

Chapter 8. AUTOMOTIVE DEALERS AND AUTO WRECKERS

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ARTICLE III. GENERALLY

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Sec. 8-101. Definitions.

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Parking ~~enforcement~~ compliance officer has the meaning ascribed in section 26-2 of this Code.

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Police scene means a place at which (i) an accident has taken place that is subject to a field investigation conducted by a law enforcement officer, (ii) a law enforcement officer has recovered a stolen vehicle, (iii) a vehicle has been abandoned in a roadway, (iv) a custodial arrest by a law enforcement officer has taken place, or (v) a vehicle is otherwise subject to removal or impoundment pursuant to law by a law enforcement officer, parking ~~enforcement~~ compliance officer or personnel designated by the police chief.

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Sec. 8-115. When towing from public property authorized.

No person shall tow, carry or transport any motor vehicle without the consent of the vehicle owner from any public street, alley, road, right-of-way, or park except under the direction and authority of a law enforcement officer acting in his official capacity or a parking ~~enforcement~~ compliance officer or personnel designated by the police chief acting pursuant to section 26-298 of this Code.

Sec. 8-116. Wrecker slip for towing vehicle under direction of law enforcement officer.

(a) Except as otherwise provided in subsection (c) of this section, no person shall tow, carry or transport a motor vehicle under the direction or authority of a law enforcement officer, parking ~~enforcement~~ compliance officer or personnel designated by the police chief unless a wrecker slip has been issued to the wrecker driver by the officer. Such wrecker slip shall be filled out by the law enforcement officer, parking ~~enforcement~~ compliance officer or personnel designated by the police chief on a form designated by the chief of police. The wrecker slip shall contain the following information:

- (1) A complete description of the vehicle to be towed, including the license plate number and the vehicle identification number;
- (2) Any visible damage to the inside or outside of the vehicle;

- (3) Any personal property contained within the vehicle that is visible from outside that vehicle;
- (4) Any visible missing parts or paraphernalia;
- (5) The location from which the vehicle is being towed;
- (6) The date and time the vehicle is picked up by the auto wrecker;
- (7) The reason the vehicle is being towed;
- (8) The police private storage lot or other police designated location to which the vehicle is to be towed;
- (9) The state license plate number of the auto wrecker being used for the tow;
- (10) The signature and employee number of the law enforcement officer, parking enforcement officer or personnel designated by the police chief authorizing the tow; and
- (11) The signature, legibly printed name, and state driver license number of the wrecker driver.

(b) The wrecker driver signing the wrecker slip shall be responsible to account for the vehicle at all times until the vehicle has been accepted by an agent of the destination set out in the wrecker slip. No fee shall be charged for towing any vehicle under the direction and authority of a law enforcement officer, parking enforcement ~~compliance~~ officer or personnel designated by the police chief unless the wrecker driver has obtained a completed wrecker slip. The wrecker driver shall cause the vehicle to be delivered without delay to the location designated on the wrecker slip and may not redirect the vehicle to another destination unless:

- (1) Authorization has been obtained from the operator of the police private storage lot specified on the wrecker slip on a form specified by the police department to take the vehicle to another police private storage lot and the form is delivered to the police private storage lot accepting the vehicle for storage along with the original wrecker slip; or
- (2) Verbal authorization has been given by a supervisor in the auto dealers detail of the police department and noted on the wrecker slip.

(c) In accordance with orders established by the chief of police for that purpose, the signature and employee number of the authorizing officer as required in this section may be affixed to the wrecker slip by the wrecker driver by facsimile. The provisions of this authorization shall be limited to circumstances where the authorizing officer is not present at the police scene but is able to view the police scene from a remote location by televised link and/or able to communicate with the wrecker driver by telephone or radio.

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Sec. 8-120. V.I.N. inspection; transport authorization.

(a) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle without first personally inspecting the manufacturer's permanent vehicle identification number affixed to the motor vehicle to be transported.

(b) It shall be unlawful for any wrecker driver to attach or cause or permit any auto wrecker to be attached to any motor vehicle on which the manufacturer's permanent vehicle identification number has been removed or is not permanently affixed or is not clearly legible or that, upon visual examination of the manufacturer's permanent vehicle identification number, shows any evidence whatsoever of its possibly having been changed, altered or obliterated in whole or in part.

(c) It is a defense to prosecution under subsection (a) or (b) that the wrecker driver obtained, prior to attaching or causing or permitting the auto wrecker to be attached to the transporting vehicle and retained in his possession at all times while transporting the vehicle, a legible written authorization for the transport of the vehicle issued by a law enforcement officer, parking ~~enforcement~~ compliance officer or personnel designated by the police chief setting forth:

- (1) The printed name, signature and badge number, if applicable, of the law enforcement officer, parking enforcement compliance officer or personnel designated by the police chief;
- (2) The state license plate number of the auto wrecker;
- (3) The printed name and signature of the wrecker driver;
- (4) A description of the transported vehicle;
- (5) The place to which the transported vehicle is authorized to be towed; and
- (6) The date upon which the tow is authorized to be conducted.

The aforesaid police or parking ~~enforcement~~ compliance transport authorization shall be required in addition to any other authorization required by law for the transportation of the vehicle, and the possession of a wrecker slip issued under section 8-116 of this Code shall not constitute a defense under this subsection. An authorization issued under this subsection shall only be a defense for the transport of the vehicle designated thereon by the wrecker driver and auto wrecker identified thereon to the place designated thereon on the date authorized thereon.

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Sec. 8-124. Oral report to police of tows authorized by persons other than vehicle owner.

Whenever a wrecker driver is authorized to pick up and tow any vehicle when such authorization was given by someone other than the vehicle owner, the wrecker driver shall make an oral or electronic report to the police department within one hour of the time the vehicle

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was picked up. An electronic report shall be filed using an authorized electronic reporting system implemented by the police department. In an oral report the wrecker driver shall inform the police department of the license plate number of the vehicle towed, its vehicle identification number, the location from which the vehicle was towed, the date and time the vehicle was towed, and the location to which the vehicle was towed. This section shall not apply when the vehicle was towed pursuant to authorization by a city police officer, a parking enforcement compliance officer or personnel designated by the police chief acting pursuant to section 26-298 of this Code and the wrecker driver has signed the copy of the wrecker slip retained by the city police department.

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Chapter 16. MUNICIPAL COURTS

ARTICLE IV. ADJUDICATION OF PARKING CITATIONS

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Sec. 16-61. Jurisdiction.

The municipal courts department shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles II, IV ~~and VI, XI and XII~~ and division 1 of article III of chapter 26 of this Code and of offenses involving the parking or stopping of a vehicle that arise under the Fire Code of the city.

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Chapter 26. PARKING

ARTICLE I. IN GENERAL

DIVISION 1. ~~PARKING MANAGEMENT~~ PARKHOUSTON

Sec. 26-1. Short title.

This chapter may be known and cited as the Parking Ordinance.

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:

* * *

Commercial vehicle signage means one or more magnetic signs or painted letters or decals 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.

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Meter or pay station means ~~a parking meter that has been installed by or on authority of the city~~ any mechanical or electronic device that the City places or erects on property for the purpose of managing and controlling the use of paid parking spaces and that requires payment for use. Where the term “meter” appears in this chapter, the reference also includes a pay station where applicable.

* * *

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

~~Parking management division~~ 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, and such other parking responsibilities as may be designated by the director from time to time.

~~Parking meter collector~~ technician means an employee of the department assigned to collect revenue from and perform ~~repair and~~ 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.

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Senior parking meter technician means an employee of the department assigned to repair, service, install and troubleshoot operational issues with the parking meters.

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Sec. 26-4. General powers and duties of parking official.

The parking official has responsibility for the enforcement of this chapter, with the exception of article VIII, as more particularly provided herein. It shall be the duty of the parking official to direct, control and manage all on-street parking in residential and commercial areas.

The parking official shall:

- (1) Supervise and be responsible for the collection and maintenance of on-street parking meters and any city-owned and city-maintained public off-street parking meters authorized under this chapter.

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- (2) Be authorized to enforce all parking regulations of this chapter and the Texas Transportation Code.
- (3) Maintain effective liaison and coordination with other governmental units that are active participants in the city's parking program.
- (4) Prepare reasonable and necessary administrative rules, regulations and forms relating to the performance of duties under this chapter for approval by the director.
- (5) Maintain a system to issue and track permits, ~~and licenses,~~ and citations.
- (6) Carry out the policies of the mayor in the overall planning effort to develop a reliable and efficient method of managing on-street parking and public off-street parking meters.
- (7) Have such other duties and responsibilities as may be assigned by the mayor.

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Sec. 26-6. Parking enforcement compliance officers.

(a) Parking ~~enforcement~~ compliance officers 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 ~~enforcement~~ compliance officers shall not have any power of arrest under the authority conferred by this section nor shall they have the authority to order a vehicle removed or impounded for violation of the provisions of this chapter except pursuant to section 26-298 of this Code. Parking ~~enforcement~~ compliance officers 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.

Sec. 26-7. Parking meter ~~collectors~~ technicians.

(a) There shall be employment positions within ~~the parking management division~~ ParkHouston for persons who shall be known as "parking meter ~~collectors~~ technicians" or "senior parking meter technicians." The parking meter ~~collectors~~ technicians 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.

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(b) It shall be the duty of each parking meter ~~collector~~ technician 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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Sec. 26-10. Penalty for violation of chapter.

(a) It is a criminal offense for any person to violate any of the provisions of this chapter other than the provisions of articles II, IV, VI, ~~or XI~~ or XII of this chapter or of division 1 of article III of this chapter. Every person convicted of violating any of those provisions of this chapter for which another penalty is not specifically provided shall be punished by a fine of not less than \$1.00 nor more than \$200.00; provided that the penalty for violation of any provision of Article X (Immobilization ("Booting") of Vehicles) of this chapter shall be a fine of not less than \$300.00 nor more than \$500.00; further provided, however, that no penalty shall be greater or less than the penalty for the same offense under the laws of this state.

(b) It is a civil offense for any person to violate any of the provisions of Article II (Stopping, Standing, Parking and Operation of Vehicles), Division 1 of Article III (Parking Meters), Article IV (Commercial Vehicle Loading Zones), ~~Article VI~~ (Residential Parking Permits), ~~or Article XI~~ (Parking Benefit Districts) or Article XII (Community Parking Program) of this chapter. Unless another fine is specifically provided by this Code or by state law, the penalty for violation of any of the aforesaid civil offense provisions shall be as follows:

Violation Of	Civil Fine
Article II (except for section 26-88) Article III, Division 1 Article VI Article XI <u>Article XII</u>	\$1.00—\$200.00
Article II, Section 26-88	\$500.00—\$750.00
Article IV	\$200.00—\$500.00

(c) For violations under this chapter that are of a continuing nature, each day that the violation shall continue shall constitute a separate offense.

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Sec. 26-156. Manner of parking in meter zones.

Within the parking meter zones, all vehicles shall be parked parallel to the curb, unless otherwise indicated on the meter or by signage, curb markings, or other control system applicable to the meter. For parallel parking, no part of the curb side of the vehicle shall be parked at a distance greater than 18 inches from the curb. Where one parking meter has been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that the front of the vehicle is located opposite the parking meter. Where two meters have been installed on the meter pole for parallel parking, vehicles shall be parked along the curb so that

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either the front or rear of the vehicle is located opposite the parking meter, as applicable, based upon the relation of the meter locations to the parking spaces. Where a meter has been installed that controls two or more parking spaces, then the vehicles shall be parked in accordance with the signage, ~~curb markings~~, or other control system applicable to the meter.

* * *

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* ~~(not to exceed 4 hours)~~: 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 parking ~~(over 4 hours)~~: 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 parking during some times and days and long-term parking during other times and days.

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Sec. 26-185. Closing of meters.

If the parking official issues a permit, ~~parking management division~~ ParkHouston personnel shall officially mark the meter or meters for the duration of the permit. Depending upon the type and number of affected metered spaces and meters, the official marking may be in the form of meter bags, signage, or other indicia to indicate that the affected meter spaces are not available for public use.

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Sec. 26-186. Prohibited activities.

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

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

(c) It is unlawful for a person who is not a ~~parking management division~~ ParkHouston employee to remove or tamper with any official marking placed under section 26-185 of this Code.

(d) Violation of this division is unlawful and shall be punishable as provided in section 1-6 of this Code.

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ARTICLE VI. RESIDENTIAL PARKING PERMITS

DIVISION 1. GENERALLY

Sec. 26-291. Definitions.

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

Commuter vehicle means a motor vehicle, other than a “resident vehicle” as defined herein, that is parked in a residential area in which it is not registered with the Texas Department of Transportation.

Curbside parking space means 20 linear feet of curb, excluding those portions of the curb where the parking of any motor vehicle is not permitted.

One-day visitor permit means a permit that is valid for one 24-hour period to allow a commuter vehicle to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited.

Permit means a current and valid permit issued under division 3 of this article.

Resident means the owner or tenant of residential property in a residential area or the tenant of an apartment complex with not more than ~~16~~ eight units in a residential area.

Resident vehicle means a motor vehicle parked in a residential area in which it is registered with the Texas Department of Transportation.

Residential means pertaining to the use of land for premises such as single-family homes, duplexes, condominiums, and apartment complexes with eight or fewer

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units, that contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, apartment complexes with nine or more units, boardinghouses and day care centers shall not be considered to be residential.

Residential area means a contiguous area containing or bounded by public streets or parts thereof abutted by residential property occupying at least 75 percent of the front footage along the blockface, exclusive of vacant property that is not restricted by deed, covenant, plat or otherwise to residential use. A residential area may be one or more blockfaces within a larger residential area, provided that the parking official can consider a street of 500 feet in length or greater to be two blockfaces of approximately equal length for purposes of this article if requested by the applicants.

Residential parking permit area means an area designated pursuant to division 2 of this article.

Service provider permit means a permit that is valid for use in a commuter vehicle operated by an individual who provides one or more services, such as healthcare, housekeeping, child care, etc., to a resident.

Visitor permit means a permit that will allow a commuter vehicle to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited.

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Sec. 26-293. Offenses.

(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.

(b) It shall be unlawful for any person to represent in any fashion that a motor vehicle is entitled to a permit authorized by this article when it is not so entitled. The display of a permit on a motor vehicle not entitled to the permit shall constitute such a representation.

(c) It shall be unlawful for any person to modify, duplicate, or attempt to duplicate, by any means, a permit authorized by this article. It also shall be a violation of this article for any person to display on any motor vehicle a modified or duplicate permit.

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Sec. 26-298. Removal of vehicle.

Pursuant to Texas Occupations Code Section 2308.354(a), in a residential parking permit area designated by the traffic engineer as a tow-away zone, a parking ~~enforcement~~ compliance officer or personnel designated by the police chief may authorize the towing of a

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vehicle parked in violation of this article. When a vehicle is towed pursuant to this section, the Houston Police Department shall be the responsible law enforcement agency for purposes of section 8-117 of this Code.

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DIVISION 3. PERMITS

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Sec. 26-344. Number of permits allowed.

(a) Each residential unit may obtain permits annually according to the following schedule:

Permit Type	Number of Permits Allowed Annually
Residential Unit Decal	No limit for vehicles registered to RPP address
Visitor Hangtag	4
Service Provider Hangtag	2
One-Day (24-Hour) Visitor (24-Hour) Hangtag	100

(b) Each residential unit may obtain two service provider permits.

(c) Each residential unit is limited to ~~five packs of~~ 100 one-day (24-hour) visitor permits per year, ~~with each pack containing 20 permits.~~

Sec. 26-346. Display of permits.

(a) Each residential unit ~~decal~~ 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, unless otherwise provided by the parking official pursuant to subsection (c) of this section. A residential unit ~~decal~~ permit that is not permanently adhered shall not be a valid permit.

(b) Each visitor and service provider ~~hangtag~~ permit shall be displayed inside the motor vehicle hanging from the rear-view mirror so that the permit is easily visible from outside the motor vehicle, unless otherwise provided by the parking official pursuant to subsection (c) of this section.

(c) The parking official may accept a valid license plate number on file with the department for each permit holder in lieu of affixing a residential unit permit or hanging a visitor or service provider permit.

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ARTICLE VII. VALET PARKING SERVICES

DIVISION 1. GENERAL

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Sec. 26-372. Prohibited activities.

(a) It is unlawful for any person to provide valet parking service without a valet parking service permit issued by the city. It shall be an affirmative defense to prosecution under this subsection that the operation of a valet parking service occurs on private property and does not use any portion of a roadway for a pick-up and drop-off point or as a valet parking storage location, save for incidental use of the roadway in driving vehicles to and from a pick-up and drop-off point on private property and a valet parking storage location not located on any portion of a roadway.

(b) It is unlawful for a permittee to operate, or cause to be operated, a valet parking service in violation of any term of a permit.

(c) It is unlawful for any permittee to fail to display a permit or a true copy thereof as required by this article. In any prosecution under this article, it shall be presumed that there is no permit if the permit or a true copy thereof is not properly displayed.

(d) It is unlawful for any permittee to park a vehicle or to cause or allow a vehicle to remain parked at any curbside parking space or any other portion of the roadway within the central business district in the course of providing valet parking service. Any person who violates any provision of this subsection shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of not less than \$150.00 nor more than \$500.00 for each violation. Each act of parking a vehicle in violation of this subsection shall constitute and be punishable as a separate offense. A violation of this subsection is a penal offense and shall not be subject to civil adjudication pursuant to article IV of chapter 16 of this Code. Parking enforcement compliance officers are authorized to issue written citations to persons violating this subsection.

(e) It is unlawful for any permittee to utilize any place on the roadway that is not a valet zone as a pick-up and drop-off point. It shall be an affirmative defense to prosecution under this subsection that the valet parking service is provided for a special event for which notice has been provided to the parking official pursuant to section 26-450 of this Code, or that the valet parking service operator is making reasonable accommodations for persons with disabilities who are utilizing the valet parking service.

(f) It is unlawful for any permittee to fail to identify a vehicle as required by section 26-412(10) of this Code.

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ARTICLE XI. PARKING BENEFIT DISTRICTS

DIVISION 1. GENERALLY

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Sec. 26-701. Definitions.

As used in this article, the following terms and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

Business owner means a person who holds title to or leases property for the purpose of operating or engaging in a trade, occupation, profession or other lawful commercial activity.

Business establishment means any building or portion thereof that contains one or more commercial uses other than a residential use.

City parking facility means property that is owned or controlled by the city and that is used, wholly or partially, for off-street motor vehicle parking, including, but not limited to, a parking lot, a surface lot, or a parking garage.

Greater Southeast Management District means the district created by Chapter 3815 of the Texas Special District Local Laws Code, as amended.

Museum Park means all streets included and bounded by IH US 59 to the north, from Eagle Street where it meets IH US 59 to Crawford Street to Blodgett Street to Chenevert Street to Ewing Street to Jackson Street to the east, Hermann Drive to the south, and Main Street to the west, and is further described in Exhibit A to Ordinance No. 2019-_____.¹

Notice owner means the owner of real property as shown on the records of the tax appraisal district in the county in which the property is located.

On-street (also "curbside") parking space means a curbside parking space on the public right-of-way, excluding those portions of the right-of-way where the parking of any motor vehicle is prohibited.

~~*Parking benefit district* means an area designated pursuant to this article in which on-street curbside parking spaces or parking spaces on a city parking facility are metered or restricted to parking by permit only~~ *a portion of permit fees and meter revenue is returned to the district to finance improvements that enhance the quality of life and promote walking, cycling, and the use of public transportation within the boundaries of the defined parking benefit district.*

Permit, parking permit, or parking benefit district permit means a current and valid permit issued under division 3 of this article.

Projects shall include, but not be limited to, public amenities that enhance the quality of life and public safety in the parking benefit district, such as: increased security, sidewalk and pedestrian walkway improvements, street maintenance, street lights, landscaping, parking studies, parking facilities, improvements that promote walking,

¹ City Secretary/Editor shall insert the number of this Ordinance.

cycling, and the use of public transportation, and information to identify and inform the public of the ~~Washington Avenue Corridor~~ a parking benefit district.

Resident means the owner or tenant of residential property.

Residential has the meaning prescribed in section 26-291 of this Code.

Washington Avenue Corridor means all streets included and bounded by Center Street to the north, Houston Street to the east, Lillian Street to the south, and Westcott Street to the west, and is further described in Exhibit A to Ordinance No. 2012-1097.

Sec. 26-702. Compliance with other laws.

A parking permit issued pursuant to this article does not excuse compliance with any other provisions of state law or this Code relating to parking, including but not limited to, parking meter payment, "no parking" signs and restricted parking for persons with disabilities.

Sec. 26-703. ~~Offenses.~~ [moved to section 26-728]

~~(a) It is unlawful for any person to park a motor vehicle without a permit in a designated parking area in a parking benefit district on any day or during any hours for which parking is allowed only by a permit issued under division 3 of this article as indicated by one or more official signs posted in a parking benefit district.~~

~~(b) It is unlawful for any person to falsely represent in any fashion that he is entitled to a permit authorized by this article when he is not eligible for such a permit. The display of a parking benefit district permit by a person not eligible for such a permit shall constitute such false representation.~~

~~(c) It is unlawful for any person to duplicate, or attempt to duplicate, a permit authorized by this article or to display on any motor vehicle a forged or duplicated permit.~~

Sec. 26-704. ~~Defenses.~~ [moved to section 26-729]

~~It is an affirmative defense to civil prosecution for violation of this article that the motor vehicle parked in an area restricted to permit parking within a parking benefit district was:~~

- ~~(1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in a parking benefit district;~~
- ~~(2) A motor vehicle clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, and then being used in the course of official government business;~~
- ~~(3) An authorized emergency vehicle; or~~
- ~~(4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical~~

~~and plumbing service motor vehicles then being used to conduct business at a residence or business establishment in a parking benefit district.~~

Sec. 26-705. Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. The authority granted by this article is cumulative of the powers granted by this chapter and does not limit the authority of the traffic engineer or other officers authorized to regulate traffic.

Sec. 26-706. Removal of vehicle.

A parking enforcement ~~compliance~~ officer or personnel designated by the police chief may authorize the towing of a vehicle parked in a tow-away zone restricted to parking by permit only in violation of this article, and in the event of such tow, the police department shall be the responsible law enforcement agency for purposes of section 8-117 of this Code.

Secs. 26-707—26-710. Reserved.

DIVISION 2. DESIGNATION OF WASHINGTON AVENUE CORRIDOR AS A PARKING BENEFIT DISTRICT

Sec. 26-711. Designation of district; time limit; continuation, modification or termination of district.

~~(a) City council hereby designates the Washington Avenue Corridor as a parking benefit district for a period ending on the 180th day following the first anniversary of the effective date of its designation (December 12, 2012), provided that the parking benefit district shall continue after the expiration of this period unless city council takes action to terminate the district.~~

(b) As soon as practicable after the time period provided in subsection (a) of this section:

- (1) The director shall report to city council on the effectiveness of the parking benefit district and provide his recommendations for continuation, modification or termination of the district; and
- (2) The Washington Avenue Corridor Advisory Committee created in division 4 of this article may make recommendations to the mayor and city council regarding modifications to the parking benefit district.

(c) Upon recommendation from the traffic engineer, city council may modify or terminate the parking benefit district ~~prior to or after the time period provided in subsection (a) of this section~~ if the traffic engineer determines that termination or modification is necessary for public safety or mobility purposes.

Sec. 26-712. Parking regulations.

(a) The traffic engineer shall develop parking regulations that establish the days of the week and the times of day that parking meters shall be operational and the days of the week and the times of day that parking shall be restricted to parking by permit only in ~~a~~the Washington Avenue Corridor parking benefit district.

(b) The traffic engineer, in consultation with the parking official, shall designate the areas within ~~a~~the Washington Avenue Corridor parking benefit district in which a resident and/or a business owner who receives a parking permit may park.

Sec. 26-713. Notice of designation.

(a) Within ten days following the effective date of designation of ~~a~~the Washington Avenue Corridor parking benefit district, the parking official shall mail written notice to:

- (1) Each notice owner and the occupant of every address within the designated parking benefit district; and
 - (2) Each notice owner and the occupant of every address within 500 feet outside of the boundary of the parking benefit district.
- (b) The written notice shall contain the following information:
- (1) The existence and boundaries of the parking benefit district;
 - (2) The effective date of the parking regulations;
 - (3) The location of the metered parking spaces; and
 - (4) The location of the parking spaces restricted to parking by permit only.

(c) In the event that the boundaries of the district change or additional contiguous areas are restricted to permit parking, the parking official shall mail a written notice containing the same information as set forth in subsection (b) of this section to:

- (1) Each notice owner and the occupant of every address within the newly designated parking benefit district boundaries or additional contiguous areas restricted to permit parking; and
- (2) Each notice owner and the occupant of every address within 500 feet of the newly designated parking benefit district boundaries or additional contiguous areas restricted to permit parking.

Sec. 26-714. Disposition of revenue.

(a) All fees and revenues generated from the use of parking meters in a parking benefit district and the issuance of permits under this article shall be allocated to the parking

benefit district. All fees and revenues generated from the issuance of parking citations in a parking benefit district shall be allocated to the parking management special revenue fund.

(b) All the total combined fees and revenue of a parking benefit district and the parking management special revenue fund shall be first expended to defray the total administrative costs, signage, enforcement, debt service, and the installation, operation and maintenance of parking meters placed in service in a parking benefit district on or after the effective date of designation of the parking benefit district. The total administrative costs shall be shared and paid by a parking benefit district and from the parking management special revenue fund in proportion to the total combined fees and revenue generated by or deposited into each respectively for the previous year.

(c) Sixty percent of fees and revenues in excess of the total administrative costs shall be applied to the projects recommended by the advisory committee. The remaining funds shall be deposited in the parking management special revenue fund.

(d) The threshold amount of net revenue (the remaining total combined fees and revenue of a parking benefit district and the parking management special revenue fund after the total administrative costs are paid) that must be generated before a project may be initiated is \$100,000.

(e) Fees and revenue generated from a parking benefit district may be used in conjunction with other public funds or public-private partnership funds available for projects to benefit the district.

(f) In the event that a parking benefit district is terminated, any fees and revenues generated from the use of parking meters in the parking benefit district that have not been expended shall be transferred to the parking management special revenue fund.

Sec. 26-715. Surrounding area may be designated as a residential parking permit area.

Areas within 1,000 feet outside of the boundary of the Washington Avenue Corridor may be designated as a residential parking permit area pursuant to article VI of chapter 26 of this Code.

Secs. 26-716—26-720. Reserved.

DIVISION 3. PERMITS FOR WASHINGTON AVENUE CORRIDOR PARKING BENEFIT DISTRICT

Sec. 26-721. Parking benefit district permit application; issuance.

(a) Any resident of or business owner within a parking benefit district may submit an application for no more than one parking benefit district permit for each residential address or business establishment to the parking official in a form promulgated by the director for that purpose, which shall include the following:

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- (1) The applicant's name, telephone number, and the applicant's residential or business address located within the parking benefit district;
- (2) Proof that the applicant is a resident of the parking benefit district in the form of:
 - a. A valid Texas driver's license, or personal identification card issued by the Texas Department of Public Safety, showing the applicant's current residential address within the parking benefit district; and
 - b. A recent utility bill acceptable to the director showing the applicant's address within the parking benefit district;
- (3) Proof that the applicant is a business owner in the parking benefit district in the form of:
 - a. A true and correct copy of a valid certificate of occupancy of the applicant's business establishment within the parking benefit district; or
 - b. A recent utility bill acceptable to the director showing the applicant's business address within the parking benefit district; or
- (4) Any other information reasonably required by the director to ensure compliance with the requirements of this article.

(b) Upon submission of a complete application for a parking benefit district permit and payment of the fee prescribed in the city fee schedule for this provision, an applicant shall be entitled to receive no more than one parking benefit district permit for each residential or business establishment address described in the application, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant.

Sec. 26-722. Permits.

Motor vehicles with a permit issued under this article may park in a designated area restricted to permit parking in a parking benefit district during the days and times as established by the traffic engineer pursuant to section 26-712 of this Code.

Sec. 26-723. Effect of issuance of permit.

(a) A parking permit shall be valid for one year from its date of issuance and shall not be transferable. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee ~~at least 30 days prior to the expiration of the permit~~. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a permit that has been revoked pursuant to section 26-724 of this Code shall not be reissued for a period of two years from the date of revocation.

(b) No parking permit shall be issued to a person who is neither a resident nor a business owner within a parking benefit district.

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(c) A parking permit issued to a resident or business owner of a parking benefit district who no longer qualifies for a parking permit is void and use thereof shall constitute an offense.

~~(d) An applicant may obtain a replacement parking permit during its valid term in the same manner and for the same fee as the original parking permit by providing the parking official a police report for a stolen permit or an affidavit for a destroyed or lost permit. The replacement permit shall be valid only for the remainder of the original term of the original parking permit.~~

~~(d)(e)~~ A permit does not guarantee or reserve a parking space within a parking benefit district. A permit issued pursuant to this article does not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

~~(e)(f)~~ Whenever the holder of a permit is not in compliance with one or more of the applicable provisions of this article controlling the issuance or renewal of permits, the holder shall notify the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

~~(f)(g)~~ Until its expiration, surrender or revocation, a parking benefit district permit shall remain valid for the length of time the holder continues to reside or own and/or operate a business within a parking benefit district.

~~(g)(h)~~ A permit shall be valid only in the parking benefit district for which it is issued.

~~(h)(i)~~ Nothing in this article shall be construed to supersede the parking regulations of an area that is designated as a residential parking permit area.

Sec. 26-724. Revocation of permit.

In addition to the penalties provided for violation of this article, the parking official shall revoke the parking permit of any individual found to have committed three or more violations of this article within any preceding 12-month period. Upon a determination by the parking official that a person who holds a permit has been adjudicated to have committed three or more such violations within the prescribed period, the parking official shall provide written notification to such person by certified mail, return receipt requested, revoking the permit and ordering the surrender of such permit to the parking official. Failure to surrender a revoked permit when ordered to do so constitutes a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender the permit.

Sec. 26-725. Permit fees.

(a) The annual fee for each parking benefit district permit is stated for this provision in the city fee schedule.

(b) The parking official shall not issue any permit unless and until the applicable fee identified in this section has been paid.

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Sec. 26-726. Display of permit.

Each permit shall be conspicuously displayed upon a motor vehicle so as to be easily visible to any person passing the vehicle on the street or sidewalk while the vehicle is parked in an area designated for parking by permit in a parking benefit district. Any failure to display a permit shall create a presumption that no permit exists.

Sec. 26-727. Adjudication.

Cases involving violations of the parking provisions of this division shall be heard by adjudication hearing officers of the municipal courts department.

Sec. 26-728. Offenses.

(a) It is unlawful for any person to park a motor vehicle without a permit in a designated parking area in a parking benefit district on any day or during any hours for which parking is allowed only by a permit issued under division 3 of this article as indicated by one or more official signs posted in a parking benefit district.

(b) It is unlawful for any person to falsely represent in any fashion that he is entitled to a permit authorized by this article when he is not eligible for such a permit. The display of a parking benefit district permit by a person not eligible for such a permit shall constitute such false representation.

(c) It is unlawful for any person to duplicate, or attempt to duplicate, a permit authorized by this article or to display on any motor vehicle a forged or duplicated permit.

Sec. 26-729. Defenses.

It is an affirmative defense to civil prosecution for violation of section 26-728(a) of this Code that the motor vehicle parked in an area restricted to permit parking within a parking benefit district was:

- (1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in a parking benefit district;
- (2) A motor vehicle clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, and then being used in the course of official government business;
- (3) An authorized emergency vehicle; or
- (4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical and plumbing service motor vehicles then being used to conduct business at a residence or business establishment in a parking benefit district.

Secs. 26-730—26-740. Reserved.

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DIVISION 4. WASHINGTON AVENUE CORRIDOR ADVISORY COMMITTEE

Sec. 26-741. Created.

There is hereby created a Washington Avenue Corridor Advisory Committee to make recommendations to the mayor and city council on issues relating to the parking benefit district, including: potential projects to be funded with revenue generated from the parking benefit district, the timing and order of such projects, changes to the parking meter and permit fees, and the allocation and management of permits.

Sec. 26-742. Members; chair.

(a) The committee shall consist of no less than five and no more than nine regular members and five nonvoting ex officio members.

(b) The regular members shall be business owners ~~and~~ or residents of the Washington Avenue Corridor who have an interest in the parking issues affecting the Washington Avenue Corridor and are at least 18 years of age. A majority of the regular members shall be business owners. The regular members shall be appointed by the mayor and confirmed by the city council. The mayor shall designate the committee chair from among the regular members of the committee. At the first meeting of the committee, the regular members shall elect a vice chair who shall perform the duties of the chair when the chair is absent or unable to perform such duties.

(c) The ex officio members shall be:

- (1) The director of the department of administration and regulatory affairs or his designee, who shall also serve as secretary to the committee;
- (2) The director of the public works and engineering department or his designee;
- (3) The director of the planning and development department or his designee;
- (4) The chief of police or his designee; and
- (5) A representative from the office of the mayor.

Sec. 26-743. Terms of members; dissolution of committee.

(a) Unless city council takes action to terminate a parking benefit district, regular members shall serve until the 180th day after the first anniversary of the effective date of designation of the parking benefit district and shall continue in office until their successors are appointed and qualified. As soon as practicable after the 180th day following the first anniversary of the effective date of designation of a parking benefit district, the mayor shall appoint or reappoint and city council shall confirm, regular members to serve on the committee for a term of two years.

(b) If a regular member moves his actual residence from or is no longer a business owner in the Washington Avenue Corridor during the term of his appointment, that person shall

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be disqualified from membership on the committee and his position shall become vacant effective simultaneously with such change in residency or business ownership.

(c) A vacancy in the position of a regular member shall be filled for the unexpired term by appointment by the mayor and confirmation by city council.

(d) In the event that a parking management district, a redevelopment authority, a tax increment and reinvestment zone or similar entity is created for or in the Washington Avenue Corridor or any portion thereof, the advisory committee shall be dissolved and such newly created entity shall assume the duties and responsibilities of the advisory committee.

Sec. 26-744. Compensation

The members of the committee, in the performance of their duties as such, shall serve without compensation, provided that any member who is a city employee shall continue to receive his regular compensation while serving on the committee.

Sec. 26-745. Meetings; quorum; absence from meetings.

(a) The committee shall meet from time to time at the call of the committee chair, provided that the committee shall meet not less than five times during the period provided in section 26-711 of this Code. All meetings of the committee shall be conducted in accordance with the Texas Open Meetings Act.

(b) A majority of the regular members of the committee shall constitute a quorum for the transaction of business; however, in the event of a vacancy on the committee, a majority of the remaining regular members of the committee shall constitute a quorum for the transaction of business.

(c) Three successive unexcused absences from the regularly scheduled meetings, after due notice served by telephone, mail, or electronic mail of the time and place of such meetings, shall automatically terminate membership on the committee. Absences may be excused only by a majority of the committee members present and voting at any scheduled meeting.

Sec. 26-746. Procedures.

The committee shall adopt administrative procedures applicable to its own governance as are necessary or convenient to accomplish the purposes set out in this division.

Secs. 26-747—26-750. Reserved.

DIVISION 5. DESIGNATION OF MUSEUM PARK AS A PARKING BENEFIT DISTRICT

Sec. 26-751. Designation of district; time limit; continuation, modification or termination of district.

(a) City council hereby designates Museum Park as a parking benefit district for a period ending on the 180th day following the first anniversary of the effective date of its

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designation (_____)², provided that the parking benefit district shall continue after the expiration of this period unless city council takes action to terminate the district.

(b) As soon as practicable after the time period provided in subsection (a) of this section:

(1) The director shall report to city council on the effectiveness of the parking benefit district and provide his recommendations for continuation, modification or termination of the district; and

(2) In consultation with the Museum Park Advisory Committee, the Greater Southeast Management District may make recommendations to the mayor and city council regarding modifications to the parking benefit district.

(c) Upon recommendation from the traffic engineer, city council may modify or terminate the parking benefit district prior to or after the time period provided in subsection (a) of this section if the traffic engineer determines that termination or modification is necessary for public safety or mobility purposes.

Sec. 26-752. Disposition of revenue.

(a) All fees and revenues generated from the use of parking meters installed in the parking benefit district and the issuance of permits in the Museum Park Community Parking Program Area under article XII of this chapter shall be allocated to the parking benefit district after the threshold amount of gross revenue generated by the parking benefit district exceeds \$524,000 annually. All fees and revenues generated from the issuance of parking citations in the parking benefit district shall be allocated to the parking management special revenue fund.

(b) All the total combined fees and revenue of the parking benefit district and the parking management special revenue fund shall be first expended to defray the total administrative costs, signage, enforcement, debt service, and the installation, operation and maintenance of parking meters placed in service in the parking benefit district on or after the effective date of designation of the parking benefit district. The total administrative costs shall be shared and paid by a parking benefit district and from the parking management special revenue fund in proportion to the total combined fees and revenue generated by or deposited into each respectively for the previous year.

(c) Sixty percent of fees and revenues in excess of the total administrative costs shall be allocated to projects for the sole benefit of the parking benefit district. The remaining funds shall be deposited in the parking management special revenue fund.

(d) The city may enter into agreements with the Greater Southeast Management District, subject to city council approval, to manage projects to be funded with revenue generated by the parking benefit district.

² City Secretary/Editor shall insert the effective date of this Ordinance.

(e) Fees and revenue generated from the parking benefit district may be used in conjunction with other public funds or public-private partnership funds available for projects to benefit the district.

(f) In the event that the parking benefit district is terminated, any fees and revenues generated from the use of parking meters and the issuance of permits in the parking benefit district that have not been expended shall be transferred to the parking management special revenue fund.

Sec. 26-753. Museum Park Advisory Committee

(a) Prior to the city entering an agreement with the Greater Southeast Management District pursuant to section 26-752(d) of this Code, the Greater Southeast Management District shall create a Museum Park Advisory Committee to make recommendations to the mayor and city council on issues relating to the parking benefit district, including: potential projects to be funded with revenue generated from the parking benefit district, the timing and order of such projects, changes to the parking meter and permit fees, and the allocation and management of permits.

(b) The committee shall consist of no less than five and no more than nine regular members and five nonvoting ex officio members. The regular members shall be business owners or residents of Museum Park who have an interest in the parking issues affecting Museum Park and are at least 18 years of age. A majority of the regular members shall be representatives of the Museum Park Super Neighborhood, with at least one member being a representative from the executive committee of the Museum Park Super Neighborhood. At least one of the regular members must be a representative from the Houston Museum District Association. The Southeast Management District shall provide a list of the committee members to the parking official.

(c) The ex officio members shall be:

- (1) The director of the department of administration and regulatory affairs or his designee;
- (2) The director of the public works and engineering department or his designee;
- (3) The director of the planning and development department or his designee;
- (4) The chief of police or his designee; and
- (5) A representative from the office of the mayor.

(d) All meetings of the committee shall be conducted in accordance with the Texas Open Meetings Act.

(e) In the event that a Museum Park Advisory Committee is not created by the Greater Southeast Management District in accordance with this section, there shall be a Museum Park Advisory Committee consisting of members as provided by this section, with the

regular members appointed by the mayor and confirmed by city council. The committee shall comply with this section and the provisions of division 4 of this article as applicable.

(f) The provisions of this section shall terminate if the Museum Park Parking Benefit District is terminated.

Secs. 26-754—26-760. Reserved.

ARTICLE XII. COMMUNITY PARKING PROGRAM

DIVISION 1. GENERALLY

Sec. 26-761. Definitions.

As used in this article, the following terms and phrases shall have the following meanings, except where the context clearly indicates a different meaning:

Business means a recognized legal entity actively engaged in a trade, occupation, profession or other lawful commercial activity; the term shall include any lawful organization, such as a corporation, partnership, or other similar entity.

Business parking permit means a permit issued under division 3 of this article to a business owner, an agent of a business, or an employee of a business in a community parking program area.

Community parking program area means the following areas designated pursuant to division 2 of this article:

- (1) Zone 1: all streets included and bounded by IH US 59 to the north, Montrose Street to the east, Bissonnet Street to the south and Graustark Street to the west, as further described in Exhibit B to Ordinance No. 2019-_____.³
- (2) Zone 2: all streets included and bounded by IH US 59 to the north, SH 288 to the east, Hermann Drive to the south, and Main Street to the west, further described in Exhibit C to Ordinance No. 2019-_____.⁴

Dwelling unit means a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

Guest means any person visiting a resident in a community parking program area and who solely by reason of that visit needs a temporary place to park. The term "guest" does not mean or include a person who uses or attempts to use a permit to park

³ City Secretary/Editor shall insert the number of this Ordinance.

⁴ City Secretary/Editor shall insert the number of this Ordinance.

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in a community parking program area while he or she attends school, college or work in or near the community parking program area.

Multi-family means pertaining to the use of land for premises, such as condominiums or apartment complexes, with one or more buildings on a parcel designed for and containing an aggregate of between nine and 125 dwelling units.

On-street (also "curbside") parking space means a curbside parking space on the public right-of-way, excluding those portions of the right-of-way where the parking of any motor vehicle is prohibited.

Permit or parking permit means a current and valid permit issued under division 3 of this article.

Resident means the owner or tenant of residential property or a dwelling unit in a multi-family property.

Residential means pertaining to the use of land for premises such as single-family homes, duplexes, condominiums and apartment complexes with eight or fewer dwelling units, which contain habitable rooms for nontransient occupancy and are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels, boardinghouses and day care centers shall not be considered to be residential.

Resident parking permit means a permit issued under division 3 of this article to a resident in a community parking program area.

Sec. 26-762. Compliance with other laws.

A parking permit issued pursuant to this article does not excuse compliance with any other provisions of state law or this Code relating to parking, including but not limited to, "tow-away zone" and "no parking" signs and restricted parking for persons with disabilities.

Sec. 26-763. Offenses.

(a) It is unlawful for any person during the posted hours of operation of a parking meter to park any vehicle at a metered on-street parking space in a community parking program area without either:

- (1) Displaying a current and valid permit issued and utilized pursuant to this article;
or
- (2) Paying the meter fee as provided in section 26-160 of this Code.

(b) It is unlawful for any person to park in violation of any signs imposing a time limit on parking in a community parking program area without displaying a current and valid permit issued and utilized pursuant to this article.

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(c) It is unlawful for any person to falsely represent in any fashion that he is entitled to a permit authorized by this article when he is not eligible for such a permit. The display of a community parking program permit by a person not eligible for such a permit shall constitute such false representation.

(d) It is unlawful for any person to duplicate, or attempt to duplicate, a permit authorized by this article or to display on any motor vehicle a forged or duplicated permit.

Sec. 26-764. Defenses.

It is an affirmative defense to civil prosecution for violation of section 26-763(b) of this Code that the motor vehicle parked in violation of any signs imposing a time limit on parking in a community parking program area was:

- (1) A motor vehicle owned by or operated under contract to a utility and in actual use in the construction, operation, removal or repair of utility property or facilities or engaged in authorized work in a parking benefit district;
- (2) A motor vehicle clearly identified as owned by or operated under contract to a federal, state, or local governmental agency, and then being used in the course of official government business;
- (3) An authorized emergency vehicle; or
- (4) A motor vehicle used for delivery or service business purposes, including but not limited to motor vehicles such as moving vans and sanitation, repair, electrical and plumbing service motor vehicles then being used to conduct business at a residence or business establishment in a parking benefit district.

Sec. 26-765. Cumulative effect.

This article is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern. The authority granted by this article is cumulative of the powers granted by this chapter and does not limit the authority of the traffic engineer or other officers authorized to regulate traffic.

Secs. 26-766—26-770. Reserved.

DIVISION 2. DESIGNATION OF COMMUNITY PARKING PROGRAM AREA.

Sec. 26-771. Community parking program established.

(a) City council establishes the community parking program to mitigate the adverse effects of motor vehicle congestion associated with long-term and nonresident motor vehicle parking in areas that contain a mix of residential and business property. City council may designate such areas within the city as community parking program areas.

(b) City council authorizes the parking official to administer the community parking program pursuant to this article. In carrying out the functions assigned by this article, the parking official shall consult with and obtain the concurrence of the traffic engineer.

Sec. 26-772. Designation of program areas.

(a) City council hereby designates the following areas as community parking program areas:

(1) Zone 1; and

(2) Zone 2.

(b) Designation of a community parking program area shall be effective 60 days after passage of the ordinance designating the community parking program area.

Sec. 26-773. Report to city council.

The parking official shall provide an annual report to city council on the effectiveness of the community parking program and all community parking program areas and make the report available to residents and businesses within the community parking program areas.

Sec. 26-774. Parking regulations.

(a) The traffic engineer, in consultation with the parking official, shall develop parking regulations designating certain metered on-street parking and time-restricted parking within a community parking program area for which vehicles displaying a parking permit will be exempt.

(b) The traffic engineer, in consultation with the parking official, shall designate the locations within a community parking program area in which a resident or owner, agent, or employee of a business who receives a parking permit may park.

(c) The traffic engineer, in consultation with the parking official, is authorized to erect appropriate signs and markings within the area to give notice of the requirements of this article.

Sec. 26-775. Notice of designation.

As soon as practicable following the designation of a community parking program area, the parking official shall mail to the occupant of every address within the designated community parking program area a written notice that shall contain the following information:

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- (1) The existence and boundaries of the community parking program area;
- (2) The parking restrictions applicable to all motor vehicles in curbside parking spaces along public streets in the designated area that do not properly display a permit authorized by this article;
- (3) The effective date of the regulations;
- (4) The procedures and associated fees to obtain permits; and
- (5) An application for a residential or business permit on the form to be prescribed by the director.

Secs. 26-716—26-780. Reserved.

DIVISION 3. PERMITS

Sec. 26-781. Community parking program resident permit application; issuance.

(a) Residents within a community parking program area are eligible for resident parking permits as follows:

<u>Building</u>	<u>Number of Permits Allowed Annually</u>
<u>Residential buildings</u>	<u>3 permits per address/dwelling unit</u>
<u>Multi-family buildings constructed prior to the effective date of the city's off-street parking ordinance (Ord. No. 1989-712) on May 23, 1989 that provide no off-street parking spaces</u>	<u>1 permit per dwelling unit</u>
<u>Multi-family buildings</u>	<u>1 permit per dwelling unit but total permits issued to residents in a given building cannot exceed .5 permits multiplied by the total number of dwelling units in the building</u>

If a resident lives in a permit restricted building and there are no permits available, the resident shall be added to a waiting list. Residents of multi-family buildings that are subject to the off-street parking standards under the transit oriented development rules or receive parking variances under article VIII of chapter 26 of this Code are not eligible for resident parking permits.

(b) Any resident within a community parking program area may submit an application to the parking official in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, and the applicant's residential address located within the community parking program area;

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(2) Proof that the applicant is a resident of the community parking program area in the form of:

- a. A valid Texas driver's license, or personal identification card issued by the Texas Department of Public Safety, showing the applicant's current residential address within the community parking program area; and
- b. A recent utility bill acceptable to the director showing the applicant's address within the community parking program area; or
- c. Vehicle registration reflecting an address within the community parking program area; and

(3) Any other information reasonably required by the director to ensure compliance with the requirements of this article.

(c) Upon submission of a complete application for a community parking program resident permit and payment of the fee prescribed in the city fee schedule for this provision, an applicant shall be entitled to receive a community parking program resident permit in accordance with subsection (a) of this section, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant or listed on the application.

(d) Each permit issued under this section is transferable to any vehicle that is being operated by or for the transportation of any resident at the address listed on the permit application or a vehicle under the legal control of a guest of any resident at the address listed on the permit application.

Sec. 26-782. Community parking program business permit application; issuance.

(a) A business owner of a business located within a community parking program area may obtain one business parking permit. Each person who is employed by or who is an agent of a business located within the community parking program area may also obtain one business parking permit.

(b) An owner, agent, or employee of a business within a community parking program area may submit an application for a business parking permit to the parking official in a form promulgated by the director for that purpose, which shall include the following:

- (1) The applicant's name, telephone number, and the applicant's business address located within the community parking program area;
- (2) Proof that the applicant is an owner, agent, or employee of a business in the community parking program area in the form, as applicable, of:
 - a. A true and correct copy of a valid certificate of occupancy of the applicant's business within the community parking area; or

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- b. A recent utility bill acceptable to the director showing the applicant's business address within the community parking program area; or
 - c. Copy of payroll stub or statement on employer letterhead confirming employment and including physical address of employer located within the community parking program area; and
- (3) Any other information reasonably required by the director to ensure compliance with the requirements of this article.

(b) Upon submission of a complete application for a business parking permit and payment of the fee prescribed in the city fee schedule for this provision, an applicant shall be entitled to receive one community parking program business permit, provided that no unresolved parking citations, as defined in section 26-261 of this Code, exist for any motor vehicle owned by the applicant.

(c) Each permit issued under this section is non-transferable and only valid at such on-street parking spaces within a community parking program area as determined by the director.

Sec. 26-783. Permits.

Motor vehicles with a parking permit issued under this article may park at an on-street parking space restricted by parking meters or signs establishing time limits in a community parking program area at the locations and during the days and times established by the traffic engineer pursuant to section 26-774 of this Code.

Sec. 26-784. Effect of issuance of permit.

(a) A resident parking permit shall be valid for one year from its date of issuance. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a permit that has been revoked pursuant to section 26-785 of this Code shall not be reissued for a period of two years from the date of revocation.

(b) A business parking permit shall be valid for 30 days from its date of issuance. A permit may be renewed by filing an application pursuant to this section and paying the applicable fee prior to the expiration of the permit. A renewal permit application shall be reviewed and approved in accordance with this section; provided, that a permit that has been revoked pursuant to section 26-785 of this Code shall not be reissued for a period of two years from the date of revocation.

(c) No parking permit shall be issued to a person who is neither a resident nor an owner, agent, or employee of a business within a community parking program area.

(d) A parking permit issued to a resident or owner, agent, or employee of a business of a community parking program area who no longer qualifies for a parking permit is void and use thereof shall constitute an offense.

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(e) A permit does not guarantee or reserve a parking space within a community parking program area. A permit issued pursuant to this article does not authorize the standing or parking of any motor vehicle in any place or during any time when the stopping, standing or parking of motor vehicles is prohibited or set aside for specified motor vehicle types. The issuance of a permit shall not excuse the observance of any traffic regulation.

(f) Whenever the holder of a permit is not in compliance with one or more of the applicable provisions of this article controlling the issuance or renewal of permits, the holder shall notify the parking official, who shall direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.

(g) Until its expiration, surrender or revocation, a parking permit shall remain valid for the length of time the holder continues to reside or own, operate, or be employed by a business within a community parking program area.

(h) A permit shall be valid only in the community parking program area for which it is issued.

(i) Nothing in this article shall be construed to supersede the parking regulations of an area that is designated as a residential parking permit area.

Sec. 26-785. Revocation of permit.

In addition to the penalties provided for violation of this article, the parking official shall revoke the parking permit of any individual found to have committed three or more violations of this article within any preceding 12-month period. Upon a determination by the parking official that a person who holds a permit has been adjudicated to have committed three or more such violations within the prescribed period, the parking official shall provide written notification to such person by certified mail, return receipt requested, revoking the permit and ordering the surrender of such permit to the parking official. Failure to surrender a revoked permit when ordered to do so constitutes a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender the permit.

Sec. 26-786. Permit fees.

(a) The fee for each community parking program permit is stated for this provision in the city fee schedule.

(b) The parking official shall not issue any permit unless and until the applicable fee identified in this section has been paid.

Sec. 26-787. Display of permit.

Each permit shall be conspicuously displayed upon a motor vehicle so as to be easily visible to any person passing the vehicle on the street while the vehicle is parked in an area designated for parking by permit in a community parking program area, except the parking official may accept a valid license plate number on file with the department for each permit holder in lieu of affixing or hanging a permit. Any failure to display a permit shall create a presumption that no permit exists, except as otherwise provided in this section.

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Sec. 26-788. Adjudication.

Cases involving violations of the parking provisions of this division shall be heard by adjudication hearing officers of the municipal courts department.

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Chapter 40. PARKING
ARTICLE XX. NEWSRACKS

Sec. 40-451. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, unless the context of their usage clearly indicates a different meaning:

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.

Department means the department of administration and regulatory affairs.

Newsrack means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale or distribution without charge of newspapers, periodicals, magazines or other publications.

~~*Parking management division*~~ ParkHouston means the parking management division of the department.

Vending screen means any device constructed of metal or other similar permanent material installed by or with the approval of the city designed and used to obscure from view on an adjacent roadway the existence of newsracks.

* * *

Sec. 40-453. Permit.

(a) *Application.* An application for a newsrack permit for one or more newsracks shall be made to the director on a form prescribed by the director, which shall include, without limitation:

- (1) The name, street and mailing address, email address, and telephone number of the applicant, which shall be the duly authorized representative of both the publisher and, if applicable, any independent distributor authorized to service the publisher(s) newsrack for which the permit is sought.

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- (2) The name, street and mailing address, email address, and telephone number of the distributor or other responsible person whom the city may notify or contact at any time concerning the applicant(s) newsrack(s).
- (3) The number of proposed newsracks and a description of the exact proposed locations.
- (4) A description of each proposed newsrack, including its dimensions and signage, and whether it contains a coin-operated mechanism.
- (5) The name and frequency of the publication proposed to be contained in each newsrack.

(b) *Separate application.* A separate application shall be required for each publication.

(c) *Issuance of permit.* If the application is properly completed and the type of newsrack and location proposed for each newsrack meets the standards set forth in this article, ~~the parking management division~~ ParkHouston shall issue a permit within ten business days from the date the applicant files the application with the director. A single permit shall be issued for all newsracks, applied for by an applicant, that meet the standards of this article. A permit shall not be transferable.

(d) *Period of permit validity.* A permit shall be valid for three years.

(e) *Permit application fee; decal fee.* The permit application and decal fees per newsrack shall be stated for this provision in the city fee schedule. All fees imposed under this article shall be paid to the director at the time the application is filed and retained in a fund administered by the department for ~~its parking management division~~ ParkHouston.

(f) *Decal replacement.* ~~The parking management division~~ ParkHouston may require a permittee to replace a decal that has become worn, faded, defaced, or missing. The decal replacement fee shall be stated for this provision in the city fee schedule.

(g) *Renewal.* A permit may be renewed if, prior to its expiration, the permittee pays the renewal fee stated for this provision in the city fee schedule.

(h) *Issuance of decal.* Each permittee shall be issued a pre-printed decal for each permitted newsrack, which shall be affixed to the lower right or left corner inside the window opening on the front of each newsrack.

(i) *Denial of permit.* If the application is incomplete or the type of newsrack and location proposed for a newsrack does not meet the standards set forth in this article, then the director shall deny the permit application. If the newsrack permit is denied, in whole or in part, the director shall, by certified mail or by email to the address(es) provided by the applicant, notify the applicant within ten business days from the date of filing a completed application with the city, explaining the reasons for the denial of the permit. The applicant shall have ten business days from the receipt of notice of a denial to correct and resubmit the application or appeal the decision, in writing, to the hearing examiner designated by the director.

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(j) *Suspension or termination of permit.* The director may, following ten business days written notice to the permittee and an opportunity to be heard, suspend or terminate a permit. Grounds for suspension or termination require a proven history of continual noncompliance with the requirements of this Code, consisting of a minimum of four violations in a 12-month period for which citations have been issued under section 40-459 of this article and a final judgment of guilt or a plea of nolo contendere has been entered. The period of suspension shall be at the discretion of the director, depending on the severity of the violations, not to exceed six months. Where the director finds that termination is appropriate, the permittee may not apply for a new permit for a period of 12 months. The decision of the director may be appealed as provided in subsection (k) of this section.

(k) *Appeal of denial, suspension, or termination.* The hearing examiner shall conduct a hearing within 30 days of receipt of the applicant(s) written appeal request. Written notice of the time and place of the hearing shall be provided to the applicant at least ten business days prior to the date of the hearing. The hearing shall be conducted according to procedures promulgated by the director. The hearing examiner shall render a written decision within 15 business days after the date of the hearing. The decision of the hearing examiner shall be final.

(l) *Amendment to permit.* In the event of a change in any of the information contained in the application, the permittee shall submit the change in writing to the director. A permittee may install and maintain additional newsracks by amendment to the permit. This section shall govern the review and approval of any amendment.

(m) *Processing.* The director shall have authority to promulgate forms, rules, and procedures relating to the permitting process.

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Sec. 40-459. Issuance of citations.

Upon completion of appropriate training, employees designated by the police department and ~~the parking management division~~ ParkHouston are authorized to issue citations charging the violation of any provision of this article.

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Chapter 45. PARKING
ARTICLE I. IN GENERAL

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Sec. 45-8. Enforcement generally.

It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city. Additionally, parking ~~enforcement~~ compliance officers are authorized to enforce the provisions of this chapter relating to stopping, standing or

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parking by issuance of a parking citation on the official form prescribed by the city for such notices.

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