

GREATER SOUTH POST OAK/ WEST BELLFORT COALITION PETITION

WE, THE UNDERSIGNED, HEREBY PETITION the City of Houston City Council to designate an area further described in Exhibit A attached hereto, as a designated area pursuant to Article XVI, Section 40-353 of the Houston Code of Ordinances and thereby subject to Article XVI, Section 40-352 of the Code of Ordinances.

Article XVI of the City of Houston Code of Ordinances is attached as Exhibit B.

Name (print): _____ I am a PROPERTY OWNER within the proposed designated area
and/or

Title (if applicable): _____ I am a RESIDENT within the proposed designated area

Address of Signatory:

Address(es) of owned property: HCAD Number (optional)

Street: _____

Apt: _____

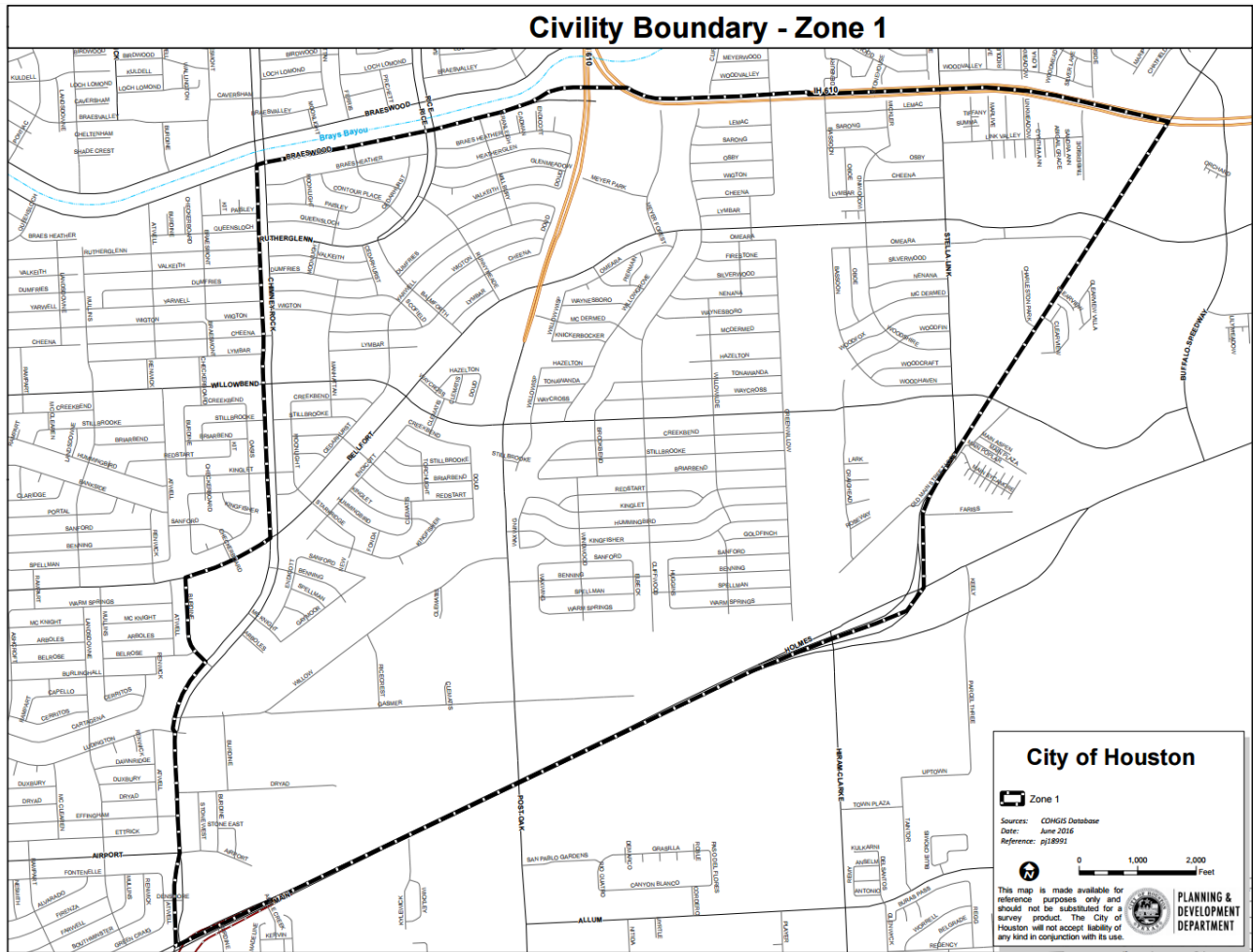
City, State, Zip: _____

Phone: _____

Signature: _____

Date of Signature: _____

EXHIBIT A



This Map includes the Northern boundary of South Braeswood Blvd., and the Northern boundary of the I-610 Feeder Road; the Eastern and Southern boundary is the outer boundary of South Main Street, the Western boundary is Chimney Rock Road, the Northern Boundary of West Belfort Avenue, and the Western boundary of Burdine Street.

EXHIBIT B

ARTICLE XVI. - SITTING AND LYING UPON PUBLIC SIDEWALKS

Sec. 40-351. - Definitions.

As used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, unless the context of their use clearly indicates another meaning:

Central Business District means the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a northwesterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Designated area means the following areas finally approved and designated by the city council under section 40-353 of this Code:

- (1) *The Central Business District.*
- (2) *Midtown Area:* The area described in Exhibit A to Ordinance No. 2004-825, a copy of which is on file in the office of the city secretary.
- (3) *Old Sixth Ward Area:* The area described in Exhibit A to Ordinance No. 2006-922, a copy of which is on file in the office of the city secretary.
- (4) *Avondale Area:* The area described in Exhibit A to Ordinance No. 2006-923, a copy of which is on file in the office of the city secretary.
- (5) *Greater Hyde Park Area:* The area described in Exhibit A to Ordinance No. 2006-924, a copy of which is on file in the office of the city secretary.
- (6) *East Downtown Management District Area:* The area described in Exhibit A to Ordinance No. 2011-696, a copy of which is on file in the office of the city secretary.

Sidewalk means that portion of the public street that is between the curblines, or the lateral lines of a roadway, and the adjacent property lines and is improved and designed for or is ordinarily used for pedestrian travel.

(Ord. No. 02-504, § 4, 6-12-02; Ord. No. 04-825, § 4, 8-3-04; Ord. No. 06-922, § 4, 9-6-06; Ord. No. 06-923, § 4, 9-6-06; Ord. No. 06-924, § 4, 9-6-06; Ord. No. 2011-696, §§ 3, 4, 8-10-2011)

Sec. 40-352. - Sitting and lying down on sidewalks.

- (a) It shall be unlawful for any person to sit or lie down on a sidewalk or on a blanket, stool, or any other object placed upon a sidewalk between the hours of 7:00 a.m. and 11:00 p.m. in a designated area.
- (b) It shall be unlawful for any person to place or deposit any item of bedding materials or personal possessions, including but not limited to any blanket, bag, package, or container of personal possessions on a sidewalk between the hours of 7:00 a.m. and 11:00 p.m. in a designated area.
- (c) It is an affirmative defense to any prosecution under subsection (a) or (b) of this section that the person is:
 - (1) Sitting or lying down on a sidewalk because of a medical emergency;
 - (2) As the result of a disability, utilizing a wheelchair, walker, or similar device to move about the sidewalk;
 - (3) Operating or patronizing a commercial establishment or service or governmental function conducted on the sidewalk pursuant to a permit or authorization issued under this Code or under the laws of this state;
 - (4) Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event lawfully conducted on the public street or a sidewalk;
 - (5) Sitting on a chair or bench located on the sidewalk that is supplied by a governmental agency or the abutting private property owner; or
 - (6) Sitting or has placed materials on a sidewalk while waiting for public or private transportation or waiting for access to enter any building.
- (d) Prior to taking any action to enforce the provisions of this article, any law enforcement officer observing a violation of this article shall first notify the person engaged in the prohibited conduct that he or she is in violation of this article. It is an affirmative defense to a prosecution under this article that any person so notified promptly ceased, within a time reasonable under the circumstances, to engage in the prohibited conduct following such notification.

(Ord. No. 02-504, § 4, 6-12-02)

Sec. 40-353. - Creation of designated areas.

- (a) This section shall govern the creation of a designated area within the city other than the central business district.
- (b) Residents of the city may petition the city council to designate any area within the city as a designated area under this article.
- (c) Any such petition must meet the following requirements to be considered by the city council:
 - (1) Describe the proposed area by street boundaries;
 - (2) Contain the signatures of property owners whose property represents 20 percent of the total area to be designated;
 - (3) Contain the signatures of at least 100 citizens residing within the proposed area, each of whom was above the age of 18 years old when signing the petition;
 - (4) Indicate that the signatures thereon were collected within a 60-calendar-day period; and
 - (5) Indicate that the signatories thereon desire the area to be designated as an area subject to this article.
- (d) Any such petition must be submitted to the city secretary within 90 calendar days of the date of the first signature thereon.
- (e) Following the filing of any such petition with the city secretary, the city council shall, within 45 days of the date of filing, conduct a public hearing to consider the merits of the petition.
- (f) The city secretary shall give notice as to the filing of any such petition and the date, time, and place of the city council hearing by posting same at least 14 days in advance of such hearing at a place convenient to the public at the City Hall. Any interested person shall have the opportunity to participate in any hearing conducted under the provisions of this section and to present any relevant evidence and testimony.
- (g) The chief of police shall be requested to cause the proposed area to be investigated with regard to the existence of conduct in the proposed area that would be violative of this article if the proposed area were to be designated, along with any incidents of criminal misconduct in the proposed area, and to report the results of such investigation to the city council at or prior to the public hearing.
- (h) Following such hearing and upon review of the report of the chief of police, the city council shall establish the designated area as requested if it determines that:
 - (1) The petition complies with the requirements of this section;
 - (2) The proposed area exhibits the kinds of conduct and adverse impact on use of the sidewalks and adverse impact on adjacent properties that this article was intended to address; and
 - (3) Designation of the proposed area would best serve the health, safety, and welfare of the public.
- (i) This section shall not be construed to limit the authority of city council consistent with the provisions of this section to designate other areas without a public petition; provided, that the city council receives evidence, substantiated by the police department, that a particular area within the city exhibits a significant incidence of the kinds of conduct addressed by this article and makes the findings required under subsection (h)(2) and (h)(3) of this section.

(Ord. No. 02-504, § 4, 6-12-02)

Secs. 40-354—40-360. - Reserved.