

Ordinance No. 2016092016-4

AN ORDINANCE OF THE CITY OF TIMPSON, TEXAS; PROVIDING FOR THE FOLLOWING: DEFINITIONS; PROHIBITING DESECRATION OF MONUMENTS & CERTAIN CITY OWNED PROPERTY; VIOLATION; PENALTY NOT TO EXCEED \$500.00 PER DAY; REPEALER; SEVERABILITY; EFFECTIVE DATE; PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Timpson, Texas (“City Council”) has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City; and

WHEREAS, the City Council desires to protect City owned property and monuments erected throughout the City from vandalism and desecration; and

WHEREAS, the City Council of the City of Timpson finds that it is in the best interest of the public health, safety and general welfare to prohibit the desecration of City owned property and monuments erected throughout the City;

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

SECTION 1. Definitions

As used in this Ordinance, the following terms shall be defined as follows:

- a. “Bicycle” shall mean to ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar non-motorized device.
- b. “Cemetery” shall mean Woodlawn Cemetery.
- c. “City” shall mean the duly incorporated municipality of the City of Timpson, Texas.
- d. “Council” or “City Council” shall mean the governing body of the City of Timpson.
- e. “Memorial Wall” shall mean the memorial wall located beside the City owned building at SoSo Park and a five-foot wide zone surrounding the wall.
- f. “Monuments” or “Memorials” shall mean the plaques, monuments, and memorials located at Park Plaza honoring veterans and a five-foot wide zone surrounding the plaques, monuments, and memorials.
- g. “Person” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.
- h. “Scoot” shall mean to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power.
- i. “Skate” shall mean to ride or propel a device commonly known as roller skates, roller blades, skateboards or similar non-motorized device.

SECTION 2. Certain activities prohibited.

- a. It shall be unlawful for any person to climb on, damage, cut, break, injure, deface, mark or write upon, paint, or disturb the Memorial Wall or on any other Monuments within the city limits of the City of Timpson. Further, it shall be unlawful for any person to bicycle, scoot or skate on the Memorial Wall or any other Monuments within the city limits of the City of Timpson.
- b. It shall be unlawful for any person to climb on, damage, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, tombstone, or other structure, apparatus, or property within Woodlawn Cemetery; or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or to mark or write upon, paint or deface any building, monument, fence, bench or other structure within Woodlawn Cemetery.
- c. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any provision of this section.

SECTION 3. Violation of Ordinance

Any person who violates a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction therefor shall be fined an amount not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each offense.

SECTION 4. Repealer

This Ordinance shall be and is hereby declared to be cumulative of all other Ordinances of the City of Timpson, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such ordinance or ordinances are hereby repealed.

SECTION 5. Severability

If any section or part of any section or paragraph of this Ordinance is declared invalid or unconstitutional for any reason, such declarations shall not affect the remaining portions of this Ordinance.

SECTION 6. Effective date

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

SECTION 7. 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 as required 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 THE 20TH DAY OF SEPTEMBER, 2016 by a
vote of __ Nays to __ Ayes.**

**Hon. Debra P. Smith, Mayor
City of Timpson**

ATTEST:

**Leslie Leathers, City Secretary
City of Timpson**