

**ORDINANCE NO. 1279-2020**

**AN ORDINANCE AMENDING CHAPTER 8 "OFFENSES AND NUISANCES" OF THE RIVER OAKS CODE OF ORDINANCES AS AMENDED INCORPORATING ARTICLE 8.09 "MISUSE OF PUBLIC TRANSPORTATION FACILITIES"; THEREBY ESTABLISHING PROHIBITIONS FOR MISUSE OF BUS STOP FACILITIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of River Oaks ("City") seeks to provide for the health, safety and welfare of its citizens; and

**WHEREAS**, the City has authority pursuant to its police powers as a home-rule municipal corporation to adopt and enforce ordinances and regulations to protect the health, welfare, and safety of the public; and

**WHEREAS**, it is the intentions of the use of a bus stop area, bus stop bench or bus shelter for riders to wait in order to ride the bus and not for persons to occupy any such facility or portion thereof in a manner that demonstrates an intent to use such facility or portion thereof as a temporary or permanent quarters for sleeping or lodging ; and

**WHEREAS**, the debris and paraphernalia creates a deterrent to those legitimate riders when associated with the use of such a facility as a means of temporary or permanent quarters for sleeping or lodging that may provide harborage to rodents and other vectors that carry and transmit disease and may be innately harmful to other people and property; and

**WHEREAS**, such misuse of bus stops, bench or facility is a source of visual blight that diminishes the appeal and perceived use of the facility by others as a means of accessing public transportation; and

**WHEREAS**, it is in the legitimate interest of the City of River Oaks to protect the health, safety, and welfare of its citizens by setting reasonable standards for the maintenance of such facilities and by abating the nuisances related to unauthorized use; and

**WHEREAS**, staff proposes the furthering the protection of public health and safety by adding a prohibition on unauthorized use of public transportation facilities by incorporating a section into the River Oaks Code establishing prohibitions for misuse of such public transportation facilities; and

**WHEREAS**, the proposed prohibitions are intended to provide law enforcement the necessary tool to remove unauthorized persons from bus stops and bus facilities as a means of temporary or permanent quarters for sleeping or lodging; and

**WHEREAS**, law enforcement officers intend to make reasonable efforts to obtain compliance by informal means, including directing individuals to obtain other social services, including temporary shelter, drug or alcohol rehabilitation; and

**WHEREAS**, the River Oaks City Council finds it advisable to adopt the Police Chief's recommendations.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS THAT:**

## SECTION 1.

Chapter 8, "Offenses and Nuisances" of the River Oaks Code of Ordinances (2006), as amended, is hereby revised incorporating Article 8.09 "Misuse of Public Transportation Facilities" to read as follows:

### **"ARTICLE 8.09 "MISUSE OF PUBLIC TRANSPORTATION FACILITIES".**

#### **§ 8.09.001 Definitions.**

Bus stop area. Means the area at a bus stop occupying the entire width of the sidewalk that extends 20-feet before a bus stop sign or bus stop route sign, or for bus stops furnished with a shelter or shelters, the footprint of the shelters and the entire width of the sidewalk that extends 10-feet before and 10-feet after the footprint of the shelter. The footprint of a shelter is defined by vertical planes, perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof. For bus stops with a sign only, the bus stop area extends 20-feet from either side of bus stop sign or bus stop route sign.

Bus stop bench. Means any of those benches that have been placed along streets, roadways, or within a bus stop shelter within the city for people who are awaiting arriving passengers or who are awaiting departure on the Trinity Metro buses or paratransit buses.

Bus stop shelter. Means any of those structures that have been built and placed along streets and roadways to provide shelter within the city for people who are awaiting arriving passengers or who are awaiting departure on the Trinity Metro buses or paratransit buses.

Misuse of bus stop benches or bus stop shelters. Means the use of those facilities for purposes other than the uses for which they were intended.

#### **§ 8.09.002 Prohibitions.**

- a. It is unlawful for any person to misuse a bus stop area, bus stop bench or bus stop shelter. Intended uses include awaiting arrivals or waiting to depart on the Trinity Metro buses or paratransit buses; inspection, repair, maintenance, supply and employment activities associated therewith.
- b. It is unlawful for any person to consume an alcoholic beverage or to possess an open container of an alcoholic beverage at any bus stop area, bus stop bench or bus stop shelter.
- c. It is unlawful for any person to obstruct or interfere with any intended use of a bus stop area, bus stop bench or bus stop shelter by occupying any such facility or portion thereof in a manner that demonstrates an intent to use such facility or portion thereof as temporary or permanent quarters for sleeping or lodging.
- d. No person shall continuously occupy a bus stop area, bus stop bench or bus stop shelter for a time exceeding two hours.

#### **§ 8.09.003 Exceptions.**

a. City council authority. The city council has the authority to consider requests and waive the provisions and prohibitions of this article for special community events.

b. Written Permission. It is a defense to prosecution if the violator has written authorization from Trinity Metro to occupy / utilize the bus stop area, bus stop bench or bus stop shelter in violation of this ordinance.

#### **§ 8.09.004 Penalty.**

Any person who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of 8.09.002 of this division shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense."

**SECTION 2.**

**CUMULATIVE**

This Ordinance shall be cumulative of all provisions of Ordinances of the city, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 3.**

**SAVINGS**

That all rights or remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4.**

**SEVERABILITY**

It is hereby declared to be the intentions of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

**PENALTY**

In accordance to Section 1.01.009, "General penalty for violations of code; continuing violations", of the City of River Oaks Code of Ordinances (2006) as adopted and as amended; whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.

**SECTION 6.**

**PUBLICATION**


The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, savings clause, penalty clause, publication clause and effective date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

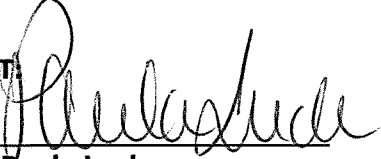
**SECTION 7.**

**EFFECTIVE DATE**

This ordinance shall take effect after adoption and publication as required by law.

PASSED AND APPROVED THIS THE 12th DAY OF MAY 2020.

  
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Mayor Herman D. Earwood

ATTEST:   
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Paula Luck  
City Secretary  
City of River Oaks