

2-5-19  
Agenda

AGENDA REQUEST

2 R

NO: 2019-020

☒ ORDINANCE ☐ RESOLUTION

CAPTION: An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 36 Traffic, Article VII Stopping, Standing and Parking, Sec. 36-176.3 Same-Offenses; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

RECOMMENDATIONS & JUSTIFICATION: This amendment will align the fine ranges with state law

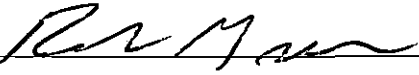

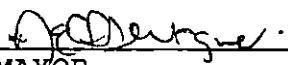
(IF ADDITIONAL SPACE IS REQUIRED, PLEASE ATTACH SECOND PAGE)

BUDGETED: ☐

COUNCIL DISTRICT(S) AFFECTED:

REQUIRES APPROPRIATION: ☐

See attached Certification

		COUNCIL ACTION	
		FIRST READING:	FINAL READING:
 Robin Green REQUESTING PARTY (TYPED)	DATE: 1/3/2019		
BUDGET DEPARTMENT		<u>Casados</u> MOTION	<u>Schoenbein</u> MOTION
PURCHASING DEPARTMENT		<u>Harrison</u> SECOND	<u>Leamon</u> SECOND
APPROVED:			
 CITY ATTORNEY		<u>2-9-19</u> DATE	<u>02/19/19</u> DATE
 MAYOR		DEFERRED: _____	

ORDINANCE NO. 2019- 020

An Ordinance amending the Code of Ordinances of the City of Pasadena, Texas at Chapter 36 Traffic, Article VII Stopping, Standing and Parking, Sec. 36-176.3 Same-Offenses; providing a penalty; providing a repealing clause; providing a savings clause; and providing for severability.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PASADENA:

SECTION 1. That Chapter 36, Traffic, of the Code of Ordinances of the City of Pasadena, Texas is hereby amended at Article VII Stopping, Standing and Parking, by amending Sec. 36-176.3 Same-Offenses, as shown on the attached Exhibit "A".

SECTION 2. That it shall be unlawful and a misdemeanor to violate any provision or requirement hereof and any person convicted of violating any provision, restriction, requirement, or prohibition of this Section (36-176.3) shall be fined as follows:

(b) Except as provided by subsections (c)-(f) of this section, a first offense under subsection (a) is punishable by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).

(c) If it is shown on the trial of an offense under this section that the person has been previously convicted one (1) time of an offense under this section, the offense is punishable by a fine of not less than five hundred dollars (\$500.00) or more than eight hundred dollars (\$800.00), and ten (10) hours of community service.

(d) If it is shown on the trial of an offense under this section that the person has been previously convicted two (2) times of an offense under this section, the offense is punishable by a fine of not less than five hundred fifty dollars (\$550.00) or more than eight hundred dollars (\$800.00), and twenty (20) hours of community service.

(e) If it is shown on the trial of an offense under this section that the person has been previously convicted three (3) times of an offense under this section, the offense is punishable by a fine of not less than eight hundred dollars (\$800.00) or more than one

thousand one hundred dollars (\$1,100.00), and thirty (30) hours of community service.

(f) If it is shown on the trial of an offense under this section that the person has been previously convicted four (4) times of an offense under this section, the offense is punishable by a fine of one thousand two hundred fifty dollars (\$1,250.00), and fifty (50) hours of community service.

A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 3. That all ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

SECTION 4. That all rights and remedies which have accrued in favor of the City under this Chapter and amendments thereto shall be and are preserved for the benefit of the City.

SECTION 5. That the City Council of the City of Pasadena, Texas does hereby declare that if any Section, subsection, paragraph, sentence, clause, phrase, word or portion of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the City Council would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declares that its intent is to make no portion of this Ordinance dependent upon the validity of

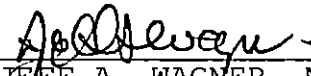
any other portion thereof, and that all said remaining portions shall continue in full force and effect.

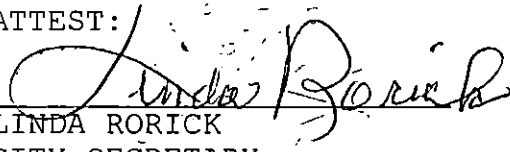
SECTION 6. That the City Council officially determines that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further confirms such written notice and the contents and posting thereof.

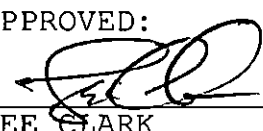
(SIGNATURE AND APPROVAL - NEXT PAGE)

PASSED ON FIRST READING by the City Council of the City of  
Pasadena, Texas in regular meeting in the City Hall this the  
5<sup>th</sup> day of February, A.D., 2019.

APPROVED this the 5<sup>th</sup> day of February, A.D., 2019.

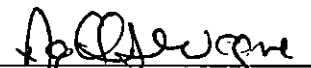
  
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JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

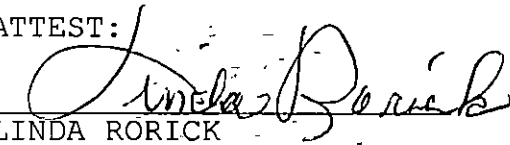
ATTEST:  
  
\_\_\_\_\_  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS


APPROVED:  
  
\_\_\_\_\_  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

PASSED ON SECOND AND FINAL READING by the City Council of the  
City of Pasadena, Texas in regular meeting in the City Hall  
this the 19<sup>th</sup> day of February, A.D., 2019.

APPROVED this the 19<sup>th</sup> day of February, A.D., 2019.

  
\_\_\_\_\_  
JEFF A. WAGNER, MAYOR  
OF THE CITY OF PASADENA, TEXAS

ATTEST:  
  
\_\_\_\_\_  
LINDA RORICK  
CITY SECRETARY  
CITY OF PASADENA, TEXAS

APPROVED:  
  
\_\_\_\_\_  
LEE CLARK  
CITY ATTORNEY  
CITY OF PASADENA, TEXAS

Sec. 36-176.3. - Same – Offenses

(a) A person commits an offense if the person:

- (1) Is neither a disabled person nor transporting a disabled person and stops, stands, or parks a vehicle displaying ~~a registration insignia or identification card~~ license plates issued under Texas Transportation Code Sec. 504.201 or 504.202 or a disabled parking placard in a parking space or area designated specifically for the disabled; or
- (2) Stops, stands, or parks a vehicle displaying neither ~~a registration insignia nor an identification card~~ license plates issued under Texas Transportation Code Sec. 504.201 or 504.202 or a disabled parking placard in a parking space or area designated specifically for the disabled; or
- (3) Stops, stands, or parks a vehicle in such a manner that the vehicle blocks an access or curb ramp or any other architectural improvement designed to aid the disabled.

(b) Except as provided by subsections (c)–(f) of this section, ~~an a first offense under subsection (a) is punishable by a fine of not less than two hundred fifty~~ five hundred dollars (~~\$250.00~~500.00) nor more than ~~five hundred~~ seven hundred fifty dollars (~~\$500.00~~750.00).

(c) If it is shown on the trial of an offense under this section that the person has been previously convicted one (1) time of an offense under this section, the offense is punishable by a fine of not less than ~~three~~ five hundred dollars (~~\$300.00~~500.00) or more than ~~six~~ eight hundred dollars (~~\$600.00~~800.00), and ten (10) hours of community service.

(d) If it is shown on the trial of an offense under this section that the person has been previously convicted two (2) times of an offense under this section, the offense is punishable by a fine of not less than ~~three~~ five hundred fifty dollars (~~\$300.00~~550.00) or more than ~~six~~ eight hundred dollars (~~\$600.00~~800.00), and ~~not less than ten (10) or more than twenty (20) hours of community service.~~

(e) If it is shown on the trial of an offense under this section that the person has been previously convicted three (3) times of an offense under this section, the offense is punishable by a fine of not less than ~~five~~ eight hundred dollars (~~\$500.00~~800.00) or more than one thousand one hundred dollars (~~\$1,000.00~~1,100.00), and ~~not less than twenty (20) hours or more than fifty (50) hours of community service.~~

(f) If it is shown on the trial of an offense under this section that the person has been previously convicted four (4) times of an offense under this section, the offense is punishable by a fine of one thousand two hundred fifty dollars (~~\$1,000.00~~1,250.00), and fifty (50) hours of community service.