shall maintain a record of every such book and each set of citations therein.

- (d) With respect to parking citations only, the above described procedures shall be followed by the city director of finance and the director of traffic.

(Code 1960, Ch. 21 App., § 108)

Sec. 34-165. - Disposition of records of traffic citations.

- (a) Every police officer, upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of this city, shall deposit the original and the first duplicate copy of the citation with his immediate superior officer, who shall cause the same to be delivered to the municipal court of this city. The second duplicate copy of the citation shall be delivered to the alleged violator. The third duplicate copy shall be retained in the traffic citation book and shall be delivered by such superior officer to the city director of finance, together with such book, when all traffic citations therein have been issued.
- (b) Upon the filing of such original citation in the municipal court of this city, as aforesaid, said citation may be disposed of only by trial in said court or by other official action by a judge of said court, including forfeiture of bail or by payment of a fine to the traffic violations bureau of said court.
- (c) The chief of police shall require the return to him of each traffic citation and all copies thereof, except that copy required to be retained in the book as provided herein, which has been spoiled or upon which any entry has been made and has not been issued to an alleged violator.
- (d) The traffic violations bureau shall also maintain or cause to be maintained, a record of all warrants issued by the municipal court of this city or by any other court on said traffic violation charges and which are delivered to the police department for service and of the final disposition of all such warrants.
- (e) With respect to parking citations only, the director of traffic shall have the same responsibilities and authorities as are heretofore assigned to the chief of police with respect to those parking citations which are issued by members of the traffic department.

(Code 1960, Ch. 21 App., § 109)

Sec. 34-166. - Illegal cancellation of citations.

It shall be unlawful for any person to cancel, or to solicit the cancellation, or to mutilate, alter or destroy any traffic citation or any record of any municipal court proceeding or warrant in any manner other than as provided by this article or by state law.

(Code 1960, Ch. 21 App., § 110)

Sec. 34-167. - Audit of records and reports.

- (a) Every record of traffic citations, complaints thereon, and warrants issued therefore, required in this article, shall be audited each fiscal year by the city director of finance, who shall submit a report of such audit, together with a summary thereof, to the city council. Such reports shall be public records.
- (b) For the purpose of this article, the director of finance or his duly authorized representative shall have access at all times to all necessary records, files and papers of the municipal court of this city, its traffic violations bureau, the police department and the traffic department.

(Code 1960, Ch. 21 App., § 111)

Sec. 34-168. - Citation on illegally parked vehicle.

Whenever any motor vehicle, with or without driver, is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city director of finance, for the driver to answer to the charge against him within ten (10) days during the hours and at a place specified in the citation.

(Code 1960, Ch. 21 App., § 112)

Sec. 34-169. - Failure to respond to parking citation.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of ten (10) days, the clerk of the municipal court or the traffic violations bureau shall send to the owner of the motor vehicle to which such traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of ten (10) days, a warrant of arrest will be issued. All notices required by this section shall be addressed to the name and address given on the license registration receipt for the vehicle to which the citation was originally attached.

(Code 1960, Ch. 21 App., § 113)

Sec. 34-170. - Presumption in reference to parking.

In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such parking, the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(Code 1960, Ch. 21 App., § 114)

Sec. 34-171. - When warrant to be issued.

In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make an appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails or refuses to deposit bail as and if required and within the time permitted by ordinance, the clerk of the municipal court shall secure and issue a warrant for his arrest.

(Code 1960, Ch. 21 App., § 115)

Sec. 34-172. - Record of traffic cases; report of convictions.

- (a) Every judge of the municipal court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to said court or to the traffic violations bureau, and shall keep a record of every official action by said court or the traffic violations bureau in reference thereto including, but not limited to, a record of every conviction,

forfeiture of bail, judgment of acquittal, and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to said court or traffic violations bureau.

- (b) Within ten (10) days after the conviction of a person upon a charge of violating any provision of this act or other law regulating the operation of vehicles on highways, the judge or clerk of the municipal court shall prepare and immediately forward to said state department of motor vehicles, an abstract of the record of said court covering the case in which said person was so convicted; which abstract must be certified by the person so required to prepare the same, to be true and correct. Reports need not be made of any conviction involving the illegal parking or standing of a vehicle.
- (c) Said abstract must be made upon a form furnished by said state department of motor vehicles and shall include the name and address of the party charged; the number, if any, of his drivers license; the registration number of the vehicle involved; the nature of the offense; the date of hearing; the plea; the judgment; and the amount of the fine.

(Code 1960, Ch. 21 App., § 116)

Sec. 34-173. - Disposition of traffic fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the conviction or upon the forfeitures of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the city depository.

(Code 1960, Ch. 21 App., § 117)

#### ARTICLE VII. - ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS

Sec. 34-174. - Bureau created.

There is created a parking violations bureau within the Galveston Municipal Court, which shall have original jurisdiction over cases involving violations of city ordinances relating to the stopping or parking of vehicles which are deemed to be civil violations in this chapter. The administrative adjudication of violations under this chapter is civil in nature.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-175. - Procedures.

The clerk of the Galveston Municipal Court shall establish and implement appropriate procedures to effect the policy of this article.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-176. - Hearing officers.

- (a) The parking violations bureau shall be composed of one or more hearing officers who shall be appointed by the city manager. The hearing officers will serve at the pleasure of the city manager as at-will city employees. Staff required for the support of the hearing officer's functions shall be provided by the clerk of the municipal court.
- (b) Hearing officers shall have the authority to:
  - (1) Administer oaths;
  - (2) Issue orders compelling the attendance of witnesses and production of documents;

- (3) Accept admissions and hear and determine contests of civil parking violations under the Code;
  - (4) Issue orders for the immobilization or impoundment of vehicles;
  - (5) Set conditions for the release of vehicles immobilized or impounded under this chapter;
  - (6) Dismiss parking citation or cases that the hearing officer determines to be uncollectible.
  - (7) Determine liability for civil parking offenses and order the payment of civil fines, costs and fees.
- (c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-177. - Parking citations.

- (a) The administrative adjudication process for parking or stopping of vehicle violations that are subject to civil adjudication under this article shall be initiated by the issuance of a parking citation. A citation may be issued by a peace officer or other authorized parking enforcement agent designated by or upon authority of the city. A parking citation serves as the summons and notice of administrative adjudication hearing under this article.
- (b) If the owner or operator of the vehicle is not present at the time of issuance of the citation, the citation may be issued by affixing the citation to the vehicle in a conspicuous place.
- (c) A parking citation must be on a form prescribed by the municipal court clerk and must include the following information:
  - (1) The nature, date, time and location of the alleged civil parking violation;
  - (2) The state license plate number of the vehicle, or if the license plate number is not visible or legible, the vehicle identification number or state inspection tag number;
- (d) The citation shall provide that the person charged with a parking, stopping or standing offense shall have the right of an instanter hearing to determine the issue of liability for the charged offense. Such right to a hearing shall be exercised by appearing in person before a hearing officer within fourteen (14) calendar days from the date of issuance of the citation at such convenient and reasonable hours as may be specified by the hearing officer, which hours shall be printed on the parking citation. In lieu of an instanter hearing the person charged may appear in person or through legal counsel before a hearing officer within fourteen (14) calendar days from the date of issuance of the citation, post a cash bond for fines, costs and fees in an amount to be established by the hearing officer and shall then be scheduled for a hearing before the hearing officer at a date and time certain within thirty (30) days of such appearance.
- (e) The original or any copy of the citation is a record kept in the ordinary course of business in the city and is rebuttable proof of the facts it contains.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-178. - Presumption of ownership.

- (a) It is presumed that the registered owner of the motor vehicle that is the subject of the administrative hearing is the person who parked or stopped the vehicle at the time and place of the offense charged.
- (b) A state department of transportation computer-generated record of the registered vehicle is a prima facie evidence of its contents in an administrative adjudication hearing under this article.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-179. - Failure to answer a parking citation or appear at a hearing.

- (a) If a vehicle owner or operator answers a civil parking violation charge on or before the 14<sup>th</sup> calendar day after the date of issuance of the parking citation or appears at a scheduled hearing, a standard fine shall be assessed in accordance with section 34-184.
- (b) A person charged with a civil parking violation is liable for the parking violation and late payment civil fines, costs, and fees assessed in accordance with section 34-184 by the hearing officer if the person:
  - (1) Fails to answer the charge on or before the 14<sup>th</sup> calendar day after the date the parking citation is issued; or
  - (2) Fails to attend a scheduled hearing, including a hearing on appeal, when the person is required to appear.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-180. - Hearings.

- (a) At the hearing before the hearing officer, the person charged may either admit, admit with explanation, or deny the alleged civil infraction.
- (b) The issuing peace officer or other authorized parking enforcement agent shall not be required to attend the hearing.
- (c) It is not required that the prosecuting attorney attend the hearing. If the person charged is represented by legal counsel at the hearing, the hearing officer shall notify the prosecuting attorney who shall have a right to appear on behalf of the city at said hearing.
- (d) No formal or sworn complaint shall be necessary. The formal rules of evidence do not apply to a hearing under this section. The hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the person charged. If the hearing officer determines by the preponderance of the evidence that the violation was committed by the person charged, he shall find the person charged liable.
- (e) At the conclusion of the hearing, the hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking or stopping ordinance and the amount of any fine, costs, or fees assessed against him. The order shall be filed with the clerk of the municipal court. The clerk of the municipal court shall keep all such orders in a separate index or file.
- (f) Failure of a person charged with the offense to appear before a hearing officer within fourteen (14) days from the issuance of the citation shall be considered an admission of liability for the charged offense and an order shall be issued on that basis. In the event that the person charged elects to appear by posting a bond and obtaining a scheduled hearing at a date and time certain, the failure of the person charged to appear in person or through counsel at the hearing as scheduled shall also be considered an admission of liability and an order may be issued on that basis.
- (g) Fines for violations shall be as provided in section 34-184. The city council by ordinance shall establish fines for persons who do not wish to contest their citations and for persons who admit liability under subsection (f). The presiding judge shall establish the amount of any added fine that shall be payable if a citation or fine ordered by a hearing officer is not fully satisfied or a bond is not posted within fourteen (14) days from the date of issuance of the citation.

- (h) Court costs shall be payable on all citations in the amount of seven dollars (\$7.00) per citation or in any amount currently authorized or required by statutory law. All other fines and fees shall be deposited in the city treasury as general revenues of the city.
- (i) The clerk of the municipal courts shall cause a video or audio tape record to be made of each hearing and shall retain the tape and any documents introduced at the hearing until the time for an appeal to be filed has expired.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-181. - Appeal.

- (a) A person determined by the hearing officer to be in violation of a parking or stopping ordinance may appeal the determination to the municipal court.
- (b) The appeal must be instituted by filing, not later than the 30<sup>th</sup> day after the filing of the hearing officer's order, a petition with the clerk of the municipal court along with payment of an administrative appeal fee in the amount of ten dollars (\$10.00) for the first citation and five dollars (\$5.00) for each additional citation that is appealed, as well as payment of any other costs required by law. The fees and costs shall not be refunded unless the person charged prevails.
- (c) After filing a petition for appeal, the clerk of the municipal court shall schedule a hearing and notify all parties of the date, time and place of the hearing.
- (d) The appeal shall be decided under the substantial evidence rule and on the basis of the evidence adduced at the hearing before the hearing officer. The clerk of the municipal courts shall provide the record to the court. If the municipal court finds the record to be materially incomplete, the municipal court may upon its own motion or upon motion of the defendant or the prosecuting attorney refer the case back to the hearing officer for further proceedings; however, no evidence may be adduced at the appeal hearing. The court shall not reverse the hearing officer's decision unless it is determined to be:
  - (1) In violation of law;
  - (2) Not reasonably supported by substantial evidence, based upon a review of the reliable and probative evidence in the record as a whole; or
  - (3) Arbitrary and capricious or characterized by an abuse of discretion.
- (e) Service of notice of appeal under this section does not stay the enforcement and collection of the hearing officer's order unless the person who files the appeal also posts a cash appeal bond with the clerk of the municipal court. The appeal bond shall be in the amount of all fines, costs and fees assessed by the hearing officer.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-182. - Enforcement.

- (a) If a person is liable for parking violations and has not paid when due the fines, costs, and fees assessed for the violations, the fines, costs, and fees assessed for the violations may be enforced by:
  - (1) Impounding the vehicle if the offender has committed three or more civil parking or stopping offenses in a calendar year;
  - (2) Placing a device on the vehicle that prohibits movement of the motor vehicle;
  - (3) Imposing an additional fine if the original fine is not paid within a specified time;
  - (4) Denying issuance of or revoking a parking or operating permit, as applicable; or

- (5) Filing an action to collect the fine, cost, or fee in a court of competent jurisdiction.
- (b) In addition to paying the added fine amount for late payment as provided in section 34-184, the failure to comply with an order issued under this article may be enforced by any of the other methods provided in Transportation Code, Section 682.010.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-183. - Records.

The clerk of the municipal courts shall maintain a record of all proceedings under this article in the manner provided in Transportation Code, Section 682.009.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-184. - Civil parking violations; fines, costs, and fees.

- (a) If the vehicle owner or operator remits payment of the parking fine not later than the 14th calendar day after the citation was issued, the total fine and costs due for the violation is the amount shown on the citation under "Standard Fine Payment." If payment of the fine is made on or after the 15th calendar day after issuance of the citation, the owner or operator shall remit the fine and late fee shown on the citation under "Late Payment."
- (b) A payment received by mail is considered remitted on the post-marked date.
- (c) Civil fines, costs, and fees assessed in connection with the impounding or immobilizing process are limited to those specified by ordinance. Fines, costs or fees may not be waived by a hearing officer or judge of the municipal court.
- (d) The following schedule of fines, fees, and costs is established:

Parking Violation	Standard Fine Payment	Late Payment (after 14 days, includes standard fine plus late fee)
Exceed 15 min. parking	\$30.00	\$37.50
Monopolizing the curb	\$50.00	\$62.50
Other obstructing parking offenses	\$30.00	\$37.50
Over-parked all other offenses	\$30.00	\$37.50
Over-parked at parking meter/paid parking system including in the downtown paid parking district	\$30.00	\$37.50
Obstructing driveway	\$75.00	\$93.75
Obstructing sidewalk	\$75.00	\$93.75

Obstructing alley	\$75.00	\$93.75
Parked in bus zone	\$50.00	\$62.50
Parked in carriage zone	\$50.00	\$62.50
Parked in fire lane	\$75.00	\$93.75
Parked in loading/unloading zone	\$50.00	\$62.50
Parked in prohibited area	\$50.00	\$62.50
Parked in red zone	\$75.00	\$93.75
Parked on wrong side of street	\$30.00	\$37.50
Parked too close to intersection	\$30.00	\$37.50
Park within 15 feet of a fire hydrant	\$75.00	\$93.75
Parked without permit or decal when permit was required	\$30.00	\$37.50
Unauthorized use of a handicapped zone	\$500.00	\$625.00

(Ord. No. 06-035, § 3, 4-13-06; Ord. No. 06-042, §§ 2, 3, 5-11-06; [Ord. No. 15-020, § 3, 3-12-15](#); [Ord. No. 15-065, § 2, 8-27-15](#); [Ord. No. 16-016, § 3, 3-10-16](#))

Secs. 34-185—34-194. - Reserved.

#### ARTICLE VIII. - BOOTING AND TOWING DELINQUENT VEHICLES AND OTHER ENFORCEMENT PROVISIONS

Sec. 34-195. - Definitions.

As used in this article the following words and phrases shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

*Appearance* means either:

- (1) The entry of an appearance, in person or through legal counsel, in the municipal court system to contest a parking citation and the making of a bond in any manner authorized by law and approved by the municipal courts to secure appearance at the trial or administrative hearing, as applicable; or



- (2) The uncontested disposition of a parking citation by payment in good and sufficient funds received by the director in the applicable amount established by the municipal courts for the uncontested payment of the fine for the parking citation, including all applicable fees and costs.

*Boot* means a lockable road wheel clamp or similar device, which is designed to immobilize a parked vehicle and prevent its operation until the device is unlocked and removed, or (verb) the act of installing such a device.

*City vehicle compound* means a vehicle storage facility to which vehicles owned by persons other than the city are towed upon direction of peace officers and other authorized personnel of the city. The term includes both facilities that are owned and operated by the city and facilities that are designated by contract with the city to act as city vehicle compounds for purposes of this article.

*Delinquent vehicle* means any vehicle on which three or more unresolved parking citations are outstanding, which were issued during a calendar year during the time it has been registered to or otherwise held by the owner.

*Delinquent vehicle list* means the current delinquent vehicle list as maintained by the director under section 34-197.

*Director* means the chief clerk of the city municipal court and those of his deputies or other employees as he may designate to perform any function under this article.

*Officer* means any peace officer employed by the city and any other city employee, whether a peace officer or not, who is designated by the director to place and remove boots or to cause vehicles to be towed under this article. The city may also authorize persons who are not city employees to act as an "officer" for the purpose of installing or removing boots by contract.

*Owner* means the person registered with the state as the present owner of a vehicle in the most current registration records available to the city, or any transferee not designated in such records, provided that the director has received actual notice of the transfer.

*Parking citation* means a citation, returnable in the municipal courts of the city, issued for the alleged violation of any city ordinance or state penal law regarding the parking of vehicles.

*Unresolved*, with respect to a "parking citation," means a citation issued and not cleared by an appearance within fourteen (14) days of issuance.

*Vehicle* means either a "motor vehicle" or a "trailer", provided that it shall not include a vehicle registered to any governmental entity or agency thereof.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-196. - Purpose.

Pursuant to the provisions of this article an officer may cause a delinquent vehicle designated on the delinquent vehicle list to be booted, or towed, or both.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-197. - Delinquent vehicle list.

- (a) A hearing officer shall determine if a vehicle is subject to impoundment or immobilization under this chapter and placed on the delinquent vehicle list. The director shall be responsible for creating and maintaining the delinquent vehicle list.
- (b) A delinquent vehicle may be placed on the delinquent vehicle list after notice has been issued as provided in subsection (c), and, after a hearing, if requested, under subsection (d).

- (c) At least twenty (20) days prior to placing a delinquent vehicle on the delinquent vehicle list, the director shall mail a notice to the owner, at the address stated on the most current registration records available to the city from the state, or any more current address of which the director has actual notice, by first-class United States mail, postage prepaid. The notice shall set forth:
- (1) The make, year, model, license plate number and identification number of the alleged delinquent vehicle;
  - (2) A date certain on which the delinquent vehicle will be subject to placement on the delinquent vehicle list and made subject to immobilization and impoundment;
  - (3) A list of the three or more alleged unresolved parking citations, including the citation number, date, time, place of the violations, the nature of the violations, an itemization of all fines, costs, and fees due.
  - (4) That the owner may avoid the vehicle's being placed on the delinquent vehicle list by making an appearance on the unresolved parking citations and that an owner's failure to timely request or appear at a hearing under this section waives any objection to the proposed impoundment or immobilization of the vehicle.
  - (5) The name, mailing address, street address, and telephone number of the city office that may be contacted to schedule a hearing before a hearing officer to contest the proposed impoundment or immobilization of the vehicle. Reasons for requesting an impoundment or immobilization hearing include: that one or more of the alleged unresolved parking citations has been resolved by appearance, that the recipient was not the owner of the vehicle when any of the alleged unresolved parking citations was issued, that the title to the vehicle has been transferred since the unresolved parking citations were issued, alleged clerical error, and alleged license plate information discrepancies.
  - (6) That administrative fees, boot fees, and towing/storage fees in addition to fines and court costs may be payable to obtain the release of a vehicle booted or towed pursuant to this article in addition to appearance on any unresolved parking citations.
- (d) After expiration of the date certain provided the notice issued under subsection (c), the director shall review the records to ensure that the alleged unresolved citations have not been resolved by appearance, and that no information has been received indicating that the notice was erroneous. The director shall then mail, via first class mail an order signed by the hearing officer to the registered owner informing him that the vehicle is now subject to immobilization and/or impoundment.
- (e) The director shall not have the authority to adjudicate any parking citation. If the request for a hearing is received by the director before the date specified in the notice for placement of the vehicle on the delinquent vehicle list, then the director shall offer the applicant an opportunity for a hearing before the hearing officer prior to placing the vehicle on the delinquent vehicle list, and, if the applicant timely appears for the hearing as scheduled by the director, the hearing officer shall furnish the applicant written notice of his decision prior to placing the vehicle on the delinquent vehicle list.
- (f) Once a vehicle has been placed on the delinquent vehicle list it shall not be removed from the list unless and until:
- (1) All unresolved parking citations issued during the time it has been registered to or otherwise held by the owner are resolved by appearance;
  - (2) The director receives reliable information that the vehicle was not registered to its current owner at the time the unresolved citations were issued;
  - (3) The director receives reliable information that title to the vehicle has been transferred; or
  - (4) The director determines that the placement of the vehicle on the delinquent vehicle list was erroneous.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-198. - Booting or towing procedures.

- (a) An officer may boot any vehicle then parked, lawfully or unlawfully, upon any street or highway within the city, or upon any other property under the ownership or control of the city.

An officer may cause the vehicle to be towed in lieu of being booted:

- (1) If the vehicle, when located by the officer, was parked in violation of any city ordinance or state penal law relating to parking of vehicles;
- (2) Under any circumstances in which towing by a peace officer is authorized by city ordinance or state law;
- (3) If the location, configuration or size of the vehicle's tires, wheels, fender wells or other components makes the installation of any available boot owned by the city impracticable;
- (4) If, based upon the age, model and condition of the vehicle, or the incidence of vehicular crimes in the area where the vehicle is located, or other relevant factors, the officer reasonably believes that there is a possibility of theft or damage relating to the vehicle if it is immobilized in place;
- (5) If the owner has been convicted of any crime relating to the removal of, tampering with or theft of a boot previously installed by the city on any vehicle; or
- (6) If the owner or operator of the vehicle requests, in writing, that the vehicle be towed.

A vehicle that has already been booted may be towed by an officer if any of the circumstances enumerated in subsections (1) through (6) above exists, or if:

- (7) The owner has not made arrangements with the director to secure removal of the boot within thirty-six (36) hours after its installation; or
- (8) The vehicle remains immobilized in any zone where parking is prohibited during certain hours until the commencement of the restricted hours.

In each instance where a vehicle is to be towed, the officer authorizing the towing shall be a peace officer.

- (b) At the time of booting or towing of a vehicle under this article the officer shall:
- (1) Check or cause to be checked the appropriate records to ensure that the vehicle is properly listed on the delinquent vehicle list;
  - (2) Check or cause to be checked the most current vehicle registration records available to the city to ensure that the ownership of the vehicle is not reflected to have changed from that specified on the delinquent vehicle list;
  - (3) If booted, notify any office designated by the director and place a conspicuous notice or notices in a form approved by the director on the vehicle warning the operator or any other person not to attempt to move the vehicle and advising the operator of the means by which the boot may be removed, including the right of the hearing; and
  - (4) If towed, notify the police dispatcher and any other office designated by the director so that they may respond promptly to any inquiry about the vehicle's disappearance.
- (c) A vehicle may be booted or towed at any time on any day, provided that a hearing officer is then on duty to conduct any hearing requested pursuant to section 34-200, and that a hearing officer will remain on duty for such purpose until at least two (2) hours after the time that boot is installed.
- (d) Vehicles shall be towed to a storage lot operated by the city or to a city-licensed storage lot operated under contract with the city. Each lot that is utilized shall have an attendant on duty or available for the release of vehicles from at least 6:00 a.m. to 9:00 p.m., Monday through Saturday, city observed holidays excepted, and shall have an attendant on call who will come to the lot upon one hour's notice at all other times.

- (f) The director shall ensure that officers are available, either on duty or on call, to remove boots from vehicles on a twenty-four (24) hours per day, seven (7) days per week basis. An officer shall remain on duty until at least two (2) hours after a boot is installed. At other times, an officer shall be on call to remove a boot upon two (2) hours' notice.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-199. - Fees, release.

Except as provided in section 34-200, the claimant of a vehicle may not secure the release of the vehicle until an appearance has been made on all unresolved parking citations relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is booted or towed hereunder, and the claimant has paid the following fees, as applicable:

- (1) An administrative fee, if the vehicle has been booted or towed, or both, of one hundred dollars (\$100.00) to defray the city's administrative costs in placing the vehicle on the delinquent vehicle list and related expenses under this article.
- (2) A boot fee if the vehicle has been booted, of one hundred dollars (\$100.00) to defray the city's costs of installing, removing and maintaining the boot.
- (3) Towing/storage and related fees, if the vehicle has been towed, in an amount established by the director, based upon the city's cost or upon the fees imposed by the city's contractors, as applicable. If the vehicle has been towed and stored by city contractors, then the director may provide that the towing/storage fees be paid directly to the contractors, rather than to the city.

Towed vehicles that are not redeemed within thirty (30) days shall be subject to disposition in the same manner provided by chapter 683, Texas Transportation Code, for sale of abandoned motor vehicles by police auction after notice to the owner and lienholders. No person shall be permitted to claim a vehicle without proof of identity. If the person claiming the vehicle is not the owner or a family member residing at the same address as the owner, based upon the most current vehicle registration data available to the city, then proof shall also be required that the claimant is the owner or is redeeming the vehicle with the consent of the owner.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-200. - Hearing.

- (a) The director shall designate one or more persons to act as hearing officers and conduct post-deprivation hearings for persons whose vehicles have been booted or towed under this article.
- (b) Hearings shall be conducted on a first-come, first-served basis without the necessity of a prior appointment. The hours when hearings will be conducted and the place or places where they will be conducted shall be established by the director, provided that hearings shall be conducted at least between 8:00 a.m. and 5:00 p.m., on Mondays through Fridays, city observed holidays excepted.
- (c) The applicant may secure release of the vehicle pending the hearing by making an appearance on the unresolved parking citations and posting a bond for the administrative and boot fees prescribed in section 34-199, as applicable. If a bond is posted then a hearing may then be scheduled for a date and time certain, and the vehicle shall be released. If the vehicle has been towed, then the applicant shall also be required to post a bond for the towing/storage fees or to make payment of the towing/storage fees to the city's contractor, as applicable, subject to reimbursement as provided in subsection (f).
- (d) The hearing officer shall be a person who is not associated with the maintenance of the delinquent vehicle list, nor shall the hearing officer hear any appeal in which he has personally participated in any decision relating to the booting or towing of the vehicle.

- (e) The only issues before the hearing officer will be whether or not the vehicle was a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article and whether the city has complied with this article in placing it on the delinquent vehicle list and causing it to be booted or towed, or both. The hearing officer shall have no authority to adjudicate any unresolved parking citation. The hearing officer may consider any competent evidence, including, but not limited to, public records and testimony from the applicant and city employees. The applicant may be represented by legal counsel and may cross-examine any witness presented by the city. Each applicant must appear at the hearing and shall be subject to examination on any matter relevant to the issues before the hearing officer. The hearing officer shall announce and record his decision within one hour following the conclusion of the hearing.
- (f) If the hearing officer determines that the vehicle was not a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article, or that the city has not complied with this article in placing the vehicle on the delinquent vehicle list and causing it to be booted or towed, or both, then the vehicle shall be ordered released without payment of the fees prescribed in section 34-199. Vehicle storage and related fees shall be payable for each 24-hour period or portion thereof that a towed vehicle remains in storage after the hearing officer orders its release if not reclaimed within twenty-four (24) hours after the hearing officer orders its release. If a bond had been posted for the administrative, boot, or towing/storage fees prescribed in section 34-199, the bond shall be ordered to be refunded to the applicant.
- (g) A hearing under this section shall be requested before the sixth business day following the initial booting or towing of the vehicle by the city. A hearing requested thereafter will be granted if the city has not disposed of the vehicle, provided the owner must pay the vehicle storage and related fees for each day after the sixth day until the vehicle is reclaimed, regardless of the hearing officer's determination.
- (h) In any instance in which a vehicle has been towed to a vehicle storage facility not owned by the city, then the applicant may alternatively request a hearing under Transportation Code, Chapter 685. The judge of the municipal court shall have no authority to adjudicate any fee imposed under section 34-199, or to order any release of a vehicle without payment of applicable fees, or to order a refund of applicable fees.

(Ord. No. 06-035, § 3, 4-13-06)

Sec. 34-201. - Certain conduct unlawful.

- (a) It shall be unlawful for any person, other than an officer or employee of the city acting in the course and scope of his duties under this article, to remove or attempt to remove or to tamper in any manner with a boot installed on any vehicle pursuant to this article.
- (b) It shall be unlawful for any person, except under the written direction of a peace officer, to tow or move or to cause to be towed or moved any vehicle on which a boot is then installed pursuant to this article from the place where it was booted.
- (c) It shall be unlawful for any person, other than an officer or employee of the city acting in the course and scope of his duties or the owner or operator of a booted vehicle, to remove or relocate any notice placed upon a booted vehicle under subsection 34-198 (b)(3).
- (d) Any offense under this section is a criminal offense, and shall be punishable upon conviction by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), and each day that any violation continues shall constitute a separate offense. To the extent that any conduct declared to be unlawful under this section also constitutes a violation of any valid and applicable state law, then such unlawful conduct shall be punishable as provided by state law.

(Ord. No. 06-035, § 3, 4-13-06)

## ARTICLE IX. - GOLF CARTS

### Sec. 34-202. - Prohibited on public streets.

Golf carts are not permitted on public streets as follows:

- (1) Where the posted speed limit exceeds thirty-five (35) miles per hour;
- (2) Avenue "O" between 53rd and 15th Streets and Avenue "P", between 19th and 53rd Streets; or
- (3) Which are designated as part of the state highway system, including the "Pelican Island Causeway".

(Ord. No. 10-028, § 2, 3-11-10)

### Sec. 34-203. - Registration permit.

Before any golf cart may be operated over the authorized streets and parking areas of the city, it must be registered and provided a permit with the police department of the city. Registration for a registration permit will consist of an annual fee of twenty-five dollars (\$25.00) which covers the administrative costs of such registration, to include a registration permit decal. The registration permit process includes the following specifics:

- (1) Applicant shall complete the city-supplied registration permit application form, which shall contain the:
  - a. Name and address of the applicant owner.
  - b. Location where the vehicle is regularly stored overnight.
  - c. Model, make, name and golf cart identification number.
  - d. Current driver's license number of owner.
  - e. Statement that all operators are required to be licensed pursuant to V.T.C.A., Transportation Code §§ 521.001(3) and 521.021, as amended, and that all equipment required herein is installed and will be kept current during the registration period.
  - f. Statement that the registration permit holder and any user shall indemnify and hold harmless the city for any and all civil liability associated with said registration waives any and all rights to sue or allow subrogation by insurance company.
  - g. Other information which the city may require.
- (2) The registration permit application shall be:
  - a. Accompanied by a fee of twenty-five dollars (\$25.00).
  - b. Accompanied by proof of financial responsibility consistent with the minimum requirements of V.T.C.A., Transportation Code § 601.051, as amended, for operation of motor vehicles. Applicant owner must also show their original driver's license and shall provide copies of the both the owner's drivers license and proof of financial responsibility.
  - c. Signed by the applicant owner.
- (3) Upon issuance, the registration permit decal shall be attached and displayed upon the right front panel (driver's side) of the golf cart so as to be clearly visible.
- (4) The registration permit shall be effective for one (1) year from the date of registration, or such time as revoked or the golf cart is transferred to a new owner.
- (5) There shall be a dual registration permit process, whereby registration permits shall be issued principally for operation east of 103rd Street or west of 103rd Street.

- a. Registration permit applications for operation east of 103rd Street shall require applicants to verify that they have already added the additional safety equipment required for such operation by subsection 34-206(b).
- b. Registration permits for operation.
  1. East of 103rd Street shall be issued a green color permit registration decal.
  2. West of 103rd Street shall be issued a red color permit registration decal.
- c. Golf carts that are registered for operation east of 103rd Street may also be operated west of 103rd Street. Golf carts that are registered for operation west of 103rd Street may not be operated east of 103rd Street.

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-204. - Revocation.

The registration permit may be revoked if:

- (1) The owner or driver of a golf cart fails to abide by the rules and regulations of this chapter.
- (2) The owner or driver of a golf cart fails to abide by the traffic laws and the use of a golf cart on any authorized street or parking area.
- (3) The owner fails to maintain proof of financial responsibility during the entire permit registration period.

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-205. - Transfer.

The registration permit is not transferable. Upon transfer of ownership of the golf cart to a person who intends to operate it over authorized streets and parking areas, the new owner must register the golf cart and pay the registration permit fee as outlined hereinabove in section 34-203.

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-206. - Required equipment for golf cart registration permits.

- (a) A golf cart must be equipped with the following minimum equipment as mandated by V.T.C.A., Transportation Code § 551.404(a) as amended and/or required by the city to be eligible for a registration permit:
  - (1) Operational headlamps;
  - (2) Operational tail lamps;
  - (3) Side reflectors;
  - (4) Operational parking brake;
  - (5) Rearview mirror(s);
  - (6) Slow moving vehicle sign having a reflective surface designed to be clearly visible in daylight or at night from the light of standard headlamps at a distance of at least five hundred (500) feet and shall be mounted base down on the rear of the vehicle at a height from three (3) to five (5) feet above the road surface and shall be maintained in a clean reflective condition.

(b) Additionally, golf carts registered for operation principally east of 103rd Street must also be equipped with:

- (1) Turn signals;
- (2) Horn;
- (3) Brake lights; and
- (4) Seat belts.

Equipment and its installation must meet standards provided by the state transportation code, as amended.

(c) All such safety equipment shall be maintained as provided by the state traffic laws within the state transportation code, as amended.

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-207. - Operation regulations.

(a) All drivers must be licensed to operate a motor vehicle as provided by V.T.C.A., Transportation Code § 521.021, as amended and carry a valid driver's license as provided by V.T.C.A., Transportation Code § 521.025.

(b) All drivers of golf carts shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.

(c) Golf carts shall not be operated on sidewalks at any time.

(d) The authorized driver of a golf cart operating the cart on a street (as defined herein) can cross an excluded street as provided in section 34-202, but otherwise may not operate a golf cart on any excluded street.

(e) Golf carts are prohibited from pulling trailers, boats, jet skis, other objects or people on public streets and the right-of-way.

(f) Driver and passengers shall:

- (1) Be limited to limited to the seating capacity as designed by the manufacturer;
- (2) Be seated at all times while the cart is in motion;
- (3) If under the age of seven (7), be restrained by either a adult or by a seatbelt;
- (4) If over the age of seven (7), use seatbelts when operating a golf cart east of 103rd Street.

(g) Drivers shall maintain financial responsibility as required for other passenger vehicles in V.T.C.A., Transportation Code § 601.051.

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-208. - Penalties.

Any person who violates the terms of this chapter shall be penalized as follows.

In addition to traffic violations for which the owner or driver of the golf cart may be subject to pursuant to state law, violations of this article are unlawful and a misdemeanor offense punishable as follows:

- (1) Violations of section 34-203 shall be punishable by a fine not exceeding fifty dollars (\$50.00). Each day a violation continues shall constitute a separate offense.



- (2) Violations of subsections 34-207(e) or 34-207(f) shall be punishable by a fine not exceeding two hundred dollars (\$200.00).

(Ord. No. 10-028, § 2, 3-11-10)

Sec. 34-209—34-229. - Reserved.

#### ARTICLE X. - UNATTENDED BICYCLE LEASE OR RENTALS

Sec. 34-230. - Electronic share systems.

- (a) *Definitions.* As used in this article, the following words and terms shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates another meaning:

*Docked bicycle* means a bicycle which is procured for temporary use by means of a membership in a system, or by paying with a credit or debit card or other electronic payment, sponsored by a vendor offering bicycles for temporary use which are obtained from a bicycle station and which must be returned to the same or different bicycle station placed by the vendor.

*Docked bicycle station* means a location from which a bicycle may be obtained, or to which a bicycle may be returned, where the bicycles not in use are docked in a bicycle dock.

*Docked bicycle share system* means a bicycle sharing system in which bicycles are made available for shared use on a short terms basis by a vendor who collects a fee either by selling memberships which allow access to the bicycles of through electronic payment from a credit card, debit card, or other digital application which allows for funds to be transferred to the vendor or the vendor's designee.

*Dockless vehicle* means a bicycle, an electric bicycle, or an electric motor-assisted scooter, a moped, a motor driven cycle, pursuant to the definitions set forth in Texas Transportation Code, Sections 541.201 and 551.351, that can be located and unlocked using a smartphone app or similar means. Dockless vehicles are not stored in a particular mechanism of the vendor, but are left unattended until a citizen unlocks them by making a payment.

*Dockless vehicle share system* means a system or service in which dockless vehicles are made available for shared use on a short-term basis. Generally, customers use a smartphone app to find the location of and unlock available vehicles. When not in use, the dockless vehicles can be parked anywhere and are immobilized using technology, or may be parked within a defined space at a bike rack or along the sidewalk.

*Electronic share system* means any system which is either a docked bicycle share system or a dockless vehicle share system.

*Electronic share system vehicle* means any vehicle that is obtained for temporary use from an operator of an electronic share system.

*Operator* means a corporation, firm, joint venture, Limited Liability Company, partnership, person, or other organized entity that operates or manages an electronic share system.

*Rent* means [to] allow the temporary use of an electronic share system vehicle through acceptance of a payment by any means or by reason of a membership in the electronic share system

*Rented unit* means a bicycle, an electric bicycle, or an electric motor-assisted scooter, a moped, a motor driven cycle rented by the user from a person or entity in the business of renting them.

- (b) *Electronic share systems prohibited without a permit.* It shall be unlawful for an operator to establish an electronic share system in the city; make available for use upon the public rights-of-way including public streets and sidewalks in the city electronic share system vehicles without a permit from the city; or actually rent electronic share system vehicle without a permit from the city.

- (c) *Live transactions excluded.* This article does not apply to the rental of a rental unit by a user from a vendor who conducts the rental transaction through a live representative from a fixed place of business and requires the return of the unit to the place from which it was rented.
- (d) *Criminal penalties.* Any violations of section 34-209(b) shall be punishable as a Class C misdemeanor offense punishable as follows by a fine of not less than five hundred dollars (\$500.00). Each rental of an electronic share system vehicle is a separate offense. Each day a violation continues shall constitute a separate offense.
- (e) *Unpermitted electronic share system vehicle seizure.* Any unpermitted unattended electronic share system vehicle found within the city may be seized by the city and impounded; the vehicle will be released to the operator of the electronic share system upon the payment of a two hundred-dollar administrative fee plus a storage fee of twenty-five dollars (\$25.00) per day.
- (f) *Civil remedies.* The city may also enforce section 34-209(b) by seeking injunctive relief in a court of competent jurisdiction to enjoin operation of an unpermitted electronic share system.
- (g) *Permits.* This section reserved.

(Ord. No. [18-066](#), § 2, 9-13-18)

**Editor's note**— Ord. No. [18-066](#), § 2, adopted Sept. 13, 2018, enacted provisions designated as § 34-209, however, in order to allow for reserved sections preceding this article, said provisions have been redesignated as § 34-230 at the discretion of the editor.

Secs. 34-231—34-240. - Reserved.

#### ARTICLE XI. - VALET PARKING<sup>6</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-022](#), § 2, adopted March 28, 2019, enacted new provisions designated as art. X, §§ 34-209—34-234; inasmuch as said numbering already exists, said provisions have been renumbered as art. XI, §§ 34-241—34-246, 34-261—34-272, 34-291—34-295, 34-311—34-313, at the discretion of the editor.

#### DIVISION 1. - GENERALLY

Sec. 34-241. - Applicability.

- (a) This article shall only apply to the area defined in section 34-1 as the central business district.
- (b) All other areas outside of the central business district shall adhere to the city's license to use requirements.
- (c) This article shall not relieve any person from the duty to observe any other provisions of the City Code and/or state law.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-242. - Definitions.

As used in this article, the following terms shall have the meanings respectively ascribed to them in this section:

*Designated area* means the curb line within a public right-of-way, as indicated by appropriate signage or markings, where a valet operator may receive or return vehicles under a permit issued by the department.

*Department* means the department designated by the city manager.

*Director* means the department director designated by the city manager.

*Parking space* means an all-weather surfaced area within the street right-of-way permanently reserved for the temporary storage of one (1) automobile. A parking space shall have the minimum dimension of nine (9) feet in width by nineteen (19) feet in length.

*Person* means an individual, partnership or corporation seeking to provide valet parking services for its customers or patrons and move their motor vehicles from the service location to a remote parking area and return the vehicle to the original service location.

*Service location* means the location of the business served by the valet parking service.

*Valet operator* means a person or the person's employee, agent, contractor, or representative that provides valet parking services to a business.

*Valet parking service* means the service of receiving, parking, and returning vehicles for the customers, guests or invitees of a business.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-243. - Restrictions on on-street valet parking.

It is unlawful for any person to provide valet parking services without a valet operating permit or valet parking permit, and no person shall provide valet parking services in which a portion of the public right-of-way is used to receive, return, or store vehicles, except as allowed under this article.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-244. - Insurance.

A valet operator or a valet parking permit holder must maintain general liability insurance coverage as required by the director continuously during the term of the permit. Insurance carriers must be authorized or eligible to do business in the state.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-245. - No private rights in streets.

Nothing in this article shall be construed to give any valet operator any property right in, or to, the use of any street or public right-of-way. All permits issued and held under this article shall be subject to the superior right of the public to the safe and orderly movement of traffic.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-246. - Temporary suspension.

All valet operations are subject to immediate suspension when a police officer or other authorized city enforcement official determines that the continued operation of the valet service constitutes an immediate threat to the public health, safety or welfare, including interfering with the safe operation of the streets for pedestrians and the normal flow of traffic.

(Ord. No. [19-022](#), § 2, 3-28-19)

Secs. 34-247—34-260. - Reserved.

## DIVISION 2. - VALET OPERATION PERMIT<sup>[7]</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, changed the title of div. 2 from "Valet Operations License" to read as herein set out.

Sec. 34-261. - On-street valet operating permit required.

- (a) A person may not operate a valet parking service on the public right of way without a valet operating permit issued under this article.
- (b) A person may operate a valet parking service conducted entirely on private property without a valet operating permit.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-262. - Maximum number of parking spaces.

The holder of a valet operating permit may use three (3) parking spaces as a designated area. The director may allow the permit holder to use additional spaces for the designated area if:

- (1) The director determines that the use of the additional spaces will not create a safety hazard; and
- (2) The permit holder pays the fee for each additional space.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-263. - Application for a valet operating permit.

- (a) A person who desires to operate a valet parking service on public right-of-way shall apply in writing to the director for a valet operating permit. To obtain or renew an on-street valet operating permit a person must:
  - (1) Submit a completed application to the director on a form prescribed by the director; and
  - (2) Pay the application fee for the permit.
- (b) An application for a valet operating permit must include the following:
  - (1) The name, mailing address, email and phone number of the applicant;
  - (2) The name and location of each service location at which the applicant intends to provide valet parking services;
  - (3) The hours of operation of the valet parking service at each service location;
  - (4) Documentation showing that the applicant has the required insurance policy;

- (5) A verified statement from the valet operator that each of the applicant's employees has a driver's license valid in the state, and has received a manual and training instructing the employee in the local and state laws governing valet parking;
- (6) A verified certification that the applicant's employees who engage in valet parking vehicles will wear retro-reflective material outerwear while working during the nighttime;
- (7) A verified certification that loading or offloading of customers from vehicles will occur only in the designated area at each service location;
- (8) The location of any signs or attendant stands to be used by the applicant at the service location and the designated area;
- (9) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location; and
- (10) The telephone number to allow the department to contact the valet service operator twenty-four (24) hours a day.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-264. - Issuance of valet operating permit.

- (a) Unless denied pursuant to this article, the director shall issue a valet operating permit for the service location.
- (b) The director shall list on the valet operating permit each service location at which the permit holder may provide valet parking services.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-265. - Duties and responsibilities of a valet operating permit holder.

- (a) A valet operating permit holder may not provide valet parking service at a service location unless the location is approved by the department and listed on:
  - (1) The permit; or
  - (2) A temporary permit for the service location.
- (b) A permit holder shall not use public paid parking spaces other than what is stated in the permit issued by the city. A permit holder shall not park in spaces or on property for which it does not have an agreement or permission to park vehicles, and shall immediately cease to accept vehicles once it meets its capacity limits described in the agreement submitted as part of their application.
- (c) A permit holder shall keep a copy of the permit readily available at the service location during hours of operation, and shall produce the copy on the request of the director or their designee or other certified/recognized authority including; but not limited to, a police officer, marshal, or code enforcement officer.
- (d) A permit holder may not allow a vehicle to remain parked in the service location for more than fifteen (15) minutes. A vehicle may not be parked in a service location unless traffic may move safely in the lanes adjacent to the designated area.
- (e) A permit holder shall provide each of the operator's employees a manual and training on local and state laws governing valet parking. Training must include review of the requirements specified in this article.

- (f) A permit holder shall place the operator's booth or stand at the service location in a manner that will maintain an unobstructed pedestrian pathway on the sidewalk that is at least six (6) feet wide.
- (g) A permit holder shall provide retro-reflective material on employee's outerwear to an employee who enters the street while on duty during nighttime hours. An employee shall be required to wear the retro-reflective outerwear while on nighttime duty.
- (h) A permit holder is responsible for the security of keys left by a customer with the operator, and shall keep the keys in a secure place.
- (i) A permit holder shall place a valet parking tag inside each customer's vehicle that includes the following information, which must be clearly legible from the outside of the vehicle:
  - (1) The name of the permit holder; and
  - (2) A telephone number that will allow the customer to obtain information about the valet parking operation twenty-four (24) hours a day.
- (j) Each of the permit holder's employees shall operate vehicles in compliance with all applicable federal, state, and local laws, in a manner that assures the safety of persons and property and shall possess a valid class A, B, or C, Texas driver's license.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-266. - Restriction on handling vehicles.

- (a) A permit holder may not:
  - (1) Double park a vehicle;
  - (2) Park a customer's vehicle on a public street except in the designated area;
  - (3) Leave a vehicle unattended in the street except in the designated area;
  - (4) Receive or return a customer's vehicle at a location other than the service location;
  - (5) Park a vehicle on private property unless written authorization has been obtained from the owner or lessee of the property; or
  - (6) Violate a law relating to the stopping, standing, or parking of motor vehicles.
- (b) A permit holder shall have custody of the keys to a vehicle while the vehicle is unattended in the designated area.
- (c) A permit holder may allow attended vehicles of the operator's customers to temporarily queue in the traffic lane adjacent to the designated area if the queuing does not:
  - (1) Cause traffic behind the queue to obstruct an intersection;
  - (2) Block public access to a business or residence; or
  - (3) Create a safety hazard.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-267. - Parking citations.

The valet operator shall immediately inform a customer of a parking citation issued to the customer's vehicle during the time the vehicle was parked by the valet operator.

(Ord. No. [19-022](#), § 2, 3-28-19)

### DIVISION 3. - VALET LOCATION PERMIT<sup>[8]</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, added a new div. 3 as herein set out.

Sec. 34-268. - Valet location permit required.

- (a) A person operating a business establishment may not provide on- street valet parking service to customers, guests or other invitees unless the person has a valet location permit issued under this article.
- (b) A person operating a business establishment or at a residence may provide valet parking service to customers, guests or other invitees without a valet location permit if the service is operated entirely on private property.
- (c) Public paid parking spaces may not be used for valet parking services other than as stated on the permit issued by the city.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, repealed §§ 34-268 and 34-269 which pertained to designated areas and transfer of valet parking license and derived from Ord. No. [19-022](#), § 2, adopted March 28, 2019. Said ordinance then renumbered §§ 34-270 and 34-271 as §§ 34-268 and 34-269.

Sec. 34-269. - Valet location permit application.

- (a) A person who provides on-street valet parking services to customers, guests, or other invitees on public right-of-way shall apply in writing to the director for a valet location permit. The application must be made by the owner or lessee of the premises benefiting from the proposed valet parking service. To obtain or renew a valet location permit a person must:
  - (1) Submit a completed application to the director on a form prescribed by the director;
  - (2) Pay the application fee for the permit; and
  - (3) Pay the annual fee for parking spaces in the designated area, including the paid parking fee, if applicable.
- (b) An application for a valet parking permit must include the following:
  - (1) The name, address, email, and phone number of the applicant;
  - (2) The name and location of the business to be served by a valet operator;
  - (3) A copy of the on-street valet operating permit held by the person who will provide valet parking service for the applicant;
  - (4) Documentation showing that the applicant has the required insurance policy; and
  - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

**Editor's note**— See editor's note for § 34-268.

Sec. 34-270. - Designated area.

The department shall, at the location permit holder's cost:

- (1) Provide to the valet location permit holder signs that will indicate that the spaces in the designated area are reserved for valet parking only and that vehicles parked in the spaces for purposes other than valet parking may be towed;
- (2) Install traffic control devices at the designated area indicating the location and extent of the designated area, and the hours the designated area is reserved for valet parking;
- (3) Require additional traffic control devices or measures that heighten public awareness of the valet service area, as required by the director; and
- (4) The cost shall include an estimated cost to return the designated area to public parking use upon the cessation of the valet parking service.

(Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-271. - Transfer of valet location permit.

- (a) A valet location permit may be transferred to a subsequent owner or operator of the business at the service location.
- (b) To transfer a valet location permit, the subsequent owner or operator of the business must file an application as provided in this article.

(Ord. No. [19-055](#), § 2, 9-9-19)

DIVISION 4. - TEMPORARY PERMIT<sup>9</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, added a new div. 4 as herein set out.

Sec. 34-272. - Temporary permit.

- (a) The department may issue a temporary valet location permit to a person to operate a valet parking service for no more than four (4) consecutive days.
- (b) To obtain a temporary valet parking permit a person must:
  - (1) Submit an application to the department on a form prescribed by the director no later than five (5) business days before the commencement of the valet parking services; and
  - (2) Pay the fee for a temporary valet parking service permit and all other applicable fees, including paid parking spaces



- (3) Obtain written approval from the businesses or residences directly adjacent to the public right-of-way proposed for valet service use;
  - (4) A copy of the on-street valet operating license permit held by the person who will provide valet parking service for the applicant;
  - (5) A site plan indicating the locations of the on-street parking spaces proposed to be used for the valet parking service; and,
  - (6) The location of off-street parking to be used in connection with the valet operation and a signed agreement or other documentation that indicates the applicant has a legal right to park vehicles at that location, the number of parking spaces allowed to be used and describing other terms and conditions applicable to the use of the off-street parking location.
- (c) A temporary permit issued under this section is valid for the period indicated on the permit, and shall not exceed four (4) consecutive calendar days.
- (d) The holder of a temporary permit may use three (3) parking spaces as a designated area. The director may allow the permit holder to use additional spaces for the designated area if:
- (1) The director determines that the use of the additional spaces will not create a safety hazard; and
  - (2) The permit holder pays the fee for each additional space.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Secs. 34-273—34-290. - Reserved.

#### DIVISION 5. - DENIAL OR REVOCATION OF PERMIT<sup>[101](#)</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, renumbered div. 3 as div. 5.

Sec. 34-291. - Issuance or denial of permit.

- (a) The director shall grant or deny an application for a permit under this article not later than the tenth day after the day the application is received by the department.
  - (1) The director shall grant or deny an application for a temporary permit under this article not later than the third day after the day the application is received by the department.
- (b) The director shall deny an application for a permit under this article if the applicant:
  - (1) Makes a false statement on the application; or
  - (2) Fails to meet the application requirements of this article.
- (c) The director shall deny an application for a valet parking permit if the director determines that the proposed valet parking service at the location may:
  - (1) Unreasonably interfere with normal traffic flow on a public street, alley, or other public property; or
  - (2) Create a hazard to public safety.

- (d) If the director denies an application for a permit under this article, the department shall send notice of the denial to the applicant by certified mail, to the applicant's mailing address listed on the application. A notice mailed under this section is considered received on the tenth day after mailing.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-292. - Temporary suspension or modification of permit.

- (a) The director may temporarily suspend or modify a permit issued under this article if:
- (1) A temporary street closure includes the designated area;
  - (2) The director determines that an emergency requires the suspension or modification; or
  - (3) If requested in writing by the permittee; a request for an increase in the designated area shall require a new application and payment of required fees.
- (b) If the director suspends or modifies a permit, the director may allow the permit holder to temporarily conduct valet parking operations at an alternate location.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-293. - Duration and renewal of permit.

- (a) A permit issued under this article is valid for a period of one (1) year from its date of issuance, unless the permit is:
- (1) A temporary permit; or
  - (2) Revoked or suspended.
- (b) A permit issued under this article may be renewed by filing an application at least thirty (30) days prior to expiration of the permit. To obtain renewal of a permit, a person must meet the application requirements in this article, and the application shall be reviewed and approved as if it is a new application.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-294. - Revocation or modification of permit.

- (a) The director may revoke or modify a permit under this section based on the following reasons:
- (1) If the holder fails to comply or violates this article at a service location on more than six (6) separate days within a 12-month period;
  - (2) If the director determines that the applicant made a false statement on the permit application; or
  - (3) The permit was issued through error; or
  - (4) If the holder fails to comply or violates the rules adopted by the director; or
  - (5) There is an immediate threat to public health and safety.
- (b) If the director revokes or modifies a permit under this article, the director shall send notice of the revocation or modification to the permit holder by certified mail, to the holder's mailing address listed on the application. If the revocation is due to an immediate threat to public health and safety, the permit shall be considered revoked immediately without prior notice to the permittee. A notice mailed under this section is considered received on the tenth day after mailing.

- (c) Upon revocation of a valet location permit, the designated area shall be returned to public parking use and all signage and traffic control devices related to the valet parking shall be removed.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-295. - Appeal.

- (a) An applicant or permit holder may appeal the denial of an application or the revocation or modification of a permit by the director's designee to the director.
- (b) The appeal must be submitted to the director in writing not later than the tenth day after receipt of notice of the adverse action.
- (c) The director shall hold an informal hearing on the appeal not later than the tenth day after the appeal is received. At the hearing the formal rules of evidence do not apply. The director shall decide the appeal on the basis of the preponderance of the evidence presented.
- (d) The director shall make a determination on the appeal not later than the tenth day after the hearing. The director may affirm, reverse, or modify the previous determination.
- (e) The decision of the director on appeal may be appealed to the city manager, under the same procedure described above. The decision of the city manager is final.

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Secs. 34-296—34-310. - Reserved.

DIVISION 6. - FEES AND ENFORCEMENT<sup>(11)</sup>

Footnotes:

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**Editor's note**— Ord. No. [19-055](#), § 2, adopted Sept. 9, 2019, renumbered div. 4 as div. 6.

Sec. 34-311. - Fees.

Fees shall be established as follows:

*Annual permit base fees:*

- (1) A valet parking permit application .....\$250.00
- (2) A valet operating permit application .....\$500.00
- (3) Within the designated area: paid and non-paid parking space usage .....\$250.00 per space
- (4) Paid parking space: paid parking fee applicable during the requested hours of operation for each location in addition to the base fee(s).

*Temporary permit base fees:*

- (1) A temporary permit application—\$125.00 up to and including three (3) parking spaces. Each additional approved parking space will be charged \$50.00;

- (2) Paid parking space: paid parking fee applicable during the requested hours of operation for each location, in addition to the base fee(s).

(Ord. No. [19-022](#), § 2, 3-28-19; Ord. No. [19-055](#), § 2, 9-9-19)

Sec. 34-312. - Enforcement.

The director, or any enforcement agency of the city, shall enforce this article and rules adopted under this article.

(Ord. No. [19-022](#), § 2, 3-28-19)

Sec. 34-313. - Penalty.

- (a) The city council has determined that this article is necessary to protect health, life, and property and to preserve good government, order, and security of the city and its inhabitants.
- (b) An owner, operator, or employee commits an offense if the person violates this article or fails to comply with a requirement of this article.
- (c) An offense under this article is a class C misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500.00) per offense. Each day shall constitute a separate offense.
- (d) Proof of a culpable mental state is not required for a conviction of an offense under this article.
- (e) The provisions of this article are cumulative of other remedies.
- (f) Each day or portion of a day during which a violation occurs or continues constitutes a separate offense.
- (g) The city may seek to enjoin violations of this article, and may file suit for the recovery of all expenses incurred, including without limitation, administrative and legal expenses, attorneys' fees, and costs, and for civil penalties as provided by law.

(Ord. No. [19-022](#), § 2, 3-28-19)

Chapter 37 - WRECKER, TOW AND STORAGE FACILITY<sup>11</sup>

Footnotes:

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**Editor's note**— Ord. No. [20-047](#), § 2, adopted July 23, 2020, repealed the former ch. 37, §§ 37-1—37-12, and enacted a new ch. 37 as set out herein. The former ch. 37 pertained to wrecker, tow trucks and storage facility code and derived from Ord. No. 10-027, § 2, adopted March 11, 2010; Ord. No. 11-029, § 2, adopted May 2, 2011; Ord. No. [14-026](#), § 2, adopted April 10, 2014; Ord. No. [20-012](#), § 2, adopted Feb. 23, 2020. Said ordinance enacted new provisions designated as §§ 37-1—37-25, however, in order to conform to the style of this Code, said provisions have been renumbered, at the discretion of the editor.

**Cross reference**— Traffic, Ch. 34; vehicles for hire, Ch. 35.

ARTICLE I. - IN GENERAL

Sec. 37-1. - Purpose and scope.

- (a) The city, pursuant to the authority granted by state law, in order to protect the public, to protect the rights of persons whose vehicles may be towed, to maintain safe and efficient operating rules, and to preserve the peace of the community, hereby engages in the licensing and regulation of business enterprises engaged in the incident management towing, removing and storing of motor vehicles in the incorporated areas of the city.
- (b) The purpose and intent of this chapter is to regulate incident management tows initiated by a city official, police officer to the extent not pre-empted by federal or state law. This chapter shall not apply to consent tows from public or private property within the city.
- (c) The city manager and/or its designee, the Galveston City Marshal's Office (GMO), is authorized to enforce these rules. The Galveston City Marshal's Office shall be referred to as GMO herein.
- (d) No person shall operate a wrecker or heavy duty wrecker in the incorporated areas of the city on incident management towed vehicles unless the wrecker has been registered and permitted with the city marshal.
  - (1) For the purposes of this chapter, a PERSON shall mean a sole proprietor, partnership, corporation or LLC. Multiple assumed names or DBAs of a person shall not be permitted. This chapter does not apply to a consent tow.
- (e) No person or business entity shall operate a vehicle storage facility for the storage of vehicles that have been towed as incident management tows under this chapter unless the facility is registered with the state and meets all state requirements.
- (f) This chapter shall be liberally construed to give effect to its purpose and intent, and the city marshal is the final authority, unless superseded by state regulations.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-2—37-20. - Reserved.

## ARTICLE II. - DEFINITIONS AND TERMS

Sec. 37-21. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Abandoned vehicle.* Any vehicle on a public roadway or on private property in which a vehicle owner or operator is not present, or where a police officer or designee determines that the vehicle owner or operator does not intend to remove or take possession of the vehicle, or as defined by state law.

*Accident.* A situation where one (1) or more motor vehicles have collided with another motor vehicle, object, or person. "Accident" shall also include incidents in which only one (1) vehicle is involved, such as a rollover.

*Application.* The written application form approved by the GMO and all required documentation and all applicable fees.

*Auxiliary tow lights.* A set of red lamps, connected to the wrecker, which are attached to the rear of the towed vehicle and, when lit, will signal stops and turn movements of the towed vehicle.

*Chapter.* Chapter 37, Wrecker, Tow Truck and Storage Facility Code, of the Code of the City of Galveston, 1982, as amended.

*City.* The City of Galveston incorporated limits.

*City manager* and its designee for the purposes of this chapter shall mean the Galveston City Marshal's Office (GMO).

*Commission.* The Texas Commission of Licensing and Regulation.

*Communications supervisor.* The person appointed by the chief of police to supervise the operations of the city's radio dispatch office.

*Company.* The wrecker service under which an entity, or licensee operates. Entity includes, but is not limited to, person, individual, corporation, partnership, joint venture, association, or other business entity.

*Compliance officer.* The person designated by the director or city manager to oversee and enforce the chapter.

*Consent tow.* Any tow of a motor vehicle in which the wrecker is summoned by the owner or operator of the vehicle or by a person who has possession, custody, or control of the vehicle. The term does not include an incident management tow or a private property tow.

*Conviction.* A finding of guilt by a judge or jury, or any plea of guilty or nolo contendere, unless such conviction has been held invalid by the courts or the proceedings against the defendant have been dismissed and the defendant discharged by the court.

*Department.* The city's marshal's office is the department designated by the city manager to oversee and enforce this chapter.

*Director.* The director of the department, or the director's designee. As used in this chapter, "director" may also mean the chief of police if the city police department is responsible for enforcing and overseeing the chapter.

*Doing business as (DBA).* The operating name of a company, as opposed to the legal name of the company.

*Driver.* The person driving a licensee's tow truck.

*Driver permit.* Means the permit issued by the department to a driver of a tow truck.

*Emergency lights.* Flashing, rotating or strobe lights that are mounted above the roof of the wrecker. The lights shall be mounted as high and as wide as possible and visible in all directions when activated. Emergency lights shall only be amber in color. No lamps or lenses other than amber shall be displayed. A rearward facing directional arrow panel, mounted contiguous with the emergency lights, is permitted.

*Evidentiary crime scene.* A crime scene in the incorporated city that requires the response of a law enforcement agency's specialized investigative unit(s). Examples include, but are not limited to, a homicide scene or an auto theft chop shop.

*Heavy duty tow list.* The GMO shall maintain a master list of all permitted wrecker companies to be utilized in the event of a heavy duty tow.

*Heavy duty wrecker.* A wrecker having a chassis rated at five (5) tons or greater by the vehicle manufacturer equipped with a winch capable of lifting a minimum of 30,000 (thirty thousand) pounds as rated by the winch manufacturer, air brakes, and tandem axles. Except where a distinction is made, the term wrecker includes a heavy duty wrecker.

*High mounted stop lamp.* A lamp conforming to lamps, reflective devices, and associated equipment (49 C.F.R. 571.108).

*Incident.* An unplanned randomly occurring traffic event that adversely affects normal traffic operations.

*Incident management tow.* Any tow of a vehicle in which the wrecker is dispatched to the scene of a traffic accident or incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene.

*Incident management tow list ("tow list").* The GPD shall keep a master list, known as the incident management tow list, in permit number order, of all wrecker companies permitted under the provisions of

this chapter. Wreckers for incident management tows shall be dispatched from this list by order of rotation.

*In the water.* Any vehicle in which all four (4) wheels are covered by more than four (4) inches of water. "In the water" shall not mean street flooding or water on public streets or city rights-of-way.

*Law enforcement officer.* A city marshal, city police officer, or a peace officer for a law enforcement agency located in the county or state. (See Tex. Code C.C.P. Ch. 2, Art. 2.12.)

*Law enforcement scene.* The scene of a crime, collision or custodial arrest, or the location of a vehicle that is a traffic hazard, a recovered stolen vehicle or an abandoned vehicle.

*Lawful order.* Means the written or verbal directive issued by the department or police officer in the enforcement of this chapter.

*License.* Means the document issued under this chapter by the department to an applicant.

*Licensee.* Means a named tow truck service licensed under this chapter to engage in nonconsent tow service as determined by the city's rotation list.

*Licensee rotation tag number.* The number the city assigns to a licensee. Also referred to as a "rotation tag number" and a "tag number."

*Next-out.* The company whose license number is the next sequential number on the city's rotation list and which the city will call when the next vehicle needs to be towed.

*Nonconsent tow.* Any tow of a motor vehicle that is not a consent tow, including an incident management tow; and a private property tow.

*Open territory.* IH 45 west of Teichman Road overpass, including adjacent frontage roads. During Mardi Gras and special events as declared by city council, or pursuant to emergency circumstances as declared by the city chief of police, "open territory" shall encompass the city in its entirety.

*Operate.* To drive or otherwise use a wrecker.

*Operator.* Any person operating a wrecker, regardless of whether the person owns the truck.

*Over the seawall.* Means a vehicle that has two (2) or more wheels on the south side of the seawall. This does not apply to vehicles parked on the beach.

*Owner.* Any person who holds the legal title of the motor vehicle or who has the legal right of possession thereof.

*Pass.* A pass will be declared when the GPD attempts to dispatch a towing company from the tow list to perform an incident management tow, but is unable to contact the towing company, the towing company refuses or declines to accept the telephone call, the towing company refuses to accept the towing assignment, or fails to show up at to the scene within thirty (30) minutes (or forty-five (45) minutes for heavy duty). Each towing company shall be allowed three (3) passes during 12-month permit period. A violation of this section shall result in suspension or revocation of that wrecker company's permit.

*Permit.* Means the permit issued under this chapter by the department to the driver of a tow truck or alternatively the permit issued to an individual tow truck as applicable.

*Person.* A sole proprietor, partnership, corporation, limited liability company (LLC), an assumed name, or doing business as (DBA) shall be considered a person for the purposes of this chapter. For the purposes of this chapter, multiple assumed names or DBAs of a person shall not be permitted.

*Police generated tows.* The police dispatcher's request for a tow.

*Prisoner tow.* A situation where a peace officer employed by the city takes the operator of a motor vehicle into custody and determines that it is necessary to cause the operator's vehicle to be removed from the scene for storage or for use in a criminal investigation.

*Public roadway.* A public street, alley, road, right-of-way, or other public way, including paved and unpaved portions of the right-of-way.

*Repo-rig* A temporary, removable, or concealed towing apparatus.

*Rotation*. A system used by the city for the removal of vehicles from the public rights-of-way or public streets involving nonconsent tows.

*Rotation tag number*. The number the city assigns to a licensee. Also referred to as a "permit number" and a "tag number."

*Special events*. For purposes of this chapter a special event shall include Mardi Gras, Dickens on the Strand, Lone Star Rally, and other events that may be designated by city council.

*Tag number*. The number the city assigns to a company. Also referred to as a "permit number" and a "rotation tag number."

*Tow*. The movement of a motor vehicle by a wrecker.

*Towing company*. Individual, association, corporation, or other legal entity that controls, operates, or directs the operation of one (1) or more wreckers over a public roadway in this state but does not include a political subdivision of the state.

*Tow list*. The City of Galveston Incident Management Tow List.

*Tow truck*. Any truck or other motor vehicle equipped with cables, winches, hoists or other devices capable of lifting and towing or otherwise transporting another vehicle from one place to another. "Tow truck" includes a roll back type vehicle.

*Tow truck operator*. The person who drives a tow truck, whether or not such individual is also the licensee of the tow truck.

*Towing business*. The towing of vehicles not owned by the towing company, from a public street or right-of-way within the incorporated limits of the city, for compensation.

*Vehicle*. A device in, on, or by which a person or property may be transported on a public roadway. The term includes an operable or inoperable automobile, truck, motorcycle, recreational vehicle, or trailer but does not include a device moved by human power or used exclusively on a stationary rail or track.

*Vehicle owner*. The motor vehicle's legal or registered owner or such owner's authorized representative who is physically present at the law enforcement scene.

*Vehicle storage facility*. A vehicle storage facility, as defined by Section 21, that is operated by a person who holds a license issued under Chapter 85 of the Texas Administrative Code to operate the facility.

*Vehicle storage facility owner*. An individual, partnership, corporation or any other association (other than a governmental entity) that is engaged in the business of operating a garage, parking lot, storage lot or any type of facility to store motor vehicles subject to incident management tows under this chapter.

*Vehicle tow service rotation license*. Means the license required under this chapter in order to be placed on the city's rotation system for nonconsent tows

*Violation*. Means to violate this chapter or state law.

*Working day*. Seven (7) days a week 8:00 a.m. to 5:00 p.m., excluding city holidays.

*Wrecker*. A commercial motor vehicle equipped with, or used in combination with a mechanical device, which is adapted or used to tow, winch or otherwise move a motor vehicle, which together with the towed vehicle has a gross vehicular weight, or actual weight of twenty-six thousand (26,000) pounds or less. For purposes of convenience, the term wrecker, as used throughout this chapter, shall be deemed to include both the defined terms heavy duty wrecker and wrecker unless a specific reference to the term heavy duty wrecker is made.

*Wrecker permit*. A permit issued by the city marshal authorizing a specific wrecker to perform incident management tows.

(Ord. No. [20-047](#), § 2, 7-23-20)



Secs. 37-22—37-40. - Reserved.

### ARTICLE III. - PERMIT APPLICATION, REQUIREMENTS AND PROCESS

Sec. 37-41. - Application and process.

General. To obtain a wrecker permit, a towing company shall submit a written application with the GMO. The application shall include the following for each wrecker for which an application is submitted:

- (1) Year, make and model;
- (2) Vehicle identification number;
- (3) Texas license plate number;
- (4) State-issued vehicle storage facility permit.
- (5) Identification of wrecker owner including:
  - a. Full business name, address and telephone number for the true wrecker title owner;
  - b. A D/B/A or assumed name shall be accompanied by the name of the assumed name certificate;
- (6) Applicable fees as required by the city wrecker fee schedule.

All general applications and applications for renewal shall be submitted to the GMO by hand delivery, U.S. mail, or electronic mail. Fax applications will not be accepted.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-42. - Issuance and renewal of permits.

- (a) If the GMO determines that the applicant has satisfied all requirements of the above chapter, a wrecker permit shall be issued.
- (b) Wrecker permits are valid for one (1) year from the date the permit is issued.
- (c) Applications to renew a permit, along with supporting documentation must be received by the GMO sixty (60) days before expiration.
  - (1) A towing company that fails to renew the wrecker permit before it expires shall be removed from the incident management tow list.
  - (2) Operating a wrecker with an expired permit constitutes a violation of this chapter.
  - (3) Wrecker permits are non-transferable, and renewal permits will only be issued to the original permit holder.
- (d) If an owner of a towing company and/or driver operator of a wrecker is charged with a felony during the previous year, then the company or operator shall not be eligible for a wrecker permit the following year, unless the charges have since been dismissed or resulted in a verdict of not guilty. An owner or driver granted a "deferred adjudication" does not meet the condition of dismissed or not guilty, until the deferral period is completed.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-43. - Insurance requirements.

- (a) Applicants shall provide a current certificate of insurance for cargo and vehicle liability in the amounts required by the state department of licensing and regulation.

- (b) The required insurance policies shall be in the permittee's name and shall not be a blanket policy covering any other businesses. The insurance policies shall contain a provision that at least ten (10) days prior notice of cancellation of said insurance shall be given to the city.
- (c) A towing company shall maintain insurance for each wrecker it owns or operates which meets the requirements of all other applicable statutes in addition to meeting the insurance requirements set forth in this chapter. A law enforcement officer may request proof of financial responsibility from the owner/operator.
- (d) A towing company shall not perform any incident management tows if it fails to provide the required insurance coverage.

(Ord. No. [20-047](#), § 2, 7-23-20)

#### Sec. 37-44. - Required identification on wreckers.

Each towing company that has been issued a wrecker permit shall maintain the following identification markings on each wrecker it owns, leases or operates:

- (1) The wrecker shall display the name of the permittee on each side of the wrecker on the doors in three-inch letters, the address of the vehicle storage facility and phone number of the permittee on each side of the wrecker on the doors in two-inch letters. The information shall be clearly and legibly painted or affixed by permanent decal in colors that contrast with the surface on which the information is painted or affixed.
- (2) The wrecker shall display in front of the windshield and behind the front tires on both front fenders the city tag number, unless the wrecker is a cab-over truck, in which case the rotation tag number shall be displayed on both front doors. The tag number shall be either permanently affixed or painted in numbers not less than three (3) inches. Such numbers shall be clearly and legibly painted or affixed by permanent decal in colors that contrast with the surface on which the information is painted or affixed.
- (3) All wreckers designated by the company to be used for incident management tows shall be inspected and permitted by the department. The winch shall have the original manufacturers rating plate intact and be rated for no less than eight thousand (8,000) pounds.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-45—37-60. - Reserved.

#### ARTICLE IV. - PERMITS AND TOW LISTS

##### Sec. 37-61. - Maximum number of permits issued and tow lists.

- (a) The fourteen (14) permitted towing companies holding a vehicle tow service rotation license on September 1, 2004, may apply for a wrecker permit so long as they remain qualified under the terms of this chapter. The city will issue no other wrecker permits until and unless the number of permitted towing companies on the city tow list is seven (7) or less because of attrition. If at any time there are seven (7) or fewer permitted towing companies on the city's tow list, the city will consider applications from other qualified companies. Those applications will be considered in the order in which they were submitted, and the city shall issue a permit to any qualified towing company based on their application, until such time as there are seven (7) permitted tow truck companies on the city's tow list. The maximum number of permitted companies on the city's tow list will be thenceforth limited to a total of seven (7) companies.
- (b) The maximum number of heavy duty wreckers permitted and effective at any time, and the maximum number of companies on the city's heavy duty tow list shall be three (3).

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-62. - Qualification for placement on incident management tow list.

Each regular duty towing company shall have a minimum of two (2) permitted wreckers for the tow list, one (1) roll back and one (1) regular. Each heavy-duty towing company shall have a minimum of one (1) permitted wrecker per company for the tow list. This shall ensure the towing company is able to provide adequate service to the citizens it serves, the city police department and the city marshal.

Only those towing companies meeting the following annual requirements shall be placed on the incident management tow list for regular wreckers or heavy duty wreckers:

- (1) Have submitted and been issued a wrecker permit under the provisions of this chapter;
- (2) Each towing company which makes regular or heavy-duty tows must own a vehicle storage facility within the city limits, available for the storage of vehicles which have been towed as a result of an incident management tow. Only one (1) towing company per vehicle storage facility shall be allowed. A vehicle storage facility shall be of a size sufficient to allow for the storage of a wrecker company's incident management tows;
- (3) Have deposited with the city secretary a garage keeper's legal liability policy in its name covering fire, theft, and explosion at the vehicle storage facility in the same minimum amount as is required by state law for consent tows, and showing the city as an additional insured; and
- (4) Maintain a 24-hour wrecker service.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-63. - Use of incident management tow list.

- (a) The GPD dispatch shall maintain an incident management tow list. The list will include all wrecker companies permitted under the provisions of this chapter. The companies shall be listed in permit number order, and shall be dispatched on a rotating basis in accordance with the company's order on the list.
- (b) Upon receiving the first communication that the owner of a vehicle involved in a collision has failed or refused to designate an eligible wrecker company, or has specifically designated no preference, the GPD Dispatcher receiving the communication shall call the first towing company on the incident management tow list to tow a disabled vehicle and remove the vehicle from the public streets. An eligible wrecker is a wrecker currently eligible for an incident management tow.
- (c) If the owner/operator of a disabled vehicle is unable or unwilling to designate a towing company, the investigating officer shall request an incident management tow from the GPD dispatcher. The GPD dispatcher shall dispatch a wrecker from the incident management tow list.
- (d) If a dispatched towing company does not respond to the request with its wrecker within thirty (30) minutes (absent exigent circumstances ex. holiday traffic, tows west of twelve (12) mile road), the failure to respond will constitute a pass of the tow, and the next towing company on the tow list shall be dispatched.
- (e) The city reserves the right to cancel the next-out wrecker as warranted by the situation on the scene if the tow is no longer necessary. If the city cancels the next-out for any reason other than the company's failure to arrive within the allocated time limit, or if the equipment is not adequate for the situation, the company shall be placed on top of the tow list and shall receive the subsequent next out call. Once the next-out wrecker is called by GPD dispatch, it cannot be replaced by request.
- (f) If the next-out wrecker on the scene cannot complete the job with the towing company's own vehicles it shall be considered a pass, and the next-out wrecker shall be called.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-64. - Dispatch procedures.

- (a) For incident management tows, the communications dispatcher shall summon the next number on the tow list. The dispatcher shall call the first permittee's telephone number of record. If the dispatcher does not get an answer at the first telephone number, the dispatcher shall call the permittee's second telephone number. If the dispatcher receives a voice mail or calls a pager, the dispatcher shall leave a message that the company has five (5) minutes in which to return the dispatcher's call or the call will be a pass. If the company does not return the call or page to the dispatcher within five (5) minutes, or if there is no answer at the company's telephone number, the call will be a pass, and the company's permit number will be rotated to the bottom of the tow list.
- (b) When summoned by the communications dispatcher, the permittee shall accept the summons or pass on the incident management tow.
- (c) Upon receiving a summons from the communications dispatcher, if the permittee elects not to respond or fails to respond in the time frame permitted, the permittee shall be removed from the top of the tow list and placed at the bottom of the list.
- (d) Upon accepting a summons from the communications dispatcher, a permittee shall be allowed a maximum of thirty (30) minutes to arrive at the scene from the time the police dispatcher called the permittee, or a maximum of forty-five (45) minutes to arrive at the scene if a heavy-duty wrecker is called. If the company does not arrive at the scene within the maximum time allowed, the police dispatcher shall cancel the call and the permittee shall be placed on the bottom of the list, and the next permittee on the list shall be called.
- (e) The officer on the scene will complete a GPD wrecker pick-up acceptance sheet. Completed GPD wrecker pick-up acceptance sheet will be kept and maintained by the city, and available for inspection and copying, as required by state law.
- (f) In addition to the police dispatcher requesting a company, the city manager may authorize other city staff to designate a city employee to call for junk vehicle tows.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-65. - Open territory.

Licensee may dispatch tow trucks into open territories without prior notice from the communications dispatcher. In open territories, the first licensee to reach a disabled vehicle will be granted the non-consent tow unless the owner or operator of the disabled vehicle is present and has made a consent tow request. No vehicles in an accident may be moved without approval of the police officer in charge at the scene.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-66—37-80. - Reserved.

#### ARTICLE V. - TOW SERVICE SAFETY AND OPERATING PROCEDURES

Sec. 37-81. - Tow service and operating procedures.

No person shall participate in an incident management tow unless the following operation and safety requirements are met:

- (1) The wrecker being used shall be equipped as follows:

- a. Brakes that meet braking performance requirements under all loading conditions;
  - b. A power winch, winch line and boom, with factory-rated lifted cap of not less than eight thousand (8,000) pounds single line cap or a hydraulic and mechanical wheel lift with a lifting cap of not less than three thousand (3,000) pounds;
  - c. A tow sling or hydraulic lift sufficient to prevent swinging of any equipment and/or vehicle being transported and/or towed. This subsection (1)c. shall not apply to a vehicle carrier or rollback unless the wheels of a vehicle being towed are in contact with the ground. In the event that a self-contained non-propelled towing device, or some other form of auxiliary device is used, the vehicle to which that device is attached and which is providing the motive and braking forces, does not need to provide this equipment;
  - d. Three-eighths inch highest steel chains or their equivalent for wreckers with a gross vehicle weight over ten thousand (10,000) pounds. The gross vehicle weight rating (GVWR) of the wrecker shall not be less than ten thousand (10,000) pounds as rated by the manufacturer or certifying laboratory (one-ton truck), and the wrecker shall have been manufactured with dual or tandem rear wheels and tires. All such equipment shall be maintained in good condition;
  - e. A ten-pound or equivalent BC fire extinguisher. All fire extinguishers shall be properly filled, operable, and located so as to be readily accessible for use. Fire extinguishers shall meet the minimum requirements of the most recent edition of NFPA 10 the standard for portable fire extinguishers established by the National Fire Protection Association (NFPA), and shall be labeled by a recognized national testing laboratory;
  - f. One (1) crowbar or wrecking bar that is not less than thirty-six (36) inches in length with a wedge head;
  - g. One (1) broom of a type designed for pushing with an 18-inch head, and a handle of not less than thirty-six (36) inches;
  - h. One (1) flat-edge shovel of at least nine (9) inches, with a handle of not less than thirty-six (36) inches;
  - i. A box or bucket to carry glass and/or debris removed from collision/accident scenes;
  - j. Rope or wire suitable for securing doors, hoods, trunks, etc.;
  - k. A functioning spotlight or flashlight;
  - l. Outside rearview mirrors on both sides of the truck;
  - m. Permanently mounted emergency light bar;
  - n. Three (3) portable red emergency triangle reflectors;
  - o. Auxiliary tow lights;
  - p. A high mounted stop lamp shall be mounted on any wrecker if its overall width is less than eighty (80) inches, or its gross vehicle weight rating (GVWR) is ten thousand (10,000) pounds or less and is manufactured on or after Sept. 1, 1993;
  - q. Work lights shall be wired to a separate switch and shall not be illuminated while the wrecker is in motion. These lights shall be steady burning white lights that project light to the rear of the wrecker; and
- (2) Dispatched wreckers shall arrive at the accident scene within thirty (30) minutes after being notified by the GPD or GMO, absent exigent circumstances (hurricane, flood, etc.). Failure to do so shall be considered a "pass".
  - (3) Before leaving the scene, operators shall remove from the site of an accident all wreckage and debris. This duty specifically includes the removal of broken glass and metal fragments and the spilled load of any vehicle. Such debris shall be disposed of in a manner which shall keep it out

of gutters, storm sewers, streams, public rights-of-way, and property not owned by the wrecker operator.

- (4) No wrecker operator shall store any vehicle or wrecker on public roadways or public rights-of-way in the city.
- (5) Wrecker operators shall use reasonable care in towing and in the storage of vehicles so as to minimize any possibility of further damage or theft.
- (6) Wrecker operators shall comply with all federal and state laws, all rules and regulations promulgated pursuant to federal and state laws, and all city ordinances, including zoning, health and fire prevention ordinances.
- (7) No person shall use or operate a wrecker to tow a motor vehicle without using auxiliary tow lights unless the towed vehicle is loaded on a rollback wrecker.
- (8) No person shall equip a permitted wrecker with a two-way radio or scanner or with any two-way radio capable of transmitting on any law enforcement frequency or tow using a wrecker equipped with any such devices. Any operator or towing company found transmitting on any law enforcement frequency shall be subject to suspension or revocation of their permit.
- (9) No person shall equip a permitted wrecker with any device designed to detect or monitor radar, laser or any other speed-measuring instrument or perform a non-consent tow using a wrecker so equipped.
- (10) No person shall perform any tow without using safety chains or safety straps.
- (11) No person shall operate a permitted wrecker with a slip-in bed or operate a repo-rig.
- (12) No person shall use a permitted wrecker to lift more than its factory-rated lifting capacity allows.
- (13) No operator shall possess nor allow any prohibited weapon, firearm or alcoholic beverage in or around a wrecker when operating the wrecker. This provision does not prohibit a peace officer as defined by Texas Code of C.C.P. Ch. 2, Art. 2.12, or a person possessing a valid handgun permit issued by the Texas Department of Public Safety (DPS) from carrying a firearm while operating or riding in a wrecker.
- (14) An operator shall ensure that while lifting a motor vehicle in preparation for a non-tow, all non-essential people are at a safe distance from the wrecker and motor vehicle. A safe distance is at least twice the distance between the end of the boom and the point of hook-up on the motor vehicle being winched or twice the distance the motor vehicle is being lifted, whichever is greater. If a hydraulic lift is being used, a safe distance is twice the distance to which the lift arm is extended. An operator is responsible for maintaining safe conditions around the wrecker during any preparation for towing and winching of the motor vehicle.
- (15) If a wrecker or motor vehicle to be towed is in a lane of traffic, the operator shall ensure that the flow of traffic is diverted. An operator shall not place or operate a wrecker cable across a lane or lanes of traffic, unless the traffic is stopped or diverted by a law enforcement officer to permit safe winching or lifting of the motor vehicle to be towed.
- (16) A towing company operating permitted wreckers and operators of such wreckers shall maintain and keep in good working order all safety mechanisms of the wrecker, including; but not limited to, all headlights, tail lights, turn signals, brakes, brake lights, hazard lights, flashing warning lights, windshield wipers, wiper blades, door handles, window cranks, and tires.
- (17) All permitted wreckers shall operate within the applicable recommended towed vehicle manufacturer's safety policies and procedures.
- (18) No wrecker performing an incident management tow shall use a tow bar with pins of any kind, or any other method of attachment.
- (19) Each permitted wrecker shall meet the safety requirements of all other applicable statutes in addition to meeting the safety requirements of this chapter.

- (20) Incident management towed vehicles from any law enforcement scene shall be taken to an approved vehicle storage facility prior to the loading of any other vehicle.
- (21) All wreckers must arrive at the scene of the tow under the wrecker's own power and with working equipment available to tow. If at the scene of the tow, the wrecker is found by a police officer, deputy marshal or wrecker inspector to be in a condition that does not comply with this chapter, the police officer, deputy marshal or wrecker inspector shall notify the department. The police officer, deputy marshal or wrecker inspector shall not allow the wrecker to tow the vehicle from the scene. However, if the operator or permittee obtains assistance from another of the permittee's wreckers within the original response period, the permittee may proceed with the tow. If the wrecker does not obtain the needed assistance within the original response time the tow shall be deemed as a pass, and the officer, deputy marshal or wrecker inspector shall request the next-out. The permittee shall not use the wrecker that passed for any further tows until the city inspects and approves the truck.
- (22) The following rules apply to law enforcement incident scenes.
- a. Except at the direction of a law enforcement officer, an operator shall park the wrecker at least three hundred (300) feet from a law enforcement scene and remain with their vehicle. An operator shall only use beacon lights as directed by state law.
  - b. The operator shall park the wrecker on the same side of the road as the damaged motor vehicle.
  - c. The owner of a motor vehicle or his or her representative shall be allowed to determine who will safely remove the vehicle and any connected trailer and its associated load from a law enforcement scene unless the owner is under arrest or in police custody, or the vehicle is an immediate traffic hazard, as determined by law enforcement, in which case "next-out" will be summoned.
  - d. If a motorist in need of aid summons a police officer or deputy marshal and is in need of a tow, the police officer or deputy marshal shall use the same procedure as in a collision situation. If the vehicle owner/operator has no preference of a wrecker company, the next-out shall be called.
  - e. All wreckers are subject to an inspection by GMO or personnel designated as wrecker inspectors.
  - f. Once a wrecker has hooked up to a motor vehicle, the wrecker company may charge as authorized by this chapter. A wrecker company shall have hooked-up when the wrecker is in position to secure and tow the vehicle and any part of the wrecker's securing attachments are touching the vehicle.
  - g. No wrecker operator without a current, valid TDLR permit and city-issued chauffeurs permit, shall be allowed to load a vehicle for an incident management tow. The city will issue identification cards to wrecker drivers and operators and the card will be displayed by the individual at all times while operating a wrecker.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-82—37-100. - Reserved.

#### ARTICLE VI. - TOW STORAGE

Sec. 37-101. - Incident management tow storage.

All regular and heavy-duty wrecker owners who perform incident management tows at the direction of GPD or the GMO shall store towed vehicles at their vehicle storage facility, located within the city limits,

licensed by the Texas Department of Licensing and Regulation (TDLR), unless otherwise directed by the police officer or owner or operator authorizing the tow.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-102. - Storage.

- (a) The permittee shall store all incident management tows at the permittee's vehicle storage facility.
- (b) The city or its designee shall conduct at least one (1) auction each month for vehicles stored in permittee's vehicle storage facilities.
- (c) Permittees shall be responsible for any and all damage, losses, or thefts of property or vehicles stored at permittee's vehicle storage facilities.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-103—37-120. - Reserved.

#### ARTICLE VII. - AUTHORITY OF PEACE OFFICER AND CONDUCT OF OTHERS ON SITE

Sec. 37-121. - Authority of peace officer.

- (a) The peace officer in charge at an accident site or at the location of a disabled vehicle on a public roadway may, if required for public safety, take any steps needed to ensure public safety.
- (b) A peace officer may, for any purpose, direct that any vehicle shall be taken to an impound lot or location owned or used by the city.
- (c) This chapter does not limit the authority of the city to remove vehicles from public roadways in any manner the city deems appropriate.
- (d) Except as provided in rules under this chapter, a towing company, its employees or wreckers shall not enter an accident or incident scene, or other site under a peace officer's control without the permission of the investigating officer.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-122. - Non-dispatched wreckers.

- (a) Once a request for an incident management tow has been made to the GPD dispatcher, wreckers who arrive on a scene voluntarily, or at the request of the vehicle owner, may not be used for the tow. Only wreckers dispatched by the GPD dispatcher will be eligible for an incident management tow.
- (b) The fact that no police officer of the GPD or GMO is present at a law enforcement scene when a wrecker arrives shall not constitute an exception to any requirement of this chapter, and it shall be the duty of any wrecker owner or wrecker operator desiring to tow or haul any wrecked or disabled vehicle from the scene of an accident to notify the GPD of the occurrence of the accident and to await the arrival of the GPD police officers and the completion of their investigation.

A wrecker operator shall not remove any wrecked or disabled vehicle from the location where the accident or collision has occurred or attach his or her wrecker to the wrecked or disabled vehicle until the operator of the vehicle has given permission and until the GPD have completed their investigation.

(Ord. No. [20-047](#), § 2, 7-23-20)



Sec. 37-123. - Conduct of operators and formalized complaint system.

- (a) The GMO shall establish and maintain a formal complaint system to be used by members of the public wishing to file a formal complaint on a wrecker/towing company or operator. The GMO will create, maintain and investigate complaints. In addition, all permitted towing companies shall notify the GMO, within five (5) business days of receipt, of all complaints received.
- (b) Towing companies and operators shall maintain proper conduct at all times when performing all tows, and shall not fight, assault, threaten use of force, use profanity or exhibit disorderly conduct. Towing companies shall be responsible for the conduct of their operators or employees. Improper conduct of an operator or employee shall be grounds for suspension or revocation of the wrecker or towing company's permit.
- (c) A towing company shall notify the GMO of an operator working under its permit who is convicted of a felony, a crime involving moral turpitude, a crime involving disorderly conduct, or assault, while performing a tow or otherwise, and shall prohibit that operator from performing incident management tows for the city.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-124. - Influence by police as to selection of wrecker.

No GPD officer or GMO deputy investigating or present at the scene of an accident or incident on a public roadway shall, directly or indirectly, either by word, gesture, sign or otherwise, recommend to any person the name of any particular person engaged in the wrecker services or repair business, nor shall any police officer influence or attempt to influence in any manner the decision of any person in choosing or selecting a wrecker or repair service.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-125. - Interference with police, fire or emergency medical services.

All wrecker operators arriving at any law enforcement scene shall obey all orders given by any police officer, deputy marshal, firefighter, wrecker inspector or EMS personnel.

(Ord. No. [20-047](#), § 2, 7-23-20)

**State Law reference**— Interference with certain officers, see Interference with Public Duties (Texas Penal Code 38.15)

Sec. 37-126. - Following vehicles in response to accident scene.

No person shall follow in a wrecker any ambulance or police car that is traveling on a public roadway in response to report of an automobile collision.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-127—37-140. - Reserved.

ARTICLE VIII. - RECORD KEEPING, RETENTION PERIOD AND INSPECTIONS

Sec. 37-141. - Records of towed vehicles required; contents and retention periods; inspection of records by police.

- (a) Every towing company permitted for the incident management tow list shall maintain, at its storage facility location within the city, records of all vehicles towed or moved as part of an incident management tow. Records will include, for each tow, the following:
  - (1) Make, model, and vehicle identification number (VIN) of the disabled vehicle towed by the company;
  - (2) Location from which the disabled vehicle was towed and date and time of tow;
  - (3) Total amount charged for towing;
  - (4) Storage rate per day;
  - (5) Description of all personal property within the disabled vehicle at the time of the tow;
  - (6) Name and phone number of the driver or owner of the motor vehicle.
- (b) Records shall be preserved by the towing company for at least twenty-four (24) months after the date the company came into possession of the vehicle.
- (c) Inspection by police or marshal. The records required to be kept by this chapter shall be made available by the towing company to the GPD or GMO upon request Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-142—37-160. - Reserved.

#### ARTICLE IX. - ADDITIONAL SPECIAL RULES FOR HEAVY-DUTY ROTATION

Sec. 37-161. - Additional special rules for heavy-duty rotation.

The following are special rules applicable to heavy duty tows only:

- (1) Permittees shall own or lease a heavy-duty wrecker, as defined;
- (2) Permittees shall have a vehicle storage facility located within the city;
- (3) Tow response time shall be within forty-five (45) minutes after notification;
- (4) Permittees shall have insurance in the minimum amounts as set by the state for heavy-duty consent-tows. The city shall be named as an additional insured; and
- (5) Permittees shall have a permit and comply with all other provisions of this chapter that are not in conflict with this section. A permit for operation of a regular wrecker is not required for placement on the heavy duty tow list.
- (6) If no heavy-duty wrecker is available to respond through the heavy-duty tow list, the city may contact any available heavy-duty wrecker service.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-162—37-180. - Reserved.

#### ARTICLE X. - REPOSSESSIONS; PRIVATE PROPERTY TOWS

Sec. 37-181. - Repossessions; private property tows.

Wrecker operators shall notify police dispatch immediately upon leaving the scene of a vehicle repossession or involuntary private property tow. The notification shall consist of the wrecker operator's name, company name and phone number, location vehicle will be removed from, and the vehicle description (year, make, model, color, license plate number and state of issuance). Private property tows can only be removed to a vehicle storage facility located in the city and the operator must provide access consistent with the time limitations established herein related to release of vehicles.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-182—37-200. - Reserved.

ARTICLE XI. - PERMIT SUSPENSION OR REVOCATION

Sec. 37-201. - Suspension or revocation of a permit.

(a) *Suspension.*

- (1) The department may suspend a vehicle tow service or heavy-duty vehicle tow service rotation license wrecker permit if the department determines a licensee/permittee or his or her employee has:
  - a. Allowed a person to operate a wrecker engaged in vehicle tow service rotation incident management tows in the city without a valid wrecker operator's permit issued to the person under this chapter. This may result in a pass for the wrecker licensee/permittee and a one-week removal from rotation;
  - b. Operated a wrecker without a permit which has not been registered with the department for rotation tows; this may result in a pass for the wrecker licensee/permittee and a one-week removal from the tow list rotation;
  - c. Failed to answer the storage location telephone at any time, twenty-four (24) hours a day or have an employee or contractor answer such telephone at any time, twenty-four (24) hours a day. This may result in a one-week removal from tow list rotation;
  - d. Failed to have a wrecker permit license issued hereunder conspicuously displayed at his or her place of business. This may result in a one-week removal from the tow list rotation;
  - e. Failed to release a vehicle within sixty (60) minutes of a request by the owner or operator of a towed vehicle which has been obtained due to an incident management tow. This may result in a one-week removal from the tow list rotation;
  - f. Imposed or attempted to impose any condition for release of any towed motor vehicle which had been towed to from their vehicle storage facility, other than proof of ownership, identification of the person claiming the vehicle and the payment for towing and storage consistent with TDLR regulations. This may result in a one-week removal from the tow list rotation;
  - g. Failed to provide the owner or operator of the vehicle with a written receipt for towing and storage charges, the date and time of removal, the date and time of return. This may result in a one-week removal from the tow list rotation;
  - h. Failed to maintain permanent signage as required by this chapter on all wreckers used for rotation tows. This may result in a pass for the tow and a one-week removal from the tow list rotation;

- i. Charged more than the maximum fee allowed by this chapter. This may result in a one-week removal from the tow list rotation and a full refund of the over charge to the vehicle owner;
  - j. Failed to clean the street of any broken glass or other debris resulting from a collision. If more than one (1) wrecker is summoned, each driver operator shall bear equal responsibility for the clean up. This may result in a one-week removal from the tow list;
  - k. Allowed an employee to tow a vehicle to a vehicle storage facility other than the licensee permittee's vehicle storage facility unless, at the direction of the towed vehicles owner or operator. This may result in a one-week removal from the tow list rotation;
  - l. Failed to provide written notification to the compliance officer that the licensee / permittee's insurance has been canceled, or is no longer in force for any reasons, or the amounts of insurance have been reduced. The compliance officer shall remove the licensee permittee's license number wrecker number from the city's rotation list tow list. The removal from the city's rotation list tow list will be for twice the period of time that no insurance was in effect as required by this chapter;
  - m. Passed on the tow list more than three (3) times in a permit license period. This may result in a one-week removal from the tow list rotation.
  - n. Failed to allow a vehicle owner access to retrieve personal items from a stored vehicle during normal business hours or within ninety (90) minutes of having been notified after hours. This may result in a one-week removal from the tow list rotation.
  - o. Failed to pay ad valorem taxes for the vehicle storage facility associated with the permit.
- (2) If the department determines that a permit should be suspended, the department shall notify the permittee in writing that the permit is suspended and include in the notice the reason for suspension, and a statement informing the applicant or permittee of the right of appeal.
- (3) These penalties do not preclude prosecution for criminal offenses as defined by state law or city ordinance.
- (b) *Revocation.* The department may revoke a vehicle tow service permittee from a rotation tow list if the department determines that the permittee has:
- (1) Made a false statement in the application for the license;
  - (2) Failed to comply with applicable provisions of this chapter;
  - (3) Failed to comply with the conditions and limitations of the license;
  - (4) Been convicted or received deferred adjudication for any felony offense while holding a license;
  - (5) Failed to pay a license fee at the time it was due;
  - (6) Failed to maintain a state licensed vehicle storage facility within the city;
  - (7) Three (3) or more violations of this chapter within a one-year period;
  - (8) Passed three (3) tows on any one (1) tow list during an application period.
  - (9) Failed to maintain, or provide access to business records, or altered business records.

If the department determines that a permit should be revoked, the department shall notify the permittee in writing that the permit is revoked and include in the notice the reason for revocation, and a statement informing the applicant or permittee of the right of appeal.

(Ord. No. [20-047](#), § 2, 7-23-20)

Sec. 37-202. - Appeals—Suspension and revocation procedures.

- (a) Within ten (10) days from the date of the suspension, revocation or denial, the permittee shall file a written sworn appeal with the compliance officer stating:
  - (1) The grounds for the appeal;
  - (2) All persons with knowledge regarding the incident the appeal is based upon;
  - (3) The time, date and location of the alleged offending action by the city; and
  - (4) The relief requested.
- (b) Filing of an appeal under this chapter will suspend all penalties issued under this chapter.
- (c) Compliance officer review. The compliance officer shall conduct an investigation into the permittee or operator's appeal. Within ten (10) days of the filing of the appeal, unless circumstances demand a longer response time, the compliance officer shall provide a written response to the permittee or operator. If the permittee or operator is not satisfied with the compliance officer's response, the permittee or operator may request the review of the compliance officer's actions to the city manager, or designee. Such request shall be in writing and submitted within ten (10) days of the date of the compliance officer's response.
- (d) The city manager, or designee shall review the request and make a decision within ten (10) days of receipt of the request. The decision by the city manager, or designee is a final decision.

(Ord. No. [20-047](#), § 2, 7-23-20)

Secs. 37-203—37-220. - Reserved.

#### ARTICLE XII. - FEES AND CHARGES

Sec. 37-221. - Permissible fees and charges.

Permissible fees and charges:

- (1) The following are the maximum fees that any permittee shall charge for a tow in the city, subject to the exceptions set forth in subsection (2) below:

Incident management tows .....\$165.00

Trailer w/o vehicle .....165.00

Trailer and vehicle .....200.00

Over the seawall .....250.00

Lift vehicle off guard rail or obstacle .....75.00

Ditch or sand winch out .....75.00

Rollover .....85.00

In the water vehicle .....250.00

Heavy duty tow .....500.00

Motorcycles .....175.00

- (2) The following are exceptions to the above standard fees:
  - a. If a heavy duty vehicle tow service is called and the pick-up requires the unloading of a combination vehicle or multiple heavy duty wreckers to clear a scene, the permittee or

wrecker operator shall immediately notify the officer on the scene that the pick-up is exceptional. The on-scene officer shall ask dispatch to notify the compliance officer, his or her designee or patrol sergeant to approve the exceptional tow status. Upon approval, the officer shall note "exceptional" on the operator's towing form.

- b. If a heavy-duty wrecker is needed to tow an abandoned vehicle, the on scene officer shall call the compliance officer or his or her designee to the scene. If the compliance officer, or designee, determines that a heavy-duty wrecker is required, the officer on the scene, compliance officer or designee shall call for the next-out heavy duty.
- c. Exceptional heavy duty tow rates:
  - 1. Two hundred dollars (\$200.00) per hour (with a one-hour minimum) to prepare the vehicle, the trailers and load for safe towing; and
  - 2. A maximum of twelve and one-half cents (12.5¢) per pound of the actual weight of the load and vehicle, including any trailers. The weight will be determined by certified weight scale receipts for such loaded vehicles and trailers.
- d. Towing companies shall not charge a storage fee that exceeds the maximum allowable under state law.
- e. In the event the vehicle owner or operator desires to have the vehicle towed to a destination outside the city boundaries, the wrecker company, agent, representative or operator may negotiate a price with the vehicle owner or operator to tow to the destination.
- f. The maximum rates provided under this chapter shall be displayed on any invoice provided to the person picking up a vehicle.

(Ord. No. [20-047](#), § 2, 7-23-20)