

City of Houston, Texas, Ordinance No. 2025-_____

AN ORDINANCE AMENDING CHAPTERS 26 AND 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE REGULATION OF MICROMOBILITY DEVICES AND OFF-HIGHWAY VEHICLES WITHIN CITY LIMITS; ESTABLISHING A NIGHTTIME CURFEW; PROVIDING FOR FEES IN ACCORDANCE WITH THE CITY'S FEE SCHEDULE; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

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WHEREAS, the widespread use of micromobility devices has led to increased traffic congestion and diminished the quality of public spaces, causing negative impacts on the city's infrastructure, including sidewalks and roadways; and

WHEREAS, the City has received numerous complaints during public sessions from residents and businesses about scooters obstructing public walkways and creating hazards for pedestrians; and

WHEREAS, enforcement efforts have resulted in the seizure of 70 scooters, the impoundment of 59 scooters, the issuance of more than 338 verbal warnings to riders, citations for noise violations, and the recovery of firearms, highlighting the severity of the issue; and

WHEREAS, the City has spent considerable resources on enforcement efforts, including issuing citations and towing and impounding scooters from the right of way, yet the ongoing issues persist, demonstrating the need for a more comprehensive solution; and

WHEREAS, the City Council finds that prohibiting the operation of micromobility devices and off-highway vehicles within the City of Houston ("City") between the hours of 8:00 p.m. and 4:00 a.m. is in the best interest of the public, as doing so will reduce safety hazards, prevent public nuisances, and support the City's long-term vision for a safer and more pedestrian-friendly community; **NOW, THEREFORE**,

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

Section 1. That the City Council hereby adopts the findings set forth in the preamble.

Section 2. That Section 26-102(b) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(b) The director may authorize the removal of any item unlawfully left on city property in violation of this section. The city may remove or authorize a contractor to remove any item unlawfully left on city property and charge a fee in the amount stated for this provision in the city fee schedule for the city's cost of removing the item to the person who owns or is responsible for placing the item on city property, if such person is known. To the extent an item unlawfully left on city property has an identifiable owner, then the city will place the item in storage for up to 30 calendar days and notify the owner of the owner's opportunity to retrieve the item upon payment to the city of the removal and storage fee in the amount stated for this provision in the city fee schedule. After 30 days from the date the city notified the owner or following a reasonable, but unsuccessful attempt to locate the owner of such item, the city may dispose of such item. The city is entitled to retain any proceeds of a sale disposing of an item in order to cover the costs incurred by the city for removal and storage of such item. The director may establish additional notification procedures, including but not limited to notification procedures where an item unlawfully left on city property has no identifiable owner.”

Section 3. That Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following definitions in alphabetical order:

“*Micromobility device* means a self-propelled transportation device designed primarily for individual use for short-distance travel with: (1) a deck designed to allow a person to stand or sit while operating the device; (2) a braking system capable of stopping the device under typical operating conditions; and (3) is capable of propulsion by an electric motor, by human power, or by a combination thereof. The term includes electric scooters, hoverboards, electric skateboards, and electric roller skates. The term does not include all-terrain vehicles, mopeds, motorcycles, electric bicycles, motorized mobility devices, electronic personal assistive mobility devices, or a neighborhood electric vehicle, all of which are defined and subject to regulations pursuant to the Texas Transportation Code.”

“*Off-Highway Vehicle* means a vehicle as defined in Chapter 551A.001 of the Texas Transportation Code, as amended.”

“Rent means the payment of any money, fee, charge, consideration, thing of value, reward, tip, donation, or gratuity, whether on a recurring or one-time basis, by a person for the right to possess or use a micromobility device or off-highway vehicle, including but not limited to possession and use of the micromobility device or off-highway vehicle pursuant to a lease, sublease, license, timeshare agreement, or other agreement.”

“Temporary structure means any structure or vehicle which is designed to be easily transported or dismantled after its function has been fulfilled, and which is used for the purposes of renting or facilitating the rental of a micromobility device”

Section 4. That Section 45-2 of the Code of Ordinances, Houston, Texas, is hereby amended by removing the definition for “Motor-assisted scooter.”

Section 5. That Section 45-18 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 45-18. Operation of neighborhood electric vehicles and off-highway vehicles by minors prohibited.

- (a) It shall be unlawful for a minor to operate a neighborhood electric vehicle or off-highway vehicle on a public roadway, street, alley, sidewalk, trails, or city park within city limits.
- (b) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a neighborhood electric vehicle or an off-highway vehicle on any public roadway, street, alley, sidewalk, trail, or city park within the city limits.
- (c) It is a defense to prosecution under this section if a minor presents evidence of being a qualified individual with a disability pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12131 and 12132). ”

Section 6. That Section 45-302 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 45-302. Riding on sidewalks.

- (a) No person shall ride a bicycle upon a sidewalk within the central business district.
- (b) The traffic engineer is authorized to erect signs on any sidewalk outside the central business district prohibiting the riding of bicycles thereon by any person, and when such signs are in place, no person shall disobey the same.
- (c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian."

Section 7. That Article XIV of Chapter 45 of the Code of Ordinances, Houston, Texas, is hereby renamed "Micromobility Devices and Off-Highway Vehicles."

Section 8. That Section 45-341 of the Code of Ordinances, Houston, Texas, is hereby added to read as follows:

"Sec. 45-341. Operation of micromobility devices; off-highway vehicles prohibited at certain times.

- (a) It shall be unlawful for any person to operate a micromobility device or off-highway vehicle on any public roadway, street, alley, sidewalk, trail, or city park within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day, unless expressly authorized by state law.
- (b) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a micromobility device on any public roadway, street, alley, sidewalk, trail, or city park within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day.
- (c) It shall be unlawful for any person to place, erect, operate, or maintain a temporary structure for the purpose of renting or facilitating the rental of a micromobility device within the city limits.
- (d) It shall be unlawful for any person to rent or offer to rent a micromobility device or an off-highway vehicle within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day.
- (e) It is a defense to prosecution under this section if a person presents evidence of being a qualified individual with a disability pursuant to

the Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12131 and 12132).

- (f) The traffic engineer is authorized to install signage in high-traffic areas to provide public notice of the curfew and prohibition on micromobility devices and off-highway vehicles.
- (g) It is an affirmative defense to prosecution under this section that between the hours of 8:00 p.m. and 4:00 a.m., the person was:
 - (1) Operating a micromobility device as a direct means of transportation to or from the individual's school or place of employment;
 - (2) Operating a micromobility device when reasonably necessary to respond to a personal or family emergency, or to obtain emergency medical care or other urgent assistance;
 - (3) Operating a micromobility device as law enforcement, fire, or emergency medical personnel, or as a city employee in the performance of official duties; or
 - (4) Operating a micromobility device during a special event or activity expressly permitted or authorized by the city, provided such use complies with all conditions of permit authorization. The provisions of this section do not restrict a person operating or parking a micromobility devices as part of a parade or special event permitted under chapter 25 of this Code provided such use is expressly authorized in the special event or parade permit and complies with all conditions established by the director of the Mayor's Office of Special Events to ensure public safety and minimize disruption to pedestrian and vehicular traffic."

Section 9. That Section 45-342 of the Code of Ordinances, Houston, Texas, is hereby added to read as follows:

"Sec. 45-342. Offense; penalty.

- (a) Any person who violates any provision of this article shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-6 of this Code.
- (b) Each violation of this article shall constitute and be punishable as a separate offense."

Section 10. That Section 45-343 of the Code of Ordinances, Houston, Texas, is hereby added to read as follows:

“Sec. 45-343. Micromobility device impoundment and removal.

- (a) The city may impound all micromobility devices that are operated or parked in violation of state law, city ordinances, the motorized device curfew established in this chapter, or any other applicable provisions of this code.
- (b) Every micromobility device that is impounded may be redeemed and released only upon payment of a fee as set forth in the City's fee schedule. Every micromobility device that is impounded may be redeemed and released only upon payment of removal, storage, and redemption fees established in the City's fee schedule. Such fees may be adjusted periodically by the Finance Department and approved by City Council in accordance with applicable administrative procedures.
- (c) If an impounded micromobility device remains in the possession of the city for 30 calendar days following notice of impoundment, it shall become and remain the property of the city.
- (d) The police department may remove any micromobility devices from a public street, sidewalk, or public place when probable cause exists to believe that the micromobility device is being operated or used in violation of this chapter, including curfew violations. The administration and regulatory affairs department shall assist the police department with coordinating the removal of micromobility devices operated or used in violation of this chapter.
- (e) Any person whose micromobility device has been removed without the consent of the owner or operator may request a hearing to determine whether probable cause existed for the removal. Hearings under this section shall be before a municipal court judge.
- (f) A person who wishes to request a hearing hereunder shall deliver a written request for the hearing to the clerk of the municipal courts not later than the 14th day after the date the micromobility device was placed in a secured facility. A person who fails to deliver the request within the specified time period waives the right to the hearing.
- (g) The written request must contain the following information:

- (1) The name, address, and telephone number of the owner and operator of the micromobility devices;
- (2) The date and location from which the micromobility devices was removed;
- (3) The name of the police officer who authorized the removal of the micromobility device; and
- (4) The name, address, and telephone number of the secured facility to which the micromobility device was removed.

(h) Upon receipt of a complete and timely filed hearing request, the clerk of the municipal courts shall schedule a hearing to occur as soon as practicable; provided, however, all hearings conducted pursuant to this section shall be held within 21 days after the date the hearing request was received.

(i) The court shall notify the owner or operator of the micromobility device and the police officer who authorized the removal of the micromobility device of the date, time, and place of the hearing. The sole issue to be determined in a hearing under this section is whether probable cause existed for the removal of the vehicle.

(j) The court shall make written findings of facts and conclusions of law regarding the issues in the hearing. If the court determines that probable cause existed for the removal of the micromobility devices, the owner or operator shall pay the costs of removing and storing the device prior to the release of the micromobility device.

(k) If the court determines that probable cause did not exist for the removal of the micromobility devices, the vehicle shall be ordered released without the payment of any costs for removing and storing the micromobility devices. If the owner or operator paid removal and storage costs before the hearing and the court determines that probable cause did not exist for the removal and storing of the micromobility devices, the city shall fully reimburse the owner or operator.

(l) The provisions of this section shall be cumulative of all other enforcement powers granted by this chapter and available to the city."

Section 11. That the City Council hereby approves the motorized scooter removal fee as established in Chapter 26-102 and the micromobility device

impoundment fee Section 45-343(b) of the Code of Ordinances, Houston, Texas, in the amounts shown below:

Description	Statutory Authority	Amount
Motorized Scooter removal fee	26-102	\$100.00
Micromobility device impoundment and redemption fee	45-343(b)	\$100.00

The Director of the Administration and Regulatory Affairs Department shall ensure this new fee is provided to the Director of Finance for incorporation into the City Fee Schedule as soon as possible.

Section 12. That, if any provision, section, subsection, sentence, clause, or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 13. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect

immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED ON

APPROVED ON

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is: _____.

ATTEST:

CITY OF HOUSTON, TEXAS

Signed by:

City Secretary of the City of Houston
PREPARED BY:

Mayor of the City of Houston

DocuSigned by:


K. J. O'Connell
Assistant City Attorney
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GJ/kro 11/14/2025

Requested by: Director Tina Paez, Administration
& Regulatory Affairs
L.D. File No. LD-GC-0000000511