

ORDINANCE NO. 697

“Prohibiting Drilling or Mining in City-Owned Park Land”

AN ORDINANCE OF THE CITY OF GRANITE SHOALS, TEXAS AMENDING CHAPTER 26 OF THE GRANITE SHOALS CODE OF ORDINANCES (PARKS AND RECREATION) TO ADD A NEW ARTICLE IV (PROIHBITED ACTIVITY), PROVIDING FOR THE PROHIBITION OF DRILLING AND MINING OR THE REOPENING OF ANY ABANDONED WELL OR MINE IN ANY PUBLIC PARK LOCATED WITHIN THE CITY OF GRANITE SHOALS, TEXAS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING

WHEREAS, the City Council desires to provide for, protect and improve the health, safety and general welfare of the citizens of the City and to foster a sense of civic pride; and,

WHEREAS, the Council finds that the use of city-owned parkland for drilling and mining is inconsistent with the public purpose of using such land for park purposes; and

WHEREAS, the Council has the authority to enact the provisions of this ordinance pursuant to its police power and Section 2.04 of the City Charter;

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

SECTION I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Granite Shoals and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION II. AMENDMENT

Chapter 26 (Parks and Recreation), of the City of Granite Shoals Code of Ordinances is hereby amended to add a new Article IV (Prohibited Activity) as follows:

“ARTICLE IV. PROHIBITED ACTIVITY

Sec. 26-51. – Drilling and mining.

(a) All forms of drilling and mining are permanently prohibited in any public park located within the City limits of Granite Shoals, Texas.

(b) No previously drilled and abandoned well or mine may be reopened in any public park located within the City limits of Granite Shoals, Texas.

(c) Drilling shall not be construed to prevent bona fide construction techniques not related to extraction of minerals or water.”

SECTION III. SAVINGS

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY

If any provision, section, sentence, clause or phrase of this ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinance or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

SECTION VI. EFFECTIVE DATE

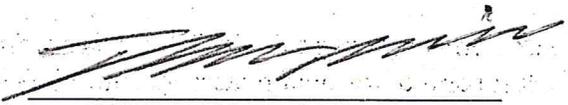
This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. PROPER NOTICE AND 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, Chapter 551 of the Texas Government Code.

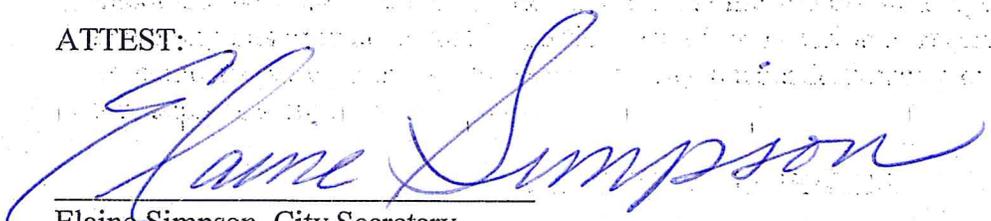
Passed and approved this 23rd day of August, 2016.

APPROVED:



Tom Dillard, Mayor Pro Tem

ATTEST:



Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Brad Young, City Attorney