

ORDINANCE NO. 2024-10

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS
AMENDING CHAPTER 15 “PARKS AND RECREATION”, ARTICLE I
“IN GENERAL” OF THE BRECKENRIDGE CODE OF ORDINANCES
BY ADDING SECTION 15-14 “DRILLING” TO PROHIBIT DRILLING
AND MINING IN CITY PARKS; PROVIDING REPEALER AND
SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, Section 3.20 of the City Charter provides that the City “shall have exclusive control of all city parks...and to control, regulate and remove all obstructions and prevent all encroachments thereupon”;

WHEREAS, Section 331.005 of the Texas Local Government Code provides that public parks “are under the control and management of the municipality...acquiring the park” and Section 331.008 of the Local Government Code states that “a park...acquired and maintained under [Chapter 331] shall be open for the use of the public under rules prescribed by the governing body”; and

WHEREAS, the City Commission of the City finds that it is in the best interest of the public health, safety, and welfare, and for the protection of City assets, to prohibit drilling and mining in City parks.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF BRECKENRIDGE, TEXAS THAT:**

I. Addition of Section 15-14. Chapter 15 “Parks and Recreation”, Article I “In General” of the Breckenridge Code of Ordinances is hereby amended to add Section 15-14 “Drilling”, which shall read as follows:

Sec. 15-14. Drilling.

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

(b) No previously drilled and abandoned well or mine may be reopened in any City park located within the City limits.

II. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

III. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge

hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

IV. Open Meetings. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance was given, all as required by Chapter 551, as amended, Texas Government Code.

V. Effective Date. This Ordinance shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED on this the 2nd day of July 2024.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

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