

**ORDINANCE Number 2013 - 04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAGUNA VISTA REGULATING THE USE AND APPEARANCE OF THE VETERANS MEMORIAL, DECLARING IT A NON-PUBLIC FORUM, PROVIDING PENALTIES FOR VIOLATION, AND REPEALING ORDINANCES IN CONFLICT HEREWITH.**

**WHEREAS,** the Veterans Memorial, located at Veterans Park, was created by the Town of Laguna Vista to honor those men and women who made the ultimate sacrifice during World Wars I and II, the Korean war, the Viet Nam war, the Iraq war, and the Afghanistan conflicts, those missing in action, and those who will sacrifice in future conflicts, and

**WHEREAS,** the Veterans Memorial is dedicated to honor those who died, are missing in action or will sacrifice in future conflicts and therefore shall be respected and used for this purpose, and

**WHEREAS,** the Veterans Memorial is thus intended as a non-public forum to provide a respectful and solemn memorial, and

**WHEREAS,** the Town Council finds it is appropriate to provide penalties for violations relating to the unauthorized use and/or defamation of the memorial's appearance, structure, or facilities, and to provide for the enforcement thereof.

**NOW, THEREFORE, BE IT ORDAINED:**

**SECTION 1. GENERAL**

The Veterans Memorial, being a respectful and solemn memorial, shall have the respect deserved by those who gave their lives to preserve our way of life and is hereby declared a non-public forum for such purposes.

**SECTION 2. DEFINITIONS**

The following words and phrases used in this Ordinance shall be defined and construed as set forth below:

- a. Veterans Memorial: the facilities and grounds of the memorial park bordered on the northeastern edge by the Santa Isabel Boulevard right of way, on the northwestern edge by the Morris Street right of way, on the southwestern edge by the Taylor Street right of way, and on the southeastern edge by the Davis Street right of way in the Town of Laguna Vista, Texas.

- b. Electioneering: to work for the election of candidate or party.
- c. Picketing: people striking or demonstrators standing or walking up and down as pickets for any cause.
- d. Veteran: any man or woman who served in the military service of the United States.
- e. Non-veteran functions: activities that do not exclusively relate to veterans.

### **SECTION 3. USE OF VETERANS MEMORIAL**

- A. It shall be unlawful for any person to post signs, demonstrate, cause a disturbance, picket or electioneer within the Veterans Memorial.
- B. Ceremonies held at the Veterans Memorial shall be restricted to Veterans' functions only. The Veterans Memorial may not be used by any person for any purpose that is not directly related to Veterans' affairs. No organizations, churches, associations, schools, individuals, governmental entities, or demonstrators of any kind may use the facility for any function that is not an officially recognized veterans' activity.
- C. The improper disposal of rubbish on the property; the spitting on the property; the creation of any hazard on property to persons or things; the climbing on any part of the building, without permission; or the willful destruction, damage, or removal of Government property or any part thereof, without authorization, is prohibited.
- D. Conduct on the property which creates loud or unusual noise; conduct on the Veterans Memorial property which unreasonably obstructs the usual use of entrances, exits, buildings, pavilions, walkways, or grounds of the Veterans Memorial; conduct on the Veterans Memorial which otherwise impedes or disrupts the performance of official duties by Government employees; the use of loud, abusive, or otherwise improper language within the property; or unwarranted loitering, sleeping, or assembly on the Veterans Memorial is prohibited.
- E. Soliciting alms or contributions, commercial soliciting or vending of all kinds, displaying or distributing commercial advertising, or collecting private debts in or on the Veterans Memorial is prohibited.

- F. The distributing of materials such as pamphlets, handbills, and/or flyers, and the displaying of placards or posting of material on the Veterans Memorial is prohibited.
- G. All visitors are expected to observe proper standards of decorum and decency while on the Veterans Memorial. Toward this end, any service, ceremony, or demonstration, except as authorized by the Town of Laguna Vista, is prohibited.

For the purpose of the prohibition expressed in this paragraph, unauthorized demonstrations or services shall be defined as, but not limited to, picketing, or similar conduct on the Veterans Memorial; any oration or similar conduct to assembled groups of people, unless the oration is part of an authorized service; the display of any placards, banners, or foreign flags on the Veterans Memorial unless approved by the Town of Laguna Vista; disorderly conduct such as fighting, threatening, violation, or tumultuous behavior, unreasonable noise or coarse utterance, gesture or display or the use of abusive language to any person present; and partisan activities, i.e., those involving commentary or actions in support of, or in opposition to, or attempting to influence, any current policy of the Government of the United States, or any private group, association, or enterprise.

- I. Any veteran organization wishing to use the memorial must submit a request to use the facility at least 30 days in advance to the City Manager, who shall then make a recommendation to the Town Council.
- J. It shall be unlawful for any person to deface or vandalize any part, portion, structure or facility of the Veterans Memorial.

#### **SECTION 4. PENALTY FOR VIOLATION**

Any person who violates any of the provisions of this Ordinance shall be fined an amount not less than one hundred dollars (\$100) and not to exceed five-hundred dollars (\$500.00) per day per offense.

**SECTION 5. ORDINANCES REPEALED**

Any provisions of any other ordinance of the Town of Laguna Vista in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 6. SEVERABILITY CLAUSE**

The provisions of this Ordinance are declared to be severable so that in the event any one or more of said provisions is legally determined to be void and unenforceable for any reason, the same shall not affect the continuing validity, existence and enforcement of the remaining provisions thereof.

**SECTION 7. – EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by the Town Charter.


**FIRST READING - PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 8<sup>TH</sup> day of January 2013.**

**SECOND READING – PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 12<sup>th</sup> day of February 2013.**

Attest:

  
Alma Deckard, City Secretary



  
Susie Houston, Mayor