

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING TITLE IX “GENERAL REGULATIONS” OF THE CODE OF MANSFIELD, TEXAS BY AMENDING SECTION 96.20 “LIMITATION OF ACTIVITIES BY PERMIT” OF CHAPTER 96 “PARKS AND RECREATION” BY DELETING PERMIT REQUIREMENTS FOR CERTAIN ACTIVITIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Mansfield (“City”) is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and,

WHEREAS, the City desires to amend the Code of Mansfield, Texas (the “Code”) to update the regulations of certain activities within city park lands; and,

WHEREAS, the City Council finds and determines that the amendments to the Code as set forth herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the public.

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

SECTION 1.

Subsections (D) and (N) of Section 96.20 “Limitation of Activities by Permit” of Chapter 96 “Parks and Recreation” of Title IX “General Regulations” of the Code are hereby replaced entirely to read as follows:

“§ 96.20 LIMITATION OF ACTIVITIES BY PERMIT.

...

(D) It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatsoever in any park, or to attach any bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any park.

...

(N) *Merchandising, advertising and signs.* It shall be unlawful for any person in a city park to:

(1) Expose or offer for distribution, sale or hire any article, thing or service, nor station or place any stand, cart or vehicle for the transportation, distribution, sale or display of any article, thing or service.

(2) Announce, advertise or call the public's attention in any way to any article, thing or service for distribution, sale or hire.

(3) Announce, advertise, or call the public's attention to an event unless done pursuant to a permit issued under Section 96.03. This section shall apply to all events whether or not a fee is charged, money is solicited, or money is donated to such event.

(4) Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription on park property or erect or cause to be erected any sign on any public lands, highways or roads adjacent to a park.”

SECTION 2.

All ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, and shall be fined not more than Five Hundred Dollars (\$500.00) for all other violations of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Mansfield are expressly saved as to any and all violations of the provisions of the Code or any other ordinances, as amended, or any other ordinances affecting the regulations contained here which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

The City Secretary of the City of Mansfield is hereby directed to publish this Ordinance to the extent required by law.

SECTION 7.

This Ordinance shall take effect immediately upon and after its passage and the publication of the caption and penalty clause, as the law and charter in such cases provide.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 23RD DAY OF OCTOBER, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney