

ORDINANCE NO. 5402

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, CORRECTING AN INADVERTENT MISTAKE IN ORDINANCE NO. 5167, RELATING TO AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF DENISON, SPECIFICALLY AMENDING ARTICLE IV, SECTION 28.49 (USE REGULATIONS CHART) BY CORRECTING THE LABELS IN THE USE CHART FOR CERTAIN COMMERCIAL AMUSEMENT USES; PROVIDING FINDINGS; PROVIDING ZONING AMENDMENTS; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Denison (hereinafter referred to as “City” or “Denison”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council adopted Chapter 28 of its Code of Ordinances, the same being the Comprehensive Zoning Ordinance of the City, which sets forth various regulations for land use in Article IV; and

WHEREAS, on December 7, 2020 the City Council adopted Ordinance No. 5167, which ordinance amended Chapter 28 of the Code of Ordinances of the City, the same being the Comprehensive Zoning Ordinance of the City, specifically amending Article IV, Section 28.49 (Use Regulations Chart) by changing the names of the uses “Amusement Commercial with or without alcohol (Indoors)” to “Amusement Services (Indoors)” and “Amusement Commercial with or without alcohol (Outdoors)” to “Amusement Services (Outdoors)”; and

WHEREAS, for the purpose of carrying out the original intent of Ordinance No. 5089, the City wishes to correct that inadvertent clerical error and omission discovered in Ordinance No. 5167; and

WHEREAS, the City Council deems the action taken herein to be in the best interest of the citizens of the City.

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

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. FINDINGS. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the

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 All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal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.

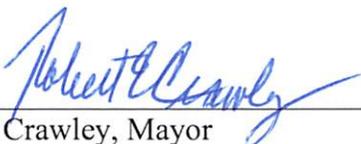
SECTION 5. SEVERABILITY. Should any section, subsection, sentence, clause, phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Denison 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 6. PENALTY. Any person, firm, entity or corporation who violates any provision of this Ordinance or Denison’s Zoning Ordinance Chapter 28, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum no exceeding Two Thousand and No/100 Dollars (\$2000.00). Each continuing day’s violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Denison retains all legal rights and remedies available to it pursuant to local, state and federal law.

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

SECTION 8. 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 Section 551.041, Texas Government Code.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, ON THIS 7TH DAY OF JULY 2025.



Robert Crawley, Mayor

ATTEST:



Karen Avery, Deputy City Clerk