

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY PFLUGERVILLE, TEXAS, TITLE VII "TRAFFIC CODE," CHAPTER 70, "TRAFFIC RULES," TO ADD SECTION 70.03, "BRAKING DEVICES PROHIBITED," IN ORDER TO ADMINISTER AND REGULATE TRAFFIC ON CITY STREETS FOR THE PUBLIC INTEREST, HEALTH, SAFETY AND WELFARE; PROVIDING FOR A PENALTY IN AN AMOUNT IN ACCORDANCE WITH CODE OF ORDINANCES, SECTION 10.99 GENERAL PENALTY, FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of Pflugerville, Texas is a home-rule City acting under its charter adopted by the electorate pursuant to Article IX, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council finds the City has the exclusive control over and under the public highways, streets, and alleys within the City, as established by Texas Transportation Code, Section 311.001; and

WHEREAS, the City is repealing Chapter 96 "Streets and Sidewalks" in its entirety and adopting a new Chapter 96 "Right-Of-Way Management," and desires to move certain existing provisions to allow for continued enforcement of regulations of traffic on City streets and safeguard the health, safety and welfare of users of city streets; and

WHEREAS, the City Council having reviewed the regulations contained herein has determined that the adoption of this ordinance serves the public health, safety and welfare.

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

**SECTION I. Incorporation of Recitals**

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.

**SECTION 11. Adoption**

Chapter 70 is amended to add Section 70.03 "Braking Devices Prohibited," as set forth in **Exhibit "A,"** which is attached hereto and incorporated herein by reference for all purposes.

**SECTION III. Conflicts and Savings**

That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and that the Code of Ordinances of the City of Pflugerville, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

**SECTION IV. 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 V. Penalty**

A violation of this Ordinance shall be a Class C Misdemeanor with a fine amount not to exceed \$500.00, as provided in Section 10.99 of the City of Pflugerville Code of Ordinances.

**SECTION VI. Effective Date**

This Ordinance will become effective on its adoption and passage by the City Council in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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, P.C.

## **EXHIBIT A**

The City of Pflugerville, Texas Code of Ordinances, Title VII “Traffic Code,” Chapter 70 “Traffic Rules,” is hereby amended to add the following language:

### **§70.03 BRAKING DEVICES PROHIBITED.**

No person shall operate or permit the operation of the engine of a motor vehicle so as to assist in braking or slowing the vehicle through the use of gears or through the use of any engine brake or engine retarding device on any public right-of-way, including, but not limited to, state-maintained roadways FM 685 and FM 1825, within the corporate limits of the city.

(Ord. 794-05-07-26, passed 7-26-05)