



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:		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. 2009-4-21 providing that roller skates and similar devices are prohibited within certain public areas of designated places; adopting a new Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas to allow the operation of certain devices on public streets, adding to the designated places where roller skates and similar devices are prohibited, adding a definition section and a law enforcement exception; 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 the use of roller skates and similar devices on sidewalks will have on revenue collection is undeterminable.</p> <p>STRATEGIC PLAN GOAL: Revision of the ordinance to redefine areas where roller skates and similiary devices are 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 allow the operation of certain devices on public streets, adding to the designated places where roller skates and similar devices are prohibited, adding a definition section and a law enforcement exception.</p>				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Memo, Ordinance				



Memorandum

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

The popularity of Legacy Town Center, especially on the weekends, has created a hazard for pedestrians who are sharing the sidewalks and other public walkways with people on skateboards and other similar transportation devices. This proposed change will expand the current prohibition of roller skates, skateboards, and other similar transportation devices in the downtown, Haggard Park, and Memorial Park to the Legacy Town Center and the upcoming Legacy West development.

This ordinance also adds a definition of a "Shared Use Path" to address those paths identified in the City's Bicycle Transportation Plan and excepts the use of transportation devices on the Shared Use Path from the prohibitions in this ordinance.

This proposed ordinance change also adds an exception for law enforcement to use such devices in the performance of law enforcement activities.

I recommend the prohibition on wheeled transportation devices be expanded to the areas as explained and that the exceptions be adopted.

An Ordinance of the City of Plano, Texas repealing in its entirety Ordinance No. 2009-4-21 providing that roller skates and similar devices are prohibited within certain public areas of designated places; adopting a new Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas to allow the operation of certain devices on public streets, adding to the designated places where roller skates and similar devices are prohibited, adding a definition section and a law enforcement exception; and providing a repealer clause, a severability clause, a savings clause, a penalty clause, a publication clause, and an effective date.

WHEREAS, Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas prohibits the use or operation of roller skates or other similar devices within public areas of designated places; and

WHEREAS, on April 27, 2009, the City Council of the City of Plano enacted Ordinance No. 2009-4-21 to amend Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas in its entirety, prohibiting roller skates and similar devices in certain areas of Memorial Park; and

WHEREAS, staff recommends removing the prohibition on any public street, amending the designated areas roller skates and similar devices are prohibited, and adding definitions and a law enforcement exception to reflect current practices; 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 14-7 of Chapter 14 Offenses – Miscellaneous 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. 2009-4-21 is repealed in its entirety.

Section II. Section 14-7 of Chapter 14 Offenses – Miscellaneous of the Code of Ordinances of the City of Plano, Texas is hereby adopted to read as follows:

“Sec. 14-7. Roller skates and similar devices prohibited within certain areas.

(a) Definitions. The following definitions apply for the purposes of this section.

- (1) *Downtown District* means from I Avenue to K Avenue and from the north side of 14th Street to the north side of 15th Street.
- (2) *Legacy Town Center District* means from Headquarters Road to Tennyson Parkway and from Parkwood Boulevard to Dallas Parkway.
- (3) *Shared Use Path* means a paved surface equal to or greater than 8’ in width which is physically separated from motor vehicle traffic by an open space or barrier, is either within the roadway right of way or within an independent right of way, and is identified in the City’s Bicycle Transportation Plan. Shared use paths may be used by pedestrians, skaters, wheelchair users, joggers and other non-motorized users.

(b) Offenses.

(1) 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 motorized device (as defined by section 15-1), a non-motorized wheeled device, roller skates, rollerblades, or a skateboard on any public sidewalk, walkway, architectural feature, parking area, wall, plaza, steps, or railing within the following identified places:

a. Downtown District.

b. Haggard Park.

c. Memorial Park that serves as a veteran's memorial.

d. Legacy Town Center District, specifically public sidewalks adjacent to commercial businesses.

(c) The conduct prohibited in Sec. 14-7(b) shall not apply to the use of a wheelchair, scooter, or other such device being used to assist a person who has a physical disability with mobility.

(d) The conduct prohibited in Sec. 14-7(b) shall not apply to the use of a device in the performance of law enforcement activities.

(e) The conduct prohibited in Section 14-7(b) shall not apply to shared use paths.

(f) Any person, firm, or corporation violating any term or provision of this section is 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 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