



City of Pflugerville

Legislation Text

File #: ORD-0529, **Version:** 3

Approving an ordinance on third and final reading with the caption reading: An Ordinance amending the Code of Ordinances of the City of Pflugerville, Texas, Title XIII "General Offenses," Chapter 130, "Offenses against City Regulations," to add Section 130.12, "Obstructing Streets and Sidewalks," and 130.13, "Repair of defective sidewalks" in order to administer and regulate the use of public rights-of-way 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.

The City is amending Chapter 96 of our Code of Ordinances relating to Streets and Sidewalks by removing section 96.01 Obstructing Streets and Sidewalks and placing it in Chapter 130 General Offenses.

Staff is amending the Chapter 130 slightly to clarify authority or agent who notifies public of offence related to repairs of defective sidewalks. Staff coordinated with Legal Counsel for a minor change in wording related to the Authority to provide notice to public related to the "Obstructing Sidewalks." Clarified in section 130.12 (A), added word "she" intentionally; section 130.12 (A)(1), designated compliance with the ordinances of the "City of Pflugerville;" section 130.13 "Repair of Defective Sidewalks", added language as "The City Engineer or his/her designee shall notify owner," and "A permit may be required to make the repairs pursuant to Chapter 96 Right-of-Way Management," and finally added requirement the "City Engineer or his/her designee" would send a written notice to owner if repairs had not been reconstructed within 30 days.

The ordinance was modified after its approval on first reading on June 23, 2020 and was approved as amended second reading on July 14, 2020. It will require a third reading on July 28, 2020 to enforce.

Background:

June 23rd Staff proposed removing and relocating three of the current sections within Chapter 96 of the Code of Ordinances, namely Sections 96.01, 96.08 and 96.09 to other existing Chapters of the Code that best suits the intended purposes. These changes require two (2) new Ordinances which will be provided as Agenda Items ORD-0529 and ORD-0530 for amending Title XIII, "General Offenses" and Title VII, "Traffic Code." Chapter 96, Section 96.01 "Obstructing Streets & Sidewalks" and Section 96.08 "Repair of Defective Sidewalks" have both been removed from the current proposed Right-of-Way Management Ordinance and are proposed to be relocated within Title XIII General Offense, Chapter 130 "Offenses Against City Regulations" as New Section 130.12 and Section 130.13 respectively, as offenses applicable under Chapter 130. Chapter 96, Section 96.09 "Braking Devices Prohibited" has also been removed from the current proposed Right-of-Way Management Ordinance and will be relocated within Title VII Traffic Code, Chapter 70 "Traffic Rules" as a New Section 70.03.

Prior City Council Action

The City Council approved the ordinance on first reading on June 23, 2020. The ordinance was approved on second reading as amended on July 14, 2020.

Deadline for City Council Action

A third and final reading is planned for July 28, 2020.

Funding Expected: Revenue Expenditure N/A

Budgeted Item: Yes No N/A

Amount: N/A

1295 Form Required? Yes No

Legal Review Required: N/A Required Date Completed: 06/16/20

Supporting documents attached:

Revised Chapter 130 Ordinance

Redline Chapter 130 Ordinance

Recommended Action

Approve the ordinance on third and final reading with the caption reading: An Ordinance amending the Code of Ordinances of the City of Pflugerville, Texas, Title XIII "General Offenses," Chapter 130, "Offenses against City Regulations," to add Section 130.12, "Obstructing Streets and Sidewalks," and 130.13, "Repair of defective sidewalks" in order to administer and regulate the use of public rights-of-way 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.