

ORDINANCE NO. O-2013-91

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, AMENDING CHAPTER 8, "PARKS", ARTICLE I., "IN GENERAL", OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY ESTABLISHING THE CLOSING TIME FOR P. T. COLE PARK FROM SUNSET TO SUNRISE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is the intent of the City Council to promote the public health, safety and welfare; and

WHEREAS, the City Council has established regulations in Tyler City Code Chapter 8 that govern activities in parks and recreational areas within the City limits; and

WHEREAS, City Code Section 8-5 establishes the closing times for City parks; and

WHEREAS, it is important to establish the closing time for P. T. Cole Park from sunset to sunrise; and

WHEREAS, Tyler City Code Section 8-1.b. states that the Parks Board shall make recommendations to the City Manager and City Council with reference to the operation and maintenance of public parks in the City; and

WHEREAS, on September 23, 2013, the Parks Board reviewed this proposed ordinance and voted to recommend approval;

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

PART 1: That Tyler City Code Chapter 8, "Parks", Article I., "In General", is hereby amended by amending Section 8-5 to read as follows:

Sec. 8-5. Parks closed during certain hours.

a. All public parks owned and operated by the City, except Bergfeld Park, Hillside Park, Children's Park, P. T. Cole Park and the Tyler Rose Garden, shall be closed to the public between the hours of 12:01 a.m. and 6:00 a.m., and it is unlawful to enter a park or remain upon a park during hours when a park is closed. (Bergfeld Park shall be closed from sunset to sunrise, with the exception of the lighted tennis court area wherein tennis may be played until 10:00 p.m.) (Hillside Park, P. T. Cole Park and the Tyler Rose Garden shall be closed from sunset to sunrise) (Children's Park shall be closed from 10:00 p.m. until 6:00 a.m.). LeGrand Grounds recreation area shall be closed to the public between the hours of 5:01 p.m. and 8:00 a.m. It is unlawful to enter or remain within a park or recreation area when said park or recreation area is closed. (Ord. No. 0-2006-39, 4/12/06) (0-2010-120, 11/10/10) (Ord. No. 0-2012-46, 6/13/2012) (Ord. No. 0-2013-91; 10/02/13)

b. This section does not apply during times when activities sponsored or sanctioned by the City Parks Department are in progress nor for thirty minutes after the conclusion of such activities. (Ord. No. O-96-53, 6-26-96)

PART 2: That if any provision or any section of this ordinance shall be deemed to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall become effective upon its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be October 4, 2013.

PASSED AND APPROVED THIS the 2nd day of October, A. D., 2013.



BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK DEBRAH G. PULLUM, CITY ATTORNEY

