**ORDINANCE NO. 2026-10**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY AMENDING SECTION 28-103 ENTITLED, "PARKING-PROHIBITED ON PUBLIC STREETS, ALLEYS AND PARKWAYS", OF DIVISION 1, ARTICLE III, CHAPTER 28 THEREOF PROVIDING FOR VEHICLES PARKED UPON PUBLIC STREETS, ALLEYS, AND PARKWAYS TO HAVE ACTIVE INSURANCE WITH STATE-REQUIRED MINIMUM COVERAGE; BY ADOPTING NEW SECTION 28-105 THROUGH 28-113 DECLARING VIOLATIONS OF PARKING ORDINANCES TO BE A CIVIL OFFENSE AND ESTABLISHING A HEARING PROCEDURE FOR SUCH OFFENSES; PROVIDING A PENALTY FOR ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council of the City of Rosenberg, Texas, has found it necessary to amend the City's parking regulations to provide parking restrictions for vehicles parking or standing on public streets, alleys, and parkways, requiring vehicles to have active insurance with state-required minimum coverage; and,

**WHEREAS**, the City of Rosenberg, Texas, has the authority to regulate parking within the City through its general police powers and pursuant to Chapter 542 of the Texas Transportation code; and,

**WHEREAS**, the City has the authority to declare parking violations within the City to be a civil offense pursuant to Chapter 682 of the Texas Transportation code; and,

**WHEREAS**, the City Council of the City of Rosenberg, Texas, has found it necessary to amend certain sections of the City's parking regulations to provide for the free movement of traffic and for the health, safety, and welfare of its citizens;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:**

Section 1. The Code of Ordinances of the City of Rosenberg is hereby amended by amending Section 28-103 of Division 1, Article III, of Chapter 28 thereof to provide as follows:

**"Sec. 28-103. – Parking—Prohibited on public streets, alleys, and parkways.**

(a) Unless otherwise specified or prohibited in this Code, parking or standing on

public streets, alleys and parkways or portions thereof shall be limited to motor vehicles with a gross vehicle weight rating (GVWR) below 15,001 lbs. It shall be unlawful for any person to leave a vehicle parked or standing in the same location on any public street, alley or parkway for a continuous period of more than 48 hours.

(b) Parking or standing of any other type of vehicle or equipment is prohibited. This prohibition includes, but is not limited to trailers, pole trailers, semi-trailers, house trailers, travel trailers, motor homes, recreational vehicles, flat bed trailers, cattle trailers, boats on trailers, dump trucks, road tractors, special mobile equipment, towable recreational vehicles or commercial vehicles as defined by Sec. 522.003 and 541.201 Transportation Code V.T.C.A. or as amended.

(c) It is a defense to prosecution under this section, unless specifically prohibited hereinafter, that the parking or standing of the vehicle was under one (1) of the following circumstances:

(1) For the purpose of temporarily loading or unloading merchandise, material or passengers for a period of time not to exceed two (2) hours;

(2) Was owned by a governmental entity or was performing work under a contract with a governmental entity;

(3) Was owned by a public utility or was performing work under a contract with a public utility;

(4) For the purposes of lawn maintenance, construction, repair or remodeling of a residence or commercial structure, restricted to sunup to sundown;

(5) For the purposes of temporarily parking, loading or unloading, a boat and trailer, or recreational vehicle, as defined in section 14-1 of this Code, for a continuous time period not exceeding forty-eight (48) hours.

(d) It shall be unlawful for any person to leave a vehicle parked or standing on any public street, alley or parkway without having active insurance with state-required minimum coverage.

(e) It shall be unlawful for any person, having registered in his name or owning or operating or having in charge any vehicle, knowingly to allow or suffer or permit the subject vehicle to stand or be parked in any public streets, alleys, parkways or portions thereof in the city in violation of any of the provisions of this chapter or

other ordinances of the city regulating the standing or parking of vehicles. In any prosecution charging a violation hereunder, proof that the particular vehicle described in the complaint was parked in violation of any such ordinance or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

(f) The elements of the various offenses and definitions relating thereto that are set forth in the Texas Transportation Code, and any other state statutes, articles or codes relating to the parking, standing or stopping of vehicles, including amendments thereto, are adopted as a part of this chapter by reference. Violations of any of the aforesaid provisions that are adopted by reference shall also constitute city ordinance violations as provided by this Code."

Section 2. The Code of Ordinances of the City of Rosenberg is hereby amended by adopting new Sections 28-105 through 28-113 of Division 1, Article III, of Chapter 28 thereof to provide as follows:

"**Sec. 28-105. – Parking Violations as Civil Offenses.**

(a) A violation of a provision of this Chapter governing stopping, standing, or parking of a vehicle is designated as a civil offense.

(b) A violation of a provision of this Chapter pertaining to interference with enforcement, immobilization or impoundment is a criminal offense.

(c) A person charged with violating a stopping, standing, or parking ordinance is entitled to an administrative adjudication hearing as provided in this Article. The hearing shall take place no later than ten business days following the date upon which a citation is issued.

**Sec. 28-106. – Administrative Hearing Procedure.**

(a) In any administrative adjudication hearing under this chapter:

(1) It is a rebuttable presumption that the registered owner of the motor

vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and

(2) A computer-generated record of the Texas Department of Transportations' files showing the current registered vehicle owner is prima facie evidence of the contents of the record.

**Sec. 28-107. – Parking citations; notices.**

(a) A parking citation serves as summons and notice of the administrative adjudication hearing under this article.

(b) A parking citation may be issued by a police officer, a code enforcement officer, or any other authorized parking enforcement agent designated by the city manager.

(c) If the owner or operator of the vehicle is not present at the time the citation is issued, the person issuing the citation may affix the citation to the vehicle in a conspicuous place.

(d) The citation shall include:

(1) The charged offense;

(2) The date, time and location of the violation;

(3) The make, model and state license plate number of the vehicle, or if the license plate number is not visible or legible, the VIN number or state inspection number in lieu of the license number;

(4) Notice of the recipients right to an instanter hearing within ten days, that such right shall be exercised by either requesting a hearing by mail postmarked within ten days of the date of citation or appearing before a hearing officer within ten days of the date of citation, and the hours instanter hearings are available; and,

(5) Notice that failure to appear at the administrative hearing is considered an admission of liability.

**Sec. 28-108. – Hearing officer; powers; duties; functions.**

(a) The hearing officer shall be appointed by the city manager.

(b) The hearing officer shall have the authority to:

(1) Administer oaths;

(2) Issue orders enforceable by the municipal court compelling the attendance of witness and the production of documents;

(3) Hear and determine contests of parking violations under this Article;

(4) Issue orders of immobilization or impoundment of vehicles;

(5) Set conditions for the release of vehicles immobilized or impounded under this chapter; and

(6) Dismiss parking citations or cases that are unenforceable or that were erroneously issued.

**Sec 28-109. – Administrative Adjudication Hearing.**

(a) Administrative adjudication hearings before a hearing officer:

(1) The defendant may admit, admit with an explanation, or deny the allegation.

(2) The person who issued the citation is not required to attend the hearing.

(3) The city attorney is not required to appear at the hearing. However, if the person charged is represented by legal counsel at the hearing, the hearing officer shall notify the city attorney's office or the designated municipal court prosecutor, as appropriate, so that the city attorney or the prosecutor may appear on behalf of the city at the hearing.

(4) No formal or sworn complaint shall be necessary. At the hearing, the hearing officer shall examine the contents of the citation and the evidence related to ownership of the vehicle in question, the presumptions and other prima facie evidence established by this article and other applicable state law, and the testimony and evidence presented by the defendant and the city.

(5) If the hearing officer determines by a preponderance of the evidence that the defendant committed the violation, he or she shall find the defendant liable for all fees and fines.

(6) At the conclusion of the hearing, the hearing officer shall issue an order stating:

a. Whether the person charged with the violation is liable for the violation;

b. The amount of any fine, cost, or fee assessed against the person; and

c. A statement that the order may be enforced by the methods provided in

this article.

(7) The order shall be filed with the municipal court clerk or city secretary and shall be kept in a separate index and file. The order may be recorded using microfilm, microfiche, or any data processing techniques.

**Sec. 28-110. – Enforcement.**

(a) An order filed pursuant to this article may be enforced by:

(1) Impounding the vehicle if the offender has committed three or more parking or stopping offenses in the past calendar year;

(2) Placing a device on the vehicle that prohibits movement of the motor vehicle;

(3) Imposing an additional fine if the original fine is not paid within a specified time; or

(4) Filing an action to collect the fine, cost, or fee in a court of competent jurisdiction.

**Sec. 28-111. – Appeal.**

(a) A person whom the hearing officer determines to be in violation of a vehicle parking or stopping ordinance may appeal the determination by filing a petition with the clerk of the municipal court and paying the costs required by law for municipal court not later than the 30th day after the date on which the order is filed.

(b) The municipal court clerk shall schedule an appeal hearing and notify the appellant and the municipal court prosecutor of the date, time, and place of hearing.

**Sec. 28-112. – Execution of immobilization order.**

(a) Any city officer may immobilize a vehicle under an order issued by the hearing official by the installation or attachment of a device designed to restrict the normal movement of a vehicle.

(b) When a vehicle is immobilized, the person executing the order will conspicuously attach to the vehicle a written notice on a form provided by the city, worded substantially as follows:

(1) The vehicle has been immobilized pursuant to court order, and any attempted movement may cause damage to the vehicle;

(2) It is unlawful for any person to tamper with, deface, damage, or attempt to remove an immobilization device when it has been attached to a vehicle;

(3) Instructions on having the vehicle released may be obtained by calling the police department;

**Sec. 28-113. – Penalties for Parking Violations.**

(a) A person who violates a parking regulation set forth in this chapter shall be liable for a civil penalty set forth below.

(b) Violations regarding disabled parking or parking within 15 feet of a fire hydrant shall be assessed a civil penalty of not less than $150.00 nor more than $200.00.

(c) All other parking violations under this chapter shall carry a civil penalty of $30.00 for the first offense, $50.00 for the second offense, and $75.00 for a third or subsequent offense occurring within one calendar year.

(d) An administrative fee of $50.00 to defray the city's costs in administering and enforcing orders pursuant to this article will be charged for each vehicle ordered immobilized or impounded."

Section 3. Violations of this Ordinance shall be punished in accordance with the penalty provisions of the City of Rosenberg Code of Ordinances.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Rosenberg, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. All ordinances or parts inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** by a vote of 7 "ayes" in favor, 0 "noes" against, and 0 abstentions on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg, Texas on this the 7 day of April 2026.

**ATTEST:**

Danyel Swint, TRMC, **City Secretary**

**APPROVED:**

William Benton, **Mayor**

**APPROVED AS TO FORM:**

**CITY ATTORNEY**
Randle Law Office, Ltd., L.L.P.

CITY OF ROSENBERG · ROSENBERG, TEXAS ·