

City of Houston Ordinance No. 2020- 893

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, BY ADDING NEW SECTION 26-100, RELATING TO ON-STREET PARKING RESTRICTIONS IN DEDICATED BICYCLE LANES; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A CIVIL PENALTY THEREFOR; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, Chapter 26 of the Code of Ordinances (the "Code"), Houston, Texas, regulates the stopping, standing and parking of vehicles; and

WHEREAS, the City of Houston's (the "City") parking official, designated by the Director of the Administration and Regulatory Affairs Department ("ARA"), is responsible for managing and enforcing all on-street parking regulations in residential and commercial areas; and

WHEREAS, the ParkHouston Division ("ParkHouston"), a division of ARA, worked with the City's Bicycle Advisory Committee and the Planning and Development Department to identify issues pertaining to bicycle safety in public roadways; and

WHEREAS, the City's Bicycle Advisory Committee recommended amending Chapter 26 of the Code to create a separate violation for parking in a bicycle lane; and

WHEREAS, the parking, standing or stopping of vehicles in dedicated bicycle lanes interferes with the safe movement of bicyclists; and

WHEREAS, the proposed revisions to Chapter 26 have been presented to the Regulatory and Neighborhood Affairs Committee of the City Council and submitted for public comment; and

WHEREAS, the proposed Ordinance supports the City's Vision Zero Houston goal to eliminate traffic deaths and serious injuries by 2030; and

WHEREAS, City Council finds that the proposed Ordinance will enhance the ability of parking compliance officers to address the safety hazards created by parked cars in dedicated bicycle lanes and to protect the safety and welfare of bicyclists; **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 Article II of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new section that reads as follows:

"Sec. 26-100. Blocking bicycle lanes.

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

Approved Bicycle Friendly Driver Training Class means a class, approved by the parking official, designed to teach violators best practices in considering the road safety of bicyclists and other non-motorists on shared rights-of-way.

Bicycle means a vehicle with two wheels in tandem, usually propelled by pedals connected to the rear wheel by a chain or an integrated motor, and having handlebars for steering and a saddle-like seat.

Bicycle lane means a dedicated portion of the roadway separated from motor vehicle traffic with striping and/or physical delineation intended for the exclusive use of bicyclists.

Bicyclist means a person riding a bicycle.

- (b) No person shall stop, stand, or park any vehicle upon a bicycle lane. The provision of this subsection shall not apply to on-street bikeways where travel lanes are shared by vehicles and bicyclists and where the city permits on-street parking.
- (c) In lieu of paying a fine pursuant to section 26-10 of this Code, a person who has not previously received a citation for violation of this section may appear for an instant hearing before an adjudication hearing officer within 30 days of the date of the offense and make a request to take an Approved Bicycle Friendly Driver Training Class. A person who requests to take an Approved Bicycle Friendly Driver Training Class must do so within 90 days of the request being granted and shall return proof of completion within that time period. Upon receiving acceptable proof of completion, an adjudication hearing officer shall enter a finding of not liable in the case. The presiding judge of the municipal courts department and the parking official are authorized to prescribe rules and regulations for the administration of this section.
- (d) In addition to any applicable fine, any vehicle parked or left in violation of this section shall be subject to being towed to a place of impoundment in the manner provided by law."

Section 3. That violations of Section 26-100 of the Code of Ordinances, Houston, Texas, as adopted in **Section 2** of this Ordinance, are civil offenses and punishable by not less than \$1.00 nor more than \$200.00 as provided in Section 26-10 of the Code of Ordinances, Houston, Texas. The parking official shall post a list of Approved Bicycle Friendly Driver Training Classes on the ParkHouston and Municipal Courts website no later than 90 days after the effective date of this Ordinance.


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 APPROVED this 14th day of October, 2020.



Mayor of the City of Houston

Prepared by Legal Dept. 

TKL:aw 09/04/2020

Assistant City Attorney

Requested by Tina Paez, Director, Department of Administration and Regulatory Affairs

L.D. File No. 0392000078001

AYE	NO	
✓		MAYOR TURNER
....	COUNCIL MEMBERS
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
	✓	POLLARD
✓		MARTHA CASTEX-TATUM
	✓	KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	