

## **ORDINANCE**

**AN ORDINANCE AMENDING CHAPTER 14, “BUSINESSES” OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON, TEXAS (2005), AS AMENDED, BY DELETING ARTICLE III, ENTITLED “AMUSEMENTS”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Burleson (“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WHEREAS, the City has reviewed its licensing procedures for amusements and found the process to be outdated and inconsistent with other city review and permitting processes; and

WHEREAS, the City Council finds and determines that the adoption of this ordinance is necessary and proper to provide a fair and balanced review and regulatory permitting framework for amusement land uses.

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

### **SECTION 1.**

The Code of Ordinances of Burleson, Texas (2005) is hereby amended by deleting Article III entitled “Amusements” to Chapter 14 “Businesses”, comprised of Sections 14-61 through 14-140:

### **SECTION 2.**

#### **CUMULATIVE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed. This ordinance is consistent with and is not intended to repeal any provision in the zoning ordinance.

### **SECTION 3.**

#### **SEVERABILITY**

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

**SECTION 4.**  
**SAVINGS PROVISION**

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of any ordinances concerning outdoor gatherings or Public Events 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 5.**  
**PUBLICATION**

Pursuant to Section 36 of the Charter of the City of Burleson, that this ordinance shall take effect after its passage and publication, and that the City Secretary is hereby directed to give notice of the passage of this ordinance by causing the caption or title and the penalty clause of this ordinance to be published once in a newspaper of general circulation in the city and on the city's website.

**SECTION 6.**  
**EFFECTIVE DATE**

This ordinance shall be in full force and effect on and after June 19, 2023. The City Secretary shall provide for the publication of this ordinance after its passage as required by law. And it is so ordained.

**First Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Final Reading:** the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**PASSED AND APPROVED** this the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST: APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor Jr., City Attorney