

**City of Houston, Texas, Ordinance No. 2021-837**

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY REMOVING THE RESTRICTION ON THE AUTHORITY OF PARKING COMPLIANCE OFFICERS TO ORDER THE REMOVAL OR IMPOUNDMENT OF VEHICLES PARKED IN VIOLATION OF THE CHAPTER; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the 87th Texas Legislature passed House Bill 914, which amended Section 2308.354 of the Texas Occupations Code to authorize a municipality to designate a municipal employee to request the removal and storage of a vehicle that is located in an area where on-street parking is regulated by the municipality's ordinance and that is parked illegally; and

**WHEREAS**, Chapter 26 of the Code of Ordinances, Houston, Texas, regulates parking and authorizes certain City employees to enforce the provisions of Chapter 26; and

**WHEREAS**, it is necessary to clarify language in Chapter 26 of the Code of Ordinances, Houston, Texas, by amending certain provisions relating to parking compliance officers' authority to order the towing of a vehicle parked in violation of Chapter 26; **NOW, THEREFORE**,

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

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

**Section 2.** That Section 26-6 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"Sec. 26-6.      Parking compliance officers.**

- (a)      Parking 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 compliance officers shall not have any power of arrest under the authority conferred by this section. Parking 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.”

**Section 3.** That Section 26-298 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 26-298. Removal of vehicle.**

Pursuant to Texas Occupations Code Section 2308.354(a), a parking compliance officer or personnel designated by the police chief may authorize the towing of a vehicle parked in violation of this chapter. 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.”

**Section 4.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 5.** 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 6.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

**PASSED AND ADOPTED this 29<sup>th</sup> day of September, 2021.**

**APPROVED this 29<sup>th</sup> day of September, 2021.**

Sylvester Turner \_\_\_\_\_  
Mayor of the City of Houston

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

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. \_\_\_\_\_  
ASM:red 9/3/2021                      Assistant City Attorney  
Requested by {Tina Paez, Director, Administration and Regulatory Affairs Department}  
L.D. File No. 0372100126001