

## Chapter 26 **PARKING**

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### **ARTICLE II. – STOPPING, STANDING, PARKING AND OPERATION OF VEHICLES**

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#### **Sec. 26-102. Standing and Parking of motor-assisted scooters.**

- (a) It shall be unlawful for any person, for the purpose of renting a motor assisted scooter, to stand, park, place, offer to rent, exhibit, or display a motor assisted scooter on any public roadway, street, alley, parking space, sidewalk, park, right-of-way, or any other public property within the city limits.
- (b) The director may authorize the removal of any item unlawfully left on city property in violation of this section. The city may remove or authorize a contractor to remove any item unlawfully left on city property and charge a fee in the amount stated for this provision in the city fee schedule for the city's cost of removing the item to the person who owns or is responsible for placing the item on city property, if such person is known. To the extent an item unlawfully left on city property has an identifiable owner, then the city will place the item in storage for up to 30 calendar days and notify the owner of the owner's opportunity to retrieve the item upon payment to the city of the any removal and storage fee in the amount stated for this provision in the city fee schedule. After 30 days from the date the city notified the owner or following a reasonable, but unsuccessful attempt to locate the owner of such item, the city may dispose of such item. The city is entitled to retain any proceeds of a sale disposing of an item in order to cover the costs incurred by the city for removal and storage of such item. The director may establish additional notification procedures, including but not limited to notification procedures where an item unlawfully left on city property has no identifiable owner.

## Chapter 45 TRAFFIC

### ARTICLE I. IN GENERAL

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#### Sec. 45-2. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means any street, as herein defined, of 20 feet or less in width having no legal or official name other than "alley."

*Animal* has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animated being that is not human and has the power of voluntary action.

*Authorized emergency vehicle* means any vehicle of the fire department (fire patrol), any police vehicle, any public or private ambulance for which a permit has been issued by the state board of health, any emergency vehicles of a municipal department or public service corporation as may be designated or authorized by the city council, any private vehicle operated by volunteer fire fighter or certified emergency medical services volunteer while answering a fire alarm or responding to a medical emergency, and any vehicle operated by a blood bank or tissue bank, accredited or approved under the laws of this state or the United States, while making emergency deliveries of blood, drugs or medicines, or organs.

*Bicycle* means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is 14 inches or over in diameter.

*Bus* means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle, other than a taxicab or limousine, designed and used for the transportation of persons for compensation.

*Bus zone* means the area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of buses operating under franchise granted by the city, for loading and unloading passengers.

*Business district* means the territory contiguous to and including a roadway when, within any 600 feet along such roadway, there are buildings in use for business or industrial purposes which occupy 300 feet of frontage on one side or 300 feet collectively on both sides of the roadway.

*Crosswalk* means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway. The word "crosswalk" also includes any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surfaces.

*Department* means Houston Public Works.

*Director* means the Director of Houston Public Works or his designee.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Driveway* means entrances to and exits from private premises where it is possible to park completely off the street, and which are not open for vehicle traffic except by permission of the owner of such private premises.

*Esplanade* has the meaning ascribed in section 33-101 of this Code.

*House trailer* means a trailer or semitrailer:

- a. That is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or
- b. Whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subsection a., but is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

*Intersection* means the area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary line of the roadways of two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict. Where a street includes two roadways, 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two roadways 30 feet or more apart, then every crossing of two roadways of such streets shall be regarded as a separate intersection. The junction of an alley with a street or highway shall not constitute an intersection.

*Legal holidays* means the term "legal holidays" shall include only such holidays as are officially designated by the city council.

*Limited-access or controlled-access highway* means any highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Livestock* has the meaning ascribed in Texas Agricultural Code Section 1.003.

*Median strip* means the dividing area, either landscaped or paved, between opposing highway traffic lanes.

*Meter* has the meaning ascribed in section 26-181 of this Code.

*Micromobility device* means a self-propelled transportation device designed primarily for individual use for short-distance travel with: (1) a deck designed to allow a person to stand or sit while operating the device; (2) a braking system capable of stopping the device under typical operating conditions; and (3) is capable of propulsion by an electric motor, by human power, or by a combination thereof. The term includes electric scooters, hoverboards, electric skateboards, and electric roller skates. The term does not include all-terrain vehicles, mopeds, motorcycles, electric bicycles, motorized mobility devices, electronic personal assistive mobility devices, or a neighborhood electric vehicle, all of which are defined and subject to regulations pursuant to the Texas Transportation Code.

*Minor* has the meaning ascribed in section 28-17 of this Code.

~~*Motor-assisted scooter* has the same meaning ascribed in this section to the term neighborhood electric vehicle section 26-2 of this Code.~~

*Motor vehicle* means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

*Motorcycle* means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

*Neighborhood electric vehicle* means a vehicle subject to Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

*Off-Highway Vehicle* means a vehicle as defined in Section 551A.001 of the Texas Transportation Code, as amended.

*Owner* means a person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

*Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading passengers or merchandise except an involuntary stopping of such vehicle by reason of mechanical failure or direction of a police officer.

*Pedestrian* means any person afoot.

*Pole trailer* means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members, capable, generally, of sustaining themselves as beams between the supporting connections.

*Police officer* means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private driveway* means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Rent* means the payment of any money, fee, charge, consideration, thing of value, reward, tip, donation, or gratuity, whether on a recurring or one-time basis, by a person for the right to possess or use a micromobility device or off-highway vehicle, including but not limited to possession and use of the micromobility device or off-highway vehicle pursuant to a lease, sublease, license, timeshare agreement, or other agreement.

*Right-of-way* means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

*Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel. In the event a street or highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

*Semitrailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Sidewalk* means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Stop*, when required, means complete cessation of movement.

*Stop, stopping, standing*, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

*Taxi zone* means the area or space officially set apart within a roadway by appropriate signs or markings for the exclusive use of taxicabs licensed as such by the city.

*Temporary structure* means any structure or vehicle which is designed to be easily transported or dismantled after its function has been fulfilled, and which is used for the purposes of renting or facilitating the rental of a micromobility device.

*Through street or express street* means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to a stop sign, yield sign or other official traffic-control device, when such signs or devices are erected as provided by law.

*Traffic* means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street or highway for purposes of travel.

*Traffic island* means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes.

*Traffic-control devices* means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

*Traffic-control signal* means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and to proceed.

*Trailer* means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

*Truck or commercial vehicle* means every motor vehicle designed, used, or maintained primarily for the transportation of property.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, excepting devices used exclusively upon stationary rails or tracks.

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**Sec. 45-18. Operation of neighborhood electric vehicles and off-highway vehicles by minors prohibited ~~motor assisted scooters~~.**

- (a) It shall be unlawful for a minor to operate a neighborhood electric vehicle or off-highway vehicle ~~a motor-assisted scooter~~ on a public roadway, street, alley, sidewalk, trails, or city park within city limits.
- (b) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a neighborhood electric vehicle or an off-highway vehicle ~~motor-assisted scooter~~ on any public roadway, street, alley, sidewalk, trail, or city park within the city limits.
- (c) It is a defense to prosecution under this section if a minor presents evidence of being a qualified individual with a disability pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12131 and 12132).

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**ARTICLE XII. BICYCLES**

**DIVISION 1. GENERALLY**

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**Sec. 45-302. Riding on sidewalks.**

- (a) ~~As used in this section, the term *motor assisted scooter* shall have the same meaning as defined in section 26-2 of this Code.~~
- (ab) No person shall ride a bicycle ~~or motor assisted scooter~~ upon a sidewalk within a business district.
- (be) The traffic engineer is authorized to erect signs on any sidewalk outside a business district prohibiting the riding of bicycles ~~and motor assisted scooters~~ thereon by any person, and when such signs are in place, no person shall disobey the same.
- (cd) Whenever any person is riding a bicycle ~~or motor assisted scooter~~ upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing any pedestrian.

**ARTICLE XIV. ~~RESERVED~~ MICROMOBILITY DEVICES AND OFF-HIGHWAY VEHICLES.**

**Sec. 45-341. Operation of micromobility devices; off-highway vehicles prohibited at certain times.**

- (a) It shall be unlawful for any person to operate a micromobility device or off-highway vehicle on any public roadway, street, alley, sidewalk, trail, or city park within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day, unless expressly authorized by state law.
- (b) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a micromobility device on any public roadway, street, alley, sidewalk, trail, or city park within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day.
- (c) It shall be unlawful for any person to place, erect, operate, or maintain a temporary structure for the purpose of renting or facilitating the rental of a micromobility device within the city limits.
- (d) It shall be unlawful for any person to rent or offer to rent a micromobility device or an off-highway vehicle within the city limits between the hours of 8:00 p.m. and 4:00 a.m. the following day.
- (e) It is a defense to prosecution under this section if a person presents evidence of being a qualified individual with a disability pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12131 and 12132).
- (f) The traffic engineer is authorized to install signage in high-traffic areas to provide public notice of the curfew and prohibition on micromobility devices and off-highway vehicles.
- (g) It is an affirmative defense to prosecution under this section that between the hours of 8:00 p.m. and 4:00 a.m., the person was:
  - (1) Operating a micromobility device as a direct means of transportation to or from the individual's school or place of employment; or
  - (2) Operating a micromobility device when reasonably necessary to respond to a personal or family emergency, or to obtain emergency medical care or other urgent assistance; or
  - (3) Operating a micromobility device as law enforcement, fire, or emergency medical personnel, or as a city employee in the performance of official duties; or
  - (4) Operating a micromobility device during a special event or activity expressly permitted or authorized by the city, provided such use complies with all

conditions of permit authorization. The provisions of this section do not restrict a person operating or parking a micromobility devices as part of a parade or special event permitted under chapter 25 of this Code provided such use is expressly authorized in the special event or parade permit and complies with all conditions established by the director of the Mayor's Office of Special Events to ensure public safety and minimize disruption to pedestrian and vehicular traffic.

**Sec. 45-342. Offense; penalty.**

- (a) Any person who violates any provision of this article shall be guilty of an offense and, upon conviction thereof, shall be punished as provided in section 1-6 of this Code.
- (b) Each violation of this article shall constitute and be punishable as a separate offense.

**Sec. 45-343. Micromobility device impoundment and removal.**

- (a) The city may impound all micromobility devices that are operated or parked in violation of state law, city ordinances, the motorized device curfew established in this chapter, or any other applicable provisions of this code.
- (b) Every micromobility device that is impounded may be redeemed and released only upon payment of removal, storage, and redemption fees established in the City's fee schedule. Such fees may be adjusted periodically by the Finance Department and approved by City Council in accordance with applicable administrative procedures.
- (c) If an impounded micromobility device remains in the possession of the city for 30 calendar days following notice of impoundment, it shall become and remain the property of the city.
- (d) The police department may remove any micromobility devices from a public street, sidewalk, or public place when probable cause exists to believe that the micromobility device is being operated or used in violation of this chapter, including curfew violations. The administration and regulatory affairs department shall assist the police department with coordinating the removal of micromobility devices operated or used in violation of this chapter.
- (e) Any person whose micromobility device has been removed without the consent of the owner or operator may request a hearing to determine whether probable cause existed for the removal. Hearings under this section shall be before a municipal court judge.
- (f) A person who wishes to request a hearing hereunder shall deliver a written request for the hearing to the clerk of the municipal courts not later than the 14th day after

the date the micromobility device was placed in a secured facility. A person who fails to deliver the request within the specified time period waives the right to the hearing.

(g) The written request must contain the following information:

- (1) The name, address, and telephone number of the owner and operator of the micromobility device;
- (2) The date and location from which the micromobility device was removed;
- (3) The name of the police officer who authorized the removal of the micromobility device; or
- (4) The name, address, and telephone number of the secured facility to which the micromobility device was removed.

(h) Upon receipt of a complete and timely filed hearing request, the clerk of the municipal courts shall schedule a hearing to occur as soon as practicable; provided, however, all hearings conducted pursuant to this section shall be held within 21 days after the date the hearing request was received.

(i) The court shall notify the owner or operator of the micromobility device and the police officer who authorized the removal of the micromobility device of the date, time, and place of the hearing. The sole issue to be determined in a hearing under this section is whether probable cause existed for the removal of the device.

(j) The court shall make written findings of facts and conclusions of law regarding the issues in the hearing. If the court determines that probable cause existed for the removal of the micromobility device, the owner or operator shall pay the costs of removing and storing the device prior to the release of the micromobility device.

(k) If the court determines that probable cause did not exist for the removal of the micromobility device, the device shall be ordered released without the payment of any costs for removing and storing the micromobility device. If the owner or operator paid removal and storage costs before the hearing and the court determines that probable cause did not exist for the removal and storing of the micromobility device, the city shall fully reimburse the owner or operator.

(l) The provisions of this section shall be cumulative of all other enforcement powers granted by this chapter and available to the city.

**Sec. 45-344-60. Reserved.**