

ORDINANCE NO. 023-008

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS, ADOPTING AMENDMENTS TO CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES FOR THE CITY OF MARLIN, TEXAS, AMENDING CHAPTER 2, ARTICLE IV, CITY PARK COMMISSION, TO PROVIDE FOR AN INCREASE IN THE NUMBER OF MEMBERS OF THE BOARD OF THE CITY PARK COMMISSION; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY, SAVINGS, EFFECTIVE DATE, AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the City Council for the City of Marlin ("City Council") has provided by ordinance for the creation of a City Park Commission which is comprised of nine (9) members to be appointed by the City Council; and

WHEREAS, the City Council desires to amend Sec. 2-117. *Members and terms*, of Chapter 2, Article IV, City Park Commission, increase the number of members of the City Park Commission from nine (9) members to eleven (11) members;

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

Section 1. Authority. This Ordinance is adopted pursuant to the authority given to the City by the City Charter, by to the police powers and authority of the City under Texas law, the Constitution, and the codes and the laws of the State of Texas, including but not limited to Chapter 51, Tex. Loc. Gov't. Code.

Section 2. Findings of Fact. The foregoing findings and recitations set out in the preamble of this Ordinance are found to be true and correct and that they are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 3. Amendment of Chapter 2, Article IV, of the Code of Ordinances of the City of Marlin. Section 2-117 of Article IV of Chapter 2, City Park Commission, is amended in its entirety to read as follows:

Sec. 2-117. *Members and terms.*

The city park commission shall be composed of a board of eleven (11) citizens with a three-year tenure who reside in the city limits. The City Council shall appoint such members from representatives of the Baseball League, Festival Association, Horseshoe Association and the Youth Fair and other citizens appointed by the council.

Section 4. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict only. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City regulating or applicable to outdoor burning or the responsibilities and authority of the fire chief, the terms and provisions of this Ordinance shall govern.

Section 5. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected. No portion of this ordinance shall be inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, therefore, all provisions of this Ordinance are declared to be severable.

Section 6. Savings Clause. All rights and remedies of the City of Marlin are expressly saved as to any and all violations of the provisions of any ordinances affecting animals, licensing and registration within the City 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 7. Effective Date. This Ordinance shall take effect immediately as authorized by the City Charter for the City of Marlin and State law, and upon publication in accordance with the provisions of the *Tex. Loc. Gov't. Code*.

Section 8. 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, *Chapt. 551, Tex. Gov't. Code*.

FIRST READING on the 20th day of June, 2023.


SECOND READING on the 11 day of July, 2023.

PASSED AND APPROVED on this the 11 day of July, 2023.

ATTEST:

CITY OF MARLIN, TEXAS


Maryann Waddle, City Secretary


Susan Byrd, Mayor
City of Marlin, Texas