



Maya Sanchez
Mayor

Leticia Miranda
Alderson Place 1

David Cantu
Alderson Place 2

Miguel Najera Jr.
Alderson Place 3

Rebecca Martinez-Juarez
Alderson Place 4

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Alderson Place 5

PARK RULES ORDINANCE NO. 1805.06E

AN ORDINANCE OF THE CITY OF SAN ELIZARIO, TEXAS, TO CONSOLIDATE ORDINANCES RELATING TO PARK RULES AND ESTABLISH ADDITIONAL PARK RULES TO PROVIDE FOR THE ORDERLY AND SAFE USE OF CITY PARKS; PROHIBITING CERTAIN ACTIVITIES WITHIN CITY PARKS; PROHIBITING GLASS CONTAINERS; PROHIBITING SMOKING; AUTHORIZING PERMITS AND SIGNAGE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT, REPEALER TO INCLUDE THE REPEAL OF ORDINANCE NO. 1704.09, "PROHIBITION OF GLASS BEVERAGE CONTAINERS IN CITY PARKS OR RECREATION AREAS", ORDINANCE NO. 1805.06D, "NO SMOKING IN PARKS"; SEVERABILITY, EFFECTIVE DATE; AND DECLARING A VIOLATION AS A MISDEMEANOR OFFENSE WITH A MAXIMUM PENALTY OF \$500.00 PER OFFENSE.

WHEREAS, the City of San Elizario ("City") manages and operates Tedd Richardson Park ("Park") and its facilities for the recreational use of the public; and

WHEREAS, the City is responsible for providing safe and enjoyable parks to the public and intends to create other park facilities at some future point; and

WHEREAS, it is the express intent of the City of San Elizario City Council ("City Council") to preserve and protect city parks and their facilities and regulate the usage therefore; and

WHEREAS, the Council seeks to create park rules and regulations to maintain the orderly use of city parks by the public; and

WHEREAS, The Council seeks to consolidate two prior park regulatory ordinances into this ordinance, thereby repealing Ordinance No. 1704.09, "Prohibition of glass

beverage containers in city parks or recreation areas” and Ordinance No. 1805.06D, “No smoking in parks”; and

WHEREAS, the City Council of San Elizario seeks to promote the health, safety and general welfare of the community by preventing death, injury, property damage and urban blight within the City limits; and

WHEREAS, the City Council finds that the use, dumping, exhibiting, carrying, possession or disposal of glass containers in a park increases illegal dumping and littering, decreases the aesthetics of the City, and overall, lowers the quality of life for citizens of the City; and

WHEREAS, the City Council finds that the existence of these unsanitary, unsafe and dangerous conditions poses a menace to the health, safety and welfare of its citizens; and

WHEREAS, the Surgeon General of the United States has declared that smoking is the largest preventable cause of premature death and disability in the United States; and

WHEREAS, the United States Environmental Protection Agency has concluded that passive smoking poses a public health risk larger than the hazardous air pollutants from all industrial emissions combined; and

WHEREAS, the City Council of San Elizario finds that cigarettes and secondhand smoke contain more than 7,000 chemicals, including 69 known or suspected carcinogens, and cigarette butts take up to ten years to decompose; and

WHEREAS, the chemicals in discarded cigarette butts pollute land and waterways and can be ingested by children and animals; and

WHEREAS, the City Council finds that secondhand smoke and discarded cigarette butts pose a nuisance and menace to the health, safety and welfare of the City’s citizens; and

WHEREAS, smoke-free parks protect the health, safety and welfare of all community members; and

WHEREAS, the City Council seeks to allow for the rental of all or portions of city parks for private events and issuance of permits for limited sales of items in the parks; and

WHEREAS, the City Council would like to allow for the consumption of alcohol, by permit, for such events; and

WHEREAS, pursuant to Texas Local Government Code Chapter 217, the City has the statutory authority to define nuisances and impose fines; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the Council finds that the regulations imposed by this Ordinance are characterized as reasonable, necessary, and proper for public health and sanitation in the city and for the good government of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of San Elizario:

SECTION I. FINDINGS OF FACT

The foregoing recitals are adopted as facts and incorporated fully herein.

SECTION II. ENACTMENT

The City of San Elizario hereby creates the Park Rules Ordinance enacting rules and regulations for the use of city parks, as set forth in Attachment "A", attached hereto and incorporated fully herein for all intents and purposes.

SECTION III. REPEALER AND SEVERABILITY

REPEALER: All ordinances, or parts thereof, that are in conflict or inconsistent any provision of this Ordinance are hereby repealed to the extent of such conflict; to include the repeal of Ordinance No. 1704.09, "Prohibition of glass beverage containers in city parks or recreation areas" and Ordinance No. 1805.06D, "No smoking in parks", and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

SEVERABILITY: Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

SECTION IV. EFFECTIVE DATE

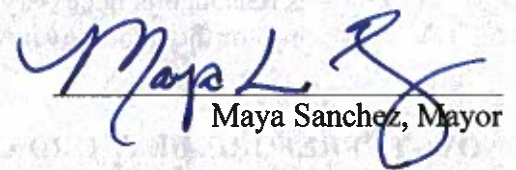
This Ordinance shall be effective immediately upon passage and publication.

SECTION V. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

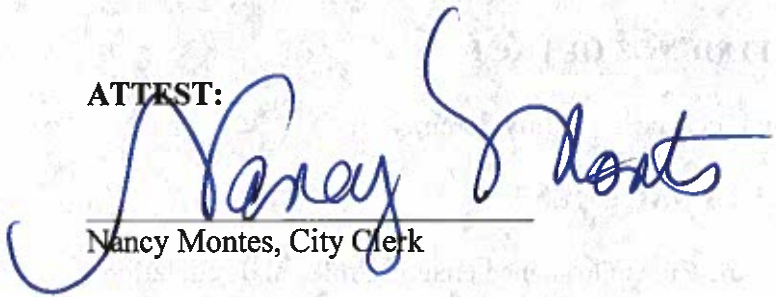
PASSED AND APPROVED this, the 24 day of April, 2018, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of San Elizario, Texas.

CITY OF SAN ELIZARIO, TEXAS



Maya Sanchez, Mayor

ATTEST:



Nancy Montes, City Clerk

