

Taylor Police Department

Memorandum

To: Frank Salvato, City Manager
From: Chief Straub
CC:
Date: October 2, 2002
Re: Amendment of Skateboard Ordinance

Attached please find an amended version of City of Taylor Ordinance No. 2001-46, the "Skateboard Ordinance." This amendment has been approved by City Attorney, Ted Hejl.

The amended version of this ordinance deletes Section 4, the mandatory warning clause, from the ordinance.

This section (which required a violator be warned once prior to police being able to take enforcement action) is not only a cumbersome clerical issue that discourages officers from taking enforcement. The warning requirement in essence makes it "not against the law" to violate the ordinance UNTIL an individual had been previously warned. Thus, in order to prove that an individual had violated the ordinance, we would have to prove in court that the individual had been warned on a specific date and time in addition to proving the other elements of this case.

This is the only ordinance of which I am aware that the police enforce that had such a warning requirement.

ORDINANCE NO. 2002-41

**AN ORDINANCE AMENDING SKATEBOARD ORDINANCE NO. 2001-46
ADOPTED ON OCTOBER 11, 2001 BY DELETING SECTION 4.0 "WARNING"
AND AMENDING SECTION 5.0 "PENALTY"**

WHEREAS, the Taylor City Council passed Skateboard Ordinance No. 2001-46 on October 11, 2001; and

WHEREAS, the City Council desires to amend Ordinance No. 2001-46, to delete Section 4.0 "Warning" and amend Section 5.0 "Penalty."

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, TEXAS, that:

SECTION 1.0 All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2.0 Section 4.0 "Warning" delete this section:

~~For a first offense, a written warning shall be issued to the offender, and no fine shall be imposed. If the offender is under the age of eighteen (18) years, a parent or guardian of the offender shall be notified and shall be handed or mailed a copy of the written warning.~~

SECTION 3.0 Section 5.0 "Penalty" is amended by deleting the reference to "written warning" as follows:

Any person violating the provisions of this Ordinance ~~again after a written warning~~ shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Taylor, Texas, or any other court of proper jurisdiction, shall be subject to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense.

SECTION 4.0 All other provisions of Ordinance No. 2001-46 of the City of Taylor, Texas, shall remain in full force and effect.

SECTION 5.0 In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Taylor, Texas, on the 10th day of October, 2002.

PASSED, APPROVED and ADOPTED on the 22nd day of October, 2002.

Jeffrey M. Berger, Mayor
City of Taylor

ATTEST:

Barbara S. Belz, City Clerk