

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS AMENDING THE CODE OF ORDINANCES BY ADDING ARTICLE 8.10 TO CHAPTER 8 OFFENSES AND NUISANCES, PROHIBITING CERTAIN ACTIONS IN A RIGHT-OF-WAY; PROVIDING DEFINITIONS; PROVIDING A PENALTY FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING SAVINGS, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City of Manor, Texas (“City”) is a home-rule municipality with the authority to adopt ordinances for the good government, peace, and order of the City;

WHEREAS, the City Council of Manor, Texas (“City Council”) continually works to further enhance the provision of a safe and healthy environment for residents, businesses, and visitors to support the City’s Manor’s economic development, public safety, and service delivery goals and policies;

WHEREAS, the City Council finds that the obstruction or unauthorized use of right-of-ways can create health and safety hazards, interfere with public access, and negatively impact the general welfare of the community; and

WHEREAS, the City Council finds that the adoption of this ordinance is in the best interest of the health, safety and welfare of the citizens of the City;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Adoption of Sitting or Lying Down in the Right-of-Way Ordinance. Chapter 8 of the City of Manor Code of Ordinances is hereby amended by adding Section 8.10 entitled “Sitting or Lying Down in the Right-of-Way” to read as set forth in Exhibit A attached hereto and incorporated herein for all purposes.

Section 3. Amendment of Ordinances. Chapter 8 of the City of Manor Code of Ordinances is hereby amended as provided herein and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

Section 5. Severability. 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, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Penalty. Any person who violates any provision of Article 8.09, Camping in Public Areas, as adopted by this Ordinance, shall be guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 for each offense. Each day or part of a day during which a violation is committed or continued shall constitute a separate offense.

Section 7. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on the ____ day of _____ 2026.

CITY OF MANOR, TEXAS

ATTEST:

Dr. Christopher Harvey, Mayor

Lluvia T. Almaraz, City Secretary

Exhibit A**ARTICLE 8.10. SITTING OR LYING DOWN IN THE RIGHT-OF-WAY****Sec. 8.10.001. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section:

Disability shall have the meaning assigned to it by the Americans with Disabilities Act of 1990, as amended.

Medical emergency means an acute physical or mental health condition, illness, injury, or behavioral health crisis that requires immediate medical, psychological, psychiatric, or emergency intervention, or that reasonably causes a person to sit or lie down for the person's immediate safety or well-being..

Personal transportation device means a bicycle, electric bicycle, or any other human-powered or electric-powered device used for individual mobility.

Right-of-way means:

- (1) a public street, alley, highway, sidewalk or other public property where others tend to walk, run, or otherwise travel upon or use;
- (2) the area between the roadway and the abutting property line or structure.

Sec. 8.10.002. Offense; Penalty.

(a) A person commits an offense if, after having been notified by an enforcement officer that the conduct violates this article, the person continues to sit or lie down in a right-of-way in a manner that would:

- (1) Hinder the unobstructed passage of a person, vehicle, or personal transportation device;
- (2) Require a person, vehicle, or personal transportation device to take evasive action to avoid contact;
- (3) Block the passage of a person entering or leaving a building; or
- (4) Require a person entering or leaving a building to take evasive action to avoid physical contact.

(b) A culpable mental state is not required, and need not be proven, for an offense under this article.

- (c) Any person who violates any provision of this article shall be guilty of a class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 for each offense. Each day or part of a day during which a violation is committed or continued shall constitute a separate offense.
- (d) The enforcement of this article shall be the responsibility of the police department, the code enforcement officer, or such department, officer or city employee as designated by the city; provided that the chief of police, the code enforcement officer, or such other salaried full-time employee of the city as designated by the city manager is authorized to administer and supervise the procedures, sections and provisions of this article.

Sec. 8.10.003. Exceptions.

- (a) This section does not apply to a person who:
 - (1) Sits or lies down because of a medical emergency;
 - (2) As the result of a disability, is using a wheelchair or similar device to move about;
 - (3) Operates or patronizes a commercial establishment that is conducting business on the sidewalk in compliance with the ordinances of the City of Manor;
 - (4) Is waiting in line for goods or services offered by a business or nonprofit entity that is then open to the public or scheduled to open within two (2) hours;
 - (5) Participates in or views a parade, festival, performance, rally, demonstration, or similar event beginning not earlier than two (2) hours before the scheduled start of the event and ending not later than one (1) hour after the event concludes;
 - (6) Sits on a chair or bench that is supplied by a public agency or by the abutting private property owner;
 - (7) Sits within a bus stop zone while waiting for public or private transportation scheduled to arrive within two (2) hours; or
 - (8) Is specifically permitted to sit or lie down in a right-of-way by ordinance or statute or has been granted permission by a representative of the City of Manor having authority to grant such permission but only during the period authorized by the ordinance, statute, or City permission.