

ORDINANCE NUMBER 2019-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ARTICLE 1.800, RULES AND REGULATIONS OF PUBLIC PARKS, OF THE CODE OF ORDINANCES OF THE CITY, BY AMENDING SECTION 1.803, OFFENSES, OF ARTICLE 1.800, RULES AND REGULATIONS OF PUBLIC PARKS TO ALLOW DOMESTIC DOGS AND DOMESTIC CATS ON A LEASH IN PUBLIC PARKS; PROVIDING FOR SEVERABILITY, PROVIDING A SAVINGS CLAUSE AND EFFECTIVE DATE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR PUBLICATION.

WHEREAS, it is currently an offense to permit animal(s), domestic or otherwise, within a public park; and

WHEREAS, the City Council has determined that it will be in the best public interest of the health, safety and welfare of the citizens of the City to allow domestic dog(s) and cat(s) in public parks when on a leash; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

Section 3. Section 1.803, Offenses, of Article 1.800, Rules and Regulations of Public Parks, of the City's Code of Ordinances is hereby amended by deleting therefrom the language struck through below and adding thereto the language underscored below to read as follows:

“§ 1.1803 – Offenses.

(a) Public Parks. . Within the limits of any public park in the city limits, it shall be unlawful for any person to do or perform any of the acts specified below, except as otherwise may be provided:

- (1) Operate and/or use any motor vehicle or motorized equipment in and/or upon a public park except in certain areas, drives and pathways specifically designated or authorized for such purpose, including, but not limited to: automobiles, airplanes, drones, motor bikes, motorcycles, all-terrain vehicles (ATVs), mopeds, go-carts, or motorized models.
- (2) Operate any motor vehicle or motorized equipment in areas designated for the operation of such motor vehicles or motorized equipment in willful or wanton disregard for the safety of persons or property.
- (3) Park any motor vehicle or motorized equipment upon the grass, lawn, or any other areas within a public park that have not been designed for parking purposes.
- (4) Park any motor vehicle or motorized equipment in any parking lot or parking area so as to obstruct, block or hinder ingress or egress of such parking lot or parking area.
- (5) Permit or allow any child under the age of ten (10) years of age to make use of a public park without adult supervision.
- (6) Place or leave trash, refuse, or litter except in receptacles furnished for that purpose by the city.
- (7) Permit any animal(s), ~~domestic or otherwise,~~ other than domestic dog(s) and domestic cat(s) on a leash, within a public park. In addition to this prohibition, it shall be an additional offense for any person who permits any animal within a public park boundaries and fails to remove any waste left by such animal.
- (8) Fail to notify a city official at the city hall or the police department of:
 - (i) A defective or dangerous condition at a public park, or
 - (ii) Any injury or damage to persons or property occurring at a public park.

- (9) Possess within or bring any alcoholic beverage(s) into a public park.
- (10) Possess within or bring any glass container(s) into a public park.
- (11) Offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived in a public park without first obtaining the required permit as provided in this article.
- (12) Allow a public gathering in a public park without first obtaining the required permit as provided in this article.
 - (b) Nothing herein shall be construed to prohibit motor vehicles or motorized equipment used for the purpose of maintenance or for other public purposes performed by or at the direction of the city."

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 6. This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance

and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with section 52.011 of the Texas Local Government Code.

ADOPTED this 26th day of February, 2019.


Tom S. Ramsey, Mayor
City of Spring Valley Village, Texas



ATTEST:


Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas