



City of Gorman:

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Ordinance 294

AN ORDINANCE DECLARING CERTAIN OFFENSES AGAINST PERSON AND/OR PROPERTY AS NUISANCES AND MISDEMEANORS AND PRESCRIBING PENALTIES THERE FOR:

ARTICLE I. GENERAL PROVISIONS

Adoption of State Penal Codes and Motor Vehicle Laws; provisions of City Ordinances

ARTICLE II. SPECIFIED MISDEMEANORS

Abandoned refrigerators or air tight containers; disturbing the peace; malicious mischief and vandalism; climbing of water tower, poles, etc.; annoyance and harassment

ARTICLE III. AFFIDAVIT OF COMPLAINANT

ARTICLE IV. PENALTY AND SEVERABILITY

WHEREAS, unregulated and unenforced nuisances and misdemeanors endanger the life, health and general welfare of the citizens of Gorman, Texas; and

WHEREAS, these miscellaneous nuisances and misdemeanors include—but not limited to—abandoned refrigerators, disturbing the peace, malicious mischief and vandalism, climbing of water towers, poles, etc., annoyance and harassment; and

WHEREAS, it is deemed necessary and proper that the City Commissioners define, delineate, and provide penalties for persons found guilty of perpetuating these nuisances and misdemeanors against people and property; now therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GORMAN, TEXAS

ARTICLE I. GENERAL PROVISIONS

SECTION ONE. ADOPTION OF STATE PENAL CODE AND TRANSPORTATION CODES

Any act, the commission of which constitutes a class C misdemeanor under the laws of the State of Texas, is prohibited within the City, and, if committed within the City, is hereby declared to be an offense; provided, however, that the penalty therefor shall not exceed the penalty prescribed in this Section or the penalties prescribed by State Law, whichever is less.

SECTION TWO: PROVISIONS OF CITY ORDINANCES

Whenever, in this Ordinance or in any other Ordinance of the City, an act is prohibited or declared to be unlawful, an offense, or a misdemeanor, or wherever in such Ordinance or Ordinances, the doing of any act is required or the failure to do any act is declared to be unlawful and no specific penalty is provided therefor, the violation of any such provision of this Ordinance or any such Ordinances shall be punishable by a fine of not exceeding 500 hundred dollars (\$500.00); provided, however, that no penalty shall be greater than the penalty provided for the same or similar offense under the laws of the State. Each day any violation of this Ordinance or any Ordinances shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provision of this Ordinance or other Ordinances, such nuisance may be summarily abated by the Police Department of the City; provided, however that the imposition of any such fine for any such violation shall not constitute a termination for any other relief against any such violations available by law.

ARTICLE TWO: SPECIFIED MISDEMEANORS

SECTION ONE: ABANDONED REFRIGERATORS OR AIRTIGHT CONTAINERS

It shall be unlawful for any person to place or permit to remain outside of any dwelling, building, or other structure, or within any warehouse or storage room or any unoccupied or abandoned dwelling, building or other structure—under circumstances as to be accessible to children—any icebox, refrigerator; or other airtight or semi-airtight container which has a capacity of one and one-half (1 1/2) cubic feet or more and an opening of fifty (50) square inches or more, and which has a door or lid equipped with a latch or other fastening device capable of securing such door or lid shut.

SECTION TWO: DISTURBING THE PEACE IN A PUBLIC or PRIVATE PLACE

- A. PUBLIC PLACE DEFINED: As used in this Section, a "public place" is any road, street, or alley in any city; or any inn, tavern, store, grocery, workshop, or any other place at which people are assembled or to which people commonly resort for the purposes of business, amusement, recreation or other lawful purposes.
- B. PRIVATE PLACE DEFINED: As used in this Section, a "private place" is any home or lot in the city used primarily as a residence in a residential neighborhood.
- C. DISTURBING THE PEACE PROHIBITED: Whoever shall go into or near any public place, or into or near any private house and shall use loud and vociferous or obscene, vulgar, or indecent language, or swear or curse, or yell or shriek at such place or house, shall be deemed guilty of a misdemeanor
- D. AFFRAYS: If any two or more persons shall fight together in a public place in the City, they shall be deemed guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00)

E. EFFECTIVE TIMES: Sunday – Thursday, effective times are 10:00 pm until 6:00 am; Friday – Saturday, effective times are 12:00 am until 7:00 am.

F. COMPLAINT PROCEDURE: Any person(s) can file an affidavit of complaint at any time that any disturbance has occurred in offense to said person (s), established in Article Three.

SECTION THREE: MALICIOUS MISCHIEF AND VANDALISM

It shall be unlawful for any person to willfully or maliciously damage, deface, injure, remove, carry, take away, or otherwise unlawfully assume control of any property, whether public or private, real or personal, which is not legally owned by such person.

SECTION FOUR: CLIMBING OF WATER TOWERS, POLES ETC.

It shall be unlawful for any person, not employed to do so, to climb or ascend any water tower, windmill tower, or any telephone, telegraph, electric light, or any other publicly or privately-owned pole in the city.

ARTICLE TWO: SPECIFIED MISDEMEANORS (continued)

SECTION FIVE: ANNOYANCE AND HARASSMENT

- A. TELEPHONE: It shall be unlawful for any person to make anonymous telephone calls or calls under a name other than his own for the purpose of annoying or harassing any other person or business.
- B. It shall be unlawful for any person to request private, business, or professional service or favors in the name of, or for the purported benefit of, any person when such act or acts are done for the purpose of annoying or harassing such other person.

SECTION SIX: FIREWORKS PROHIBITING THE USE IN THE CITY LIMITS OF GORMAN

- A. No person shall sell, use, discharge or ignite any kind of firecracker, torpedo, missile, or other detonator within the city limits of the City of Gorman. The only legal ignition of fireworks within the city limits of Gorman will be special permission granted by the City Commission of the City of Gorman through the issuance of a written and signed permit.
- B. Permits may be obtained through the city office and approved at an open meeting with commissioner's signatures on the permit.
- C. Permits will specify a certain time frame and location where the use of fireworks can be displayed. The time and location will be determined by the City Commission.

D. The cost of the permit set by the commission will be \$500.00

E. THE CITY WILL ENFORCE A ZERO TOLERANCE FOR ANY ABUSE TO THIS ORDINANCE.

ARTICLE THREE: AFFIDAVIT OF COMPLAINT


No action shall be taken by the City of Gorman on any violation of Article Two, Section **Two or Five** of this Ordinance except upon a written, sworn affidavit signed by the complainant. Said affidavit shall be filed in Municipal Court of the City of Gorman, and if, in the court's opinion, a violation has in fact occurred, appropriate remedial action shall be ordered.

ARTICLE FOUR. PENALTY AND SEVERABILITY

SECTION ONE: PENALTY: Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500,00), unless otherwise specified. Each transaction in violation of any of the provisions hereof shall be a separate offense.


SECTION TWO: SEVERABILITY. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses, and phrases are separable, and if the phrases, clauses, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity 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 City Commission without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

PASSED AND APPROVED ON FIRST READING ON THIS THE 16TH DAY OF NOVEMBER, A.D., 2012.



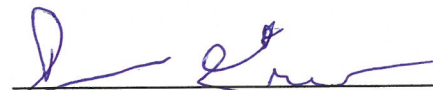
Robert Ervin, Mayor

ATTEST:




Tacy Warren, City Secretary

PASSED AND APPROVED ON SECOND AND FINAL READING ON THIS THE 7TH DAY OF DECEMBER, A.D., 2012



Robert Ervin, Mayor

ATTEST:



Tacy Warren, City Secretary

Ordinance #294

Ordinance #294 Revised 11-2012

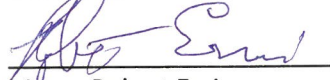
AN ORDINANCE DECLARING CERTAIN OFFENSES AGAINST PERSON AND OR PROPERTY AS NUISANCES AND MISDEMEANORS AND PRESCRIBING PENALTIES THERE

June 20, 2019 Amendment Addition

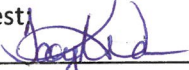
At an Open Regular meeting of the Gorman City Commission, it was passed in said open meeting the sale as well as the use of fireworks within the incorporated city limits of the City of Gorman. The sale of fireworks will be sold only by merchants registered with the State Comptroller's Office with valid Sales and Use certificate.

Commissioner Tammy Straw made the motion to approve and amend Ordinances #240 and #294 to allow not only for the use of fireworks within the city limits but also allow the sale of fireworks within the city limits of the City of Gorman. Commissioner Vicki Brown made the second to this motion, and Commissioner Justin Johnson voted yes. Motion carrying 3-0.

This amendment becomes effective immediately with the passing of this additional amendment to said Ordinances #240 and #294.



Mayor Robert Ervin

Attest: 

Tacy K. Warren, City Secretary

Amendment to Ordinance 294

Article Two:

Section Two:

SECTION TWO: DISTURBING THE PEACE IN A PUBLIC or PRIVATE PLACE

B. PRIVATE PLACE DEFINED: As used in this Section, a "private place" is any home or lot in the city used primarily as a residence in a residential neighborhood.

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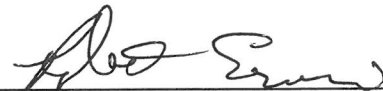
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This amendment shall take effect and be in force from and after its passage and approval.

First Reading held on 04/07/2016

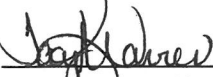
Second Reading held on 04/21/2016

PASSED, APPROVED, AND ADOPTED THIS THE 7th DAY OF April, 2016



Robert Ervin, Mayor

ATTEST:



Tacy Warren, City Secretary



June 20, 2019 Amendment Addition

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