

ORDINANCE NO. 54-2019

AN ORDINANCE OF THE CITY OF ABILENE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION," ARTICLE I, "IN GENERAL," SECTION 22-4, "CLOSING HOURS" OF THE CODE OF THE CITY OF ABILENE BY AMENDING THE SECTION AS SET BELOW; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVINGS CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

WHEREAS, Chapter 22, Article I, Section 22-4 of the Abilene Code of Ordinance provides that all parks shall be closed to the public between the hours of 12:01 a.m. and 5:30 a.m. each day; and

WHEREAS, the Parks and Recreation Board recommends that the closing hours for parks not apply to Kirby Lake Park located at Kirby Lake.

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

- Section 1.** That Chapter 22, Article I, Section 22-2, "Closing Hours" of the Code of Ordinances, City of Abilene, Texas is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes..
- Section 2.** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance..
- Section 3.** That any person, firm, or corporation violating the provisions of this Ordinance shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code..
- Section 4.** Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON FIRST READING this 26th day of September, 2019.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 29th day of September, 2019, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 3rd day of October, 2019, to permit the public to be heard.

PASSED ON SECOND AND FINAL READING this 3rd day of October 2019.

ATTEST:



Shawna Atkinson, City Secretary

Anthony Williams, Mayor

APPROVED:



Stanley Smith, City Attorney

EXHIBIT "A"

Sec. 22-4. Closing hours.

All parks shall be closed to the public between the hours of 12:01 a.m. and 5:30 a.m. each day.

(a) This section shall not apply to the following persons if in the park in the performance of their duties: Peace officers, physicians, ambulance operators or attendants, employees of the city, and employees of public utility companies.

(b) In the case of parks through which there are dedicated streets used for general travel (that is, not merely for access to the interior of the park) this section shall not apply to persons traveling through the park on such dedicated streets.

(c) The parks and recreation director may grant permission for civic or educational meetings or entertainments to be held in a park at any designated hours, and this section shall not apply to persons who are in the park in accordance with the terms of such permission.

(d) The department of parks and recreation shall place in each of the above-designated parks legible signs stating the hours when the park is closed. At least two (2) signs shall be placed in each park; and in parks which have vehicular entrances, there shall be a sign at each such entrance.

(e) This section shall not apply to those individuals camping in Seabee and Johnson Parks where overnight camping is permitted for periods up to forty-eight (48) hours in designated camp sites.

(f) This section shall not apply to Kirby Lake Park.