ARTICLE VII. PARKING METERS*

DIVISION 1. GENERALLY

Sec. 45-161. Designation of meter zones and maximum parking time therein; installation of meters—Generally.

The traffic engineer is hereby authorized to establish parking meter zones upon any street or portion of any street where it is determined, upon the basis of a traffic engineering study, that the installation of parking meters shall be necessary to aid in the regulation, control or inspection of the parking of vehicles. The parking of vehicles in such parking meter zones shall be controlled and regulated by parking meters.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-162. Same—Off-street parking zones.

(a) The traffic engineer is hereby authorized to designate any portion or section of any drive, roadway, or area within any public ground or lands owned or controlled by the city as a public parking zone within which parking shall be controlled by parking meters whenever the traffic engineer shall find and determine that the use of public property or any public building, structure or activity situated thereon or adjacent thereto will be benefitted by the control of such parking, or access to such ground, buildings or activity will be made more readily available to a larger number of citizens, or congested traffic and parking conditions will be thereby alleviated. In the zones so designated, the chief clerk of the municipal courts shall designate the maximum parking time for each parking meter, basing his designation on the fact finding above set forth.

(b) Whenever so designated by the traffic engineer, any such public parking zone shall be considered a "street" as such term is used in other provisions of this chapter and such other provisions shall govern the use of such zones by the public; but such zones shall not thereby become streets for all purposes unless expressly recognized as such by the city council.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-163. Operation, design, etc., of meters.

(a) Parking meters shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, and may also accept currency, credit cards, debit cards or other forms of payment, based upon the capabilities of the meters installed.

(b) Each parking meter shall be so designed, constructed, installed, and set that, upon the expiration of the time period registered for payment made as provided herein, it will indicate by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains of such period. Where a meter has been installed that controls two or more parking spaces, then the meter shall separately perform the above function for each individual space.

(c) Where a meter has been installed that allows payment of time for a parking meter space, prints a written receipt, and does not indicate expiration of the time period registered for payment by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, then the operator shall display such receipt in the dashboard of the parked vehicle in an unobstructed manner.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-164. Reserved.

Sec. 45-165. When meter regulations effective.

Parking meters in the established zones shall regulate the parking of vehicles between the hours of 7:00 a.m. and 6:00 p.m. on Mondays

*Editor's note—Ord. No. 04-799, § 4, adopted July 28, 2004, amended Ch. 45, Art. VII, in its entirety. Formerly, said article pertained to similar subject matter and derived from Code 1968, §§ 46-159—46-166 and subsequent amendatory ordinances.

Cross references—Removal and impoundment of vehicles, § 45-201 et seq.; booting and towing delinquent vehicles and other enforcement provisions, § 45-341 et seq.

through Saturdays except legal holidays unless otherwise specified on the meter or by applicable signage.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-166. Manner of parking in meter zones.

Within the parking meter zones, all vehicles shall be parked parallel to the curb, unless otherwise indicated on the meter or by signage, curb markings, or other control system applicable to the meter. For parallel parking, no part of the curb side of the vehicle shall be parked at a distance greater than 18 inches from the curb. Where one parking meter has been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that the front of the vehicle is located opposite the parking meter. Where two meters have been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that either the front or rear of the vehicle is located opposite the parking meter, as applicable, based upon the relation of the meter locations to the parking spaces. Where a meter has been installed that controls two or more parking spaces, then the vehicles shall be parked in accordance with the signage, curb markings, or other control system applicable to the meter.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-167. Payment; overtime parking.

(a) Parking in a metered space during the restricted and regulated time applicable to the parking meter zone in which such meter is located requires payment in the amount applicable to that metered space, which may be paid through operation of the meter as provided in section 45-163 of this Code.

(b) No person shall park or permit a vehicle within his control to be parked in any such parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter controlling the space indicates that the paid time period for use of that metered space has expired. This provision shall not apply to the act of parking or the necessary time that is required to make payment immediately thereafter in a form accepted by the meter.

(c) If a vehicle remains parked in any parking space beyond the parking time limit paid for such vehicle for such parking space, the parking meter shall indicate illegal parking by means of a flag, electronic display, or otherwise, and in that event, the vehicle shall be considered as parked overtime and such overtime parking shall be unlawful.

(d) Parking a vehicle in any parking space in excess of the time paid for such vehicle for such parking space shall be the initial offense under this division. It shall furthermore be unlawful to continue such violation, and more than one ticket may be issued for a continued violation under this division.

(e) If a notice on the meter itself or applicable signage placed under section 45-165 of this Code states that the parking meter is not effective during certain hours or on certain days, then this section shall not be applicable during those days or times.

(f) Exemption for vehicles in public law enforcement service:

(1) As used in this subsection the term "peace officer" shall mean those persons who are defined as "peace officers" under Section 2.12 of the Texas Code of Criminal Procedure and those employees of the following federal agencies who are authorized to carry handguns, investigate federal crimes, and make custodial arrests of persons accused of committing federal crimes:

a. Federal Bureau of Investigation;

b. Federal Drug Enforcement Administration;

c. Federal Bureau of Alcohol, Tobacco and Firearms;

d. United States Marshal's Service;

e. United States Customs Service;

f. United States Secret Service;

g. United States Postal Inspection Service;

h. Internal Revenue Service; and

i. Immigration and Naturalization Service.

(2) As used in this subsection the term "department head" shall mean the police chief, sheriff, constable or other duly elected or appointed official in charge of the department or agency that employs a peace officer, provided that if the peace officer is employed by a state or federal agency, then it shall mean the person principally in command of the agency's division, field office or other work group that is responsible for the agency's operations within the city.

(3) It is a defense to prosecution under this section that the person who parked the vehicle is a peace officer and that he presents to the municipal court two affidavits. One affidavit shall be duly executed by his department head and shall set forth:

a. That the person was at the time of the alleged offense employed under the department head's command as a peace officer;

b. That the vehicle parked was at the time of the alleged offense owned by or in the service of the State of Texas or the United States or an agency or subdivision thereof; and

c. That the peace officer was (based upon department head's personal knowledge or upon the records of the department head's office) at the time of the alleged offense engaged in the performance of his officially assigned duties of office.

The second affidavit shall be duly executed by the peace officer who parked the vehicle and shall state that the vehicle was not parked at an expired parking meter for more than a total of four hours on the occasion during which the alleged offense arose.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-168. Parking in other than metered space in meter zone.

Except as otherwise permitted in section 45-126 of this Code, no parking shall be permitted on any of the portions of streets in a parking meter zone at any place other than in the parking spaces designated by the traffic engineer under the terms of this division, and which are controlled by parking meters, and it shall be a violation of this section for any person to park any vehicle in any other place on the portions of the streets designated in a parking meter zone, than in parking spaces duly designated by the traffic engineer and controlled by parking meters. This section shall not apply to loading and unloading zones, taxicab zones or bus zones. It is a defense to prosecution under this section that there is no signage indicating parking is not allowed.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-169. Meter collectors.

(a) There shall be employment positions within the office of the chief clerk of the municipal courts for persons who shall be known as "parking meter collectors." The parking meter collectors shall be selected and appointed in accordance with the established hiring practices of the city. The employees holding those positions shall be under the direction and control of the chief clerk of the municipal courts or his designee.

(b) It shall be the duty of each parking meter collector to collect revenues from assigned parking meters in the city at the times and in the manner prescribed by the chief clerk of the municipal courts and to enforce the provisions of this Code and applicable state laws and regulations relating to the parking of motor vehicles.

(c) Peace officers and other persons designated by the chief clerk of the municipal courts for that purpose shall enforce the provisions of this chapter and state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the city. Persons who are not peace officers may issue citations, but they shall not have the power of arrest. Persons designated under this section shall be issued appropriate identification and the necessary citation forms to

carry out their duties. The persons shall account to the chief clerk of the municipal courts for all citations issued and for all citation forms provided to them.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-170. Proof of parking meter location and time limit.

When any person is charged with having committed an offense under this division, proof that a parking meter was placed for the parking space in connection with which the offense was committed shall constitute prima facie evidence that the parking meter was installed and the space laid out by order of the traffic engineer, and that its location and maximum parking time were designated by the traffic engineer.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-171. Effect on more restrictive provisions.

The provisions of this division shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting, restricting, or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-172. Parking meter rates.

The chief clerk of the municipal courts is hereby authorized to establish parking meter fees for any parking meter that has been placed upon any street or other property owned or controlled by the city. The following fees are hereby established for public parking at any parking meter that is governed by this section:

(1) *Short-term parking rate:* A rate to be established by the chief clerk between a minimum of $0.10 for each ten minutes and a maximum of $1.50 for each ten minutes, which includes any applicable sales tax. Short-term parking rates shall apply to a meter during a time period for which the meter has been designated for short-term parking use upon determination that the public's needs during that time period may be best served by ensuring that the space is not used for lengthy periods of time by one vehicle.

(2) *Long-term parking rate:* A rate shall be established by the chief clerk between a minimum of $0.10 for each hour and a maximum of $1.50 for each hour, which includes any applicable sales tax. Long-term parking rates shall apply at meters during those periods in which they have not been designated for short-term parking use.

(3) In establishing the foregoing rates, the chief clerk shall consider the cost of providing the service, the prevailing private market parking rates in the immediate vicinity of the meter, and the needs of patrons of nearby businesses and other premises to have access to the use of metered parking, as well as relevant traffic mobility and engineering issues, as applicable. Without limiting the chief clerk's options, a parking space may be designated for short-term parking during some times and days and long-term parking during other times and days.

(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-173. Designation of authority.

Those duties of the traffic engineer under this division that do not require the exercise of professional engineering judgment or that do not relate to traffic control shall be performed by the chief clerk of the municipal courts.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-174. Temporarily restricted meters.

No person shall park a vehicle in a metered space that is subject to an access restriction in accordance with division 2 of this article. This section does not apply if the person is a permittee under division 2 and displays his permit or a true copy on the dashboard of the parked vehicle.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-175. Disposition of fees.

All fees and/or revenues generated from the use of parking meters under this division and all

fees and revenues generated under division 2 of this article shall be divided evenly between the city's general fund and the police special services fund administered by the police department.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-176. Transfer of authority.

At his discretion and with approval of city council, the Mayor may reassign or transfer the duties of the chief clerk of the municipal courts relating to parking under this article to the Mayor's designee.
(Ord. No. 04-799, § 3, 7-28-04)

Secs. 45-177—45-180. Reserved.

DIVISION 2. TEMPORARY RESTRICTION OF ACCESS TO METERED PARKING

Sec. 45-181. Definitions.

As used in this division, the following words and terms shall have the following meanings unless the context of their usage clearly indicates another meaning:

Attendants mean the persons who are attending events sponsored the permittee.

Chief clerk means the chief clerk of the municipal courts or his designee.

Meter means a parking meter that has been installed by or on authority of the city.

Peak traffic hours mean those hours established by the traffic engineer at a particular city location.

Permit means a current and valid permit issued under this division to cause an access restriction.

Permittee means a person who holds a permit under this division and includes any employee, agent, or independent contractor of the permittee.

Access restriction means any restriction or other rendering unavailable for use by the general public of one or more metered parking spaces.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-182. Application for permit; fee.

(a) Persons who desire to obtain a permit shall make application to the chief clerk no later than five business days before the first day of the proposed access restriction, setting forth the following:

(1) The applicant's name, telephone number, fax number, business street address and mailing address;

(2) The name and 24-hour telephone number of a person or persons whom the chief clerk may contact if needed to resolve any issue that may arise with respect to the permit;

(3) The purpose for which the permit is requested;

(4) The duration for which the permit is requested; and

(5) The location and identification number of the metered parking spaces to be restricted.

(b) The following fees are hereby established for a permit:

(1) The fee for the permit shall be $10.00 for each metered space per day requested under the permit application. If the chief clerk determines that the permit should be granted, then the applicant shall, prior to receiving the permit and in addition to the permit fee, pay for the city's lost revenues, which shall be an amount equal to the total cost of parking at the affected metered space or spaces for the duration of the permit, based upon the rate applicable to the metered space or spaces. No portion of the fee shall be refundable unless the chief clerk revokes the permit as provided herein.

(2) The chief clerk shall waive the above fees for applications made by the city or upon written request of the city engineer for a city contractor working on a public works construction project; provided that a waiver shall only be afforded as reasonably re-

quired for purposes of access to the metered parking space or spaces for the prosecution of the city's work.

(c) To the extent that the imposition of any fee, requirement or other provision set forth in this division would be inconsistent with a controlling state or federal law, then this division shall be construed and applied in a manner that conforms with the applicable state or federal law.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-183. Review, issuance, terms, revocation.

(a) The chief clerk shall, subject to the provisions of this division and upon applicant's payment of the fee, approve an application as submitted or modified subject to this subsection and issue a permit, unless he determines that:

(1) The application is incomplete or materially untruthful; or

(2) The proposed access restriction, as requested, would substantially inconvenience the public in its use of the streets and that the inconvenience would outweigh any public benefits from the work, function, or activity for which the permit is requested, according to written criteria established by the traffic engineer.

(b) The chief clerk may, according to written criteria established by the traffic engineer, impose reasonable limitations upon scope of a permit, which shall be consistent with the nature and time of the restriction and its anticipated effects upon vehicular and pedestrian use of the streets. Without limiting the foregoing, the chief clerk shall not authorize restriction during peak traffic hours if a practicable alternative time schedule could be used, unless he determines that traffic and mobility will not be adversely affected. Consistent with the foregoing criteria and with approval by the traffic engineer, the chief clerk may require the permit holder to provide traffic control devices, signage, and notice to the public at the permit holder's expense.

(c) To the extent that another person has previously requested or obtained a permit for all or part of the area subject to the application or the chief clerk is aware of any other activity that will also affect traffic at the time and in the area affected by the application, the chief clerk shall require the persons to coordinate their restrictions or may delay the effective date of the permit until a previous restriction is concluded.

(d) Each permit shall be issued in writing, shall set forth the specific meter spaces affected, beginning and ending dates, authorized days of the week and times of day, nature and authorized site of the authorized restriction, and any requirements for traffic control devices, signage, and public notice. The permit restriction shall not be valid except in strict accordance with its terms and shall be void if used in any other time, place, or manner.

(e) Permits are personal to the permit holder and may not be assigned or used by any other persons.

(f) Upon written notice to the holder, a permit may be suspended or revoked if the chief clerk determines that it was issued by error, that the obstruction is having unanticipated adverse effects upon vehicular or pedestrian traffic, or that the holder has not complied with any applicable term of the permit. If a permit is suspended or revoked, the chief clerk shall refund a percentage of the fees for any unutilized days under such permit.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-184. Hearing.

A person who is aggrieved by the decision of the city, its officials, or employees with respect to a permit application, suspension, revocation or other action under this division shall, upon written request, be entitled to a hearing to be conducted by a hearing officer designated by the chief clerk, who shall promulgate rules for hearings. The decision of the hearing officer shall be final.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-185. Closing of meters.

If the chief clerk issues a permit, municipal courts administration department personnel shall officially mark the meter or meters for the duration of the permit. Depending upon the type and

number of affected metered spaces and meters, the official marking may be in the form of meter bags, signage, or other indicia to indicate that the affected meter spaces are not available for public use.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-186. Prohibited activities.

(a) It is unlawful for any person or entity to cause, suffer, or permit an access restriction without a permit for the affected meter space or spaces.

(b) It is unlawful for a permittee to cause, suffer, or permit and access restriction in violation of any term of a permit.

(c) It is unlawful for a person who is not a municipal courts administration department employee to remove or tamper with any official marking placed under section 45-185 of this Code.

(d) Violation of this division is unlawful and shall be punishable as provided in section 1-6 of this Code.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-187. Duty of permittee.

It shall be the duty of every permittee to cause each of its attendants and agents to comply with the requirements of this division and any permit issued hereunder.
(Ord. No. 04-799, § 3, 7-28-04)

Sec. 45-188. No private rights in street.

Nothing in this division shall be construed to give any person, whether or not a permittee, any property right in or to the use of any street. All permits issued and held under this division shall be subject to the superior right of the public to the safe and orderly movement of traffic.
(Ord. No. 04-799, § 3, 7-28-04)

Secs. 45-189—45-200. Reserved.

ARTICLE VIII. REMOVAL AND IMPOUNDMENT OF VEHICLES*

Sec. 45-201. Motor vehicle compounds.

The city council shall establish and maintain one or more vehicle compounds to which all motor vehicles removed from the public streets, alleys, sidewalks and public ways, as provided in this article, shall be immediately taken and stored for protective custody. The motor vehicle compounds so established shall remain open seven days a week, 24 hours a day and an attendant shall be on duty at the compound at all times. Such attendants and such compounds shall be under the supervision and direction of the chief of police.
(Code 1968, § 46-182; Ord. No. 79-1681, § 1, 10-2-79)

Sec. 45-202. General authority of police.

(a) Any police officer is hereby authorized to provide for the removal of a vehicle from a street or a public place to the nearest garage or other place of safety, or to a garage designated or maintained by the city, under the circumstances hereafter enumerated:

(1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When any vehicle is illegally parked so as to block the entrance to any private driveway and it is impracticable to move such vehicle from in front of the driveway to another point on the street or highway.

(3) When any vehicle is found upon a street and report has previously been made that such vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that such vehicle has been embezzled.

(4) When any such officer has reasonable grounds to believe that such vehicle has been abandoned.

(5) When a vehicle upon a street is so disabled that its normal operation is impossible or impractical and the person in charge of the vehicle is incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or is not in the immediate vicinity of the disabled vehicle.

*Cross reference—Automobile wreckers, § 8-101 et seq.

(6) When an officer arrests any person driving or in control of a vehicle for an alleged offense and such officer is by this Code or other law required to take the person arrested immediately before a magistrate.

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(7) When any vehicle is illegally parked in violation of any ordinance of the city and of the laws of the state not provided for in this section.

(8) When any vehicle has remained illegally overparked at any parking meter for a period of time in excess of five times the minimum time limit which may be purchased from the parking meter where such motor vehicle is illegally overparked.

(b) When any motor vehicle has been parked or left standing on the "prisoners' parking lot" located on the grounds of the Police Administration Building, 61 Riesner Street, a public place, for a period of five days, it shall be the duty of the police officer in charge of said "prisoners' parking lot" to give written notice to the owner or claimant, at his last known address, that if said motor vehicle is not removed, or caused to be removed from such parking lot within five days from the date of notice, the vehicle will be removed under the conditions and in the manner provided by this section.

(c) Any police officer is hereby authorized to provide for the removal of any vehicle parked or standing in or on any portion of a street or highway when, in his opinion, the vehicle constitutes a hazard, or interferes with a normal function of a governmental agency, or by reason of any catastrophe, emergency or unusual circumstance, the safety of the vehicle is imperiled.

(d) To provide for the public safety and protection of motorists, a law enforcement officer is hereby specifically authorized to provide for the immediate removal of any vehicle:

(1) Parked or standing in or on any portion of any freeway within the city limits; or

(2) Parked or standing in or on any portion of a "restricted access lane," as that term is defined and used in section 45-336 of this Code, during the hours that access to such lane is so restricted.

As used in this subsection, "freeway" means the entire public right-of-way of a limited-access or controlled-access highway, including controlled access roadway lanes, ramps, shoulders and unimproved areas, but excluding frontage or service roads.

(e) A vehicle removed pursuant to subsection (d) may be taken:

(1) As directed by the owner if the owner is present;

(2) To a nearby site designated by the police chief for such purpose; or

(3) To a vehicle storage facility.

(Code 1968, § 46-183; Ord. No. 68-340, § 1, 3-5-68; Ord. No. 79-1214, § 2, 7-25-79; Ord. No. 93-514, § 106, 5-5-93; Ord. No. 04-497, § 4, 5-26-04)

Sec. 45-203. When removal required.

(a) The police department shall remove from the public streets, alleys, sidewalks, and public ways of the city:

(1) Any abandoned motor vehicle, as that term is herein defined;

(2) Any motor vehicle which has remained unlawfully overparked at any parking meter for a period of time in excess of five times the minimum time limit which may be purchased from the parking meter where the motor vehicle is unlawfully overparked;

(3) All other motor vehicles which are illegally parked in violation of any ordinance of the city or of the laws of the state not otherwise provided for.

(b) An "abandoned motor vehicle," within the meaning of this article, shall be any motor vehicle standing, parked or remaining unattended on the public streets, alleys, sidewalks and public ways of the city for 48 or more continuous hours.

(c) Any abandoned motor vehicle, any motor vehicle which shall remain overparked at a parking meter as provided in subsection (a)(2) above, and any other motor vehicle which is illegally parked, is hereby declared to be a detriment and a menace to traffic and shall be a nuisance per se.

(Code 1968, § 46-184; Ord. No. 76-185, § 1, 2-10-76)

Sec. 45-204. Notice of removal.

(a) Whenever an officer removes a vehicle from a street as authorized in this article, and the officer knows or is able to ascertain the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal, and the reasons therefor, and of the place to which such vehicle has been removed. In the event any such vehicle is stored in an authorized garage, a copy of such notice shall be given to the proprietor of such garage.

(b) Whenever an officer removes a vehicle from a street under this article, and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the state department of highways and public transportation in Austin, Texas, and shall file a copy of such notice with the proprietor of any authorized garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.
(Code 1968, § 46-185)

Sec. 45-205. Fees to be paid.

No vehicle being stored at a city compound shall be released until all fees payable under this article have been paid or security therefor has been posted.
(Ord. No. 91-1170, § 1, 8-14-91)

Sec. 45-206. Towing and storage charges when removed to city compound; redemption from compound.

(a) There shall be a towing charge for the removal of each motor vehicle to a motor vehicle compound operated by the city. The amount of the towing charge shall be equal to the actual cost to the city of having the vehicle towed to the city compound. The actual charge shall be determined by reference to the contract between the city and the contractor providing the towing service for which the charge is incurred.

In addition to the foregoing towing charge there shall be storage, preservation, notice, and related fees as authorized by section 8-193 of this Code to be imposed by privately operated storage lots. The chief of police shall cause the amount of the fees to be computed on the basis of actual costs of operation incurred or expected to be incurred in the operation of the compound; provided that no fee shall exceed the maximum amount authorized to be imposed by a privately operated storage lot for the same service under section 8-193 of this Code.

The police chief or his authorized agent shall post a conspicuous notice at each city compound, which notice shall contain a listing of the current schedule of towing and storage charges. The city shall have a lien in the total amount of the towing charge and storage charge on all motor vehicles at the compound, which lien shall be prior and superior to any and all other liens and claims except those for ad valorem taxes.

(b) Whenever the owner or the authorized agent of the owner of any motor vehicle, which has been removed from any public street, alley, sidewalk and public way of the city and which is stored at a city compound shall present himself at the compound and shall demand that motor vehicle, the attendant in charge shall satisfy himself that the person so claiming the motor vehicle is the true and lawful owner thereof or the authorized agent of the true and lawful owner thereof and is entitled to possession thereof. The attendant shall demand of the person proper identification and may require the display of a certificate of title to the motor vehicle and, upon being so satisfied and upon the owner's or his authorized agent's compliance with the provisions of subsection (c), below, the attendant shall deliver the motor vehicle to the owner thereof or the owner's authorized agent. The owner thereof or his authorized agent shall execute a receipt therefor, which receipt shall be made on a form prepared and furnished

by the chief of police and the attendant shall issue to the owner or his authorized agent a receipt for the towing fee and the storage fee so collected.

(c) In order to obtain release of his motor vehicle an owner or the authorized agent of an owner must:

(1) Provide adequate proof to the attendant that he is the owner or the authorized agent of the owner of the vehicle which release he is seeking;

(2) Post security in the amount of the towing charge and the accrued storage charge in the manner set out in subsection (d);

(3) Post an appearance bond, in the manner prescribed in article V of chapter 16 of this Code, for the parking violation, if any, for which the motor vehicle was towed; and

(4) Where the attendant has notice that the impounded vehicle was the subject of other citations for parking violations that have remained outstanding, where the current owner was the owner of record at the time of those violations, and where the attendant notifies the owner as to these outstanding violations, post an appearance bond for each and every one of those parking violations.

(d) The security provided for in (c)(2) above may be in the form of cash, cashier's check, certified check, or money order. The receipt for the security, to be signed by the owner and chief of police or his agent, shall authorize the chief of police or his duly authorized agent to apply the security in satisfaction of the impounding charges specified above in the event the owner or operator or person charged with the violation leading to the impounding of the vehicle is found guilty of the charge, or enters a plea of guilty or nolo contendere to the charge, or shall forfeit any cash bail which may have been posted, or where a warrant for the arrest of the person has been issued because of his failure to appear in municipal court. In the event that trial results in a finding of not guilty, or the charge is dismissed, the security tendered for the release of the motor vehicle shall be refunded by the clerk of the municipal court and the city shall assume the obligation to pay the towing fee.

(d) To provide for the public safety and protection of motorists, a law enforcement officer is hereby specifically authorized to provide for the immediate removal of any vehicle:

(1) Parked or standing in or on any portion of any freeway within the city limits; or

(2) Parked or standing in or on any portion of a "restricted access lane," as that term is defined and used in section 45-336 of this Code, during the hours that access to such lane is so restricted.

As used in this subsection, "freeway" means the entire public right-of-way of a limited-access or controlled-access highway, including controlled access roadway lanes, ramps, shoulders and unimproved areas, but excluding frontage or service roads.

(e) A vehicle removed pursuant to subsection (d) may be taken:

(1) As directed by the owner if the owner is present;

(2) To a nearby site designated by the police chief for such purpose; or

(3) To a vehicle storage facility.

(Code 1968, § 46-187; Ord. No. 79-1681, § 2, 10-2-79; Ord. No. 91-1170, § 2, 8-14-91; Ord. No. 01-1079, § 6, 12-5-01; Ord. No. 04-497, § 4, 5-26-04)

Sec. 45-207. Payment of fine to compound attendant.

(a) If the owner of a motor vehicle removed to a city compound under this article so desires, he may pay the minimum fine for such unlawful parking at the compound by leaving the amount shown for such unlawful parking on the reverse side of the ticket with the compound attendant. The attendant shall issue a receipt to the owner of such vehicle on a form of receipt furnished to him by the clerk of the municipal court, showing thereon that such fine is paid. All such fines so

collected by the compound attendant shall be delivered to the clerk of the municipal court when called for by such clerk.

(b) In the event that the owner of such motor vehicle does not desire to pay the amount of the fine at the compound, such owner may demand that such charge be heard before the municipal court of the city.
(Code 1968, § 46-188)
Cross reference—Courts, Ch. 16.

Sec. 45-208. Compound records.

It shall be the duty of the attendant at the city compound to keep a permanent and accurate up-to-date record of all motor vehicles brought to and stored at such compound. The record shall contain the type, make, license number, engine number, color and general description of all the motor vehicles brought to and stored at the compound and the month, date, year and hour each motor vehicle was delivered to the compound and such other information as directed by the chief of police. The disposition of each motor vehicle shall also be noted on such record.
(Code 1968, § 46-189)

Sec. 45-209. Sale of unredeemed vehicles at compound—Generally.

(a) Any motor vehicle stored at a city compound for a period of 60 days, the owner of which, whether known or not known, having failed or refused within such time to claim or reclaim such motor vehicle, shall be sold at public auction, as herein provided, to satisfy the towage and storage lien.

(b) After a motor vehicle has been stored at a city compound for a period of 60 days, the chief of police shall prepare a list of all such motor vehicles so stored, giving the make, model, type, body style and other details and shall deliver such list to the director of the treasury department. All auctions of such motor vehicles shall be conducted under the supervision and direction of the director of the treasury department.

(c) The director of the treasury department shall give 30 days' notice of the time and the place of the sale of such motor vehicles and a descriptive list of same to be offered for sale by posting such notice of sale at the courthouse door of Harris County, and at two other public places in the city, and a copy of such notice shall be sent by certified mail to the last known address of the owner of each vehicle so listed on the notice of sale, in the event the name of the owner is known to the director of the treasury department, or such name can be ascertained by him by the exercise of reasonable diligence. At the time and place so stated in such notice, each motor vehicle shall be offered for sale for cash at public auction and the director of the treasury department shall accept the highest bid for the motor vehicle. Each motor vehicle shall be sold separately.

(d) The public auction for the sale of such motor vehicles shall be conducted at the compound or at any other place so designated by the director of the treasury department in such notice and shall be at the time designated in such notice, and all sales shall be final.
(Code 1968, § 46-190)

Sec. 45-210. Same—Delivery of vehicle, bill of sale, etc., to purchaser; purchaser to pay fees necessary to secure title certificate.

Upon payment by the highest bidder to the director of the treasury department of the amount so bid for a motor vehicle sold pursuant to section 45-209 of this Code, such director shall deliver to such highest bidder such motor vehicle, together with a bill of sale therefor executed by such director in the name of the city. In addition thereto, such director shall furnish to the highest bidder all of the necessary documents required by the laws of the state in order that such bidder may secure a certificate of title therefor. All fees, transfer taxes and other charges for securing a certificate of title shall be paid by the purchaser.
(Code 1968, § 46-191)

Sec. 45-211. Same—Records and reports.

The director of the treasury department shall keep an accurate record of each motor vehicle sold under this article, the name and address of the purchaser, the price paid therefor, the date of sale and other information deemed necessary by the

director. The director shall make a complete report in writing to the city controller of the time, place and manner of conducting such sale.
(Code 1968, § 46-192)

Sec. 45-212. Same—Disposition of proceeds.

(a) All funds received by the director of the treasury department from the sale of a motor vehicle under this article shall be delivered to the city controller who shall give his receipt therefor.

(b) Out of the proceeds from the sale of a motor vehicle under this article, the city controller shall first apply such proceeds to the towage and storage lien of the city, which sum shall be placed to the credit of the general fund and shall thereafter be disbursed as the city council shall determine and direct. In the event the proceeds of such sale are in excess of the towage and storage lien, then the excess sum shall be deposited by the city controller in a separate fund and, upon demand being made by the true owner of such motor vehicle, the controller shall deliver such excess sum to such owner. If no demand is made by the true owner of such motor vehicle for such excess sum within two years from the date of the sale of such motor vehicle, such sum shall become the property of the city and the controller shall transfer such sum to the general fund to be used as the city council shall determine and direct.
(Code 1968, § 46-193)

Sec. 45-213. Same—Disposition of vehicle not bid upon.

Any motor vehicle which has been offered for sale at public auction under this article, and for which no bid is received, shall be disposed of by the director of the treasury department in such a manner as he deems advisable and all such motor vehicles so disposed of in such manner shall be reported to the city controller in writing, together with amount received therefor and the date and manner of such disposition.
(Code 1968, § 46-194)

Secs. 45-214—45-230. Reserved.

ARTICLE IX. PARADES AND PROCESSIONS*

DIVISION 1. GENERALLY†

Sec. 45-231. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AAA means the American Arbitration Association.

Arbitrator means a person certified by the AAA to arbitrate disputes under its rules and procedures.

Commercial parade means any revenue generating parade or parade for which a participation fee is charged.

Conditional permit means a permit subject to or dependent upon the satisfaction of conditions that if not satisfied within the time allotted shall result in the automatic revocation of such permit.

Director means the director of the public works and engineering department or his designee unless specified.

Disbanding area means the area where parade participants, floats, vehicles, and animals disband following a parade.

Downtown area means the area including and bounded by Commerce Street on the north, Gray Avenue on the south, Chartres Street on the east, and Bagby Street on the west.

Final permit means a permit issued upon the satisfaction of all requirements of this division.

***Cross references**—Carrying clubs in certain demonstrations, picket lines, etc., § 28-33; use of radios, etc., for advertising, § 30-4; public gatherings in parks, § 32-61 et seq.; street dances, § 40-27.

†**Editor's note**—Ord. No. 05-1347, § 2, adopted December 7, 2005, amended Ch. 45, Art. IX, Div. 1, in its entirety. Formerly, said division pertained to similar subject matter and derived from Ord. No. 99-1352, § 1, adopted Dec. 21, 1999. It should be noted that § 4 of said ordinances provides for an effective date of Jan. 1, 2006, 12:01 a.m.

Holiday means any day officially recognized simultaneously by the city, Harris County, and the Houston Independent School District as a holiday for their employees observed by the general closure of their respective offices.

Non-commercial parade means any non-revenue generating parade or parade for which no participation fee is charged.

Parade means a procession of pedestrians, vehicles, animals or any combination thereof along or upon a street, road, or highway, but shall not mean a funeral procession, a government sanctioned motorcade, or a procession of pedestrians along or upon public sidewalks or private property and shall not mean a procession of vehicles operated in compliance with ordinary traffic laws.

Special event holiday means any holiday proclaimed by the mayor as a special community celebration.

Staging area means the area where parade participants, floats, vehicles, and animals assemble prior to a parade.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-232. Permit required; traffic control.

(a) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade along or upon the streets of the city without first obtaining a permit to do so.

(b) It shall be unlawful for any number of persons, delegations, or associations of persons, or for any company, circus, or group to conduct a parade upon any esplanade, median, median strip, or traffic island designed for the purpose of separating or directing vehicular traffic. No permit shall be required for the use of the sidewalks of the city for any procession or parade.

(c) Upon receipt of a permit, any number of persons, delegations, or associations of persons or any company, circus, or group may conduct a parade along or upon the streets of the city subject to the provisions of this division and other applicable laws.

(d) Traffic control services along a parade route, including the hiring and payment of personnel to deploy traffic control devices and to direct and control traffic, will be provided as follows:

(1) By the city at no cost to the holder of a permit for a non-commercial parade, up to a maximum of 25 street intersections.

(2) For a commercial parade, at the discretion of the director, either:

a. By the city at no cost to the permit holder for the first 15 street intersections; or

b. Entirely by the permit holder.

(3) The holder of a commercial parade permit shall reimburse the city for traffic control services performed in excess of the limit set forth in sub-item a of item (2) of this subsection at a fee of $1,000.00 per street intersection.

(e) In no event shall the city provide traffic control services for more than two parades on the same calendar day.

(f) Traffic control or direction along a parade route shall be performed only by law enforcement officers certified under the laws of this state. The use of non-city personnel to deploy traffic control devices or perform traffic control or direction shall be subject to the approval of the director.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-233. Parade route restrictions in downtown area.

(a) For purposes of this division, "*intersection*" means the junction of any two streets within the parade route, but shall not include any staging or disbanding area.

(b) Applicants for permits for parades to be held in the downtown area may design their own parade routes, subject to the approval of the director, with the following restrictions:

(1) A parade held on a Saturday, Sunday, holiday, or special event holiday may include no more than 25 street intersections and must be completed in no more than three hours.

(2) A parade held on a day other than a Saturday, Sunday, holiday, or special event holiday may include no more than ten street intersections, must be completed in no more than one hour, and must begin at either 10:00 a.m. or 2:00 p.m.

(3) The parade must be conducted in such a manner that to the extent that the route includes any entrances to or exits from off-street vehicle parking, loading, or customer service facilities, whether public or private, the width of the parade procession shall be controlled at those facilities so that at least one lane of the street may safely be left open for vehicular access to each vehicle facility from the nearest cross street.

(4) A parade route may not include any streets or portions of streets that are located west of Bagby Street, south of Jefferson Street, east of Chartres Street, or north of Congress Street.

(5) A parade route must in its entirety be located either:

a. On Fannin Street or other streets or portions of streets located to the east of Fannin Street; or

b. On Travis Street or other streets or portions of streets located to the west of Travis Street.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-234. Parades outside of downtown area.

(a) Permits for parades outside of the downtown area shall be issued in conformance with all the provisions of this division. No permit shall be issued for a parade that includes streets located both inside and outside the downtown area.

(b) Applicants for parade permits for parades to be held outside the downtown area may design their own parade routes with the following restrictions:

(1) The route may not exceed one and one-half miles in length and may not include more than fourteen intersections, whichever is less; provided, however, that a parade held on a Saturday between the hours of 8:00 p.m. and 11:00 p.m. or on a Sunday between the hours of 1:00 p.m. and 11:00 p.m. may be greater than one and one-half miles or include more than 14 intersections.

(2) The maximum time necessary for completion of the parade may not exceed three hours.

(3) If the parade is to be held on a day other than a Saturday, Sunday, holiday, or special event holiday, it shall not be held between the hours of 7:00 a.m. and 9:00 a.m., or between the hours of 11:00 a.m. and 1:00 p.m., or between the hours of 3:30 p.m. and 7:00 p.m.

(4) If more than one parade is to be held on the same calendar day and time, the parade routes and staging and disbanding areas of each parade may not be within 5 miles of one another.

(5) No parade route shall contain any portion of the following streets, roads, or highways:

a. Interstate 610 Loop, including its service roads.

b. U.S. Highway 59, including its service roads.

c. Interstate Highway 45, including its service roads.

d. U.S. Highway 290, including its service roads.

e. Interstate Highway 10, including its service roads.

f. State Highway 288, including its service roads.

g. Controlled access portions of U.S. Highways 90 and 90-A, including their service roads.

h. The Hardy Toll road, including its service roads.

i. Beltway 8, including those portions known as the Sam Houston Toll Road, and its service roads.

j. State Highway 225, including its service roads.

k. Controlled access portions of State Highway 249, including its service roads.

l. State Highway Spur 5, including its service roads.

m. Westpark Toll Road.

This provision shall not be construed to prohibit a parade route from crossing one of the listed streets, roads, or highways while traveling along or upon a non-listed street, road, or highway.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-235. Permit application generally; issuance, etc.

(a) An application for a parade permit shall be submitted on a form supplied by the director, signed by the applicant or, if the applicant is other than an individual, a person authorized for that purpose by the applicant, sworn to before an officer authorized to administer oaths, and filed with the director.

(b) The director shall review each application to ensure that the time, place, and manner of the proposed parade comply with the provisions of this division and shall:

(1) Not later than the tenth business day after receipt of the application, notify the applicant of the denial of the application if it is found to conflict with another parade already permitted for the same date, or to be incomplete or to violate any provision of this Code, which notice shall set forth the reasons for the denial; or

(2) On the tenth business day after receipt of the application:

a. If more than one application has been received for a parade on the same date, notify the applicant of such fact and follow the procedures for a final determination set forth in subsections (i) and (j) of this section; or

b. If only one application has been received:

(i) Issue a final permit as provided in section 45-243 of this Code if the applicant has satisfied all requirements of this division for the proposed parade; or

(ii) Issue a conditional permit, if additional requirements are to be satisfied in the future but within the time allotted by this division.

(c) The issuance of a conditional permit shall not authorize a parade applicant to conduct a parade at the requested time, place, or date and shall serve only to reserve the time, place, and date of the proposed parade route pending the applicant's timely satisfaction of all other requirements of this division applicable to the parade requested, including but not limited to the provision of required insurance, the payment of traffic control costs, or any other requirement.

(d) Each application for a parade permit must be accompanied by a non-refundable fee of $250.00. All tendered fees must be in the form of a cashier's check or money order payable to the city.

(e) Applications for parade permits shall be delivered to the office of the director and may be delivered between the hours of 9:00 a.m. and 4:00 p.m. except on Saturdays, Sundays, and days observed as holidays for employees of the city.

(f) Applications for parade permits may be filed no earlier than the 365th day prior to the date of the requested parade, provided that if the 365th day falls on a Saturday, Sunday, or day observed as a holiday for employees of the city, then the application may be filed no earlier than the next day that is not a Saturday, Sunday, or day observed as a holiday for employees of the city. Prematurely filed applications, or applications that do not meet all requirements of this section, shall be of no force and effect and shall be returned to the applicant.

(g) The numbers of parade permits that may be issued shall be subject to the following limitations:

(1) Only one permit shall be issued for a parade to be conducted in the downtown area on the same day;

(2) Only four permits may be issued for parades to be conducted on the same calendar day in the city limits; and

(3) Permits may not be issued for conflicting times. For purposes of this provision, parades are considered to be conflicting if their starting times are less than four hours apart.

(h) No person shall be issued more than one of the two permits available for any calendar day. In the event that any person, including an association, club, society, firm, partnership, corporate body, or individual or group of individuals representing or acting on behalf of the same person causes more than one application to be filed for parades to be conducted on the same calendar day, then the application first received shall be considered to be duly filed and any others shall be returned to the applicant. Except as provided in subsection (i) below, parade permits shall be issued in the order in which completed applications that comply with all applicable requirements of this division are received in the director's office.

(i) If within the first ten days allowed for the review of applications for a parade permit two or more organizations apply to hold a parade in the same location on the same day, the director shall immediately review each application and determine whether each fully complies with all requirements of this section and shall:

(1) Return to the applicant as denied any application which falls under the provisions of item (1) of subsection (b) of this section and approve the remaining application;

(2) If more than one application is determined to fully comply with this section, give written notice to all applicants whose applications meet the requirements of this section that:

a. Competing applications for a parade permit have been received;

b. The final determination as to the granting of a parade permit shall be made by an arbitrator;

c. The parties shall have five business days, excluding the date of the director's written notice, to mutually agree upon an arbitrator; and

d. If the director has not received written confirmation of the parties agreement on the arbitrator by the sixth business day after the director's notice under this item, the director will appoint the arbitrator; or

(3) If only one application is determined to fully comply with this section, issue a permit as appropriate under sub-item b of Item (2) of subsection (b) of this section.

(j) The arbitrator shall hold a hearing on all applications referred pursuant to the preceding subsection within 15 business days after receipt thereof and shall provide written notice of the date, time and location of such hearing at least five business days in advance thereof to the applicants and all other persons identified by the director. No hearing shall continue past one day. All fees charged by the arbitrator shall be shared equally by the applicants and shall be paid directly to the arbitrator or the AAA, as its rules may require. Within five business days of the conclusion of the hearing, the arbitrator will render a final decision and award the parade permit to one of the applicants, giving written notice of his decision to the director.

The determination to grant a parade permit involving competing applications for a parade to be conducted on the same date shall be based upon an evaluation of each proposed parade utilizing the following criteria:

(1) The extent to which the promoter's proposed parade:

a. Represents a traditional, historical or cultural event of importance to the city as a whole or to an identifiable segment of the community;

b. Has been conducted on the same date or in connection with a holiday or recurring event in the city over a period of years; and/or

c. Has enjoyed popular support as evidenced by its attendance by the cit-

izens of the city or an identifiable segment of the community with which it has been traditionally or historically associated.

(2) The experience of the parade promoter in conducting parades of a similar size or nature, including, but not limited to, consideration of the promoter's record in complying with applicable rules and laws, including local codes.

(3) The extent to which the parade promoter's plans for the proposed parade address:

a. Traffic and/or mobility issues or impacts both (i) along the proposed parade route and (ii) in the immediate area of the parade.

b. The burden on city resources, including but not limited to, police, fire, EMS, solid waste or other city services that might be affected;

c. Publicity or other programs designed to involve the community in supporting and/or participating in the proposed parade; and/or

d. Other benefits that to the community that may be realized from the parade.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-236. Application information.

The application for a parade permit shall contain the following information:

(1) The name, address, and telephone number of the applicant, as well as the name, address, and telephone number of the individual who will be on-site and in charge of conducting the parade for the applicant and will be responsible to city officials for ensuring that the parade is conducted in compliance with this division and other applicable laws.

(2) The date requested for the parade and the time of day requested.

(3) The estimated duration of the parade and proposed route thereof.

(4) The estimated number of animals that will be used in the parade.

(5) The estimated number of individual persons who will participate in the parade.

(6) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations, such as bands, color guards, and drill teams that will participate in the parade.

(7) A statement that the individual submitting the application is fully authorized to act and contract for the applicant, together with documents satisfactory to the director showing the authority of such individual.

(8) A provision whereby the applicant contracts and agrees that they will indemnify and hold the city harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the conduct of the parade.

(9) If required by section 45-242 of this Code, either proof of the required insurance or a declaration that proof of insurance will be provided within the time set forth in that section.

(10) A provision whereby the applicant and any other persons, associations, organizations, firms, or corporations on whose behalf the application is made agree to comply with any special or unusual requirements that may be imposed or created by virtue of the proposed nature or size of the parade.

(11) A declaration as to the commercial or non-commercial status of the parade.

(12) A declaration that the individual conducting a parade prefers to either:

a. Provide all necessary traffic control services with non-city personnel; or

b. Reimburse the city for the provision of traffic control services as provided in section 45-232 of this Code.

Such declaration by the parade organizer shall be final.

(13) A statement that the applicant agrees to provide any other information required by the director.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-237. When application for parade permit is deemed complete.

An application for a parade permit is deemed completed when the applicant has provided all of the information required in section 45-236 including proof of insurance and any additional information required by the director pursuant to items (9) and (13) of section 45-236 and paid any fees or reimbursements due to the city pursuant to this or any previous permit from the city.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-238. Reasons for denial of a parade permit.

(a) The director may deny a parade permit if the applicant has failed to meet all of the requirements for submitting an application for a parade permit.

(b) Notwithstanding the provisions of subsection (a), the director may deny a parade permit if, after reviewing the applicants' application:

(1) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions of this division;

(2) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application;

(3) The applicant has failed to conduct a previously authorized or exempted parade in accordance with law or the terms of a previously issued parade permit, or both;

(4) The parade will significantly affect the ability of the city to render necessary services to its residents, based upon its equipment and personnel resources and other ongoing functions and responsibilities of its affected departments, including the police, fire, and public works and engineering departments;

(5) The parade will unreasonably interfere with public mobility or otherwise substantially inconvenience the public; or

(6) The parade will create the imminent possibility of violent disorderly conduct likely to endanger public health or safety or to result in significant property damage.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-239. Procedure upon permit denial.

Except for a permit granted under the provisions of subsections (i) and (j) of section 45-235 of this Code, the director shall notify the applicant of any permit denial, and the reasons therefore, by placing such notice in the United States mail, certified, return receipt requested within ten working days of the date of the receipt of the application.

Such letter shall be addressed to the applicant at the address stated on the application. Any failure to give such notice of denial within the time limits prescribed in this section, shall be deemed a granting of the permit as requested.

(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-240. Revocation of permit.

(a) A permit may be revoked if the director determines that:

(1) A violation of any condition of the permit exists, including failure to obtain approval for any security or other plans required under this Code or to implement any such plans;

(2) The event poses an immediate threat to health or safety;

(3) The event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this Code or other applicable law;

(4) The permit was issued in error or contrary to law;

(5) If parade changes from a non-insurance to one that requires insurance or a non-commercial to a commercial parade; or

(6) The applicant demonstrates an inability or unwillingness to conduct a parade pursuant to the terms and conditions set forth in the parade permit application.

(b) Except as provided in subsection (c) of this section, notice of revocation shall be in writing and set forth specifically the reasons for the revocation.

(c) Any threat to health or safety requiring immediate revocation of a permit shall authorize the director or any other person authorized by the city to notify the event organizer verbally of such revocation.

(d) The appeal of a revocation shall be handled in the same manner and under the same time requirements as denials of permits.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-241. Appeal from permit denial.

(a) The decision of the director is final unless appealed under this section. Except for a permit granted under the provisions of subsections (i) and (j) of section 45-235 of this Code an applicant may appeal the denial or revocation of a permit by filing a written request for a hearing with the director within ten working days of the date of such denial. A hearing shall be conducted within ten working days of the receipt of such request by a hearing committee, consisting of the director of the mayor's office of special events or his designee, the chief of police or his designee and the fire chief or his designee. The city attorney or his designee shall be present, in a non-voting capacity, to advise on any legal issue. It shall be the duty of the director to defend the decision during the hearing. Evidence on the matter shall be received in accordance with Rule 12 of section 2-2 of this Code. The hearing committee shall render a written decision on the matter within five working days of the date of the hearing and immediately provide a copy of such decision to the applicant.

(b) Upon receipt of the hearing committee's decision, the applicant may appeal such decision by giving written notice to the city secretary within five working days of the date of such decision. The city secretary and city agenda director shall arrange a date for the matter to be reviewed by the city council, at the next regularly-scheduled council meeting at which it is possible to give lawful prior notice of the matter after the receipt of the hearing committee's decision and the record required by Rule 12 of section 2-2 of this Code. The city secretary shall give written notice thereof to the applicant. The city council shall consider the appeal under the provisions of Rule 12. At the conclusion of the city council's review of the matter, the city council shall render a decision to grant or deny the requested permit, and such decision shall be final and exhaust the applicant's administrative remedies. If the foregoing time requirements appear inadequate to resolve the appeal prior to the date scheduled for the event, the burden shall be upon the applicant to expedite any filings required and to request a special city council meeting, which shall be granted if reasonable under the circumstance.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-242. Insurance.

(a) No final parade permit shall be issued by the director for a parade to include any number of animals or motorized vehicles unless the applicants shall have delivered to the director proof that the insurance required by this section has been obtained by the applicant. Proof of insurance required for a parade to include any number of animals or motorized vehicles shall be delivered to the director not less than 30 days before the proposed parade date.

(b) Any applicant for a parade permit who fails to provide the requisite proof of insurance not less than 30 days before the proposed parade date shall not be granted a final parade permit. Any conditional parade permit which may have been previously issued shall be revoked by operation of law.

(c) The proof of insurance required by this section for a parade to include any number of animals, floats or motorized vehicles not subject to state safety responsibility laws shall consist of a current policy of commercial general liability insurance for certain designated premises, including the parade route, staging area, and disbanding area. The policy shall bear an endorsement for

the contractually assumed liability as set forth in item (8) of section 45-236 of this Code. These required policies shall be issued by companies rated A-VI or better by AM Best.

The insurance shall contain policy limits of not less than the following:

(1) Commercial general liability insurance with a minimum limit of:

a. *For property damage,* $1,000,000.00 for each occurrence; and

b. *For bodily injury or death,* $1,000,000.00 for each occurrence.

(2) Automobile liability insurance, covering all hired and non-owned vehicles with a minimum limit of bodily injury and property damage of $1,000,000.00 combined single limit.

(d) The proof of insurance required by this section for a parade to include motorized vehicles subject to state safety responsibility laws may be in the form provided in subsection (c) or alternatively consist of proof of compliance with state safety responsibility laws for each vehicle.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-243. Final permit.

A final permit shall be issued only when the applicant has provided all information, including proof of insurance and any additional information, required pursuant to section 45-236 of this Code.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-244. Parades exempt from permits.

(a) Notwithstanding the provisions of this division, no permit shall be required for a parade that meets all of the following restrictions:

(1) The parade shall not contain more than 250 individuals and up to 12 vehicles or animals.

(2) The parade shall not contain any number of animals or vehicles that are not licensed to travel on public streets.

(3) The parade route shall not exceed one mile in length, shall contain no portion of a major thoroughfare or major collector street and may contain no streets located within the downtown area.

(4) The parade shall comply with the time restrictions contained in subsection (b)(3) of section 45-234 of this Code, and shall take no longer than one hour to complete.

(5) The parade sponsors shall provide necessary traffic control.

(b) The individual or group of individuals who intend to conduct a parade under this section shall give written notice of the time, day, and place of the parade to the director, the chief of police, and the fire chief by hand delivering the notice at least 72 hours before the parade or by mailing the notice by certified mail, when the certified mail is received at least 120 hours before the parade.

(c) The city shall not be responsible for providing police officers or other city employees to perform traffic control functions during a parade held under authority of this section.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-245. Staging and disbanding areas; other uses of public streets and sidewalks.

Consistent with traffic mobility and access considerations, the director, or his designee, in consultation with the chief of police, or his designee, may allow public streets to be used by parade permit holders as staging and disbanding areas for parades. The use of public streets and sidewalks for purposes other than staging or disbanding are subject to the regulations set forth in section 40-27 and sections 40-361 through 40-378 of this Code. The closure of freeway ramps associated with a parade requires the submission to the director of a signed and sealed traffic control plan and proof of compliance with all insurance requirements at least 90 days prior to the scheduled parade date.
(Ord. No. 05-1347, § 2, 12-7-05)

Sec. 45-246. Regulations.

Consistent with the provisions of this division and other applicable laws, the director may issue

regulations governing the issuance of parade permits and the conduct of parades. The regulations shall be subject to the approval of the city attorney. A copy of any regulations so promulgated shall be made available upon request in the director's office for inspection and for purchase at the copy fee provided by law.
(Ord. No. 05-1347, § 2, 12-7-05)

Secs. 45-247—45-250. Reserved.

DIVISION 2. FUNERAL PROCESSIONS

Sec. 45-251. Identification of vehicles.

A funeral composed of a procession of vehicles shall be identified as such by the display, upon the outside of each vehicle, of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.
(Code 1968, § 46-214)

Sec. 45-252. Use of streets during certain hours.

It shall be unlawful for a funeral procession to travel on the streets of the city, including freeways and expressways, between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 4:00 p.m. and 6:00 p.m., Monday through Friday, inclusive. Funeral processions may use the streets at any hour on a legal holiday.
(Code 1968, § 46-215)

Sec. 45-253. Police escort.

Each funeral procession shall be accompanied by a police motorcycle escort which shall be a part of the funeral procession and the police officer's motorcycle shall constitute an emergency vehicle when the siren and red lights are in operation. There shall be not less than one police motorcycle escort when the vehicles in the funeral procession, including the mortuary vehicles, do not exceed ten and there shall be not less than two police motorcycle escorts when such vehicles exceed ten.
(Code 1968, § 46-216)

Sec. 45-254. Drivers to use right-hand edge of roadway and follow vehicle ahead as close as practical.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
(Code 1968, § 46-217)

Sec. 45-255. Speed.

The drivers of motor vehicles participating in a funeral procession shall obey the applicable speed limit; provided, however, if, in the opinion of the police escort, conditions require that the funeral procession proceed at a speed less than the minimum speed limit or if conditions require that the procession be brought to a complete stop, such direction shall be obeyed by the participants in the funeral procession.
(Code 1968, § 46-218)

Sec. 45-256. Obedience to traffic signals.

It shall be unlawful for the driver of a vehicle being the leader of a funeral procession to enter into an intersection in violation of a traffic signal, stop sign or direction of a police officer; however, as soon as the procession has started through an intersection, the whole procession may continue through without stopping or observing the direction of such stop sign or traffic signal, provided such vehicles are conspicuously designated as required by this division.
(Code 1968, § 46-219)

Sec. 45-257. Right-of-way rules as between two or more processions.

The right-of-way rules provided by law shall be applicable as between two or more funeral processions, subject to the authority of the police motorcycle escort to direct, control and regulate such funeral processions.
(Code 1968, § 46-220)

Sec. 45-258. Driving between vehicles in procession.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized

procession while they are in motion and when such vehicles are conspicuously designated as required in this division.
(Code 1968, § 46-221)

Secs. 45-259—45-270. Reserved.

ARTICLE X. VEHICLE WEIGHT LIMITS

Sec. 45-271. Generally.

(a) Except as otherwise provided by law, no commercial motor vehicle, truck-trailer, trailer or semitrailer, nor combination of such vehicles, shall be operated over, on, or upon the public streets and highways within the corporate limits of the city, having a weight in excess of one or more of the following limitations:

(1) No such vehicle nor combination of vehicles shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances; or within a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances; or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 \frac{LN}{N-1} + 12N \div 36$$

Where:

W = Overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds;
L = Distance in feet between the extreme of any group of 2 or more axles; and
N = The number of axles in the group under consideration.

Notwithstanding the above, two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more; provided, that such overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances.

(2) No such vehicles nor combination of vehicles shall have a greater weight than 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using high-pressure tires, and a greater weight than 650 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway and using low-pressure tires, and no wheel shall carry a load in excess of 8,000 pounds on high-pressure tires and 10,000 pounds on low-pressure tires, nor any axle a load in excess of 16,000 pounds on high pressure tires, and 20,000 pounds on low-pressure tires.

(3) Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways within the corporate limits of the city in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than those prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased limits shall become effective on the national system of interstate and defense highways within the corporate limits of the city.

(4) Nothing in this section shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads within the corporate limits of the city on December 16, 1974.

(5) In this section, an axle load is defined as the total load transmitted to the road by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle. Tandem axle group is defined as two or more axles

spaced 40 inches or more apart from center to center having at least one common point of weight suspension.

(b) Any police officer having reason to believe that the gross weight or axle load of a loaded motor vehicle is unlawful, is authorized to weigh the same by means of portable or stationary scales approved by the police department of the city for such use, or the police officer may cause the loaded motor vehicle to be weighed by any public weigher and may require such vehicle to be driven to the nearest available scales for the purpose of weighing.

If the gross weight of a motor vehicle or an axle load exceeds the maximum permitted by law plus a tolerance allowance of five percent of the gross weight authorized by law, such police officer may require the operator to unload or rearrange the load to conform to law without proceeding if the police officer determines that such work may be safely accomplished at the site where the vehicle was weighed or may require the operator to proceed to a location where the cargo can be unloaded or rearranged safely without causing disruption to traffic. Such location shall be the nearest such place on authorized city property, on property under the control of the driver or his principal, or on property where consent has been given for such loading and where it is feasible to unload or rearrange such cargo.

If the load of a motor vehicle consists of livestock, the operator shall be permitted to proceed to destination without unloading providing the destination is within the state.

(c) Any person desiring to operate a vehicle on city streets in excess of the load limit set out herein shall first obtain a special permit from the director of public works and engineering and such permit shall not be issued unless reasonably necessary.

(d) The limitation as to weight prescribed by this section shall not apply to road rollers or other road making or road repairing machinery being moved or used on a street by the United States, the state, the city, or any contractor moving or using such road machinery in the performance of or preparatory to the performance of a contract with any one of the United States, the state or the city, but in the event of any such road making or road repairing machinery of a weight in excess of the limit set out herein being moved over the streets or bridges in the city, the person in charge thereof shall first obtain from the city engineer a permit for such movement, which permit shall designate the route or streets and also the bridges over which such movement shall take place, and such machinery may then be moved, but not elsewhere than over such designated routes.

(e) Any person moving or causing to be moved a load which, together with the weight of the vehicle, exceeds the limit as set out herein, shall be liable to the city for any damage done by any such excessively loaded vehicle to the streets, bridges or culverts in the city and the acceptance of either of the permits provided for in this section shall be conclusive evidence that the person to whom such permit is issued agrees to make good and pay all such damages upon demand thereof made by the city.

(f) The driver, owner, operator, or other person operating or driving any commercial motor vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon city streets or public highways within the limits of the city, shall comply with the provisions of article 6701d-11, section 5(a), of the Revised Civil Statutes of Texas.

(g) The driver, owner, operator, or other person operating or driving any commercial motor vehicle, truck, tractor, trailer or semitrailer or combination of such vehicles, over, on, or upon city streets or public highways within the limits of the city, who fails to comply with the provisions of this section, shall be guilty of a misdemeanor which shall be punishable, upon conviction, by a fine of not less than $100.00 and not more than $200.00.

(h) All persons have the affirmative duty to comply with all provisions of this article, and it shall not be a defense to prosecution of such persons that they were acting without a culpable mental state.

(Code 1968, § 46-251; Ord. No. 73-405, § 1, 2-28-73; Ord. No. 75-1220, § 1, 7-15-75; Ord. No. 76-284, § 1, 2-24-76; Ord. No. 78-1702, § 1, 8-29-

78; Ord. No. 85-2065, § 1, 11-27-85; Ord. No. 86-3, § 1, 1-7-86; Ord. No. 93-514, § 106, 5-5-93; Ord. No. 02-449, § 2, 5-29-02)

Cross reference—General penalty for Code violations, § 1-6.

Sec. 45-272. Weight limits on specific streets.

(a) When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the streets or parts of streets so signed. Under this section, as vehicle weight is indicated by the number of axles supporting such vehicles, signs limiting the number of axles on through vehicles shall be official.

(b) When signs are erected stating "No Through Trucks," no person shall operate any commercial vehicle exceeding 3,000 pounds gross weight at any time upon any of the streets or parts of streets so signed, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise or for vehicle storage and then only by entering such street at the intersection nearest the

destination of the vehicle and proceeding thereon no farther than the nearest intersection thereafter.
(Code 1968, § 46-252)

Secs. 45-273—45-285. Reserved.