

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS, AMENDING THE CITY OF KYLE, TX CODE OF ORDINANCES; AMENDING PART II, CHAPTER 26, ARTICLE III, SECTION 26-84 PARK RULES, TO AMEND THE DEFINITION OF LITTERING; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE AND AN OPEN MEETINGS CLAUSE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council has established park rules and regulations; and,

WHEREAS, the City wishes to amend the definition of littering.

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment of Part II, Chapter 26, Article III, Section 26-84 Prohibited Activities. City of Kyle, Texas, Code of Ordinances is hereby amended insofar, and insofar only, as is herein set forth, and in no other respect whatsoever.

Paragraph (6) replaced in its entirety:

(6) Littering.

- a. It shall be unlawful in any city park or city facility for any person to place or deposit any garbage, trash, discarded vegetation of any kind, or any other refuse except in receptacles designated for such purpose by the city. It shall be unlawful to place or deposit any garbage, trash, discarded vegetation of any kind or any other refuge in any city park except that which was generated within the city park grounds. City trash receptacles shall never be used to discard trash, garbage, vegetation or other refuge which is brought to the park for the purpose of disposal.
- b. It shall be unlawful in any city park or city facility to fail to deposit any rubbish, refuse, garbage, or other material in receptacles provided in any public park or recreation area; where receptacles are not provided, persons shall carry rubbish or waste away from the park, and properly dispose of it elsewhere.
- c. It shall be unlawful to throw, discharge, or otherwise place or cause to be placed in the waters of any swimming pool, foundation, or body of water in or adjacent to any public park or recreation area any substance, matter or thing, liquid or solid, which will or may result in the pollution of the water.

- d. It shall be unlawful in any city park, city facility or city property to knowingly release, organize the release or intentionally cause to be released balloons, lanterns, or similar items inflated with a gas lighter than air or propelled or fueled by batteries and/or flammable materials. Exceptions would be:
 1. Items released by a person on behalf of a governmental agency or pursuant to a governmental contract for scientific or meteorological purposes; and
 2. Hot air balloons, drones, toys or other items that can be completely recovered without trespassing on private property after launching.

Section 3. Amendment of Ordinances. The City of Kyle, Texas Code of Ordinances is hereby amended to the extent of any conflict or inconsistency herewith only and all ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the city, the terms and provisions of this Ordinance shall govern.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is 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.

PASSED AND APPROVED on this the ____ day of _____, 2017.

FINALLY PASSED AND APPROVED on this the ____ day of _____, 2017.

ATTEST:

The City of Kyle, Texas

Jennifer A. Vetrano, City Secretary

R. Todd Webster, Mayor