

**TOWN OF BARTONVILLE
ORDINANCE NO. 475-09**

AN ORDINANCE OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING THE TOWN OF BARTONVILLE CODE OF ORDINANCES, CHAPTER 6, HEALTH AND SANITATION, BY ADDING ARTICLE 6.600, PROHIBITING THE ACT OF DEFECATING OR URINATING IN PUBLIC AREAS OR ANY PLACE THAT MAY BE SEEN FROM A PRIVATE RESIDENCE; PROVIDING A FINE UPON CONVICTION NOT TO EXCEED \$500.00 FOR EACH VIOLATION; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES OF THE TOWN BARTONVILLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR SAVINGS; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Bartonville, Texas, is a Type AA@ General Law Municipality located in Denton County, Texas, created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Town of Bartonville, Texas, is a Type AA@ General Law municipality empowered under the Texas Local Government Code, Section 51.001, to adopt an ordinance or rule that is for the good government of the Town; and

WHEREAS, the Town Council of the Town of Bartonville has determined that passage of this ordinance is in the best interest of the health, safety, and welfare of the citizens of Bartonville and the general public at large.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, THAT:

SECTION 1.
(INCORPORATION OF PREMISES)

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2.
(CODE AMENDED)

The Town of Bartonville Code of Ordinances, Chapter 6, Health and Sanitation, is hereby by adding Article 6.600, PROHIBITED ACTS, to read as follows:

“.....

Sec. 6.600 Acts of Defecating or Urinating in Public

The act of defecating or urinating upon the streets, alleys, public grounds or on private property open to the public; defecating or urinating in any place that may be seen from a private residence or by persons passing along the streets, alleys, public thoroughfares; defecating or urinating on private property open to the public is prohibited within the corporate limits of the Town of Bartonville.”

SECTION 3.
(PENALTY)

Any person violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00) for each offense.

SECTION 4.
(CUMULATIVE)

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 5.
(SEVERABILITY)

It is hereby declared to be the intention of the Town Council of The Town of Bartonville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.
(SAVINGS)

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting health and sanitation, 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
Town of Bartonville, Ordinance 475-09 **Page 2 of 3**

Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.
(ENGROSSMENT AND ENROLLMENT)

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

SECTION 8.
(PUBLICATION)

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and Effective Date of this Ordinance for Two (2) days.

SECTION 9.
(EFFECTIVE DATE)

This Ordinance shall be in full force and effect from and after its date of passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED by a vote of 5 to 0 on this the 19th day of May 2009.

APPROVED:

Ron Robertson, Mayor

(Seal)

ATTEST:

Debbie E. Millican, Town Administrator