

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE CITY OF WACO, TEXAS, AMENDING ARTICLE XII. "BICYCLES" IN CHAPTER 25 "TRAFFIC AND VEHICLES" OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS, BY ADDING A NEW SECTION 25-299 CONCERNING BIKE SHARE ACTIVITIES IN CITY RIGHT-OF-WAY OR ON CITY-OWNED PROPERTY AND AMENDING SECTION 25-297 TO PROVIDE AN EXCEPTION TO BICYCLE PARKING RESTRICTIONS FOR BIKE SHARE ACTIVITIES AUTHORIZED BY AN AGREEMENT WITH THE CITY; AMENDING SECTION 25-54 OF THE CODE OF ORDINANCES OF THE CITY OF WACO, TEXAS CONCERNING ERECTING, CONSTRUCTING, ALTERING OR REPAIRING STRUCTURES ON OR ACROSS PUBLIC RIGHT-OF-WAY; AMENDING SECTION 22-2 TO PROVIDE EXCEPTIONS TO THE PROHIBITION OF STORING OR SELLING PERSONAL PROPERTY ON ANY STREET, SIDEWALK, ALLEY, OR OTHER PUBLIC PROPERTY FOR OPEN AIR AND STREET VENDING AS AUTHORIZED IN CHAPTER 13 OF THE CODE OF ORDINANCES AND FOR BIKE SHARE ACTIVITIES AUTHORIZED BY AGREEMENT WITH THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR A PENALTY; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WACO, TEXAS:

Section 1. That Article XII "Bicycles" of Chapter 25 "Traffic and Vehicles" of the Code of Ordinances of the City of Waco, Texas, is amended by adding a new Section 25-299 to read as follows (additions, ~~deletions~~):

Sec. 25-299. Bike Share activities.

It shall be unlawful for a person that provides bicycles on a short-term basis in exchange for compensation to place or allow to be placed bicycles in the city's right-of-way or on city-owned property without an agreement with the city authorizing such use of the city's right-of-way or city-owned property.

Section 2. That Article XII “Bicycles” of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco, Texas, is amended by amending Section 25-297 to read as follows (additions, ~~deletions~~):

Sec. 25-297. - Parking.

Except as permitted by a written agreement with the city concerning bike share activities, ~~No~~ person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle, or against a building, in such a manner as to afford the least obstruction to pedestrian traffic.

Section 3. That Section 25-54 of Chapter 25 “Traffic and Vehicles” of the Code of Ordinances of the City of Waco, Texas, is amended to read as follows (additions, ~~deletions~~):

Sec. 25-54. - Obstruction of public rights-of-way.

(a) It shall be unlawful for any person to place, maintain, permit or cause to be placed or maintained, any tree, shrub or plant of any kind, or vehicle of any kind on or across public rights-of-way or streets in such a way as:

- (1) To obstruct passage on and use of that area by the public;
- (2) To create a hazard to persons using the right-of-way or street; or
- (3) To restrict the drainage flow.

(b) It shall be unlawful for any person within the city, without obtaining a permit or other written authorization from the city, to erect, construct, reconstruct, alter or repair or to permit the erection, construction, alteration or repair of any fence, wall, hedge or structure of any kind, on or across public rights-of-way.

(c) These restrictions shall apply to streets, used rights-of-way, and to unused rights-of-way between the property line and curblines.

Section 4. That Section 22-2 of Chapter 22 “Streets, Sidewalks and Certain Other Places” of the Code of Ordinances of the City of Waco, Texas, is amended to read as follows (additions, ~~deletions~~):

Sec. 22-2. - Storage, sale of personal property.

Except as otherwise provided in this Code ~~article VI of this chapter~~, it shall be unlawful for any person to store, sell or offer for sale personal property of any kind or character from or upon any street, sidewalk, alley, park or other public property in the city.

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 6. That the terms and provisions of this ordinance shall be deemed to be severable and that if any section, subsection, sentence, clause, or phrase of this ordinance shall

be declared to be invalid or unconstitutional, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this ordinance and the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 7. That it is the intention of the City Council and is hereby ordained that the provisions of this ordinance shall become and be a part of the Code of Ordinances of the City of Waco, Texas, and that sections of this ordinance may be renumbered or relettered to accomplish such intention.

Section 8. That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be as provided for in Sec. 1-14 of the Code of Ordinances of the City of Waco, which shall be a fine of not less than one dollar (\$1.00) and no more than five hundred dollars (\$500.00), and each day a violation exists shall be a separate offense.

Section 9. That it is hereby officially found and determined that the meeting at which this ordinance is passed is open to the public and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED:

First Reading: this 3rd day of July, 2018.

Second Reading: this 17th day of July, 2018.

Kyle Deaver, Mayor,
City of Waco, Texas

ATTEST:

Esmeralda Hudson, City Secretary

APPROVED AS TO FORM & LEGALITY:

Jennifer Richie, City Attorney