



CITY OF PLANO COUNCIL AGENDA ITEM

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|---|----------------------------------|-------------------------|--|---------------|
| CITY SECRETARY'S USE ONLY | | | | |
| <input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory | | | | |
| Council Meeting Date: | | 08/22/2016 | | |
| Department: | | Police | | |
| Department Head | | Gregory W. Rushin | | |
| Agenda Coordinator (include phone #): Pam Haines, ext 2538 | | | | |
| CAPTION | | | | |
| <p>An Ordinance of the City of Plano, Texas repealing in its entirety Ordinance No. 2002-6-10 to redefine areas where bicycle riding is prohibited to be consistent with the new Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas; adopting a new Section 12-169(a) of Chapter 12 Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano, Texas; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication 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: 2015-16 | 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): GENERAL FUND | | | | |
| <p>COMMENTS: This item may potentially alter the amount of revenue received by fines; however, the impact that prohibiting bicycle use on sidewalks will have on revenue collection is indeterminable.</p> <p>STRATEGIC PLAN GOAL: Revision of the ordinance to redefine areas where bicycle riding is prohibited relates to the City's Goal of Safe Large City and Exciting Urban Centers - Destination for Residents and Guests.</p> | | | | |
| SUMMARY OF ITEM | | | | |
| <p>This revision of the current ordinance is necessary to redefine areas where bicycle riding is prohibited to be consistent with the new Section 14-7 of Chapter 14 Offenses - Miscellaneous of the Code of Ordinances of the City of Plano, Texas.</p> | | | | |
| List of Supporting Documents: Memo, Ordinance | | | Other Departments, Boards, Commissions or Agencies | |
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Memorandum

Date: August 9, 2016
To: Mark Israelson, Deputy City Manager
From: Gregory W. Rushin, Chief of Police *GRW*
Subject: Proposed Change Prohibiting Operations of Bicycles in Certain Areas

The City of Plano allows for the use of bicycles on public sidewalks and public areas but this ordinance prohibits the operation of bicycles on public sidewalks in the Downtown District. This proposed change will expand the current prohibition on the use of bicycles to Memorial Park and the public sidewalks adjacent to commercial businesses at Legacy Town Center so that it is consistent with the proposed changes of Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas.

This proposed change also adds exceptions for the use of bicycles on “Shared Use Paths” and for City employees who are performing their official duties.

I recommend updating Section 12-169(a) so that it is consistent with the proposed changes of Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas.

An Ordinance of the City of Plano, Texas repealing in its entirety Ordinance No. 2002-6-10 to redefine areas where bicycle riding is prohibited to be consistent with the new Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas; adopting a new Section 12-169(a) of Chapter 12 Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano, Texas; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, on June 10, 2002, the City Council of the City of Plano enacted Ordinance No. 2002-6-10 to update Section 12-169(a) of the Code of Ordinances to match the areas where bicycles are prohibited as described in Ordinance No. 2002-1-24; and

WHEREAS, staff recommends updating Section 12-169(a) to be consistent with the new Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas; and

WHEREAS, after consideration of the recommendation of staff and all matters attendant and related thereto, the City Council is of the opinion that it is in the best interest of the City and its citizens that Section 12-169(a) of Chapter 12 Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano, Texas be adopted as set forth herein.

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

Section I. Ordinance No. 2002-6-10 is repealed in its entirety.

Section II. Section 12-169(a) of Chapter 12 Motor Vehicles and Traffic of the Code of Ordinances of the City of Plano, Texas is hereby adopted to read in its entirety as follows:

“Sec. 12-169. - Riding on sidewalks and other specified areas.

(a) Except as may be authorized by a special event permit, it shall be an offense for any person to use, ride, propel, or operate a bicycle on any public sidewalk, walkway, architectural feature, wall, plaza, steps, or railing within the following identified places as defined in Section 14-7:

(1) Downtown District.

(2) Memorial Park that serves as a veteran's memorial.

(3) Legacy Town Center District, specifically public sidewalks adjacent to commercial businesses.

This subsection shall not apply to any authorized city employee while performing official duties or any person who walks a bicycle in the above-referenced areas.

The conduct prohibited in the above-referenced areas shall not apply to shared use paths as defined in Section 14-7.”

Section III. 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 IV. 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 V. 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 VI. Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine not to exceed two hundred dollars (\$200.00) for each offense. Every day a violation continues shall constitute a separate offense.

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

DULY PASSED AND APPROVED this the 22nd day of August, 2016.

Harry LaRosiliere, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY