

City of Houston, Texas, Ordinance No. 2024- 655

AN ORDINANCE AMENDING ARTICLE XVI, CHAPTER 40, CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING AN AREA WITHIN AND SURROUNDING MUSEUM PARK AREA BETWEEN PALM STREET AND SOUTHWEST FREEWAY (59/69) TO THE NORTH, SOUTH FREEWAY (288) TO THE EAST, HERMANN DRIVE TO THE SOUTH, AND MAIN STREET AND FANNIN STREET TO THE WEST AS A DESIGNATED AREA COVERED BY SUCH ARTICLE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, Article XVI of Chapter 40 of the Code of Ordinances ("Civility Ordinance") proscribes certain conduct on the sidewalks in the areas to which it is applicable; and

WHEREAS, the terms of the Civility Ordinance may be extended to and made applicable in designated areas in the City; and

WHEREAS, certain residents and property owners filed a petition (the "Petition") pursuant to the procedures set forth in the Civility Ordinance, seeking to extend its terms to a designated area within and surrounding Museum Park Area between Palm Street and Southwest Freeway (59/69) to the north, South Freeway (288) to the east, Hermann Drive to the south, and Main Street and Fannin Street to the west ("Museum Park Area"); and

WHEREAS, the Petition was duly and properly filed with the City Secretary, and a public hearing held thereon by the City Council on August 14, 2024, as required by the Civility Ordinance; and

WHEREAS, at the public hearing, the City Council received testimony from interested property owners and residents within the Museum Park Super Neighborhood Area and the report of the Houston Police Department regarding numerous instances of conduct proscribed by the Civility Ordinance occurring in the Museum Park Area; and

WHEREAS, the City Council finds and determines that the Petition was duly and properly filed and that the terms and provisions of the Civility Ordinance should be extended to the Museum Park Area; **NOW THEREFORE**;

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

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

Section 2. That the City Council does hereby determine that:

- (1) The Petition complies with the requirements of Section 40-353 of the Code of Ordinances;
- (2) The Museum Park Area exhibits the kinds of conduct and adverse impact on use of the sidewalks and adverse impact on adjacent properties that Article XVI of Chapter 40 of the Code of Ordinances was intended to address; and
- (3) The designation of the Museum Park Area for coverage under the terms of Article XVI of Chapter 40 of the Code of Ordinances would best serve the health, safety and welfare of the public.

Section 3. That the Museum Park Area shall be as set forth in Exhibit A, which is attached hereto and incorporated herein for all purposes.

Section 4. That the definition of the term *designated area* in Section 40-351 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the next consecutively numbered Item to read as follows:

"Museum Park Area: The area described in Exhibit A to Ordinance No. 2024-~~655~~⁵⁵¹, a copy of which is on file in the office of the city secretary."

Section 5. That the City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council

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further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 6. 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 7. 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 8. 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.

¹ City Secretary to insert Ordinance Number.

APPROVED this ____ day of _____, 2024.

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Meeting 9/11/2024

Aye	No	
✓		Mayor Whitmire
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Flickinger
Absent		Thomas
✓		Huffman
✓		Castillo
✓		Martinez
✓		Pollard
✓		Castex-Tatum
✓		Ramirez
✓		Davis
✓		Carter
Absent		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW
Date: 9/17/2024

EXHIBIT "A"

**PLANNING &
DEVELOPMENT
DEPARTMENT**



Proposed Civility Ordinance Boundary