

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING CHAPTER 71 OF THE CITY OF PFLUGERVILLE, TEXAS CODE OF ORDINANCES REGARDING PARKING REGULATIONS; ADDING PROVISIONS PROHIBITING THE PARKING OF CONSTRUCTION EQUIPMENT WITHIN 30 FEET OF AN OPEN LANE OF TRAFFIC; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that parking of certain construction equipment immediately adjacent to active lanes of vehicular traffic pose a health and safety hazard to the public ; and

WHEREAS, the City Council has expressed a desire to regulate the parking of such equipment within the City Limits;

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

Section 1. Amendment to Chapter 71.

Chapter 71.04 of the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended to add the following:

- (A) It shall be unlawful for any person, partnership or corporation to park or allow to be parked any construction equipment or motor vehicles associated with a construction project within 30 feet of an open lane of vehicular traffic along roadways with speed limits in excess of 30 miles per hour during non-work hours.
- (B) It shall be a defense to prosecution that the construction equipment was at least 10 feet from an open lane of vehicular traffic and separated from that lane by barricades in compliance with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways as may be amended from time to time.
- (C) Any person partnership or corporation who shall recklessly 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. Each day that the violation occurs may constitute a distinct and separate offense.

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.

Effective Date.

This Ordinance will take effect after 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 _____, 2010.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Floyd Akers, City Attorney