



CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY					
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory					
Council Meeting Date:		8/23/10			
Department:		Public Works & Engineering			
Department Head		Alan L. Upchurch			
Agenda Coordinator (include phone #): Irene Pegues (7198)					
CAPTION					
<p>An Ordinance of the City of Plano, Texas, adding section 12-100.5 to Chapter 12 (Traffic Code), of the City of Plano Code of Ordinances to prohibit stopping, standing, or parking of a vehicle within ten (10) feet of a curbside residential mailbox between the hours of 8:00 a.m. and 5:00 p.m., Monday through Saturday within the City limits of the City of Plano; providing a fine for criminal penalties not to exceed \$200.00 for each offense; and providing a repealer clause, a severability clause, a savings clause, and an effective date.</p>					
FINANCIAL SUMMARY					
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP					
FISCAL YEAR:	2009-10	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget		0	0	0	0
Encumbered/Expended Amount		0	0	0	0
This Item		0	0	0	0
BALANCE		0	0	0	0
FUND(S):					
COMMENTS: Any revenue received via fines as a result of this Ordinance is undeterminable at this time. STRATEGIC PLAN GOAL: Passage of this Ordinance relates to the City's Goal of Financially Strong City with Service Excellence.					
SUMMARY OF ITEM					
<p>The Transportation Engineering Division (TED) has received a number of inquiries from residents requesting relief from persons parking in front of, or in close proximity to, their curbside mailbox. The United States Postal Service will not guarantee delivery of mail to mailboxes that are not accessible to the mail carrier. The Postal Operations Manual states that it is the responsibility of the resident to keep access to their mailbox clear. Discussion and coordination with the Police Department led to the development of this proposed ordinance. It provides the resident with a tool to mitigate the parking of vehicles, both motorized and non-motorized, that block access to their curbside mailbox. Enforcement of this ordinance by the Police Department is expected to be on an "as requested" basis when problems occur in neighborhoods. The TED has prepared an ordinance for City Council consideration and recommends approval of the ordinance.</p>					
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies		
N/A			N/A		

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WHEREAS, the standing, or parking of vehicles of in front of, or in close proximity to, curbside residential mailboxes restricts the delivery of the United States mail; and

WHEREAS, there is no remedy available to the resident to prevent the standing or parking of vehicles in front of, or in close proximity, to their mailbox; and

WHEREAS, the City Council of the City of Plano finds it necessary to prohibit the standing, or parking of vehicles within ten feet of curbside residential mailboxes within the city limits of the City of Plano in order to provide for the safety of the general public within the area.

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

Section I. Section 12-100.5 of Chapter 12 (Traffic Code) of the City of Plano Code of Ordinances is hereby enacted to read in its entirety as follows:

“Section 12-100.5. – Prohibited within ten feet of mailbox.

(a) It shall be unlawful for any person to park a vehicle on a public street from 8:00 a.m. to 5:00 p.m. Monday through Saturday within ten (10) feet of either side of a curbside adjacent to a residential mailbox used for the delivery of United States mail.

(b) Notwithstanding Section 12-100.5(a), nothing in this section shall prohibit a person from parking a vehicle to pick up or discharge a passenger or for the purpose of loading or unloading merchandise.

(c) It shall be an exception to this section that the vehicle was parked on a federally recognized holiday observed by the United States Postal Service for which mail is not officially delivered.

Section II. All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section III. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

Section IV. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

Section V. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction in the Municipal Court, shall be subject to a fine not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense. Each and every violation shall be deemed to constitute a separate offense.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this 23rd day of **August, 2010.**

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY