

ORDINANCE NO. O-2011-014

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF
MAGNOLIA, TEXAS, AMENDING ORDINANCE NO. 2010-187 BY
ADDING A NEW SUB-SECTION (31) TO SECTION 9 AND BY
AMENDING SECTION 10, PROVIDING A PENALTY CLAUSE,
PROVIDING FOR SEVERIBILITY, AND MAKING OTHER FINDINGS.**

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WHEREAS, the City Council of the City of Magnolia, Texas, has purchased and made improvements to park areas within the City, including but not limited to Unity Park; and

WHEREAS, the public parks are for the enjoyment of and a benefit to the citizens of the City of Magnolia; and

WHEREAS, the City Council finds that an ordinance providing for rules and regulations concerning public parks is good and necessary for the public safety, health and welfare and has previously adopted Ordinance No. 2010-187; and

WHEREAS, notice of the agenda for this meeting, was given in accordance with law by posting the same at the place reserved and designated for notices of public meetings and public activities and prior to the adoption of this ordinance;

AND NOW THEREFORE, BE IT ADOPTED BY THE CITY COUNCIL OF THE CITY OF MAGNOLIA, TEXAS:

Section 1. The City Council of the City of Magnolia having reviewed the findings of fact and conclusions as herein set out and adopts the same for inclusion in this ordinance if the same had been repeated verbatim herein.

Section 2. Section 9 titled "Prohibited Acts" is amended by adding the following section 31:

"(31)Smoking means to inhale, to exhale, to burn or to carry any lit cigar, cigarette, pipe or other lighted tobacco or plan product in any manner or in any form. For purposes of this ordinance the chewing of tobacco products are also prohibited where smoking is prohibited. The City Fire Marshal has determined that it is a safety hazard to smoke in the areas of Unity Park as shown in the attached exhibit "A". There shall be no smoking in the areas of Unity Park as shown Exhibit "A". No smoking signs

will be posted in the areas shown in Exhibit "A". Smoking shall also be prohibited within 20 feet of the playing surface or competition area during a youth sporting event at Unity Park or any city park. Any person who violated or caused, allow or permits another to smoke in a prohibited area shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00. Each occurrence of any smoking violation shall constitute a separate offense. Each day on which any occurrence of a smoking violation shall constitute a separate offense.

Section 3. Section 10 is amended to read as follows:

"10. Regulations concerning use of grounds, and fines for violating the regulations. Each person, firm or corporation using the public park and facilities shall clean up all debris and leave the premises in good order, and the facilities in a neat and sanitary condition. When each person is finished with the facility they rented, an inspection of the facility will be completed before the deposit will be refunded. Unless otherwise provided in this Ordinance, any person violating any of the provisions in this article that is civil in nature or that is a class "C" misdemeanor shall be subject to a fine not exceeding \$2,000.00."

Section 4. Severability Clause.

In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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 than the part declared to be invalid or unconstitutional; and the City Council of the City of Magnolia, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 5. Conflict With Existing Ordinances.

All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

Section 6. The City Secretary is instructed to attach this Ordinance and the attached Exhibit "A" to Ordinance 2010-187 and cause both this Ordinance and 2010-187 to be included in the Magnolia Code of Ordinance.

Section 7. The City Secretary is instructed to publish the Caption of this Ordinance in the Official Newspaper of the City of Magnolia in the manner provided and for the time required by Section 52.011(a) of the Local Government Code at which time this Ordinance takes effect. The City Secretary is directed to attach the notice and date of publication to this Ordinance.

PRESENTED on the 14th day of June 2011, and passed and approved by a vote of five ayes and no nays at a regular meeting of the City Council of the City of Magnolia, Texas.


APPROVED and **EXECUTED** this, the 14th day of June 2011.

CITY OF MAGNOLIA, TEXAS



Todd Kana, Mayor

ATTEST:


Lynne George, City Secretary

NO. 2
RE: LS 5.01/B1,C1
AND LS 5.02/D2

EXHIBIT "A"

GABIONS
RE: CIVIL

LS 1.02

BEGIN TRAIL
RE: LS 1.01,
LS 1.05 AND
LS 5.02/B2
ALT. BID #4

AMPHITHEATER
RE: ARCH

OBSERVATION
PIER
RE: LS
5.01/B1,B4

PAVILION
RE: ARCH

CONCRETE
PAD

BOARDWALK
RE: LS 5.01/A1,B2

HORSESHOES
RE: LS 5.03/A2,A4

PARK SIGN
RE: LS 5.05

SKATE
PARK
ADD ALT. BID #2
RE: LS 5.04/A2

DUMPSTER
RE: LS 5.04

GEOBLOCK
RE: LS 5.02-A2 & A4

FUTURE BUILDING

PLAYGROUNDS
RE: LS 5.04/A2

PLAYGROUNDS A & B,
SPASHPAD, AND
HARDSCAPE TO BE IN
ONE CONTRACT

PROPOSED
CONCRETE LOW
WATER CROSSING
RE: CIVIL

SPLASH PAD
ADD ALT. BID #1
RE: LS 5.04/A2

COMPOSTING
TOILETS
ADD ALT. BID #3
RE: LS 1.04

FOOT BRIDGE NO. 1
RE: LS 5.01/B1,C1,
LS 5.02/D1

LS 1.04

ALPHA
ACADEMY