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

Secs. 45-273—45-285. Reserved.

ARTICLE XI. ACCIDENTS*

Sec. 45-286. Report required.

(a) The driver of a vehicle involved in an accident within the city limits resulting in property damage in excess of twenty-five dollars ($25.00) shall report such accident either to the investigating police officer or in person to the police department, within twenty-four (24) hours of its occurrence.

(b) Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report, such occupant or representative shall make or cause to be made such report.
(Code 1968, § 46-268)

Cross references—Requests for accident reports, § 2-96; charge for records furnished by police department, § 2-97.

Sec. 45-287. Garage keeper to report damaged vehicle.

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or struck by any bullet shall file a written report of same with the police department within twenty-four (24) hours after such vehicle is received and before any repairs have been made, giving the make of the vehicle and its engine number and the name and address of the person representing himself as being in charge of such vehicle.
(Code 1968, § 46-269)

*Cross references—Automobile wreckers, § 8-101 et seq.; use of taxicabs after accident, § 46-38; taxicab accident reports, § 46-39.

Sec. 45-288. Parking or loitering near scene of collision.

(a) It shall be unlawful for the driver of any motor vehicle to park or stand the same on a public street within twenty-five (25) feet of any place where a collision has occurred between two (2) or more other vehicles or one (1) or more vehicles and a pedestrian, until such time as the vehicles involved in such collision and any persons injured or killed have been removed from such place. It shall be unlawful for any person to loiter in the vicinity of any such collision, or to stand in the street within two hundred (200) feet of the place where the same occurred until such time as the vehicles involved, and any person injured or killed, have been removed therefrom.

(b) The provisions of subsection (a) shall not apply to peace officers, state, county or city officials in the discharge of their official duties, justices of the peace, members of the Harris County Emergency Corps, authorized representatives of daily newspapers, drivers of ambulances, passengers of any vehicle involved in any such collision, persons requested by a police officer to remain at the scene for the purpose of giving information to such officer, or to the driver of any automobile wrecker, after such driver has received specific authorization from a police officer to remove any vehicle involved in such collision.
(Code 1968, § 46-271)

Secs. 45-289—45-300. Reserved.

ARTICLE XII. BICYCLES†

DIVISION 1. GENERALLY

Sec. 45-301. Authority to prohibit riding on roadways.

The traffic engineer is authorized to erect signs on any roadway prohibiting the riding of bicycles thereon and, when such signs are in place, no person shall disobey the same.
(Code 1968, § 46-284)

†**Cross reference**—Riding bicycles in restricted airport areas, § 9-66.

Sec. 45-302. Riding on sidewalks.

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The traffic engineer is authorized to erect signs on any sidewalk outside a business district prohibiting the riding of bicycles thereon by any person and, when such signs are in place, no person shall disobey the same.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.
(Code 1968, § 46-285)

Secs. 45-303—45-310. Reserved.

DIVISION 2. REGISTRATION

Sec. 45-311. Required.

(a) It shall be unlawful for any person to operate a bicycle wholly or in part by muscular power within the city unless such bicycles is registered with the city as provided in this division.

(b) Any person operating a bicycle which is owned by a nonresident of the city and which is currently licensed pursuant to the requirements of any other Texas municipality shall be exempt from subsection (a).

(c) The term "operate" as used in this section shall mean to ride, walk with, park, stand, or be in possession of; excluded from the meaning of this term shall be in the possession of bicycles held for sale by one who engages in the business of the retail or wholesale sale of bicycles.
(Code 1968, § 46-289; Ord. No. 72-1598, § 1(1), 9-6-72)

Sec. 45-312. Administration.

The police department shall administer the provisions of this division except where hereinafter otherwise provided. The police chief or his authorized agent shall issue consecutively numbered books of bicycle licenses to the fire chief or his authorized agent. The officer in charge of each fire station shall be responsible for registration, issuance of licenses or decals and the collection of moneys as provided for in this division.
(Code 1968, § 46-290; Ord. No. 72-1598, § 1(2), 9-6-72)

Sec. 45-313. Procedures, fees, etc.

Bicycles shall be registered at any fire station in the city pursuant to the following terms, conditions and requirements:

(1) The bicycle shall be brought to the fire station.

(2) A registration form provided by the city shall be filled out and signed by the owner of the bicycle.

(3) A registration fee of one dollar ($1.00) shall be paid in advance.

(4) As evidence of the completion of the above paragraphs, the city shall provide a decal or license plate which shall be permanently affixed to the bicycle according to specifications established by the police department. The city shall also furnish the owner with a registration card.

(Code 1968, § 46-291; Ord. No. 72-1598, § 1(3), 9-6-72)

Sec. 45-314. Registration to be permanent until change of ownership.

The registration of a bicycle shall be permanent so long as the ownership thereof remains in the person registering the bicycle. Upon any change of ownership, the bicycle shall be registered in the name of the new owner in accordance with the requirements of this division.
(Code 1968, § 46-292; Ord. No. 72-1598, § 1(4), 9-6-72; Ord. No. 74-1732, § 1, 10-1-74)

Sec. 45-315. Removal, destruction, etc. of manufacturer's serial number, license plate or license decal.

It shall be unlawful for any person to willfully or maliciously remove, destroy, deface or alter the manufacturer's serial number on the frame of any bicycle, or the license plate or license decal applied or attached to any bicycle registered under this division, while such plate or decal is valid.

Violation of this section shall be punished as provided by section 1-6 of this Code.
(Code 1968, § 46-293; Ord. No. 72-1598, § 1(5), 9-6-72; Ord. No. 92-1449, § 63, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 45-316. Sale or transfer of ownership of bicycle.

It shall be the duty of any person who sells or transfers ownership of any bicycle registered under this division to report such sale or transfer, within ten days thereof, to the police department of the city by returning the registration card together with the name and address of the person to whom the bicycle was sold or transferred. It shall be the duty of the purchaser or transferee of any bicycle to register same according to the provisions of section 45-313 of this Code, within 20 days of the sale or transfer.
(Code 1968, § 46-294; Ord. No. 72-1598, § 1(6), 9-6-72)

Sec. 45-317. Reports of bicycles permanently removed from operation.

Within ten days after any bicycle licensed under this division shall have been dismantled, destroyed or otherwise permanently removed from operation, such information shall be reported to the police department by the person in whose name the bicycle was last registered.
(Code 1968, § 46-295; Ord. No. 72-1598, § 1(7), 9-6-72)

Sec. 45-318. Monthly reports of dealers.

Every person engaged in the business of buying, selling, trading or otherwise exchanging new or used bicycle or bicycle frames shall make a monthly report to the chief of police of every bicycle or bicycle frame bought, sold, or otherwise acquired or transferred, giving the name and address of the person from whom acquired or to whom transferred, a description of such bicycle or bicycle frame by name or make, the manufacturer's serial number and the license number, if any, found thereon. Any violation of this section shall be punished as provided by section 1-6 of this Code.
(Code 1968, § 46-296; Ord. No. 72-1598, § 1(8), 9-6-72; Ord. No. 92-1449, § 64, 11-4-92)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 45-319. Responsibility of parents or guardians; penalty.

It shall be unlawful for any person to commit, or for the parent or guardian of any minor to knowingly allow or permit their child or ward to commit any act forbidden by this division or to fail to do any act required by this division. Unless expressly provided otherwise in this division, a violation of this division shall be punishable by a fine of not more than $5.00.
(Code 1968, § 46-297; Ord. No. 72-1598, § 1(9), 9-6-72; Ord. No. 72-2309, § 1, 12-20-72)

Charter reference—Penalty for ordinance violation, Art. II, § 12.

Cross references—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Secs. 45-320—45-324. Reserved.

DIVISION 3. BICYCLE HELMETS

Sec. 45-325. Definitions.

In this division 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:

Child means any person under 18 years of age.

Dealer means any commercial establishment that sells or leases new or used bicycles, whether as its principal business activity or in connection with the selling or leasing of other merchandise, from a place of business within the city.

Fund means the bicycle helmet fund created under section 45-329 of this Code.

Helmet means a properly fitted bicycle helmet that is not structurally damaged and that con-

formed to the standards of the American National Standards Institute, the American Society for Testing and Materials, the Snell Memorial Foundation or any federal agency having regulatory jurisdiction over bicycle helmets, as applicable, at the time of the manufacture of the helmet.

Parent means the natural or adoptive parent or court-appointed guardian or conservator of a child.

Public way means any property that is publicly owned or maintained, including, but not limited to, a "street or highway" as defined in section 45-2 of this Code, a publicly maintained trail, and any public parks facility.

Wearing a helmet means that the person has a helmet fastened securely to his head with the straps of the helmet securely tightened.
(Ord. No. 95-813, § 1, 7-12-95)

Sec. 45-326. Helmet required.

(a) It is unlawful for any child to operate or ride upon a bicycle or any side car, trailer, child carrier, seat or other device attached to a bicycle unless the child is wearing a helmet.

(b) It is unlawful for a parent to suffer or permit a child under 14 years of age to operate or ride upon a bicycle or any side car, trailer, carrier, seat or other device attached to a bicycle unless the child is wearing a helmet.

(c) It is a defense to prosecution that the bicycle was not being operated upon a public way at the time of the alleged offense.

(d) It is an affirmative defense to prosecution under this section, upon first offense only, that the person owns or has acquired a helmet prior to the court hearing and promises the court that the helmet will be used in the future.
(Ord. No. 95-813, § 1, 7-12-95)

Sec. 45-327. Sale or lease of bicycles by dealers.

(a) It shall be unlawful for any dealer to sell a bicycle, bicycle side car, trailer or child carrier without providing a written statement to the purchaser advising of the terms of this division. The statement shall be in a form promulgated by the chief of police. Upon request, the chief of police shall provide a sample of the required form to a dealer. However, printing of distribution copies shall be at the dealer's expense.

(b) It shall be unlawful for any dealer to lease a bicycle to any person without providing a helmet for the use of each child who will operate or ride upon the bicycle or determining that each child who will operate or ride upon the bicycle has a helmet available. The dealer may impose an additional fee for use of the helmet if the dealer sells or leases a helmet to the bicycle lessee.
(Ord. No. 95-813, § 1, 7-12-95)

Sec. 45-328. Penalty.

(a) Any person who violates any provision of this division shall be guilty of a misdemeanor and upon conviction shall be fined an amount not exceeding $50.00 upon first conviction and an amount not exceeding $100.00 upon the second and each subsequent conviction.

(b) The purpose of this division is to encourage the use of helmets. In keeping with that purpose, the municipal courts are urged to consider deferred dispositions under article 45.54 of the Texas Code of Criminal Procedure whenever the circumstances warrant deferred dispositions. Conditions of the deferral may include that the defendant, if financially able, has obtained a helmet and has agreed to make a contribution in support of the fund.
(Ord. No. 95-813, § 1, 7-12-95)

Sec. 45-329. Bicycle helmet fund.

(a) The bicycle helmet fund is hereby created. The fund shall accept donations of helmets and money to be used for the purchase of helmets. All monetary gifts to the fund shall constitute a trust that shall be deposited in the city's trust and agency account, which may be invested as provided in chapter 104 of the Texas Local Government Code.

(b) The fund shall be used exclusively for the purpose of providing bicycle helmets for the use of members of "very low income families" as defined in 24 Code of Federal Regulations, section 813.102, as computed for the city for purposes of section 8 of the United States Housing Act of 1937. The

directors of the parks and recreation department and the health and human services department shall jointly administer the fund and shall promulgate rules and procedures for the distribution of helmets. Helmets shall be provided on a first-come-first-served basis to the extent of available supply.
(Ord. No. 95-813, § 1, 7-12-95)

Secs. 45-330—45-335. Reserved.

ARTICLE XIII. RESTRICTED ACCESS LANES

Sec. 45-336. Definitions.

As used in this article, the following terms shall have meanings as set out below:

(1) *Authorized vehicle* shall mean a vehicle authorized by the commission to enter and to use a restricted access lane, which vehicle has affixed to it, in the place prescribed by the commission, a valid and unexpired identifying sticker or emblem issued by the commission, or by the authority of the commission, specifically for such vehicle.

(2) *Commission* shall mean the state highway and public transportation commission.

(3) *Restricted access lane* shall mean that portion of any highway facilities located in, upon or over a controlled access highway:

a. Which is restricted to one-way operation by the commission;

b. To which access is allowed only for certain vehicles providing mass transportation services, as prescribed by the commission;

c. To which access is allowed only at certain points designated by the commission; and

d. Which is marked and regulated by official signs and traffic-control devices erected by the commission or by its authority.

(Code 1968, § 46-401; Ord. No. 79-1214, § 1, 7-25-79)

Sec. 45-337. Use.

It shall be unlawful for any person, other than a driver or passenger within an authorized vehicle, to operate any vehicle in or upon a restricted access lane, or to enter a restricted access lane otherwise, during the hours that access to such lane is restricted by the commission.
(Code 1968, § 46-402; Ord. No. 79-1214, § 1, 7-25-79)

Secs. 45-338—45-340. Reserved.

ARTICLE XIV. BOOTING AND TOWING DELINQUENT VEHICLES AND OTHER ENFORCEMENT PROVISIONS*

Sec. 45-341. 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 munic-

*Editor's note—Ord. No. 03-642, § 1, adopted July 16, 2003, amended the title of Art. XIV from booting or towing delinquent vehicles to read as herein set out.

Cross references—Stopping, standing and parking generally, § 45-111 et seq.; parking meters, § 45-161 et seq.; removal and impoundment of vehicles, § 45-201 et seq.

ipal 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 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 45-343 of this Code.

Director means the chief clerk of the municipal courts 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 45 days of issuance.

Vehicle means either a "motor vehicle" or a "trailer" as those terms are defined in section 45-2 of this Code, provided that it shall not include a vehicle registered to any governmental entity or agency thereof.
(Ord. No. 87-1487, § 2, 9-2-87; Ord. No. 94-218, § 1, 3-2-94; Ord. No. 95-81, § 4, 1-25-95; Ord. No. 96-1002, § 3, 9-25-96; Ord. No. 02-1167, § 1, 12-18-02; Ord. No. 03-642, § 2, 7-16-03)

Sec. 45-342. 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. 87-1487, 9-2-87)

Sec. 45-343. Delinquent vehicle list.

(a) 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 a hearing, if requested, under subsection (d).

(c) At least 15 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;

(3) A list of the three or more alleged unresolved parking citations, including the citation number, date, time, place of the violation, and the nature of the violation.

(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;

(5) The name, mailing address (and street address if different), and telephone number of a city office or agency that may be contacted for a hearing if any of the alleged unresolved parking citations has been resolved by appearance, or if the recipient was not the owner of the vehicle when any of the alleged unresolved parking citations was issued, or if the title to the vehicle has been transferred since the unresolved parking citations were issued; and

(6) That administrative fees, boot fees, and towing/storage fees 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.

The notice required under this section may be mailed for a vehicle that is not yet a delinquent vehicle, provided that there are already two unresolved parking citations and that a fourth parking citation (which shall also be specified in the notice) will become unresolved if an appearance is not made thereon by the date specified for placement of the vehicle on the delinquent vehicle list.

(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 not have the authority to adjudicate any parking citation; however, he shall meet with any person desiring to present evidence that a notice given under subsection (c) is erroneous, shall afford the person an opportunity to present any relevant evidence on the matter, and shall mail or otherwise furnish a written notice to the person of his decision.

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 afford the applicant an opportunity for a hearing prior to placing the vehicle on the delinquent vehicle list, and, if the applicant timely appears for the hearing as scheduled by the director, shall furnish the applicant written notice of his decision prior to placing the vehicle on the delinquent vehicle list.

(e) 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. 87-1487, § 2, 9-2-87; Ord. No. 94-218, §§ 2—4, 3-2-94; Ord. No. 96-1002, § 4, 9-25-96; Ord. No. 02-1167, § 2, 12-18-02)

Sec. 45-344. 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 also boot any vehicle on property not owned or controlled by the city provided that parking citations may lawfully be issued for violation of city or state laws regarding the parking of vehicles on the property and further provided that the owner of the property gives written consent to the director for the installation of boots on the property.

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 significant 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 items (1) through (6) above exists, or if:

(7) The owner has not made arrangements with the director to secure removal of the boot within 72 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 45-346 of this Code, and that a hearing officer will remain on duty for such purpose until at least two 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.

(e) The director shall ensure that officers are available, either on duty or on call, to remove boots from vehicles on a 24 hours per day, seven days per week basis. An officer shall remain on duty until at least two hours after a boot is installed. At other times, an officer shall be on call to remove a boot upon two hours' notice.
(Ord. No. 87-1487, § 2, 9-2-87; Ord. No. 87-2080, § 1, 12-30-87; Ord. No. 94-218, §§ 5, 6, 3-2-94; Ord. No. 95-81, § 5, 1-25-95)

Sec. 45-345. Fees, release.

Except as provided in section 45-346 of this Code, 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 $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 $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 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.

All fees and/or revenues generated from fees imposed under this section shall be divided evenly between the city's general fund and the police special services fund administered by the police department.
(Ord. No. 87-1487, § 2, 9-2-87; Ord. No. 87-2080, § 2, 12-30-87; Ord. No. 94-218, § 7, 3-2-94; Ord. No. 04-337, § 2, 4-21-04)

Sec. 45-346. 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 45-345 of this Code, 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), below.

(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 45-345. Vehicle storage and related fees shall be payable for each twenty-four-hour period or portion thereof that a towed vehicle remains in storage after the hearing officer orders its release if not reclaimed within 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 45-345 of this Code, the bond shall be ordered to be refunded to the applicant. Furthermore, the city shall reimburse the applicant for any towing/storage fees that the applicant may have paid to a city contractor in order to secure release of the vehicle if those fees have been directly incurred by the applicant.

(g) A hearing under this section shall be requested before the sixth 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 article 6701g-3, Texas Revised Civil Statutes, before the municipal court in the time and manner provided by article 6701g-3. Except for a proceeding filed under article 6701g-3 relating to a vehicle which has actually been towed to a vehicle storage facility not owned by the city, the judges of the municipal courts shall have no authority to adjudicate any fee imposed under section 45-345 of this Code, or to order any release of a vehicle without payment of applicable fees, or to order a refund of applicable fees.
(Ord. No. 87-1487, § 2, 9-2-87; Ord. No. 94-218, §§ 8, 9, 3-2-94)

[The next page is 3095]

Sec. 45-347. 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 section 45-344(b)(3) of this Code.

(d) Any offense under this section shall be punishable upon conviction by a fine of not less than $200.00 nor more than $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. 87-1487, § 2, 9-2-87; Ord. No. 92-1449, § 65, 11-4-92)

Charter reference—Penalty for ordinance violations, Art. II, § 12.

Cross references—General penalty for Code violations, § 1-6; general penalty for violations of this chapter, § 45-22.

Sec. 45-348. Release of vehicles from city vehicle compound.

A vehicle that is towed to a city vehicle compound for reasons initially unrelated to the booting or towing procedures established under this article shall not be released until it has been verified that the vehicle does not appear on the delinquent vehicle list. If the vehicle appears on the delinquent vehicle list and if a review of the most current vehicle registration records available to the city indicates that the ownership of the vehicle has not changed from that reflected on the delinquent vehicle list, then the vehicle shall be subject to the fee and release provisions of section 45-345 of this Code and hearing provisions of section 45-346 of this Code. This section shall apply without regard to the day or the time that the vehicle was initially towed. However, if the towing was not initiated at a time otherwise authorized for towing under subsection (c) of section 45-344, then the director shall ensure that a hearing is afforded within two hours of a request therefor or alternatively authorize the vehicle to be released without resolution of the parking citations.
(Ord. No. 03-642, § 3, 7-16-03)

Secs. 45-349—45-360. Reserved.

ARTICLE XV. NEIGHBORHOOD TRAFFIC PROJECTS*

Sec. 45-361. 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 a different meaning:

Access street has the meaning ascribed in section 42-7 of this Code.

Applicant means one or more property owners or residents within a neighborhood area, a duly authorized representative of a neighborhood association or the director who makes a request for the construction of a project.

Collector street means a street that is not a designated major thoroughfare, but that provides access and circulation between major thoroughfares and local, access and interior streets.

Designated street means that portion of a particular street, within the right-of-way of which a device is proposed to be constructed under this article. Designated streets may include the rights-of-way of access, interior or local streets, but may not include any portion of a major thoroughfare.

***Editor's note**—Ord. No. 95-1070, § 1, adopted Oct. 4, 1995, did not specifically repeal former art. XV, §§ 45-361—45-373, which pertained to similar subject matter; hence, said ordinance has been treated as superseding the provisions of former art. XV.

Device means a traffic mitigation device, consisting of the physical structure or other improvement constructed, placed or located, whether on a temporary or a permanent basis, upon a designated street pursuant to this article.

Director means the director of the department of public works and engineering or the traffic engineer or any other person designated by the said director to perform the director's duties under this article.

Interdepartmental review committee means a committee consisting of one representative each of the fire, police, planning and development, solid waste management, and public works and engineering departments of the city who shall be appointed by the mayor and one representative designated by the Metropolitan Transit Authority of Harris County.

Interior street has the meaning ascribed in section 42-7 of this Code.

Local street has the meaning ascribed in section 42-7 of this Code.

Neighborhood area means any contiguous area within the city that has as its boundaries: (i) the interior right-of-way line of any major thoroughfare or collector street; (ii) the interior boundary or right-of-way line of any railroad line, utility or pipeline corridor, river or waterway (not including drainage or flood control ditches not being traversed by other streets within the general locale); (iii) the corporate limits of the city; or (iv) any combination of one or more of the foregoing boundaries. A neighborhood area may consist of one or more subdivisions and shall include only those properties within and fronting on or taking their only access from a street within the bounded area.

Neighborhood association means any homeowners' association, property owners' group or civic association, whether incorporated or not, whose membership includes property owners and/or residents of a neighborhood area.

Neighborhood traffic committee means a committee, consisting of not more than five members drawn from the residents or property owners within a neighborhood area, selected as provided in section 45-366 of this Code, to assist in the processing of a request for a project.

Neighborhood traffic project or *project* means the entirety of the processes and procedures as described in this article whereby one or more devices may be placed upon a designated street in a neighborhood area.

Property owner means the owner(s) of any tract or parcel of real property within a neighborhood area.

Resident means any person who resides in or owns or operates a home or business upon any tract or parcel of real property within a neighborhood area.
(Ord. No. 95-1070, § 1, 10-4-95; Ord. No. 98-334, § 11, 4-29-98)

Sec. 45-362. Purpose; regulations.

(a) The purpose of this article is to establish the procedures governing the application for and review, approval, financing and construction of projects to minimize or eliminate traffic congestion, cut-through traffic or other traffic-related problems in a neighborhood area. In accordance with the provisions of this article, the director shall prepare and make available to the public appropriate forms to request a project.

(b) Consistent with the other provisions of this article, the director may promulgate request forms and may promulgate rules and regulations for the implementation of this article. A copy of the rules and regulations shall be maintained for public inspection in the offices of the said director, and copies may be purchased at the fees prescribed by law.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-363. Request for projects.

(a) A request for a project must be initiated by an applicant. Multiple requests from the same or similar neighborhood areas may be consolidated into and considered as a single request, at the director's option.

(b) The director shall, from time to time, prepare and submit for approval by motion of the city council a schedule of fees that shall be paid by an applicant for a project. Payment of any applicable fees when due is a condition of the processing of a request under this article.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-364. Preliminary review process.

(a) Each request for a project shall be made or forwarded by the applicant to the director upon a form promulgated for that purpose by the director and shall include, at a minimum, the following:

(1) A description or definition of the proposed neighborhood area;

(2) A list containing the names, addresses and telephone numbers of the individuals comprising the applicant or, in the case of a request from a neighborhood association, the name, address and telephone number of the duly authorized representative of the neighborhood association.

(3) A general description of the traffic problem or condition to be remedied;

(4) Historical data concerning the proposed neighborhood area, including, but not limited to, such factors as the location and nature of businesses, schools, parks, churches or other non-residential traffic generators within or in close proximity to the neighborhood area;

(5) Evidence of neighborhood or community support for the project;

(6) Whether public funding or assistance is requested for the project; and

(7) Any other information reasonably required by rule or regulation of the director in order to make any determination specified under this article.

(b) Each request shall initially be reviewed for completeness. If determined to be complete, the request shall be considered to have been filed when received in the director's offices and shall be acted upon as further provided in this article. If determined to be incomplete, the request shall be returned to the applicant with written notice of the deficiencies.

(c) Each request that is properly filed shall be reviewed and evaluated in accordance with section 45-365 of this Code. If the director determines that the request does not merit further consideration, based upon the criteria set forth in section 45-365(1) through (5) of this Code, then the director shall so notify the applicant in writing and, wherever practicable to do so, shall provide any suggested modifications to the request that might cause it to receive more favorable consideration if resubmitted. For requests that the director determines merit further consideration under the criteria of section 45-365(1) through (5) of this Code, the applicant shall be so advised in writing and shall also be advised:

(1) If no public funding or assistance has been requested, that the project is eligible to proceed to an initial public meeting under section 45-366 of this Code; or

(2) If public funding or assistance has been requested, whether or not the director has given preliminary approval for consideration of the project on a publicly funded basis under the criteria of section 45-365(6) of this Code, and:

a. If so, that the project is eligible to proceed to an initial public meeting under section 45-366 of this Code; or

b. If not, that the project will not be further considered or receive a public meeting under section 45-366 of this Code unless the applicant withdraws the request for public assistance or funding.

(d) All requests seeking public funding or assistance in the planning and/or construction of a project must be filed no later than March 1 preceding the commencement of the fiscal year in order to be eligible for funding during that fiscal year. Late filed requests shall be held for possible review for inclusion in a subsequent fiscal year's budget, unless the applicant elects, in writing, to proceed with private funding or withdraws the request.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-365. Review criteria.

The director shall evaluate and prioritize all requests pursuant to the following criteria:

(1) Whether the request identifies a problem that could be remedied under this article;

(2) Whether the request identifies a problem that could readily be addressed through the installation of a type of traffic control device that may be installed without approval under this article;

(3) Whether historical data concerning the neighborhood area, including, but not lim-

ited to, the location and nature of businesses, schools, parks, churches or other non-residential traffic generators within or in close proximity to the neighborhood area, may support the project;

(4) Whether there is public support for the project as evidencing that the project will enhance and promote the public health, safety and welfare;

(5) Whether existing evidence, studies, data or reports regarding the severity of the existing problem, if any, merit the project; and

(6) For requests that include a public funding component, the amount of public funds available for planning of projects, the number of requests for publicly funded project planning, the apparent merit of the request as compared to that of other requests and established city priorities, including, but not limited to, the city's neighborhoods to standards program or low to moderate-income areas.

(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-366. Initial public meeting; neighborhood traffic committee; citizen comments.

(a) Following the receipt of notification by the director that a project has received preliminary approval for further consideration, the applicant shall notify the director of a suitable location for the holding of a public meeting within the neighborhood area for the purpose of receiving public comments on the project.

(b) Following receipt by the director of the information required by subsection (a) above, a written notice, in a form approved by the director, shall be mailed to all property owners and residents within the neighborhood area setting forth the date, time and location of a public meeting to receive public input on a proposed project. The notice shall specify the location and general nature of the proposed project and shall solicit public comments on the project. The director shall select the method(s) utilized to identify the property owners and residents to be notified, with due regard to the cost, time and accuracy of the method(s) to be utilized.

(c) Each notice shall be effective when deposited in the U.S. mail, postage prepaid, addressed to the property owner, resident or representative of a neighborhood association. Failure of any person to receive actual notice of the hearing required by this section shall not affect the validity of any action taken by the city in connection with the project.

(d) At the initial public meeting:

(1) A neighborhood traffic committee shall be selected by those present;

(2) Public comments shall be received on the proposed project; and

(3) Comment cards shall be distributed for additional comments and public input on the proposed project. Written comments concerning the project shall not be considered in evaluating any project unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.

(e) Persons in attendance may register, and the names and addresses of those who do register shall be delivered to the director and added to the notification list for any future meetings held in connection with a project.

(f) The initial public meeting shall be conducted by the director, and all requirements and expenses relating to its being conducted shall be borne by the city for requests that receive preliminary approval for further consideration as a publicly funded project pursuant to section 45-364(c)(2) of this Code. For all other requests, the initial public meeting shall be conducted in all respects at the expense of the applicant, and the director may delegate to the applicant the accomplishment of any one or more of the requirements of this section in accordance with rules and regulations promulgated for that purpose by the director. The applicant shall provide to the director evidence that any requirements so delegated have been fully and properly carried out.

(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-367. Traffic studies.

Upon receipt of all public comments and information required by section 45-366, the director

shall cause or authorize to be conducted a traffic study to complete the preliminary eligibility review of a proposed project. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall determine, and notify the applicant concerning, the scope and type of traffic study to be conducted by the applicant and indicate any additional information required by the director to facilitate review of the proposed project.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-368. Completion of staff review.

The director shall determine, based upon all available information regarding a project, including, without limitation, any traffic study prepared in accordance with section 45-367 of this Code, whether the project is eligible for further consideration and processing in accordance with section 45-369 of this Code. The criteria to be utilized by the director in making his determination under this section are:

(1) The estimated percentage of cut-through traffic in the neighborhood area;

(2) The estimated percentage of the total volume of traffic through the neighborhood area consisting of trucks having more than two axles;

(3) The percentage of residential land use in the neighborhood area;

(4) The presence or absence of sidewalks in the neighborhood area; and

(5) Evidence of neighborhood or community support for the proposed project.

Written notice of the director's determination shall be given to the applicant. Any applicant whose project is declared ineligible for further consideration pursuant to this section shall not be permitted to file a new request for the same or a similar project for a period of three years.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-369. Concept plan.

The director shall prepare a concept plan for each project approved pursuant to section 45-368, taking into account all traffic studies, public comments and other data and factors developed in accordance with the requirements of this article. Each concept plan shall be reviewed by the neighborhood traffic committee and approved by the interdepartmental review committee and the city attorney before being submitted for public comments, as hereinafter provided. No concept plan or project shall be approved by the interdepartmental review committee if it is found that:

(1) Pedestrian traffic or access to a neighborhood area would be denied or materially impeded;

(2) General mobility of traffic in the neighborhood area, the surrounding community, or both, as determined by the city's traffic engineer, would be unreasonably adversely affected to a material extent;

(3) Based upon review of any reasonably suitable alternative methods identified by the interdepartmental review committee to resolve the problem, that the proposed resolution is not the least restrictive device that could reasonably be expected to substantially mitigate or resolve the problem;

(4) The project would prevent any owner of property from having direct vehicular access to at least one abutting street in the city; or

(5) The project would be likely to significantly delay emergency services vehicles' ingress to or egress from neighborhoods.

The city attorney shall approve the concept plan unless he determines that its implementation would be contrary to local, state or federal laws or regulations. Written notice of the interdepartmental review committee and the city attorney's determination shall be given to the applicant. If either declines to approve a concept plan, the applicant shall be so notified and shall not be permitted to file a new request for the same or a similar project for a period of three years.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-370. Second public meeting.

(a) Upon approval of the concept plan, a second public meeting shall be held to gather public comments. Notice of the meeting shall be given in

the same manner and to the same parties notified of the initial public meeting, plus those persons who registered their names and addresses at the initial public meeting, and shall contain a description of the concept plan and a comment card for use by members of the public to address public safety, convenience and traffic issues and to express either support for or opposition to the concept plan. Unless the director has given preliminary approval for consideration of the project on a publicly funded basis, the director shall require that all expenses of conducting the second public meeting shall be borne by the applicant, and the provisions of section 45-366(f) shall also be applicable to the second public meeting.

(b) At the second public meeting, comments regarding the concept plan may be made by any interested party. Written comments concerning the plan shall not be considered unless received in the offices of the director or such other place as the director may specify within 14 days after the meeting.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-371. Final review and ranking; recommendation by director.

(a) Following the close of the public comment period provided in section 45-370(b) above, the director shall evaluate each concept plan and shall compare it to all other unimplemented concept plans that have reached the same level in the approval process. The director shall either (i) disapprove the concept plan and its underlying request and so notify the applicant in writing; or (ii) approve the concept plan for further consideration and so notify the applicant in writing. The director shall give those concept plans receiving approval a priority ranking that shall be used to establish the order in which the various approved projects will be considered for implementation. If the director disapproves the concept plan, the applicant shall not be permitted to file a new request for the same or a similar project for a period of three years.

(b) Each concept plan must be tested with a temporary device and receive a recommendation of approval from the director before being submitted to city council for final approval. Unless the project has been approved by the director for public funding assistance, the temporary device shall be installed at the applicant's sole expense. Each concept plan whose priority ranking is sufficient to indicate that public funding will be available to complete the project, if approved, during the current or next succeeding fiscal year and each concept plan for a project to be financed from private funding sources shall receive approval from the director for the construction of a temporary device, in accordance with its priority ranking, provided that the director may approve a temporary device for any ranked project without regard to its priority ranking in order to reflect special or changed circumstances or in order to avoid delay in implementing worthy projects that have not been approved for public funding. No temporary traffic device may be installed without the approval of the director. Temporary traffic control devices shall be in place for a testing period of not less than 90 days, provided that the director shall immediately remove a temporary device that is determined to be a threat to public health, safety or welfare.

(c) Upon authorization of installation of a temporary device:

(1) The device, with appropriate signs, shall be constructed within the neighborhood area in accordance with the published concept plan;

(2) City staff, the neighborhood traffic committee and the interdepartmental review committee shall monitor and review traffic impact and any comments received regarding the temporary device during the testing period; and

(3) At least 90 but no more than 210 days following the installation of the temporary device, a third public meeting shall be called and conducted, in the same manner as for the second public meeting with written notice to the same parties notified as for the second public meeting and to those additional persons who registered their names and addresses at the second public meeting, to receive public comments regarding the temporary device. The provisions of section 45-366(f) of this Code shall also be applicable to the third public meeting.

(d) Upon the conclusion of the public meeting and expiration of the 14 day comment period following the third public meeting, the director shall review all of the available information regarding the temporary device, including timely received public comments, and either (i) remove or cause to be removed the temporary device and deny all or part of the concept plan or (ii) forward his recommendation for final approval of the concept plan to city council, during which time the temporary device may remain in place. Written notice of the director's action shall be given to the applicant. If the director disapproves the concept plan, in whole or in part, the concept plan or disapproved portions thereof may not be resubmitted as any part of a new request for the same or a similar project for a period of three years.

(e) If a project is proposed to be constructed by employees of the city or a city contractor, the director shall prepare and present to city council as part of his recommendation under subsection (d) above a preliminary cost estimate and time line for the project, which shall identify the source of funds to be used to finance the project and the time and priority in which the city would construct the project if the project is approved by city council.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-372. Final action by city council.

(a) All projects forwarded to city council shall be accompanied by a summary setting forth in relevant detail the information relied upon in formulating the recommendation.

(b) The city council shall, by motion, approve or deny the request for the project.

(c) A decision by city council to approve or deny a request shall be final and shall not be subject to further appeal or rehearing. If the city council denies the request, the applicant shall not be permitted to file a new request for the same or a similar project for a period of three years.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-373. Construction.

The director shall be responsible for the construction, or shall direct and oversee the construction by a private contractor or contractors, of approved projects. Approval under this article shall not excuse the applicant from obtaining any other permit or authorization required by law to perform the work.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-374. Removal.

(a) Nothing contained in this article shall be construed to prohibit the city from removing any device or portion thereof. If, and only if, the device to be removed is a gate, then the removal must first be authorized by the city council.

(b) The director shall maintain an accurate record of each approved project, which he shall review every five years to determine its continued viability.
(Ord. No. 95-1070, § 1, 10-4-95; Ord. No. 98-1162, § 1, 12-9-98)

Sec. 45-375. Limitation on action of city.

The approval, installation and maintenance of a project and associated devices, as provided for by this article, shall never be construed to cause an abandonment or relinquishment of any street or public property or to authorize the installation of a device upon any right-of-way not under the control of the city.
(Ord. No. 95-1070, § 1, 10-4-95)

Sec. 45-376. Coordination with city council offices.

The director shall cause notice to be given to each city council member of the filing of a request for a project under this article. Thereafter, notice shall be given to each district council member whose district includes any part of the neighborhood area and to any other city council member who so requests of the progress of the request under this article, including, but not limited to, notice of each public meeting, the concept plan, the traffic study and the proposed installation of any temporary device.
(Ord. No. 95-1070, § 1, 10-4-95)

Secs. 45-377—45-379. Reserved.

ARTICLE XVI. ADJUDICATION OF PARKING CITATIONS

Sec. 45-380. Bureau created.

Within the municipal courts judicial department there is hereby created the parking violations bureau, which shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles VI and XVII of this chapter and of division 1 of article VII of this chapter and of offenses involving the parking or stopping of a vehicle that arise under the fire code of the city.
(Ord. No. 95-81, § 1, 1-25-95; Ord. No. 95-186, § 3, 2-22-95; Ord. No. 01-759, § 6, 8-15-01; Ord. No. 04-799, § 5, 7-28-04)

Sec. 45-381. Procedures.

The clerk of the municipal courts shall establish and implement appropriate procedures to effect the policy of this article.
(Ord. No. 95-81, § 1, 1-25-95)

Sec. 45-382. Hearing officers.

(a) The parking violations bureau shall be composed of one or more hearing officers who shall be appointed by the mayor. Staff required for the support of the hearing officer's functions shall be provided by the clerk of the municipal courts.

(b) Hearing officers shall have the authority to administer oaths and to issue orders compelling the attendance of witnesses and production of documents.

(c) An order compelling the attendance of witnesses or production of documents may be enforced by the municipal courts.
(Ord. No. 95-81, § 1, 1-25-95)

Sec. 45-383. Parking citations.

(a) The administrative adjudication process for parking or stopping of vehicle violations that are subject to 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.

(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) 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 45 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 45 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 30 days of such appearance.

(d) 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. 95-81, § 1, 1-25-95; Ord. No. 95-186, § 4, 2-22-95)

Sec. 45-384. 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. 95-81, § 1, 1-25-95)

Sec. 45-385. Hearings.

(a) At the hearing before the hearing officer, the person charged may either admit, admit with explanation, or deny the alleged infraction.