

Chapter 26 **PARKING**

ARTICLE I. IN GENERAL

DIVISION 1. 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:

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

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

Appearance means either:

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

Authorized emergency vehicle means:

- (1) A fire department or police vehicle;
- (2) A public or private ambulance operated by a person who has been issued a license by the Texas Department of State Health Services;
- (3) A municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality;

- (4) A private vehicle of a volunteer firefighter or a certified emergency medical services employee or volunteer when responding to a fire alarm or medical emergency;
- (5) An industrial emergency response vehicle, including an industrial ambulance, when responding to an emergency, but only if the vehicle is operated in compliance with criteria in effect September 1, 1989, and established by the predecessor of the Texas Industrial Emergency Services Board of the State Firemen's and Fire Marshals' Association of Texas; or
- (6) A vehicle of a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, when making emergency deliveries of blood, drugs, medicines, or organs.

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

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

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

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

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

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

Department means the department of administration and regulatory affairs.

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

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

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

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

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

House trailer means a trailer or semi-trailer:

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

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

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

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

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

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

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

includes a pay station, signage, or any internet-based application where applicable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 26-7. ~~Senior parking meter technicians~~ Parking meter service technicians and maintenance mechanics.

- (a) There shall be employment positions within ParkHouston for persons who shall be known as '~~senior parking meter technicians~~ parking meter service technicians or 'maintenance mechanics.' The maintenance mechanics and ~~senior parking meter service~~ technicians shall be selected and appointed in accordance with the established hiring practices of the city. The employees holding those positions shall be under the direction and control of the parking official or his designee.

- (b) It shall be the duty of each maintenance mechanic or senior parking meter service technician to collect revenues from assigned parking meters in the city at the times and in the manner prescribed by the parking official.

Sec. 26-99. ~~On-street parking for Car-share Houston vehicles.~~

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

~~Car-share vehicle~~ means a motor vehicle made accessible by a car-share for use by its members.

~~Car-share~~ means a business entity that operates a fleet of on-demand self-service vehicles located throughout a service area in the city, the use of which may be rented by the hour or the day and are accessible by an automated online reservation and billing system.

~~Designated car-share parking space~~ means an on-street parking space within the city designated for the exclusive use of Car-share Houston vehicles.

~~Car-share Houston~~ means a car-share who enters into a master license agreement with the city.

- (b) ~~Master license agreement.~~ Subject to approval by city council, the city may enter into a master license agreement with car-shares to authorize the parking of car-share vehicles in designated car-share parking spaces and to establish fees and requirements. Car-share Houston licensees shall be chosen through a competitive process pursuant to section 15-44 of this Code and preference shall be granted to vendors who use vehicle technologies that result in increased fuel economy and lower CO2 emissions.
- (c) ~~Permit required.~~ A Car-share Houston vehicle that occupies a designated car-share parking space shall display a city-issued permit. A permit is vehicle specific and is not transferable from one vehicle to another. A Car-share Houston vehicle that occupies a designated car-share parking space shall also display the identifying emblem of the Car-share Houston licensee.
- (d) ~~Designation of car-share parking spaces.~~ The traffic engineer, in consultation with the parking official, is authorized to designate up to 20 on-street parking spaces for the exclusive use of any Car-share Houston vehicle in or upon which a permit issued pursuant to this section is displayed. The traffic engineer, in consultation with the parking official, shall determine the number of parking spaces assigned to each Car-share Houston licensee. City council may increase the maximum number of on-street parking spaces the traffic engineer is authorized to designate for the exclusive use of a Car-share Houston vehicle.

- (e) ~~Notice of designation of car share parking spaces.~~
- (1) ~~Notice to district council member.~~ Notice of a proposed designated car-share parking space shall be given to each district council member whose district includes the proposed designated car share parking space.
- (2) ~~Notice to surrounding property owners.~~ Before the designation of any car-share parking space, the parking official shall provide notice to owners of property within 200 feet of the proposed designated car-share parking space at the name and address as indicated by the most recent appraisal district records. The notice shall be in a form prescribed by the parking official and shall contain the location of the proposed designated car-share parking space, the name of the Car share Houston licensee, a city office, city telephone number and city e-mail address that interested persons may call or contact by e-mail to obtain further information or to provide input regarding the impact of the proposed car-share parking space designation, and contact information for the district council member whose district includes the proposed designated car-share parking space. Input received by the parking official within ten business days after the date of the notice will be considered by the parking official and the traffic engineer before designation of the car share parking space.
- (f) ~~Signage.~~ The traffic engineer is authorized to erect one or more signs or markings in the right-of-way giving adequate notice that the designated car-share parking space or spaces are restricted and to be used by Car share Houston vehicles only. Upon a determination by the traffic engineer that there has been a change in traffic conditions, the traffic engineer is authorized to remove, move, or add designated car share parking spaces.
- (g) ~~Offense.~~ It shall be unlawful for any person to park a motor vehicle in a designated car-share parking space unless the motor vehicle has a valid permit displayed as directed by the city.
- (h) ~~Annual report to city council.~~ The parking official shall make an annual report to a city council committee regarding Car share Houston.

ARTICLE V. BOOTING AND TOWING DELINQUENT VEHICLES AND OTHER ENFORCEMENT PROVISIONS

Sec. 26-261. Definitions.

As used in this article the following words and phrases shall have the meanings ascribed in this section, unless the context of their usage clearly indicates another meaning:

Boot means a lockable road wheel clamp or similar vehicle immobilization device, which is designed to immobilize a parked vehicle and prevent its operation until the device is unlocked and removed, or (verb) the act of installing such a device.

City vehicle compound means a vehicle storage facility to which vehicles owned by persons other than the city are towed upon direction of peace officers and other authorized personnel of the city. The term includes both facilities that are owned and operated by the city and facilities that are designated by contract with the city to act as city vehicle compounds for purposes of this article.

Delinquent vehicle means any vehicle on which three or more unresolved parking citations are outstanding or on which any single unresolved parking citation related to parking in a space designated for a transport vehicle for a person with disabilities is outstanding, which citations were issued during the time the vehicle has been registered to or otherwise held by the owner. Delinquent status attaches to the registered owner who receives the citation and applies to any vehicle currently or subsequently registered to that owner, regardless of a change in vehicle ownership, license plate, or vehicle registration.

Delinquent vehicle list means the current delinquent vehicle list as maintained by the parking official under section 26-263 of this Code.

Officer means any peace officer employed by the city and any other city employee, whether a peace officer or not, who is designated by the parking official to place and remove boots or to cause vehicles to be towed under this article. The city may also authorize persons who are not city employees to act as "officers" for the purpose of installing or removing boots by contract.

Owner means the person registered with the state as the present owner of a vehicle in the most current registration records available to the city, or any transferee not designated in such records, provided that the parking official has received actual notice of the transfer.

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

Unresolved, with respect to a "parking citation," means a citation issued and not cleared by an appearance within 30 days of issuance.

Vehicle means either a "motor vehicle" or a "trailer" as those terms are defined in section 45-2 of this Code, provided that it shall not include a vehicle registered to any governmental entity or agency thereof.

Sec. 26-262. Purpose.

Pursuant to the provisions of this article an officer may cause a delinquent vehicle designated on the delinquent vehicle list to be booted, or towed, or both.

Sec. 26-263. Delinquent vehicle list.

- (a) The parking official shall be responsible for creating and maintaining the delinquent vehicle list.
- (b) A delinquent vehicle may be placed on the delinquent vehicle list after notice has been issued as provided in subsection (c), and a hearing, if requested, under subsection (d).
- (c) At least 15 days prior to placing a delinquent vehicle on the delinquent vehicle list, the parking official shall mail a notice to the owner, at the address stated on the most current registration records available to the city from the state, or any more current address of which the parking official has actual notice, by first-class United States mail, postage prepaid. When the Texas Department of Transportation does not have current registration records for a vehicle, a self-adhering notice placed on the vehicle or handed to the vehicle operator by an officer will be deemed sufficient notice. The notice shall set forth:
 - (1) The license plate number of the alleged delinquent vehicle;
 - (2) A date certain on which the delinquent vehicle will be subject to placement on the delinquent vehicle list;
 - (3) A list of the three or more alleged unresolved parking citations or the single unresolved parking citation related to parking in a space designated for a transport vehicle for a person with disabilities, including the citation number, date, time, place of the violation, and the nature of the violation;
 - (4) That the owner may avoid the vehicle's being placed on the delinquent vehicle list by making an appearance on the unresolved parking citations;
 - (5) The name, mailing address (and street address if different), and telephone number of a city office or agency that may be contacted for a hearing if any of the alleged unresolved parking citations has been resolved by appearance, or if the recipient was not the owner of the vehicle when any of the alleged unresolved parking citations was issued, or if the title to the vehicle has been transferred since the unresolved parking citations were issued; and
 - (6) That administrative fees, boot fees, and towing/storage fees may be payable to obtain the release of a vehicle booted or towed pursuant to this article in addition to appearance on any unresolved parking citations.

For a vehicle that is not yet a delinquent vehicle, the notice required under this section may be mailed, adhered to the vehicle, or handed to the vehicle owner or operator by an officer advising that there are already two unresolved parking citations and that a third parking citation (which shall also be specified in the notice) will become unresolved if an appearance is not made thereon by the date specified for placement of the vehicle on the delinquent vehicle list.

- (d) After expiration of the date certain provided in the notice issued under subsection (c), the parking official shall review the records to ensure that the alleged unresolved citations have not been resolved by appearance, and that no information has been received indicating that the notice was erroneous. The parking official shall not have the authority to adjudicate any parking citation; however, he shall meet with any person desiring to present evidence that a notice given under subsection (c) is erroneous, shall afford the person an opportunity to present any relevant evidence on the matter, and shall mail or otherwise furnish a written notice to the person of his decision.

If the request for a hearing is received by the clerk of the municipal courts before the date specified in the notice for placement of the vehicle on the delinquent vehicle list, then the clerk shall notify the parking official of the request for hearing and afford the applicant an opportunity for a hearing prior to placement of the vehicle on the delinquent vehicle list. If the applicant timely appears for the hearing as scheduled, the clerk shall furnish the parking official and the applicant written notice of the adjudication hearing officer's decision.

- (e) Once a vehicle has been placed on the delinquent vehicle list it shall not be removed from the list unless and until:
 - (1) All unresolved parking citations issued during the time it has been registered to or otherwise held by the owner are resolved by appearance;
 - (2) The parking official receives reliable information that the vehicle was not registered to its current owner at the time the unresolved citations were issued;
 - (3) The parking official receives reliable information that title to the vehicle has been transferred; or
 - (4) The parking official determines that the placement of the vehicle on the delinquent vehicle list was erroneous.

Sec. 26-264. Booting or towing procedures.

- (a) An officer may boot any vehicle then parked, lawfully or unlawfully, upon any street or highway within the city, or upon any other property under the ownership or control of the city. An officer may also boot any vehicle on property not owned or controlled by the city provided that parking citations may lawfully be issued for

violation of city or state laws regarding the parking of vehicles on the property and further provided that the owner of the property gives written consent to the parking official for the installation of boots on the property.

An officer may cause the vehicle to be towed in lieu of being booted:

- (1) If the vehicle, when located by the officer, was parked in violation of any city ordinance or state penal law relating to parking of vehicles;
- (2) Under any circumstances in which towing by a peace officer is authorized by city ordinance or state law;
- (3) If the location, configuration or size of the vehicle's tires, wheels, fender wells or other components makes the installation of any available boot owned by the city impracticable;
- (4) If, based upon the age, model and condition of the vehicle, or the incidence of vehicular crimes in the area where the vehicle is located, or other relevant factors, the officer reasonably believes that there is a significant possibility of theft or damage relating to the vehicle if it is immobilized in place;
- (5) If the owner has been convicted of any crime relating to the removal of, tampering with, or theft of a boot previously installed by the city on any vehicle; or
- (6) If the owner or operator of the vehicle requests, in writing, that the vehicle be towed.

A vehicle that has already been booted may be towed by an officer if any of the circumstances enumerated in items (1) through (6) above exists, or if:

- (7) The owner has not made arrangements with the parking official to secure removal of the boot within 72 hours after its installation; or
 - (8) The vehicle remains immobilized in any zone where parking is prohibited during certain hours until the commencement of the restricted hours.
- (b) At the time of booting or towing of a vehicle under this article the officer shall:
- (1) Check or cause to be checked the appropriate records to ensure that the vehicle is properly listed on the delinquent vehicle list;
 - (2) Check or cause to be checked the most current vehicle registration records available to the city to ensure that the ownership of the vehicle is not reflected to have changed from that specified on the delinquent vehicle list;
 - (3) If booted, notify any office designated by the parking official and place a conspicuous notice or notices in a form approved by the director on the

vehicle warning the operator or any other person not to attempt to move the vehicle and advising the operator of the means by which the boot may be removed, and if a self-release vehicle immobilization device is used, the location where the device must be returned and the time frame within which it must be returned, including the right of the hearing; provided, however, that the officer may hand the notice or notices to vehicle owner or operator who is present and objects to the placement of a notice on the vehicle; and

- (4) If towed, notify the police dispatcher and any other office designated by the director so that they may respond promptly to any inquiry about the vehicle's disappearance.
- (c) A vehicle may be booted or towed at any time on any day. A hearing requested pursuant to section 26-266 of this Code shall be conducted within two business days of such request.
- (d) Vehicles shall be towed to a storage lot operated by the city or to a city-licensed storage lot operated under contract with the city. Each lot that is utilized shall have an attendant on duty or available for the release of vehicles from at least 6:00 a.m. to 9:00 p.m., Monday through Saturday, city observed holidays excepted, and shall have an attendant on call who will come to the lot upon one hour's notice at all other times.
- (e) The parking official shall ensure that officers are available, either on duty or on call, to remove boots from vehicles Monday through Saturday, from 7:00 a.m. through 7:00 p.m. An officer shall remain on duty until at least two hours after a boot is installed. At other times, an officer shall be on call to remove a boot upon two hours' notice. This requirement shall not apply when the vehicle is equipped with a self-release or electronically controlled immobilization device that may be lawfully released by the owner or operator.
- (f) If a vehicle is immobilized using a self-release vehicle immobilization device, the owner or operator shall return the device to the location designated by the notice within 24 hours after the device is released.

Sec. 26-265. Fees, release.

Except as provided in section 26-266 of this Code, the claimant of a vehicle may not secure the release of the vehicle until an appearance has been made on all unresolved parking citations relating to the vehicle which were issued while the vehicle was owned by the person who owned the vehicle at the time it is booted or towed hereunder, and the claimant has paid the following fees, as applicable:

- (1) The administrative fee stated for this provision in the city fee schedule, if the vehicle has been booted or towed, or both, to defray the city's administrative costs in placing the vehicle on the delinquent vehicle list and related expenses under this article.

- (2) The boot fee stated for this provision in the city fee schedule, if the vehicle has been booted, to defray the city's costs of installing, removing and maintaining the boot.
- (3) Towing/storage and related fees, if the vehicle has been towed, in an amount established by the director, based upon the city's cost or upon the fees imposed by the city's contractors, as applicable. If the vehicle has been towed and stored by city contractors, then the parking official may provide that the towing/storage fees be paid directly to the contractors, rather than to the city.

Towed vehicles that are not redeemed within 30 days shall be subject to disposition in the same manner provided by Chapter 683, Texas Transportation Code, for sale of abandoned motor vehicles by police auction after notice to the owner and lienholders. No person shall be permitted to claim a vehicle without proof of identity. If the person claiming the vehicle is not the owner or a family member residing at the same address as the owner, based upon the most current vehicle registration data available to the city, then proof shall also be required that the claimant is the owner or is redeeming the vehicle with the consent of the owner.

All fees and/or revenues generated from fees imposed under this section shall be deposited to the ParkHouston special revenue fund.

Sec. 26-266. Hearing.

- (a) The presiding judge of the municipal courts department shall designate one or more persons to act as adjudication hearing officers to conduct post-deprivation hearings for persons whose vehicles have been booted or towed under this article.
- (b) Hearings shall be conducted on a first-come, first-served basis without the necessity of a prior appointment. The hours when hearings will be conducted and the place or places where they will be conducted shall be established by the presiding judge of the municipal courts department, provided that hearings shall be conducted at least between 9:00 a.m. and 6:00 p.m., on Mondays through Fridays, city observed holidays excepted.
- (c) The applicant may secure release of the vehicle pending the hearing by making an appearance on the unresolved parking citations and posting a bond for the administrative and boot fees prescribed in section 26-265 of this Code, as applicable. If a bond is posted then a hearing may then be scheduled for a date and time certain, and the vehicle shall be released. If the vehicle has been towed, then the applicant shall also be required to post a bond for the towing/storage fees or to make payment of the towing/storage fees to the city's contractor, as applicable, subject to reimbursement as provided in subsection (f), below.
- (d) The adjudication hearing officer shall be a person who is not associated with the maintenance of the delinquent vehicle list, nor shall the adjudication hearing officer

hear any appeal in which he has personally participated in any decision relating to the booting or towing of the vehicle.

- (e) The only issues before the adjudication hearing officer will be whether or not the vehicle was a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article and whether the city has complied with this article in placing it on the delinquent vehicle list and causing it to be booted or towed, or both. The adjudication hearing officer shall have no authority to adjudicate any unresolved parking citation. The adjudication hearing officer may consider any competent evidence, including, but not limited to, public records and testimony from the applicant and city employees. The applicant may be represented by legal counsel and may cross-examine any witness presented by the city. Each applicant must appear at the hearing and shall be subject to examination on any matter relevant to the issues before the adjudication hearing officer. The adjudication hearing officer shall announce and record his decision within one hour following the conclusion of the hearing.
- (f) If the adjudication hearing officer determines that the vehicle was not a delinquent vehicle owned by the person designated on the delinquent vehicle list at the time it was booted or towed under this article, or that the city has not complied with this article in placing the vehicle on the delinquent vehicle list and causing it to be booted or towed, or both, then the vehicle shall be ordered released without payment of the fees prescribed in section 26-265 of this Code. Vehicle storage and related fees shall be payable for each twenty-four-hour period or portion thereof that a towed vehicle remains in storage after the adjudication hearing officer orders its release if not reclaimed within 24 hours after the adjudication hearing officer orders its release. If a bond had been posted for the administrative, boot, or towing/storage fees prescribed in section 26-265 of this Code, the bond shall be ordered to be refunded to the applicant. Furthermore, the city shall reimburse the applicant for any towing/storage fees that the applicant may have paid to a city contractor in order to secure release of the vehicle if those fees have been directly incurred by the applicant.
- (g) A hearing under this section must be requested within ten days after the initial booting or towing of the vehicle by the city. A hearing requested thereafter will be granted if the city has not disposed of the vehicle, provided the owner must pay the vehicle storage and related fees for each day after the tenth day until the vehicle is reclaimed, regardless of the adjudication hearing officer's determination.
- (h) In any instance in which a vehicle has been towed to a vehicle storage facility not owned by the city, then the applicant may alternatively request a hearing under Section 2308.452 of the Texas Occupations Code, before the justice court in the time and manner provided by Section 2308.456 of the Texas Occupations Code. The justices of the justice courts and the judges of the municipal courts shall have no authority to adjudicate any fee imposed under section 26-265 of this Code, or to order any release of a vehicle without payment of applicable fees, or to order a refund of applicable fees.

Sec. 26-267. Certain conduct unlawful.

- (a) It shall be unlawful for any person, other than an officer, employee of the city, or other authorized person acting in the course and scope of his duties under this article, to remove or attempt to remove, ~~or~~ to tamper in any manner with, or damage a boot installed on any vehicle pursuant to this article.
- (b) It shall be unlawful for any person, except under the written direction of a peace officer, to tow or move or to cause to be towed or moved any vehicle on which a boot is then installed pursuant to this article from the place where it was booted.
- (c) It shall be unlawful for any person, other than an officer or employee of the city acting in the course and scope of his duties or the owner or operator of a booted vehicle, to remove or relocate any notice placed upon a booted vehicle pursuant to this article. ~~under section 26-265(b)(3) of this Code.~~
- (d) Any offense under this section shall be punishable upon conviction by a fine of not less than \$200.00 nor more than \$500.00, and each day that any violation continues shall constitute a separate offense. To the extent that any conduct declared to be unlawful under this section also constitutes a violation of any valid and applicable state law, then such unlawful conduct shall be punishable as provided by state law.

Sec. 26-268. Release of vehicles from city vehicle compound.

A vehicle that is towed to a city vehicle compound for reasons initially unrelated to the booting or towing procedures established under this article shall not be released until it has been verified that the vehicle does not appear on the delinquent vehicle list. If the vehicle appears on the delinquent vehicle list and if a review of the most current vehicle registration records available to the city indicates that the ownership of the vehicle has not changed from that reflected on the delinquent vehicle list, then the vehicle shall be subject to the fee and release provisions of section 26-265 of this Code and hearing provisions of section 26-266 of this Code. This section shall apply without regard to the day or the time that the vehicle was initially towed. However, if the towing was not initiated at a time otherwise authorized for towing under subsection (c) of section 26-264, then the presiding judge of the municipal courts department shall ensure that a hearing is afforded within two hours of a request therefor or alternatively the parking official shall authorize the vehicle to be released without resolution of the parking citations.

Secs. 26-269—26-290 Reserved.

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.

Digital permit means an electronic permit issued via a web-based platform for residential parking permits that allows customers to access an online portal to register their license plate, and authorizes ParkHouston to use License Plate Recognition Systems (LPRs) to confirm the presence of a permit without a physical decal or hangtag.

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 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 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 digital 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.

Sec. 26-292. Compliance with other laws.

A 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. 26-293. Offenses.

- (a) It shall be unlawful for any person to park a motor vehicle that ~~does not display a permit is not~~ credentialed by the ParkHouston digital permitting system 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 enrollment 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 digital 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.~~

Sec. 26-294. Revocation of permit.

In addition to the penalties provided for violation of this article, the parking official shall revoke the ~~residential permit and any associated visitor permit or service provider permit~~ digital permit of any person found to have committed three or more violations of this article within any one year period. Upon a determination by the parking official that a person who holds a permit has been adjudicated to have committed the number of

violations set forth in the preceding sentence within the prescribed period, the parking official shall provide written notification to such person by certified mail, return receipt requested, revoking the digital permit privileges and ordering the surrender of any visitor permits or service provider permits held under the residential permit to the parking official in the digital parking database. Failure to surrender a revoked visitor permit or service provider permit when requested to do so shall constitute a separate violation of this article, and a signed return receipt shall be prima facie evidence of the delivery of the notice to surrender such permit.

DIVISION 3. PERMITS

Sec. 26-341. Residential permits.

- (a) Upon submission of a complete residential permit application to the parking official by a resident of a residential parking permit area, and payment of the fee prescribed in this article, an applicant shall be entitled to receive one residential digital permit for each motor vehicle 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.
- (b) A residential digital permit shall be valid for one year from its date of issuance and may be renewed for as long as the motor vehicle qualifies for a residential permit; provided, that no permit that has been revoked pursuant to section 26-294 of this Code shall be reissued for a period of two years from the date of such revocation.
- (c) No residential permit shall be issued for a motor vehicle whose owner or principal operator does not reside within the designated residential parking permit area.
- (d) A residential permit issued for a motor vehicle that no longer qualifies for a residential permit is void.
- (e) ~~An applicant may obtain a replacement residential permit in the same manner and for the same fee as the original residential permit upon providing evidence satisfactory to the parking official that the original permit has been destroyed.~~

Sec. 26-342. Visitor and service provider digital permits.

- (a) Upon application of any resident of a residential parking permit area, the parking official shall issue to the resident no more than the number of visitor digital permits or one-day digital visitor permits in accordance with section 26-344 that will allow motor vehicles ~~displaying to apply~~ the visitor permit or one-day visitor permit to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited. Each visitor permit shall be valid for one year from the date of issuance. Each one-day visitor permit shall be valid for one 24-hour period.

For purposes of this article, the resident shall be the holder of and responsible for the use of any visitor permit or one-day visitor permit issued to the resident.

- ~~(b) — Upon application of any resident of a residential parking permit area, the parking official shall issue to the resident no more than the number of service provider permits in accordance with section 26-344 that will allow motor vehicles displaying the service provider permit to park in curbside spaces in the residential parking permit area except where or at times otherwise prohibited. Each service provider permit shall be valid for one year from the date of issuance. For purposes of this article, the resident shall be the holder of and responsible for the use of any service provider permit issued to the resident.~~

Sec. 26-343. Permit fees.

The schedule of fees established pursuant to section 26-345 shall be applicable initially to the permits authorized to be issued pursuant to this article. The director shall determine annually in connection with the city's fiscal year whether an increase or decrease in these fees is required for the continued operation of the residential parking permit program and is hereby authorized to make adjustments annually to the schedule of fees. The parking official shall not issue any permit unless and until the applicable fee has been paid.

Sec. 26-344. Number of permits allowed.

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

<u>Digital</u> Permit Type	Number of Permits Allowed Annually
Residential Unit	No limit for vehicles registered to RPP address
Visitor	4 <u>6</u>
Service Provider	2
One-Day (24-Hour) Visitor	100

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

- ~~(b)~~ Each residential unit is limited to 100 one-day (24-hour) visitor permits per year.

Sec. 26-345. Schedule of permit fees.

- (a) The annual fee for each residential unit, and visitor, ~~and service provider~~ permit is stated for this provision in the city fee schedule.

- (b) The fee for each one-day (24-hour) visitor permit is stated for this provision in the city fee schedule.

Sec. 26-346. Display of permits.

- (a) Each residential unit permit and visitor permit shall be issued and maintained in digital form and associated with a valid vehicle license plate number within the digital permitting system. Physical display of a permit is not required. Each permit shall be linked to a specific vehicle license plate number for the duration of the permitted parking period, and license plate information shall be verified through the digital permitting system using license plate recognition (LPR) equipment. ~~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 permit that is not permanently adhered shall not be a valid permit.~~
- (b) ~~Each visitor and service provider 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.~~
- (be) The parking official shall verify permit validity through the digital permitting system using the license plate registered. A permit shall be considered valid only when the associated license plate number is active, accurate, and authorized within the permitting system. ~~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.~~

Sec. 26-347. Effect of issuance of permit.

- (a) A permit shall not guarantee or reserve a curbside parking space within a residential parking permit area. A permit issued pursuant to this article shall 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.
- (b) Whenever the holder of a permit, or the motor vehicle for which a residential unit permit was issued, no longer fulfills one or more of the applicable provisions of this article controlling issuance or renewal of permits, the holder shall notify the parking official, who shall remove authorization from the permit holder in the digital permitting system ~~direct the holder to surrender the permit or present evidence that the permit has been removed from the motor vehicle.~~
- (c) Until its expiration, ~~surrender or revocation~~, a residential unit permit issued in digital form shall remain valid for the period during which the permit holder length of time

~~the holder~~ continues to reside within the designated residential parking permit area and maintains an active, verifiable record in the digital permitting system.

- (d) A permit shall be valid only in the residential parking permit area for which it is issued.

Secs. 26-348—26-370. Reserved.

Sec. 26-714. Disposition of revenue.

- (a) All fees and revenues generated from the use of parking meters in the Washington Avenue Corridor parking benefit district and the issuance of permits under this article shall be allocated to the Washington Avenue Corridor parking benefit district.
- (b) All fees and revenues generated from the issuance of parking citations in the Washington Avenue Corridor parking benefit district shall be allocated to the ParkHouston special revenue fund. All revenue from the issuance of parking citations is not subject to the revenue split model described in (c) and shall not be allocated to the benefit district.
- (~~b~~c) All the total combined fees and revenue of the Washington Avenue Corridor parking benefit district and the ~~parking management~~ ParkHouston 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 Washington Avenue Corridor 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 the Washington Avenue Corridor parking benefit district and from the ParkHouston special revenue fund in proportion to the total combined fees and revenue generated by or deposited into each respectively for the previous year,.
- (~~e~~d) Sixty percent of permit fees and meter 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 ParkHouston special revenue fund.
- (~~d~~) ~~The threshold amount of net revenue (the remaining total combined fees and revenue of the Washington Avenue Corridor parking benefit district and the ParkHouston special revenue fund after the total administrative costs are paid) that must be generated before a project may be initiated is \$100,000.00.~~

- (e) Fees and revenue generated from the Washington Avenue Corridor 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 Washington Avenue Corridor parking benefit district is terminated, any fees and revenues generated from the use of parking meters in the Washington Avenue Corridor parking benefit district that have not been expended shall be transferred to the ParkHouston special revenue fund.

Sec. 26-752. Disposition of revenue.

- (a) All fees and revenues generated from the use of parking meters installed in the Museum Park parking benefit district and the issuance of permits in the parking benefit district 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 \$524,000.00 annually. All fees and revenues generated from the issuance of parking citations in the Museum Park parking benefit district shall be allocated to the ParkHouston special revenue fund.
- (b) All the total combined fees and revenue of the Museum Park parking benefit district and the ParkHouston 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 the Museum Park 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 permit fees and meter 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 ParkHouston 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.
- (e) Fees and revenue generated from the Museum Park 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 Museum Park 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 ParkHouston special revenue fund.

Sec. 26-755. Disposition of revenue.

- (a) All fees and revenues generated from the use of parking meters located in the Midtown Parking Benefit District between the hours of 6:00 p.m. and 2:00 a.m. shall be allocated to the parking benefit district, beginning as soon as any such parking meter becomes operational. Additionally, all fees and revenues generated from the issuance of permits in the parking benefit district under article XII of this chapter shall be allocated to the parking benefit district. All fees and revenues generated from the issuance of parking citations in the Midtown Parking Benefit District shall be allocated to the ParkHouston special revenue fund.
- (b) All the total combined fees and revenue of the Midtown parking benefit district and the ParkHouston 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 Midtown 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 the Midtown parking benefit district and from the ParkHouston 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 permit fees and meter 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 ParkHouston special revenue fund.
- (d) The city may enter into agreements with the Midtown Management District, subject to city council approval, to manage projects to be funded with revenue generated by the parking benefit district.
- (e) Fees and revenue generated from the Midtown 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 Midtown 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 ParkHouston special revenue fund.

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