

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 2 USE REGULATIONS, SEC. 1.09.034 ADDITIONAL PROHIBITED USES AND ACTIVITIES, TO ADD A SUB-SECTION (h), PROHIBITING SMOKING IN THE HUEBNER-ONION NATURAL AREA PARK (HONAP); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; SAVINGS; AN EFFECTIVE DATE; NOTICE OF OPEN MEETING CLAUSES AND PROVIDING FOR A PENALTY.

WHEREAS, the Huebner-Onion Natural Area Park was designated as such to preserve the area's natural beauty and native wildlife; and

WHEREAS, the City has few remaining large open natural areas for its citizens and others to enjoy and use and the property has remained a natural area since its purchase by the city; and

WHEREAS, smoking in this area extremely dangerous due to the nature of its state of overgrowth, vegetation, and trees, and fires could be easily ignited from the dropping of lit cigarettes; and

WHEREAS; the park does not have adequate access for fire department personnel to quickly extinguish a fire should one start in the area, leaving the existing surrounding homes vulnerable to catastrophic consequences from fires;

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

Section 1. The Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional prohibited uses and activities, is hereby amended to add a sub-section (h), to read as follows:

“(h) Smoking or possessing a burning tobacco, weed, or other plant product, or any lighted burning pipe, cigar or cigarette of any kind, or smoking equipment or device, is prohibited in the Huebner-Onion Natural Area Park.”

SECTION 2. REPEALER CLAUSE. The provisions of the 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 ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or 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 in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. 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 5. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

SECTION 6. NOTICE OF MEETING CLAUSE. 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.

SECTION 7. PENALTY. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 5th day of September 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney