

AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me, the undersigned Notary Public, on this day personally appeared _____, who being by me duly sworn on his/her oath deposed and said:

My name is _____. I am over 18 years of age and am competent to make this affidavit. I am the owner or manager of the _____ apartment complex located at _____ in Harris County Precinct 4. I am requesting that Harris County post the official signs prohibiting the parking of a commercial motor vehicle in the public right-of-way adjacent to the complex after 10 p.m. and before 6 a.m. in accordance with Transportation Code Section § 545.3075(f), excluding public rights of way that are part of the state highway system (Tex. Transp. Code § 545.3075(g)). I further understand that these signs will be posted at or near the property line of the complex and that this parking restriction does not apply to a vehicle owned by a commercial establishment that is parked in the public right-of-way adjacent to the property where the establishment is located.

I have received and read a copy of the *Harris County Precinct 4 Policy and Procedures for the Posting of No Overnight Commercial Motor Vehicle Near Certain Apartment Complexes* and *Transportation Code Section 545.3075* and I hereby acknowledge that I understand those regulations.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the _____ day of _____, 20____, to certify which witness my hand and official seal.

NOTARY PUBLIC in and for the
STATE OF TEXAS

**POLICY AND PROCEDURES FOR THE POSTING OF NO OVERNIGHT PARKING OF
COMMERCIAL MOTOR VEHICLE NEAR CERTAIN APARTMENT COMPLEXES
IN THE UNINCORPORATED AREA OF HARRIS COUNTY, TEXAS**

SECTION 1 – Authority

- 1.1 These procedures are promulgated pursuant to and in conformity with HB 3286 which took effect on September 1, 2021, and is to be codified at TEX. TRANSP. CODE ANN. }545.3075

SECTION 2 – Definitions

As used in these procedures:

- 2.1 "Apartment complex" means two or more dwellings in one or more buildings that are owned by the same owner, located on the same lot or tract, and managed by the same owner, agent, or management company.
- 2.2 "Commercial motor vehicle" has the meaning assigned by TEX. TRANSP. CODE ANN. } 522.003 (Vernon 1997) and includes a vehicle meeting that definition regardless of whether the vehicle is used for a commercial purpose.

TEX. TRANSP. CODE ANN. } 522.003 (Vernon 1997) currently states:

- (5) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property that:
- (A) has a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - (B) has a gross vehicle weight rating of 26,001 or more pounds;
 - (C) is designed to transport 16 or more passengers, including the driver; or
 - (D) is transporting hazardous materials and is required to be placarded under 49 C.F.R. Part 172, Subpart F.
- 2.3 "Motor vehicle" means a vehicle, machine, tractor, trailer, or semi-trailer propelled or drawn by mechanical power and used on a highway. The term does not include a vehicle, machine, tractor, trailer, or semi trailer operated exclusively on a rail. TEX. TRANSP. CODE ANN. } 522.003 (21) (Vernon 1997)
- 2.4 "Overnight" means that period of time after 10 p.m. and before 6 a.m. in any given twenty-four hour period.

SECTION 3 – Apartment Owner or Manager Responsibilities

- 3.1 The apartment owner or manager who want Harris County to post signs prohibiting the overnight parking of commercial motor vehicles on the road fronting their property must do the following:
- a. Provide an affidavit to be signed by the apartment complex owner or manager in the prescribed form attached hereto and attests to the following:
 1. they are in fact the owner or manager of the apartment complex;
 2. that he/she has received a copy of the Harris County regulations and state law related to this matter and understands these regulations.
- 3.2 Signs must be posted in the public right-of-way:
- a. not more the 10 feet from the property line of the apartment complex; and
 - b. facing the roadway; and
 - c. include:
 - a. a statement, in letters at least two inches in height, that parking of a commercial motor vehicle is prohibited from 10 p.m. to 6 a.m. in the public right-of-way or portion of the public right-of-way; and
 - b. arrows clearly indicating the area of the public right-of-way subject to the parking restriction.
- 3.3 The request and affidavit required under subsection 3.1 shall be delivered to the County Administration Building Office of the Commissioner of the Precinct in which the affected apartment complex lies. Within a reasonable time after receipt of the documents, the Commissioner, or his designee, will prepare an item for presentation to Commissioners Court during a regularly scheduled meeting. If the Commissioners Court approves the petition during the regularly scheduled meeting, the Commissioner of the precinct in which the subdivision lies shall have a reasonable time in which to install the signs.