



City of Whitehouse

ORDINANCE 09-0324-02

AN ORDINANCE OF THE CITY OF WHITEHOUSE, TEXAS, ESTABLISHING TIMES PARKS WITHIN THE CITY WILL BE OPEN AND ACCESSIBLE FOR PUBLIC USE AND ESTABLISHING TIMES PARKS WILL BE CLOSED AND NOT USED, ACCESSED, OR ENTERED BY THE PUBLIC; REQUIRING THAT NO PERSONS SHALL ACCESS, USE OR ENTER PARKS DURING THE TIMES PARKS ARE CLOSED; PROVIDING A PUBLICATION CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY so that any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs fire safety, zoning or public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

PREAMBLE

WHEREAS, Texas law delegates powers to cities for the operation and use of public facilities within the jurisdiction of the city, which public facilities include, without limitation, public parks; and

WHEREAS, it is within the police powers of the City, as well as for the health and safety of the citizens of the City of Whitehouse, to control the operation and use of its public parks; and

WHEREAS, it is reasonable and necessary under such police powers and for the health and safety of its citizens to prohibit the use, access, or entrance into parks during the times herein after established and to impose a penalty for violation of this Ordinance.

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

SECTION 1. 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. All municipal parks located within the City will be open to the public and accessible, used, and entered only between the hours of 6:00 am and 10:00 pm., on a daily basis.

SECTION 3. Notwithstanding, the City shall remain entitled to close parks or extend the open times when deemed reasonable or necessary by the City Manger or a City Manager designee.


SECTION 4. It shall be a violation of this Ordinance for any person to access, use or enter any park within the City except during the times established that parks are open and for any person to access, use, or enter any park within the City when parks are closed.

SECTION 5. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense, and for any violation of any provision which governs fire safety, zoning or public health or sanitation, which shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

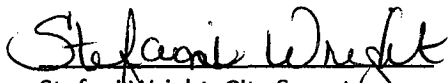
SECTION 6. If any paragraph, sentence, phrase or other portion of this Ordinance should be declared to be unconstitutional by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance and all portions of the Ordinance not held to be invalid shall continue and remain in full force and effect.

SECTION 7. The City Clerk is hereby authorized and directed to publish the caption of this Ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

PASSED, APPROVED and ADOPTED on this the 24th day of March 2009.


John D. Hogden, Jr., Mayor

ATTEST:


Stefani Wright, City Secretary