

**ORDINANCE NO. 5372**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 18 "PUBLIC PROPERTY", ARTICLE III, "PARKS AND RECREATION AREAS", DIVISION 4, "RECREATION", SECTION 18-138 "RANDELL LAKE RESERVATION; RULES AND REGULATIONS" OF THE CODE OF ORDINANCES BY AMENDING AND DELETING PORTIONS OF THE SECTION 18-138, AS ADOPTED BY ORDINANCE NO. 4883, SECTION 2, TO ELIMINATE PUBLIC ACCESS AND RECREATIONAL USE TO THE CITY-OWNED MUNICIPAL RESERVOIR USED FOR THE MUNICIPAL WATER SUPPLY; AND AMENDING CHAPTER 11, "MISCELLANEOUS OFFENSES", ARTICLE I, "IN GENERAL", SECTION 11-5, "FIREARMS AND HANDGUNS GENERALLY" TO REMOVE A REFERENCE TO SECTION 18-138; PROVIDING FOR A SAVINGS, REPEALING AND SEVERABILITY CLAUSE; PROVIDING FOR A FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**WHEREAS**, the City of Denison, Texas ("City") is a home-rule municipality pursuant to Section 5, Article XI of the Texas Constitution and exercises powers granted by the Texas Constitution and the City's Charter; and

**WHEREAS**, the City Council of the City of Denison, Texas (the "City Council") on June 19, 2017, previously adopted Ordinance No. 4883, which added Chapter 18 "Public Property", Article III "Parks and Recreation Areas", Division 4 "Recreation", and also added among several sections, Section 13-138 "Randell Lake Reservation; rules and regulations" to allow public access to and recreational activity use of the Randell Lake Reservation reservoir owned by the City for the purpose of the municipal water supply; and

**WHEREAS**, pursuant to the Charter of the City, state law, and the City's inherent police powers, the City Council of the City of Denison (the "City Council") is empowered to adopt ordinances and rules that are for the good government of the City; and

**WHEREAS**, the City is required to comply with applicable federal, state and local laws to protect the source and quality of the public water supply; and

**WHEREAS**, the City Council seeks to protect the public safety, preserve the quality of life, and promote the health, safety and welfare of the residents of the City of Denison and the general public by amending Chapter 18 "Public Property", Article III "Parks and Recreation Areas", Division 4 "Recreation", section 18-138 "Randell Lake Reservation; rules and regulations" of the City of Denison Code of Ordinances as set forth below to prohibit public access and recreational activity use of Randell Lake Reservation to help insure the quality, integrity, and security of the water within the reservoir that provides for the municipal water supply; and

**WHEREAS**, the City Council finds and determines that it is in the best interest of the City to amend Section 18-138 to remove subsections (c) through (f) related the public’s access to the Lake Randell Reservation and prohibit recreational activities in, on, and within the Lake Randell Reservation; and

**WHEREAS**, having reviewed the proposed amendments to this Ordinance, the City Council finds and determines that it is in the best interest of the residents and will improve the health, safety, and general welfare of the City and the residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON 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. AMENDMENTS TO SECTION 18-138.** That the Code of Ordinances, City of Denison, Texas is hereby amended by deleting and thus removing subsections (c) through (f) from Section 18-138 of Chapter 18 "Public Property", Article III "Parks and Recreation Areas", Division 4 "Recreation", and Section 18-138 “Randell Lake Reservation; rules and regulations” and makes further additional amendments to Section 18-138, subsections (a) and (b) of the City of Denison Code of Ordinances, so the entirety of Section 18-138 will read as follows and as amended:

Sec. 18-138. - Randell Lake Reservation; rules and regulations.

- (a) *Rules and regulations.* The city manager or his or her designee is hereby authorized to promulgate rules and regulations related to the operation of Randell Lake Reservation (Reservation”) and its facilities
- (b) *Restricted Access.* Randell Lake Reservation is a restricted area owned by the City of Denison, Texas for the purpose of providing municipal water to its citizens. Access by the public is therefore prohibited.

**SECTION 3. AMENDMENT TO SECTION 11-5.** That the Code of Ordinances, City of Denison, Texas is hereby amended Additionally, that City hereby amends the City’s Code of Ordinances, Chapter 11 “Miscellaneous Offenses”, Article I “In General”, Section 11-5 “Firearms and handguns generally”, subsection (c), to read as follows, the removed portion marked by strikethrough text:

- (c) It shall be unlawful for any person to discharge any firearm of any description within the city limits. ~~This subsection shall not apply to a sport shooting range or the discharge of shotguns at Randell Lake in accordance with section 18-138 of this Code.~~

**SECTION 4. SAVINGS/REPEALING CLAUSE.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent

a prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. SEVERABILITY.** Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 8. PENALTY.** The protection of water supply is a matter of public health and safety. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Two Thousand Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

**SECTION 6. OPEN MEETINGS.** That it is hereby found and determined that the meeting at which this Ordinance was passed was open to the public as required by law, and that a public notice of the time, place, and purpose of said meeting was given, all as required by Article 551.041, Texas Government Code.

**SECTION 7. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

**AND IT IS SO ORDERED.**

On motion by Mayor Pro Tem Adams, seconded by Council Member Thomas, the above and foregoing ordinance was passed and approved on this 21<sup>st</sup> day of January 2025 by the following vote:

Ayes: Adams, Courtright, Crawley, Massey and Thomas

Abstentions:

Nays:

Absent: Redwine and Thorne

At regular meeting January 21, 2025.



Robert Crawley, Mayor

ATTEST:

  
Christine Wallentine, City Clerk