

City of Houston, Texas, Ordinance No. 2019-1015

AN ORDINANCE AMENDING CHAPTERS 8, 16, 26, 40, and 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO ON-STREET PARKING REGULATIONS INCLUDING CREATING A PARKING BENEFIT DISTRICT WITHIN MUSEUM PARK AND A COMMUNITY PARKING PROGRAM; 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.

WHEREAS, pursuant to Texas Transportation Code section 311.001, the City has exclusive control over the public highways, streets, and alleys within its corporate boundaries, and the City holds its streets and public ways in trust for public use; and

WHEREAS, the neighborhoods of Museum Park and Museum Area Municipal Association ("MAMA") are a mixed-use environment with multiple stakeholders relying on the availability of public on-street parking; and

WHEREAS, implementation of a traditional residential parking permit program under Article VI, Chapter 26 of the Code of Ordinances would be disadvantageous to the community at large in the Museum Park and MAMA neighborhoods; and

WHEREAS, after a study of the Museum Park and MAMA neighborhoods, a substantive review of the practices of several other cities, and multiple meetings to understand the concerns and needs of the residents and businesses of the area, ParkHouston, formerly known as the Parking Management Division of the Administrative and Regulatory Affairs Department, in conjunction with the traffic engineer, has determined that the most effective tool for managing traffic and the limited number of on-street spaces would be the use of parking meters and time limits to encourage turnover and better use of existing parking inventory such as nearby parking garages; and

WHEREAS, ParkHouston has determined that, in conjunction with the placement of meters and time limits in the areas, the creation of parking permits for specified residents in the area that will allow the permittee to park at a meter or on-street space regulated by time limits in their neighborhood without paying the meter or observing the time limits will further facilitate use of the right-of-way and address quality of life and convenient parking issues for residents that do not have access to adequate off-street parking options; and

WHEREAS, limiting the number of permits issued to residential units is required due to the limited curb space that is in high demand; and

WHEREAS, where parking challenges exist and reserved parking for all employees is not feasible, ParkHouston has determined that, in conjunction with the placement of meters and time limits in the areas, the creation of parking permits for employees of businesses in the area that will allow the permittee to park at a meter or an on-street space regulated by time limits in a specified, low demand parking area without paying the meter or observing the time limits will further facilitate use of the right-of-way; and

WHEREAS, implementation of the Community Parking Program will encourage turnover and maximize use of curbside parking, a valuable City asset; and

WHEREAS, ParkHouston has also determined that the Museum Park area would benefit from the creation of a parking benefit district whereby a portion of the revenue from additional parking meters and permit fees (less City expenses for administrative costs, signage, enforcement, installation, operation, and maintenance of parking meters) is dedicated to public safety and public amenities that enhance the quality of life in the area, such as installation and maintenance of sidewalks and pedestrian walkways, street maintenance, installation and repair of street lights, landscaping, acquisition of additional parking, and improvements that promote walking, cycling, and the use of public transportation in the area; and

WHEREAS, City Council finds that the Museum Park area has sufficient on-street parking spaces, that if metered, would pay the expenses of enforcing, maintaining, and operating parking meters, administering restricted parking in the area, and funding projects that enhance the quality of life in the area; and

WHEREAS, City Council finds that there is sufficient evidence of support by the residents and business owners for the creation of a parking benefit district in the Museum Park area; and

WHEREAS, City Council finds that designating the Museum Park area as a pilot parking benefit district until 180 days after the first anniversary of the effective date of this ordinance would be sufficient time to test the effectiveness of the parking benefit district in the Museum Park area; and

WHEREAS, ParkHouston also undertook a review of various provisions of the Code of Ordinances relating to on-street parking regulations that needed revision or updating; and

WHEREAS, such revisions include amending definitions and terminology to reflect updated organization and employee titles, clarifying definitions related to parking meter zones, use of meters or pay stations, and residential parking permits, authorizing technological alternatives to display of physical parking permits, and updating the offense of unlawful duplication of a permit to include modification of a permit; **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 a part of this Ordinance.

Section 2. That the title of Division 1 of Article I of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"DIVISION 1. PARKHOUSTON"

Section 3. That Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of the terms *commercial vehicle signage*, *meter*, *parking enforcement officer*, *parking management division*, and *parking meter collector*, respectively to read as follows:

"*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."

"*Meter or pay station* means any mechanical or electronic device that the City places or erects on property 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 where applicable."

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

"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 technician means an employee of the department assigned to collect revenue from and perform maintenance services on parking meters."

The definitions as changed above shall be arranged among the unchanged definitions in alphabetical order.

Section 4. That Section 26-2 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, definitions of the new terms *parking meter zone* and *senior parking meter technician* to read as follows:

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

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

Section 5. That Item (5) of Section 26-4 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"(5) Maintain a system to issue and track permits, licenses, and citations."

Section 6. That Sections 26-6, 26-298, and 26-372 of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the term *parking enforcement* with the term *parking compliance*.

Section 7. That Section 26-7 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-7. Parking meter technicians.

(a) There shall be employment positions within ParkHouston for persons who shall be known as 'parking meter technicians' or 'senior parking meter technicians.' The parking meter 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.

(b) It shall be the duty of each parking meter 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."

Section 8. That Section 26-10 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"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, 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), 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 Article XII	\$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."

Section 9. That the last sentence of Section 26-156 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Where a meter has been installed that controls two or more parking spaces, then the vehicles shall be parked in accordance with the signage or other control system applicable to the meter."

Section 10. That Items (1) and (2) of Section 26-160 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

- "(1) *Short-term parking:* 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:* 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.”

Section 11. That Sections 26-185 and 26-186 of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the term *parking management division* with the term *ParkHouston*.

Section 12. That Section 26-291 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of the terms *one-day visitor permit* and *resident* to read as follows:

“*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.”

“*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.”

Section 13. That Section 26-291 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new definition that reads as follows:

“*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.”

Section 14. That Section 26-293(c) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(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.”

Section 15. That Section 26-344 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"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	No limit for vehicles registered to RPP address
Visitor	4
Service Provider	2
One-Day (24-Hour) Visitor	100

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

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

Section 16. That Section 26-346 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 26-346. Display of permits.

(a) Each residential unit 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 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.

(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."

Section 17. That Section 26-701 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, definitions of the new terms *Greater Southeast Management District* and *Museum Park* to read as follows:

"*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 C to Ordinance No. 2019-1015.¹"

Section 18. That Section 26-701 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definitions of the terms *parking benefit district* and *projects* to read as follows:

"*Parking benefit district* means an area designated pursuant to this article in which 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."

"*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, cycling,

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

and the use of public transportation, and information to identify and inform the public of a parking benefit district.”

Section 19. That Section 26-703 is hereby renumbered as Section 26-728 and moved to Division 3 of Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas.

Section 20. That Section 26-704 is hereby renumbered as Section 26-729, amended to replace the term *this article* with the phrase *section 26-728(a) of this Code*, and moved to Division 3 of Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas.

Section 21. That Section 26-706 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 26-706. Removal of vehicle.

A parking 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.”

Section 22. That Section 26-711 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“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.

(b) Upon recommendation from the traffic engineer, city council may modify or terminate the parking benefit district if the traffic engineer determines that termination or modification is necessary for public safety or mobility purposes.”

Section 23. That Sections 26-712, 26-713, and 26-714 of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the phrase *a parking benefit district* with the phrase *the Washington Avenue Corridor parking benefit district*.

Section 24. That the title of Division 3 of Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"DIVISION 3. PERMITS FOR WASHINGTON AVENUE CORRIDOR
PARKING BENEFIT DISTRICT"**

Section 25. That Section 26-723(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“(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. 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.”

Section 26. That Section 26-723 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting Subsection (d) and re-lettering the subsequent Subsections accordingly.

Section 27. That the title of Division 4 of Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**"DIVISION 4. WASHINGTON AVENUE CORRIDOR ADVISORY
COMMITTEE"**

Section 28. That the first sentence of Section 26-742(b) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“The regular members shall be business owners 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.”

Section 29. That Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 5 that reads as set forth in Exhibit A, attached hereto and incorporated herein.

Section 30. That Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article XII that reads as set forth in Exhibit B, attached hereto and incorporated herein.

Section 31. That Sections 8-101, 8-115, 8-116, 8-120, and 8-124 of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the term *parking enforcement* with the term *parking compliance*.

Section 32. That Section 16-61 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 16-61. Jurisdiction.

The municipal courts department shall have original jurisdiction over cases involving violations of city ordinances enumerated in articles II, IV, 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.”

Section 33. That Sections 16-64(a) and 16-66(b) of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the term *parking enforcement* with the term *parking compliance*.

Section 34. That Section 40-451 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of the term *parking management division* to read as follows:

“*ParkHouston* has the meaning assigned in section 26-2 of this Code.”

Section 35. That Sections 40-453(c), 40-453(f), and 40-459 of the Code of Ordinances, Houston, Texas, are hereby amended by replacing the term *the parking management division* with the term *ParkHouston*.

Section 36. That Section 40-453(e) of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the term *its parking management division* with the term *ParkHouston*.

Section 37. That Section 45-8 of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the term *parking enforcement* with the term *parking compliance*.

Section 38. That the community parking program resident parking permit fee promulgated in new section 26-786 as added by this Ordinance to the Code of Ordinances is hereby approved in the following initial amount: \$29.18. That the community parking program business parking permit fee promulgated in new section 26-786 as added by this Ordinance to the Code of Ordinances is hereby approved in the following initial amount: \$25. The Director of Administration and Regulatory Affairs shall ensure that this new fee is provided to the Director of Finance for incorporation into the City Fee Schedule as soon as possible.

Section 39. 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 40. 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 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 41. 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 APPROVED this 11th day of December, 2019.

Sylvester Turner _____
Mayor of the City of Houston

Prepared by Legal Dept. _____
DRF:aw 12/12/2019 12:36:00 PM Assistant City Attorney
Requested by Tina Paez, Director, Administrative and Regulatory Affairs
L.D. File No. 0371700051001

EXHIBIT A

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 designation (December 19, 2019)¹, 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 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 annually. All fees and revenues generated from the issuance of parking citations in the Museum Park parking benefit district shall be allocated to the parking management special revenue fund.

(b) All the total combined fees and revenue of the Museum Park 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

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

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 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.

(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 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 Greater 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.

EXHIBIT B

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 D to Ordinance No. 2019-1015.¹
- (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 E to Ordinance No. 2019-1015.¹

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

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

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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.

(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 modify, duplicate, or attempt to duplicate, a permit authorized by this article or to display on any motor vehicle a modified, 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:

- (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. 26-776—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:

Building	Number of Permits Allowed Annually
Residential buildings	3 permits per address/dwelling unit

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	1 permit per dwelling unit
Multi-family buildings	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

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;
- (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
 - 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.

(c) 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.

(d) 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.

(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.

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.

EXHIBIT C

(insert here)

EXHIBIT D

(insert here)

EXHIBIT E

(insert here)