

## Chapter 26 **PARKING**

### ARTICLE I. IN GENERAL

#### DIVISION 1. PARKHOUSTON

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#### **Sec. 26-2. Definitions.**

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

*Alley* means any street, as herein defined, of 20 feet or less in width having no legal or official name other than "alley."

*Animal* has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animated being that is not human and has the power of voluntary action.

*Appearance* means either:

- (1) The entry of an appearance, in person or through legal counsel, in the municipal courts system to contest a parking citation and, if required, the making of a bond in any manner authorized by law and approved by the municipal courts to secure appearance at the administrative hearing, as applicable; or
- (2) The uncontested disposition of a parking citation by payment in good and sufficient funds received by the parking official in the applicable amount and manner established by the municipal courts for the uncontested payment of the fine for the parking citation, including all applicable fees and costs.

*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 State Health Services;
- (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.

*Blockface* means that portion of a block that abuts a street between two intersecting streets.

*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.

*Commercial vehicle signage* means one or more magnetic signs or painted letters or decals on ~~the front door on each~~ any 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.

*Department* means the department of administration and regulatory affairs.

*Digital payment* means payment of a parking meter, parking zone, or parking facility fee through an online application or by using a mobile device.

*Director* means the director of the department of administration and regulatory affairs.

*Driver* means any person who drives or is in actual physical control of a vehicle.

*Esplanade* has the meaning ascribed in section 33-101 of this Code.

*Goods* means any personal property a person provides to another in exchange for compensation, including but not limited to, monetary or non-monetary compensation.

*House trailer* means a trailer or semi-trailer:

- a. That is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
- b. Whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection a., but is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

*Large vehicle* means a "motor vehicle" or a "trailer," as defined herein, that is in excess of eight feet in height at the highest point on the vehicle or trailer or in excess of 22 feet in length. To the extent that any motor vehicle is coupled or otherwise attached to a trailer, then the motor vehicle and trailer shall together be deemed as constituting a single large vehicle if the combined length of the motor vehicle and trailer exceeds 30 feet.

*Legal holidays* means and includes only such holidays as are officially designated by the city council.

*Livestock* has the meaning ascribed in Texas Agricultural Code Section 1.003.

*Maintenance mechanic* means an employee of the department assigned to repair, service, install and troubleshoot operational issues with the parking meters.

*Median strip* means the dividing area, either landscaped or paved, between opposing highway traffic lanes.

*Meter or pay station* means any mechanical or electronic device or signage that the city places or erects on property or internet-based application for the purpose of managing and controlling the use of parking spaces and that requires payment for use. Where the term 'meter' appears in this chapter, the reference also includes a pay station, signage or internet-based application where applicable.

*Motor assisted scooter* has the meaning ascribed in Section 551.351 of the Texas Transportation Code, as may be amended from time to time.

*Motor vehicle* means any vehicle that is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Off-street parking* means vehicular parking that is provided in a location other than in a public right-of-way.

*Owner* means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

*Park* or *parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise except an involuntary stopping of such vehicle by reason of mechanical failure or direction of a police officer.

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

~~*Parking compliance officer* means an employee of the department assigned to enforce the provisions of this chapter.~~

*ParkHouston* means that portion of the department responsible for on-street parking, off-street metered parking, temporary restriction of access to metered parking, commercial vehicle loading zone permits, residential parking permits, newsrack permits, community parking permits, parking benefit districts, valet permits, and such other parking responsibilities as may be designated by the director from time to time.

~~*Parking meter technician* means an employee of the department assigned to collect revenue from and perform maintenance services on parking meters.~~

*Parking meter zone* means the particular blockface in which a parking meter is located between appropriate street signage at each end of the block.

*Parking official* means the director or such other person as the director may designate to act as the parking management official of the city and the said official's designee.

*Pedestrian* means any person afoot or a person with an assisted mobility device.

*Pole trailer* means any vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural

members, capable, generally, of sustaining themselves as beams between the supporting connections.

*Police officer* means any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Public right-of-way* means the area on a public roadway, highway, street, public sidewalk or alley in which the city has an interest.

*Regulatory investigator or parking compliance officer* means an employee of the department assigned to enforce the provisions of this chapter.

*Rent* means to grant the possession or use of a good, or to provide a service, to another for a temporary or open-ended period of time.

*Rental vehicle* means a motor vehicle operated pursuant to a lease, rental agreement, independent contractor vehicle for hire operating agreement, or other transaction whereby in exchange for monetary or other valuable consideration one person ("the lessor") transfers the right to possess and operate a motor vehicle to another person ("the lessee").

*Residential district* means the territory contiguous to and including a street or highway when the property on such street or highway for a distance of 300 feet or more is in the main improved with residences.

*Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

*Semi-trailer* means a vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Senior parking meter technician* means an employee of the department assigned to ~~repair, service, install and troubleshoot operational issues with the parking meters~~ collect revenue from and perform maintenance services on parking meters.

*Services* means any act, activity, duty, labor, delivery, or performance, whether intellectual or manual, provided in exchange for compensation, including but not limited to monetary or non-monetary compensation. Services shall not include the expeditious loading or unloading of property, goods, or merchandise from a commercial vehicle.

*Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Stop, stopping, standing*, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*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* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street or highway for purposes of travel.

*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.

*Traffic island* means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes.

*Trailer* means any vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

*Vehicle* means any device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

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**Sec. 26-6. ~~Parking compliance officers~~ Regulatory Investigators.**

- (a) ~~Parking compliance officers~~ Regulatory investigators shall enforce the provisions of this chapter by issuance of a parking citation on the official form prescribed by the director for such notices. ~~Parking compliance officers~~ Regulatory investigators shall not have any power of arrest under the authority conferred by this section. ~~Parking compliance officers~~ Regulatory investigators shall be issued appropriate identification by the parking official and shall be issued the necessary forms to carry out their duties.

- (b) Peace officers and other persons designated by the parking official for that purpose shall enforce the provisions of this chapter and state laws and regulations relating to the stopping, standing and parking of motor vehicles by issuance of citations on the official form prescribed by the director. Persons who are not peace officers may issue citations, but they shall not have the power of arrest. Persons designated under this section shall be issued appropriate identification and the necessary citation forms to carry out their duties. The persons shall account to the parking official for all citations issued and for all citation forms provided to them.
- (c) Pursuant to Texas Occupations Code section 2308.354, regulatory investigators and other employees designated by the parking official are authorized to immobilize a vehicle or remove an immobilized vehicle upon any street or highway within the City, or upon any other property under the ownership or control of the city. Regulatory investigators and other employees designated by the parking official are also authorized to request the removal and storage of a vehicle that is located in an area where on-street parking is regulated by the city and is
- (1) parked illegally, or
- (2) parked legally and has been unattended for more than 48 hours and the employee has reasonable grounds to believe is abandoned.

**Sec. 26-7. Senior parking meter technicians and maintenance mechanics.**

- (a) There shall be employment positions within ParkHouston for persons who shall be known as maintenance mechanics '~~parking meter technicians~~' or 'senior parking meter technicians.' The ~~parking meter technicians~~ maintenance mechanics and senior parking meter technicians shall be selected and appointed in accordance with the established hiring practices of the city. The employees holding those positions shall be under the direction and control of the parking official or his designee.
- (b) It shall be the duty of each ~~parking meter technician~~ maintenance mechanic or senior parking meter technician to collect revenues from assigned parking meters in the city at the times and in the manner prescribed by the parking official.

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**ARTICLE II. STOPPING, STANDING, PARKING AND OPERATION OF VEHICLES**

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**Sec. 26-83. Veterans' parking privileges.**

- (a) Pursuant to the provisions of Section 681.008 of the Texas Transportation Code, as amended, the exemption from the payment of a parking meter fee for certain veterans and military award recipients shall also apply to payment of a parking fee or penalty imposed by the city for parking in a public parking garage or public

parking lot. Any exemption shall not extend past the time limit applicable to the parking meter or parking garage or lot. This exemption from paying a parking fee or penalty shall not, however, extend to parking reservations and designated valet and short-term hourly parking in Houston Airport System parking lots and parking garages and shall not extend past the time limit applicable to the parking meter. At Houston Airport System parking lots and parking garages, the time limit is set at five consecutive 24-hour periods (days) in the parking garages, and 60 days in the ecopark lots. Parking past the time limit requires payment at the posted daily parking rates for each 24-hour period (day). At parking garages managed by the Houston First Corporation, the exemption does not extend to overnight parking, and parking overnight requires payment at the posted daily parking rate.

- (b) The exemption extended herein shall apply when the vehicle is being operated by or for the transportation of the registrant of the vehicle under the applicable provisions of the Texas Transportation Code. The directors who have jurisdiction over the various city-operated parking garages and lots to which this privilege applies may promulgate rules for the operation of this exemption. The rules shall be consistent with applicable state law and may include, but not be limited to, a requirement that persons requesting free parking provide a registration receipt and driver's license or other evidence that the vehicle is in fact being operated by or for the transportation of the vehicle registrant.

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**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~~ zone beyond the maximum legal parking limit applicable to the parking meter zone.

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**Sec. 26-90. Use of esplanade, median strip or traffic island.**

- (a) It shall be unlawful for any person to ride, operate, leave unattended any animal and/or livestock or park any vehicle on, over or across any esplanade, median strip or traffic island.
- (b) In addition to any applicable fine or penalty, any animal and/or livestock left unattended or vehicle parked upon an esplanade, median strip or traffic island in

violation of this section shall be subject to being removed or towed at the direction of any law enforcement officer or person designated by the parking official.

- (c) The provisions of this section shall not apply to any city employee, city contractor or employee thereof, or any person whose duty it is to maintain the esplanade, median strip or traffic island or any equipment thereon.

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**Sec. 26-93. Parking in excess of 24 hours.**

It shall be unlawful for any person to knowingly leave parked or standing in any public street, alley or other public right of way, or other public place any vehicle for a longer continuous period of time than 24 hours.

**Sec. 26-94. Time limit for trailer and large vehicle parking.**

It shall be unlawful for any person to leave, stand or park a trailer, semi-trailer, large vehicle, pole trailer or house trailer, either attached or unattached to a motor vehicle, on the public streets of the city for a period of time in excess of two hours. It is a defense to prosecution under this section that the large vehicle is:

- (1) Actually in the process of being loaded or unloaded;
- (2) Parked while the driver or operator is performing a service visit;
- (3) Temporarily leased or borrowed for purposes of short-term moving and parked for a period of not more than 72 hours; or
- (4) Parked in area where the city has expressly authorized on-street parking for trailers or large vehicles.

**Sec. 26-95. Parking of commercial and large vehicles prohibited between certain hours.**

It shall be unlawful for any person to park or stand any commercial or large vehicle on or upon the streets between the hours of 2:00 a.m. and 6:00 a.m. except during the act of loading or unloading. It is a defense to prosecution under this section that the commercial or large vehicle is actually in the process of being loaded or unloaded.

**Sec. 26-96. Large vehicle restrictions.**

No person shall park or cause to be parked or permit to remain parked any large vehicle upon any street or highway in any residential district. It is a defense to prosecution under this section that the large vehicle is:

- (1) Actually in the process of being loaded or unloaded;
- (2) Parked while the driver or operator is performing a service visit; or

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- (3) temporarily leased or borrowed for purposes of short-term moving and parked for a period of not more than 72 hours.

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**Sec. 26-98. Parking for certain purposes prohibited.**

No person shall park a vehicle upon any roadway for the principal purpose of:

- (1) Displaying such vehicle for sale or rental.
- (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

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**Sec. 26-100. Blocking bicycle lanes.**

- (a) Definitions. As used in this section, the following terms and phrases shall have the following meanings:

*Approved Bicycle Friendly Driver Training Class* means a class, approved by the parking official, designed to teach violators best practices in considering the road safety of bicyclists and other non-motorists on shared rights-of-way.

*Bicycle* means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain or an integrated motor, and having handlebars for steering and a saddle-like seat. Bicycles includes an "electric bicycle" as defined by Texas Transportation Code section 664.001, as amended, and tricycles.

*Bicycle lane* means a dedicated portion of the roadway separated from motor vehicle traffic with striping and/or physical delineation intended for the exclusive use of bicyclists.

*Bicyclist* means a person riding a bicycle.

- (b) No person shall stop, stand, or park any vehicle upon a bicycle lane. The provision of this subsection shall not apply to on-street bikeways where travel lanes are shared by vehicles and bicyclists and where the city permits on-street parking.
- (c) In lieu of paying a fine pursuant to section 26-10 of this Code, a person who has not previously received a citation for violation of this section may appear for an instanter hearing before an adjudication hearing officer within 30 days of the date of the offense and make a request to take an Approved Bicycle Friendly Driver Training Class. A person who requests to take an Approved Bicycle Friendly Driver Training Class must do so within 90 days of the request being granted and shall return proof of completion within that time period. Upon receiving acceptable proof

of completion, an adjudication hearing officer shall enter a finding of not liable in the case. The presiding judge of the municipal courts department and the parking official are authorized to prescribe rules and regulations for the administration of this section.

- (d) In addition to any applicable fine, any vehicle parked or left in violation of this section shall be subject to being towed to a place of impoundment in the manner provided by law.

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### **ARTICLE III. PARKING METERS**

#### **DIVISION 1. GENERALLY**

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##### **Sec. 26-154. Operation, design, etc., of meters.**

- (a) Parking meters shall be capable of being operated, either electronically or mechanically, upon the deposit therein of United States coinage, and may also accept currency, credit cards, debit cards, digital payment or other forms of payment, based upon the capabilities of the meters installed.
- (b) ~~Except as provided in subsections (c) and (d) of this section, e~~Each parking meter shall be so designed, constructed, installed, and set that, upon the expiration of the time period registered for payment made as provided herein, it will indicate by an appropriate flag, electronic display, or otherwise that the lawful parking meter period has expired, and during such period of time and prior to the expiration thereof, will indicate the interval of time that remains of such period. Where a meter has been installed that controls two or more parking spaces, then the meter shall separately perform the above function for each individual space.
- ~~(c) Where a meter allows payment of time for a parking meter space and prints a written receipt, then the operator shall display such receipt on the dashboard of the parked vehicle in an unobstructed manner.~~
- ~~(d) Where a meter or a parking zone accepts digital payment, a printed receipt is not provided; thus, display of a printed receipt on the dashboard for digital payments is not required~~

##### **Sec. 26-155. When meter regulations effective.**

Parking meters in the established zones shall regulate the parking of vehicles between the hours of 7:00 a.m. and ~~6~~12:00 pa.m. (midnight) on Mondays through Saturdays except legal holidays unless otherwise specified on the meter or applicable signage.

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**Sec. 26-160. Parking meter fees.**

Except as provided by section 32-312(6) of this Code, 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 Demand parking*: A fee to be established by the parking official between a minimum of \$0.31 for each ten minutes and a maximum of \$1.89 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 Economy parking*: A fee shall be established by the parking official between a minimum of \$0.31 for each hour and a maximum of \$1.89 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.

The fees adopted under this provision shall be included in the city fee schedule.

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 demand~~ parking during some times and days and ~~long-term economy~~ parking during other times and days.

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**Sec. 26-227. Display of permit.**

A permit must be conspicuously displayed upon the commercial vehicle for which it is issued so as to be easily visible to any person passing such commercial vehicle on the street or sidewalk while the commercial vehicle is parked in any commercial vehicle loading zone. Any failure to display a permit shall create the presumption that no permit for the commercial vehicle exists. The parking official may accept a valid license plate number on file with the department for each permit holder in lieu of affixing a permit or hanging a permit.

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**Sec. 26-267. Certain conduct unlawful.**

- (a) It shall be unlawful for any person, other than an officer, ~~or~~ employee of the city, or other authorized person 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 26-265(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.

**CHAPTER 16 MUNICIPAL COURTS**

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**ARTICLE IV. ADJUDICATION OF PARKING CITATIONS**

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**Sec. 16-64. Parking citations.**

- (a) The administrative adjudication process for parking, standing 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 compliance 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 an adjudication hearing officer within 30 days from the date of issuance of the citation at such convenient and reasonable hours as may be specified by the adjudication 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 an adjudication hearing officer within 30 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 adjudication hearing officer and shall then be scheduled for a hearing before the adjudication 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.

#### **Sec. 16-64.1. Online adjudication.**

In addition to the information required in section 16-64(c), a citation shall provide that the person charged with a parking, stopping or standing offense may, within ~~seven~~ 30 days of the issuance of the citation, contest the citation online in accordance with procedures established by the director of the municipal courts department. Such procedures will allow the person charged to submit written statements and evidence.

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#### **Sec. 16-66. Hearings.**

- (a) At the hearing before the adjudication hearing officer, the person charged may either admit, admit with explanation, or deny the alleged infraction.
- (b) The issuing peace officer or other authorized parking compliance agent shall not be required to attend the hearing.
- ~~(c) It is not required that the prosecuting attorney attend the hearing. Provided, however, that if the person charged is represented by legal counsel at the hearing, the adjudication hearing officer shall notify the prosecuting attorney who shall have a right to appear on behalf of the city at said hearing.~~
- (c) No formal or sworn complaint shall be necessary. The adjudication hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, and shall hear and review the testimony and evidence presented by the person charged. If the adjudication hearing officer determines by the preponderance of the evidence that the violation was committed by the person charged, he shall find the person charged liable therefor.
- (d) At the conclusion of the hearing, the adjudication hearing officer shall issue an order stating whether or not the person charged is liable for violation of the parking, standing or stopping ordinance and the amount of any fine, costs, or fees assessed against him. The order and all other records of the proceeding shall be filed with the clerk of the municipal court. All such orders shall be kept in a separate index or file by the clerk of the municipal court. The filing of the order and other records of the proceeding shall be kept in accordance with Section 682.009 of the Texas Transportation Code.

- (e) Failure of a person charged with the offense to appear before an adjudication hearing officer within 30 days from the issuance of the citation shall be considered an admission of liability for the charged offense and a default notice shall be issued on that basis. ~~In the event that the person charged elects to appear by posting a bond and obtaining a scheduled hearing at a date and time certain, the failure of the person charged to appear in person or through counsel at the hearing as scheduled shall also be considered an admission of liability and an order may be issued on that basis.~~
- (f) Fines for violations shall be as provided in section 26-10 of this Code. The presiding judge shall establish fines for persons who do not wish to contest their citations and for persons who admit liability under subsection (f), above. The presiding judge shall establish the amount of any added fine that shall be payable if a citation or fine ordered by an adjudication hearing officer is not fully satisfied ~~or a bond is not posted~~ within 30 days from the date of issuance of the citation.
- (g) Court costs shall be payable on all citations in the amounts required by law including, but not limited to, the fees payable under section 16-8 of this Code. The court costs shall be disposed of as provided in section 16-8, or as otherwise provided by law. All other fines and fees shall be deposited in the city treasury as general revenues of the city.
- (h) The clerk of the municipal courts shall cause a video or audio tape record to be made of each hearing and shall retain the tape and any documents introduced at the hearing until the time for an appeal to be filed has expired.