

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, BY AMENDING TITLE VII (TITLED TRAFFIC CODE), CHAPTER 71 (TITLED PARKING REGULATIONS), SECTION 71.05 (TITLED PARKING PROHIBITED IN CERTAIN DESIGNATED AREAS) BY ESTABLISHING ADDITIONAL NO PARKING ZONES ON CALPLY DRIVE; PROVIDING A VIOLATION OF SECTION 71.05 IS A CLASS C MISDEMEANOR PUNISHABLE BY A FINE IN AN AMOUNT NOT TO EXCEED \$200.00; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City Council finds the City of Pflugerville (City) is a Texas Home-Rule Municipality and that Title 7, Subtitle C of the Texas Transportation Code authorizes the City of Pflugerville to exercise jurisdiction over City streets, including the authority to establish no parking zones deemed appropriate by the City under Chapter 545 of the Texas Transportation Code; and

**WHEREAS**, the City has determined that parking along the portion of Calply Drive identified herein below is unsafe under the conditions found to exist taking into consideration the width and condition of the pavement and other circumstances, as well as the usual traffic thereon; and

**WHEREAS**, the City has determined that it would promote public safety to establish an additional no parking zone as set forth herein below, which shall be effective when appropriate signs giving notice thereof are erected at such intersections.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:**

**Section 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**Section 2. Amendment to Municipal Code of Ordinances.** The City of Pflugerville, Texas Code of Ordinances, Title VII (entitled "*Traffic Code*"), Chapter 71 (entitled "*Parking Regulations*"), Section 71.05 (entitled "*Parking Prohibited in Certain Designated Locations*") is hereby amended by deleting language that is stricken (~~stricken~~) and adding language that is underlined (underlined) as follows:

**§ 71.05 PARKING PROHIBITED IN CERTAIN DESIGNATED LOCATIONS.**

(A) When signs are erected in the following locations reading substantially, "No Parking, Tow-away Zone," it shall hereafter be unlawful for any person shall park or stand any vehicle or trailer on the following parts of streets at any time, including but not limited to Sundays and holidays:

\*\*\*\*\*

(10) Calply Drive.

(a) On both sides of Calply Drive from its intersection with Picadilly Drive to approximately 100 feet north.

(b) At each commercial access drive along Calply Drive, for approximately 15 feet either side of each driveway.

\*\*\*\*\*

**Section 3. Severability.** If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

**Section 4. Repealer.** This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**Section 5. Penalty.** A violation of this Ordinance shall be a Class C Misdemeanor with a fine of not less than \$1.00 or more than \$200.00, as provided in Chapter 542 of the Texas Transportation Code, and in accordance with Section 71.99 of this Code of Ordinances.

**Section 6. Effective Date.** This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF PFLUGERVILLE, TEXAS

By: \_\_\_\_\_  
Victor Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Karen Thompson, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles E. Zech, City Attorney  
DENTON NAVARRO ROCHA BERNAL & ZECH, PC