

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, CHAPTER 71 REGARDING PARKING REGULATIONS; AMENDING PENALTIES FOR VIOLATIONS; 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 is a Texas Home-Rule Municipality as that term is defined by Texas law;

WHEREAS, the City Council finds that conditions at the intersection of Oxford Dr. and Dessau Road are not appropriate for street parking; and

WHEREAS, the City Council finds that it has the authority to restrict parking under the Texas Transportation Code.

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

Section 1. Chapter 71, of the City of Pflugerville, Texas Code of Ordinances is hereby amended by adding section 71.05 regarding prohibited parking in certain designated locations.

§ 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 to park or stand any vehicle or trailer on the following parts of streets at any time, including but not limited to Sundays and holidays:

1) E. Oxford Dr.

a. On the south side of Oxford Dr. from 230 ft. east of the centerline from its intersection with Dessau Rd. to a point 390 ft. east of the centerline of Dessau Rd.

(B) The City Manager or his designee is directed to cause to be towed away any vehicle found parked or standing in violation of Section 71.05 of this ordinance; and the owner of such vehicle shall be civilly liable to the person doing such towing for the reasonable cost thereof.

Section 2. Section 71.99, of the City of Pflugerville, Texas Code of Ordinances is repealed and replaced with a new Section 71.99 to read:

§ 71.99 PENALTY.

(A) Any person convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor and be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each day of violation shall be cumulative and the foregoing penalty shall not be exclusive of any other rights and remedies which the city may have.

(B) It is a rebuttable presumption that the registered owner of the motor vehicle is the person who parked or stopped the vehicle at the time and place of the offense charged; and, a computer-generated record of the Texas Department of Transportation's files showing the current registered vehicle owner is prima facie evidence of the contents of the record.

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. 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 _____, 2015.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney