

Motion was made by Charles Moore, seconded by Dale Evans,

that the following Ordinance be passed:

**ORDINANCE NO. 2005-289**

**AN ORDINANCE BY THE CITY OF PANORAMA VILLAGE, TEXAS, DEFINING AND DECLARING THAT THE USE OF SKATEBOARDS, BICYCLES, ROLLER BLADES, AND ANY OTHER RECREATIONAL ACTIVITY WITHIN ANY CITY DRAINAGE DITCH OR DRAINAGE EASEMENT WITHIN THE CITY OF PANORAMA VILLAGE IS A NUISANCE AND IS PROHIBITED; PROVIDING DEFINITIONS; DECLARING IT UNLAWFUL FOR ANY PARENT OR GUARDIAN OF A PERSON UNDER THE AGE OF 18 YEARS TO KNOWINGLY PERMIT, OR BY INSUFFICIENT CONTROL, ALLOW SUCH MINOR PERSON TO VIOLATE SAID ORDINANCE; PROVIDING A FINE OF \$200.00 FOR VIOLATING SAID ORDINANCE; REPEALING CITY ORDINANCE NO. 00-258 AND ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

WHEREAS, Section 217.002 of the Texas Local Government Code authorizes the governing body of a Type A General Law Municipality to abate and remove a nuisance as defined and declared by the governing body, and to punish by fine the person responsible for the nuisance; and further authorizes the governing body of a municipality to direct a summary abatement of any nuisance that may injure or affect the public health or comfort; and

WHEREAS, the City Council of the City of Panorama Village believes and declares that the use of skate boards, roller blades, bicycles, and any other recreational activity on a city drainage easement or in a drainage ditch poses a health threat to its citizens, particularly youth in the community, and may lead to injury to participants of such activities;

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

**I.**

The foregoing recitals are incorporated into this Ordinance as findings of fact.

**II.**  
**DEFINITIONS**

- (a) **CITY** shall mean the City of Panorama Village, Texas
- (b) **GUARDIAN** shall mean a person who, under court order, is the guardian of the person of a minor or a public or private agency with whom a minor has been placed by a court.
- (c) **MINOR** means any person under the age of eighteen (18) years.
- (d) **PARENT** means a person who is:
- (1) a natural or adoptive parent, or step-parent, of another person;
  - (2) a court appointed parent of another person; or
  - (3) a person at least 21 years of age who has been authorized by a parent or court appointed guardian to have care and custody of another person.
- (e) **WARNING** means a verbal or written warning that a minor was in violation of this Ordinance issued by a police officer or a city official.

**III.**  
**PUBLIC NUISANCE DECLARED**

The City Council of the City of Panorama Village hereby declares that the use of skateboards, roller blades, bicycles, and any other recreational activity by any person on a City drainage easement or in a City drainage ditch constitutes a public nuisance, and any such activity is hereby declared to be a trespass on City property by such person and is ordered abated as a public nuisance.

**IV.**  
**OFFENSES**

- (a) A person commits an offense if the person uses skateboards, roller blades, bicycles, and any other recreational activity on a City drainage easement or in a City drainage ditch in violation of this Ordinance.
- (b) A parent or guardian of a minor commits an offense if the person knowingly or negligently permits, or by insufficient or negligent control allows, the minor to violate this Ordinance after having been issued a warning on one or more occasions that the minor was in violation of this Ordinance.

**V.**  
**ENFORCEMENT AGAINST MINORS**

- (a) Before taking any enforcement action under this Ordinance against a minor, a police officer, upon finding a minor in violation of Section IV (a) shall:
- (1) ascertain the name, address and date of birth of the minor;
  - (2) issue the minor a written warning that the minor is in violation of Section IV (a); and
  - (3) order the minor to go promptly home by a direct route.
- (b) The police officer shall by mail or in person notify a parent or guardian of the minor that the minor has violated Section IV (a) of this Ordinance and shall include a warning that any subsequent violation may result in the prosecution of the parent or guardian under this Ordinance.

**VI.**  
**PENALTIES**

- (a) Any person who violates this Ordinance shall be assessed a fine not to exceed \$200.00 per offense. Each day shall constitute a separate offense.
- (b) A parent or guardian of a minor who violates Section IV (b) of this Ordinance and has been notified of a previous violation by the minor is, upon conviction, subject to a fine not to exceed \$200.00. Each day of violation shall constitute a separate offense.

**VII.**  
**REPEALING CONFLICTING ORDINANCES**

City Ordinance No. 00-258 is hereby repealed, and all other existing City Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

**VIII.**  
**SEVERABILITY**

If any clause, phrase, sentence, or paragraph of this Ordinance is held void or unconstitutional by a court of law for any reason, same shall not effect the other parts of this Ordinance.

**IX.**  
**TEXAS OPEN MEETINGS ACT**

It is hereby officially found and determined that the meeting at which this Ordinance was considered 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.

**X.**  
**EFFECTIVE DATE**

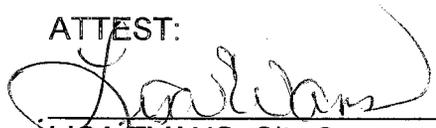
This Ordinance shall be effective after it has been published as prescribed by law.

PASSED AND APPROVED this the 22<sup>nd</sup> FEBRUARY 2005 day of April, 2005.

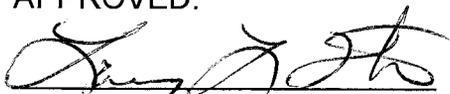
CITY OF PANORAMA VILLAGE, TEXAS

  
\_\_\_\_\_  
HOWARD KRAVETZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
LISA EVANS, City Secretary

APPROVED:

  
\_\_\_\_\_  
LARRY L. FOERSTER, City Attorney