

City of Houston, Texas, Ordinance No. 2009-2

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO PARKING; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the Parking Management Division of the General Services Department, the Municipal Courts Judicial Department and the Legal Department have worked together to identify items in the Parking Ordinance that need to be clarified, updated, or corrected; and

WHEREAS, the proposed changes will result in a more accurate, understandable and enforceable Parking Ordinance; and

WHEREAS, the Public Parking Commission has reviewed the changes and recommends passage of this ordinance; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

Section 2. That Chapter 2 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Section 2-7 thereof.

Section 3. That Item (7) of Section 12-5 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(7) Serve, or designate a person within his department to serve, as an ex-officio member of the public parking commission authorized by division 2 of article I of chapter 26 of this Code."

Section 4. That Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the following terms to read as follows:

"Authorized emergency vehicle means:

(1) A fire department or police vehicle;

- (2) A public or private ambulance operated by a person who has been issued a license by the Texas Department of Health;
- (3) A municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;
- (4) A private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;
- (5) An industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas; or
- (6) A vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs."

"*Bus* means a motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab or limousine, designed and used for the transportation of persons for compensation."

"*Bus zone* means the area or space officially set apart within a roadway by one or more appropriate signs or markings for the exclusive use of buses for loading and unloading passengers."

"*Central business district* means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northwesterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning."

"*Commercial vehicle* means a truck or other vehicle that displays one or more commercial vehicle signs, but does not include a taxi, limousine, or bus."

"*Taxi zone* means the area or space officially set apart within a roadway by one or more appropriate signs or markings for the exclusive use of taxicabs licensed as such by the city."

"*Traffic-control device* means any sign, signal, marking, or device not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic."

"*Valet zone* means the area or space officially set apart within a roadway by one or more appropriate signs or markings for the use of valet service providers operating under permit issued by the city."

Section 5. That Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order position, the following new definition:

"*Commercial vehicle signage* means one or more magnetic signs or painted letters on the front door on each side of the commercial vehicle stating, in letters at least two inches in height, the name, logo, or other designation of the person owning or operating the vehicle."

Section 6. That Section 26-48 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-48. Absence from meetings.

Absences may be excused only upon a finding of good cause therefor by a majority of the commissioners present and voting at any scheduled meeting. Three successive unexcused absences of any member from regularly scheduled meetings, after due notice served by telephone or mail of the time and place of such meetings, shall automatically vacate the member's position on the commission."

Section 7. That Sections 26-85 through 26-88 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 26-85. Parking or standing on two-way roadway.

A driver who stops or parks on a two-way roadway shall do so in the direction of authorized traffic movement with the right-hand wheels of the

vehicle parallel to and not more than 18 inches from the right-hand curb or edge of the roadway, unless otherwise indicated by one or more signs, curb markings, or other traffic-control devices applicable to the roadway.

Sec. 26-86. Parking or standing on one-way roadway.

In the event traffic is restricted to one direction upon a roadway, a driver who stops or parks on the roadway shall park the vehicle in the direction of authorized traffic movement with the right-hand wheels parallel to and not more than 18 inches from the right-hand curb or edge of the roadway. Where authorized by one or more signs, curb markings, or other traffic-control devices applicable to the roadway, a vehicle may be parked on the left-hand side of the roadway, but only with the left-hand wheels parallel to and not more than 18 inches from the left-hand curb or edge of the roadway.

Sec. 26-87. Parking prohibitions and restrictions on specific streets generally.

(a) When one or more signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets so signed.

(b) When one or more signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours designated by such signs on any day, unless otherwise designated.

(c) When one or more signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified on such signs on any day, unless otherwise designated.

(d) When one or more signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the specified period at any time between the hours of 7:00 a.m. and 6:00 p.m. of any day, except Sundays and legal holidays.

(e) The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on an official sign, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

(f) The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(g) When one or more signs prohibiting parking are erected upon narrow streets as authorized in section 45-117 of this Code, no person shall park a vehicle upon any such street in violation of any such sign.

(h) When one or more signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized in section 45-118 of this Code, no person shall park a vehicle in any such designated place.

(i) When one or more signs are erected at hazardous or congested places as authorized in section 45-119 of this Code, no person shall stop, stand, or park a vehicle in any such designated place.

Sec. 26-88. Parking areas for persons with disabilities.

(a) Unauthorized use of parking spaces designated pursuant to section 45-128 of this Code for the exclusive use of vehicles transporting persons with disabilities shall be unlawful and shall be punished as provided by Chapter 681 of the Texas Transportation Code.

(b) Pursuant to the provisions of subsection (b) of Section 681.006 of the Texas Transportation Code, as amended, the owner of a vehicle transporting persons with disabilities is exempt from payment of parking meter fees required in section 26-157 of this Code, provided, the vehicle may not remain in the metered space beyond the maximum legal parking limit applicable to the parking meter zone."

Section 8. That Subsection (b) of Section 26-91 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) All property of the city that has been restricted, either by the city council or by its duly authorized agent, to use by authorized persons and vehicles only, shall be designated by one or more appropriate and conspicuous signs posted at all vehicular entrances thereto, and such signs shall advise that the property is restricted to authorized persons and vehicles only, that all other vehicles will be towed or driven away, and that the driver of any illegally parked vehicle shall be subject to a civil fine. The department to which such property is inventoried shall cause such signs to be prepared and posted. The city shall incur no liability for damage caused to any such vehicle by such removal and the owner, by permitting his vehicle to be placed on such property, thereby impliedly waives claim for any damages thereto that may be caused by such towing and storage."

Section 9. That Subsection (b) of Section 26-154 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) Except as provided in subsection (c) of this section, 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."

Section 10. That Section 26-157 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-157. Payment; overtime parking and feeding meters prohibited.

(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 26-154 of this Code. The maximum time to park in a parking meter zone is indicated on the printed receipt issued pursuant to section 26-154 of this Code, by appropriate street signage, or by signage located on the parking meter. It shall be unlawful to park beyond the maximum legal parking limit applicable to a parking meter zone.

(b) It shall be unlawful for the owner or operator of a vehicle to park the vehicle in any parking meter space without paying the applicable parking meter fee.

(c) It shall be unlawful for the owner or operator of a vehicle to allow the vehicle to remain parked in any parking meter space beyond the time paid to park such vehicle.

(d) It shall be unlawful for the owner or operator of any vehicle or for any person on behalf of another person to deposit any coin or make any other form of payment ('feed the meter') for the purpose of parking beyond the maximum legal parking limit applicable to the parking meter zone.

(e) 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 also be unlawful to continue such violation, and more than one ticket may be issued for a continued violation under this division.

(f) If a notice on the meter itself or applicable signage placed under section 26-155 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.

(g) 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 federal agencies who are authorized to carry handguns, investigate federal crimes, and make custodial arrests of persons accused of committing federal crimes.
- (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 and was not parked while the peace officer was working at his customary office or job site.

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."

Section 11. That Section 26-160 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-160. Parking meter fees.

The parking official 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:* A fee to be established by the parking official 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 fees 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:* A fee shall be established by the parking official 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 fees shall apply at meters during those periods in which they have not been designated for short-term parking use.

In establishing the foregoing fees, the parking official 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 parking official'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."

Section 12. That Sections 26-221 and 26-222 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

"Sec. 26-221. Designation of commercial vehicle loading zones.

The traffic engineer is hereby authorized to determine the location of commercial vehicle loading zones and may authorize the parking official to place one or more appropriate signs indicating the same and stating the hours during which the provisions of this article are applicable.

Sec. 26-222. Parking in commercial vehicle loading zones.

It shall be unlawful for any person during the posted hours of operation of a commercial vehicle loading zone to:

- (1) Park any vehicle other than a commercial vehicle in any commercial vehicle loading zone designated by the city;
- (2) Utilize a commercial vehicle loading zone for any purpose other than the expeditious loading or unloading of property, goods or merchandise from a commercial vehicle;
- (3) Park any commercial vehicle in any commercial vehicle loading zone without either:
 - a. Displaying a current and valid commercial vehicle parking permit issued and utilized pursuant to this article; or
 - b. Paying the meter fee as provided in section 26-228 of this Code; or
- (4) Park any commercial vehicle in any commercial vehicle loading zone for a period in excess of that allowed for the class of permit held or in excess of the maximum time allowed by the meter.

In addition to any applicable fine or penalty, any vehicle parked in violation of this section shall be subject to being towed at the direction of any law enforcement officer."

Section 13. That Item (2) of Subsection (b) of Section 26-224 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(2) There exist any unresolved parking citations as defined in section 26-261 of this Code for any vehicle owned by the applicant or any agent of the applicant."

Section 14. That Section 26-228 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-228. Use of parking meters.

As an alternative to obtaining a permit, the operator of a commercial vehicle may park the commercial vehicle in a commercial vehicle loading zone space or spaces during posted hours of operation for the zone by paying the commercial vehicle loading zone meter fee for each space utilized in whole or in part for parking the commercial vehicle in that zone, provided that:

- (1) The commercial vehicle is then being expeditiously loaded or unloaded; and
- (2) The meter or meters are not allowed to expire; and
- (3) The commercial vehicle may not be parked in excess of the maximum time allowed as posted on the meter;

provided, however, that pending the installation of a meter in a commercial vehicle loading zone, an unpermitted commercial vehicle may utilize one or more metered passenger vehicle spaces, or portions of such spaces, within the same blockface as the unmetered commercial vehicle loading zone, by paying the meter fee for each space wholly or partially occupied by such commercial vehicle."

Section 15. That Item (1) of Subsection (c) of Section 26-263 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(1) The license plate number of the alleged delinquent vehicle;"

Section 16. That Subsection (a) of Section 26-293 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) It shall be unlawful for any person to park a motor vehicle that does not display a permit in a curbside parking space on any day or during any hours for which commuter vehicle parking is prohibited by one or more official signs posted in a residential parking permit area."

Section 17. That Subsection (a) of Section 26-346 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(a) Each residential permit shall be permanently adhered to the inside bottom driver side corner of the windshield of the motor vehicle above the inspection and vehicle registration stickers. A residential permit that is not permanently adhered shall not be a valid permit."

Section 19. That Item (3) of Section 26-618 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(3) If the parking lot general manager intends to have vehicles immobilized ('booted') or towed for non-payment of parking fees, provide a written receipt to the operator of a vehicle parked on the parking lot with the name and logo of the parking lot, and the date parking fees were paid; and"

Section 20. That Section 40-374 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 40-374. Permits for suspension of metered parking.

A person who wishes to suspend the operation of metered parking must obtain a separate permit to do so pursuant to division 2 of article III of chapter 26 of this Code."

Section 21. That Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended by amending definition fo the term *bus* to read as follows:

"*Bus* means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab or limousine, designed and used for the transportation of persons for compensation."

Section 22. That Subsection (b) of Section 45-132 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(b) The operator of any taxicab which is out-of-service shall park his vehicle in conformity with the provisions of this article and article II of chapter 26 of this Code relating to the parking and standing of motor vehicles generally. In no case shall the operator of a taxicab which is out-of-service park at a taxi zone."

Section 23. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 24. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 7th day of January, 2009.

Bill White

Mayor of the City of Houston

DL Prepared by Legal Dept. *M. Calabrese* *ST*
TBC:asw 10/27/2008 Senior Assistant City Attorney
Requested by Issa Dadoush, Director, General Services Department
L.D. File No. 025070001101

AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
	ABSENT	JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		KHAN
✓		HOLM
		<i>Vacant</i>
✓		RODRIGUEZ
✓		BROWN
	ABSENT	LOVELL
✓		NORIEGA
	ABSENT	GREEN
✓		JONES
CAPTION	ADOPTED	