

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF KELLER, TEXAS, AMENDING THE CITY OF KELLER CODE OF ORDINANCES CHAPTER 12 – PARKS AND RECREATION; PROVIDING A MAXIMUM PENALTY OF \$500.00; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Keller, Texas, is a home-rule municipality having full powers of self-government and may enact ordinances relative to its citizens' health, safety, and welfare that are not inconsistent with the Constitution and laws of the State; and

WHEREAS, the City of Keller City Council (the "City Council") finds and determines that the passage of this ordinance as necessary to protect the public, health, safety, and welfare; and

WHEREAS, the City Council is authorized by law to adopt the provisions contained herein, and has complied with all the prerequisites necessary for the passage of this Ordinance, including but not limited to the Open Meetings Act.

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

Section 1: THAT the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2. THAT the City of Keller Code of Ordinances Chapter 12 – Parks and Recreation is hereby amended by replacing Section 12-150 – Penalty, which shall read as follows:

Sec. 12-150. – Penalty.

Unless otherwise specified in this chapter, any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed two hundred dollars (\$200.00). Each and every day or occurrence any such violation shall continue shall constitute a separate violation hereunder.

Section 3: THAT the City of Keller Code of Ordinances Chapter 12 – Parks and Recreation is hereby amended by replacing Section 12-270 – Littering, which shall read as follows:

Sec. 12-270. – Littering.

- (a) It shall be unlawful for any person to permit or cause to be distributed litter, paper, waste materials, empty cans, garbage or other rubbish within the boundaries of the city park.
- (b) Any person, firm or corporation violating this section shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00).

Section 6: THAT this Ordinance shall be cumulative of all provisions of the City Code and other ordinances of the City of Keller, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of other ordinances, in such event the conflicting provisions of the other ordinances are hereby repealed.

Section 7: THAT any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon final conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00). Each and every day any such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 8: THAT if any section, paragraph, clause, phrase, or provision of this Ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not effect any of the remaining provisions of this Ordinance.

Section 9: THAT this Ordinance shall become effective upon its adoption and publication provided by law.

AND IT IS SO ORDAINED.

Passed and approved by a vote of \_\_\_ to \_\_\_ on this the 4th day of April, 2023.

CITY OF KELLER, TEXAS

BY: \_\_\_\_\_  
Armin R. Mizani, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Ballard, City Secretary

Approved as to Form and Legality:

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L. Stanton Lowry, City Attorney