

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, REPEALING AND REPLACING CHAPTER 96, SECTION 96.01 "OBSTRUCTING STREETS AND SIDEWALKS" OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES, PROVIDING FOR A PENALTY NOT TO EXCEED \$500; 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; and

WHEREAS, the City Council finds that the provisions in the Code of Ordinances governing obstructions of streets and sidewalks are unclear; and

WHEREAS, the City Council finds that the provisions in the Code of Ordinances governing obstructions of streets and sidewalks should be updated.

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

Section 1. Chapter 96, of the City of Pflugerville, Texas Code of Ordinances, Section 96.01 is hereby repealed and replaced with a new section 96.01 regarding obstructing streets and sidewalks, as follows:

~~§ 96.01 — OBSTRUCTING STREETS AND SIDEWALKS.~~

~~(A) — No person shall to any extent, entirely or in part, obstruct or encumber any portion of any street, alley, sidewalk or public ground in the city with lumber, boxes, timber, firewood, posts, vehicles or anything whatever in any manner whatever or by congregating on such street, sidewalk or alley.~~

~~(B) — Every day that any partial or entire obstruction shall remain upon any sidewalk in the city shall be considered a violation of the regulations contained in this subchapter and shall constitute a separate offense and be punished as such.~~

“§ 96.01 OBSTRUCTING STREETS AND SIDEWALKS.

(A) A person commits an offense if, without legal privilege or authority, he intentionally, knowingly, or recklessly:

(1) Obstructs or injures, or causes to be obstructed or injured in any manner whatsoever, any public sidewalk, median, curb, shoulder, improved shoulder, street, highway,

roadway or public right-of-way in the city; provided, however, that the parking of motor vehicles in compliance with the ordinances of the City of Pflugerville shall not be construed to be an obstruction; or

(2) Disobeys a reasonable request or order to move the cause of an obstruction issued by a person the actor knows to be or is informed is a peace officer, a fireman, or a person with authority to control the use of the premises:

- a. To prevent obstruction of any area mentioned in subsection (1); or
- b. To maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

(B) For purposes of this section, “obstruct” means to render impassable or to render passage unreasonably inconvenient or hazardous and “obstruction” means the causative effect of such rendering.

(C) 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.”

Section 2. 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 3. 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 4. 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 _____, 2016.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

George Hyde, City Attorney