

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.

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).

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.

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.

Scooter-free zone means the area beginning at the intersection of I.H. 10 and U.S. 59, then in a southerly direction along U.S. 59 until its intersection with the Union Pacific railroad, then in a southerly direction along the railroad until its intersection with I.H. 45, then in a northerly direction along I.H. 45 until its intersection with U.S. 59, then in a southerly direction along U.S. 59 until its intersection with McGowen Street, then in a northerly direction along McGowen Street until its intersection with San Jacinto Street, then in a southerly direction along San Jacinto Street until its intersection with Holman Street, then in a easterly direction along Holman Street until its intersection with Crawford Street, then in a southerly direction along Crawford Street and continuing along Alameda Street until its intersection with Alabama Street, then in a westerly direction along Alabama Street until its intersection with San Jacinto Street, then in a southerly direction along San Jacinto Street until its intersection with U.S. 59, then in a westerly direction along U.S. 59 to Spur 527, then in a northerly direction along Spur 527 until its intersection with Bagby Street, then in a northerly direction along Bagby Street until its intersection with Heiner Street, then in a northerly direction along Heiner Street and continuing along Heiner Street as projected and extended to Sabine Street until its intersection with Memorial Drive, then in a easterly direction along Memorial Drive until its intersection with I.H. 45, then in a northerly along I.H. 45 until its intersection with I.H. 10, then in an easterly direction along I.H. 10 until its intersection with U.S. 59. A tract within a block that abuts McGowen Street, San Jacinto Street, Holman Street, Crawford Street, Alameda Street, Alabama Street, Bagby Street, Heiner Street, or Sabine Street are included within the area.

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.

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 motor assisted scooters.~~

- (a) It shall be unlawful for a minor to operate a neighborhood electric vehicle ~~or a motor assisted scooter~~ on a public roadway, street, alley, sidewalk, 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 a motor assisted scooter~~ on any public roadway, street, alley, sidewalk, 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 Central business district shall have the same meaning as defined in section 26-2 of this Code.
- (b) No person shall ride a bicycle ~~or motor assisted scooter~~ upon a sidewalk within the central business district.
- (c) The traffic engineer is authorized to erect signs on any sidewalk outside a the central 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.

- (d) 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~~ MOTOR-ASSISTED SCOOTERS

Sec. 45-341. Operation of motor-assisted scooters prohibited in scooter-free zone.

- (a) As used in this section, the terms:

- (1) *Motor-assisted scooter* shall have the same meaning ascribed in section 26-2 of this Code; and
- (2) *Scooter-free zone* shall have the meaning ascribed in section 45-2 of this Code.

- (b) The operation of motor-assisted scooters is prohibited on all public streets, sidewalks, trails, parks, and other public rights-of-way within the scooter-free zone. The provisions of this section shall not apply to a person operating or parking a motor-assisted scooter 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 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.
- (c) The traffic engineer is authorized to install signs in high-traffic areas to provide public notice of the prohibition on motor-assisted scooters within the scooter-free zone.
- (d) It shall be unlawful for any person to operate a motor-assisted scooter on a public roadway, street, alley, sidewalk, or city park within the scooter-free zone.
- (e) It shall be unlawful for the parent or guardian of a minor to allow or permit the minor to operate a motor-assisted scooter on any public roadway, street, alley, sidewalk, or city park within the scooter-free zone.
- (f) 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).

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. 45-343-60. Reserved.

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