

ORDINANCE NO. 1393-08-2016

**AN ORDINANCE OF THE CITY OF GAINESVILLE, TEXAS
AMENDING CHAPTER 14 – PARKS AND RECREATION,
SECTION 14-5 - VEHICLES AND ANIMALS IN PARKS;
PROVIDING SEVERABILITY; PROVIDING FOR REPEAL
OF CONFLICTING ORDINANCES; PROVIDING AN
EFFECTIVE DATE AND MAKING AN OPEN MEETING
FINDING**

WHEREAS, the City is responsible to provide for the health and safety of the public; and

WHEREAS, issues have developed with dogs defecating around the baseball fields; and

WHEREAS, people have failed to clean-up after their dogs; and

WHEREAS, this situation is creating unsanitary conditions in the heavily used baseball areas; and

WHEREAS, Boy's Baseball of Cooke County has requested that dogs not be allowed around the baseball fields because of the aforementioned issue.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE, MEETING IN REGULAR SESSION, THAT:

SECTION 1. AMEND CHAPTER 14 – PARKS AND RECREATION, SECTION 5 VEHICLES AND ANIMALS IN PARKS TO READ AS FOLLOWS:

Sec. 14-5. - Vehicles and animals in parks.

- (a) Commercial vehicles prohibited. It shall be unlawful for any person to operate any heavily laden vehicle or any vehicle engaged in business or commercial transportation or activity of any kind over any street, drive, parkway or boulevard in any public park in the city, except under authority expressly granted by the superintendent of parks.
- (b) Vehicles and animals limited to certain areas.
 - (1) It shall be unlawful for any person to operate or drive any automobile, motorcycle or other vehicle or to lead, drive or ride any animal over or through any park, playground, zoo or public cemetery of the city, except along and over park streets, drives, parkways or boulevard.
 - (2) Dogs are not allowed within 200 feet of the baseball fields located in Leonard Park or baseball fields on Fairview Cemetery property as described in Section 6-4 (a) of the Gainesville Code of Ordinances.

- (c) Hitching, tethering or pasturing animals prohibited. It shall be unlawful for any person to tether or pasture any animal in or upon any park or playground, or to hitch any horse or other animal to any tree, shrub, fence, railing or structure in any park or playground.
- (d) Parking restriction. It shall be unlawful for any person to park any vehicle in a park, playground, zoo and public cemeteries, except in places designated by the city for such purposes, and it shall be unlawful for any person to park or permit to remain parked any vehicle owned by or under said person's control on park, playground, zoo or public cemetery property after 11:00 p.m. or before 6:00 a.m., unless participating in an activity which is scheduled by or with the approval of the city manager, or his designee.

SECTION 2. SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of this article, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this article or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting the ordinance from which this article derives that no portion hereof or provisions or regulation contained therein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this article to be severable for that purpose.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict with the provisions of this article are hereby repealed.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Texas Government Code and City Charter*.

SECTION 5. OPEN MEETING FINDING

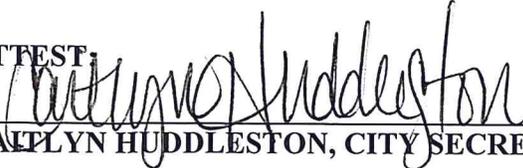
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

INTRODUCTION AND FIRST READING

INTRODUCED AND READ FOR THE FIRST TIME BEFORE THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 17TH DAY OF MAY 2016, AT WHICH TIME THE CHARTER REQUIREMENT OF THREE READINGS WAS SUSPENDED BY THE FOLLOWING VOTE.

7 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS

ATTEST:


CAITLYN HUDDLESTON, CITY SECRETARY

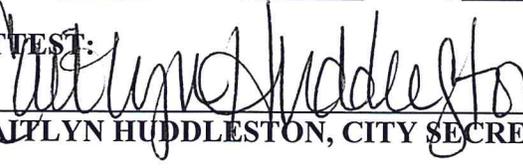

JIM GOLDSWORTHY, MAYOR

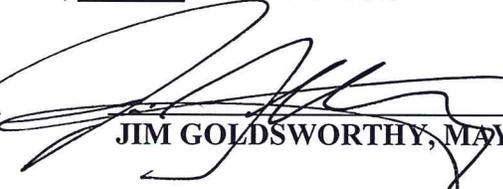
SECOND READING

READ FOR THE SECOND TIME AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 7TH DAY OF JUNE 2016.

6 AYES, 0 NAYS, 1 ABSENT, 0 ABSTENTIONS

ATTEST:


CAITLYN HUDDLESTON, CITY SECRETARY

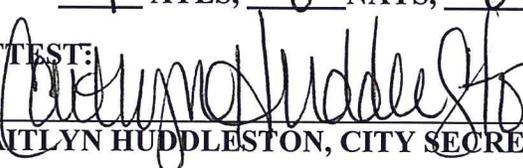

JIM GOLDSWORTHY, MAYOR

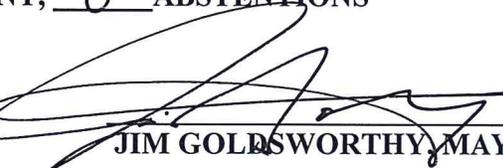
THIRD READING AND ADOPTION

READ FOR THE SECOND TIME AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GAINESVILLE ON THE 16TH DAY OF AUGUST 2016.

1 AYES, 0 NAYS, 0 ABSENT, 0 ABSTENTIONS

ATTEST:


CAITLYN HUDDLESTON, CITY SECRETARY


JIM GOLDSWORTHY, MAYOR

