

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, BY AMENDING CHAPTER 71 ENTITLED PARKING REGULATIONS, BY AMENDING SECTION 71.02 ENTITLED ON-STREET PARKING OF CERTAIN VEHICLES PROHIBITED; EXCEPTIONS, SUBSECTION (C)(2); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY OF UP TO \$500; 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WHEREAS, the City Council finds that certain language within its parking ordinances is no longer applicable as it relates to the requirement for inspection stickers as same are no longer required under Texas Statute; and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. 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 71.02 (entitled "*On-Street Parking of Certain Vehicles Prohibited; Exceptions*"), Subsection (c)(2) is hereby amended by deleting language that is stricken (~~stricken~~) as follows:

§ 71.02 ON-STREET PARKING OF CERTAIN VEHICLES PROHIBITED; EXCEPTIONS.

- (C) (1) It shall be unlawful for any person owning or having control of any motor vehicle or trailer described in § 71.02(A), regardless of size or gross

vehicle weight, to park or allow same to be parked at any time in the side yard or front yard, or in any area between the property line of the lot and the curbline or the edge of the adjacent street (nuisance strip) within any of the residential districts; provided, however, that motor vehicles and trailers may be parked only on the front yard or side yard with all wheels on permanently maintained parking areas constructed of:

- (a) Concrete;
- (b) Brick; or
- (c) Asphalt.

extending from the curb, street, or alley in a contiguous course. This subsection shall not apply to those lots or parcels used solely for single-family residential purposes and located in the Old Town Neighborhood and further described in Exhibit A to Ordinance 974-08-10-28.

(2) For the purposes of this subsection it shall be unlawful to park any motor vehicle or trailer without having valid and current state registration **and state inspection certificates** attached in a manner prescribed by law.

- (a) It shall be unlawful for any motor vehicle or trailer to block a sidewalk or public right-of-way.
- (b) It shall be unlawful to park any trailer or recreational vehicle without securing the same by use of a parking brake or by chocking the tires with a device manufactured for that purpose.
- (c) It shall be unlawful to collect trash, rubbish, tree limbs, building materials, or other debris material of any kind including but not limited to, appliances, upholstered and indoor furniture, automotive parts, metal, glass, paper, plastic, wood, brick, sand or rock on or in any parked trailer or motor vehicle, for more than twenty-four (24) hours, if such items are visible from the public right-of-way or adjacent property.
- (d) The authority to enforce the provisions of this section shall be vested in the police department and with the code compliance department.

(e) For purposes of this section, there shall be a rebuttable presumption that the vehicle was, at the time of the offense alleged, owned by the person charged with the offense and that shall constitute prima facie evidence that the vehicle was parked or left standing at the place charged, by the owner.

(f) Any person who shall violate any of the provisions of this section or fail to comply therewith shall be deemed guilty of a Class C Misdemeanor and, upon conviction, shall be fined not less than \$1.00 nor more than \$500.00. This offense is hereby declared to be a strict liability offense and the culpable mental state required by Chapter 6.02 of the Texas Penal Code is hereby specifically negated and clearly dispensed with. Each day that the violation occurs shall constitute a distinct and separate offense.

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 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
DENTON NAVARRO ROCHA BERNAL HYDE & ZECH, PC