

ORDINANCE NUMBER 2009 - 16

AN ORDINANCE REPEALING ORDINANCE NUMBER 2004-18 OF THE TOWN OF LAGUNA VISTA, TEXAS, ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE CONDUCT IN PARKS & PLAYGROUNDS, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

WHEREAS, Ordinance 2004-18, adopted August 10, 2004 is inadequate and is in need of revisions; and

WHEREAS, the increase use of Town parks and playgrounds require a more comprehensive ordinance of rules and regulations.

NOW, THEREFORE BE IT ORDAINED BY the Board of Aldermen of the Town of Laguna Vista, Texas:

SECTION 1 - DEFINITION

"Park" shall refer to Roloff Park, Laguna Vista Veterans Park and any other park, playground, or sports field, named or unnamed, which are the property of the Town of Laguna Vista, Texas, designated as a park or playground.

SECTION 2 - PARK OPERATION POLICY

a) Except for unusual or unforeseen emergencies, parks shall be open to the public every day of the year between the hours of Sunrise to 10:00 p.m. It shall be unlawful and a violation of this ordinance for any person to enter any park between the hours of 10:01 p.m. and Sunrise of the next morning.

b) Any section or any part of any park may be declared closed to the public by the City Manager or his/her representative at any time in case of emergency or disaster.

SECTION 3 - ENFORCEMENT

a) The parks owned and operated by the Town shall be under the jurisdiction of the Laguna Vista Police Department, and all rules and regulations concerning such parks shall be enforced by the Police Department.

b) If any person violates or fails to comply with any provision of this Ordinance, after having been advised by an authorized enforcement agent of the Town to cease such violation or failure, the person may be required to leave any public park or be arrested.

SECTION 4 - SIGNS

a) Signs and banners are permitted to be placed in a park during such times that a function is in progress.

b) Signs shall be promptly removed from park upon the expiration of function.

c) Signs shall be placed so that there is no damage to park property and so that park safety is maintained.

d) The City Manager or the Board of Aldermen may resolve any dispute regarding signs and their placement.

SECTION 5 - VEHICLES PROHIBITED

a) To drive any motor vehicle on any area designated as a park. Motorized wheelchairs or any motorized equipment used for handicap purpose are allowed.

b) To operate or use any type of motorized vehicle, including but not limited to, motorcycles, motorbikes, mini-bikes and motor scooters, on any park area. Motorized wheelchairs or any motorized equipment used for handicap purpose are allowed.

c) Vehicles providing maintenance, police, fire and life-safety services are allowed.

d) To park a motor vehicles anywhere except in a designated parking area.

e) To wash any vehicle on town property. Town vehicles such as patrol units, fire trucks are allowed to be washed on town property.

SECTION 6 - PROHIBITED ACTS

- a) Bring any dog, cat or domestic animal and allow such animal to run at large in and upon the grounds of any public park or playground therein. Pets shall be leashed and secured at all times, pursuant to Ordinance 01-66.
- b) Fail to pick up and properly dispose of pet waste deposited by their pet.
- c) Take into, dump, or dispose of, or put into any public park any rubbish, refuse, unsightly matter, brush or waste, except that trash which is generated by park visitors and disposed of properly in receptacles provided for park use purposes.
- d) Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, table, bench, fireplace, BBQ Pit, railing, paving or paving material, waterline or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, park property, either real or personal.
- e) Damage, cut, carve, plant or transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant or impair the natural beauty or usefulness of the area, except for the purpose of maintenance and/or repair by the Town.
- f) Dig or remove any soil, rock, stones, trees, shrubs, plants or other wood or material, or make any excavation by tool, equipment, blasting or other means or agency, except for the purpose of maintenance and/or repair by the Town.
- g) Throw, discharge or otherwise place or cause to be placed in the water of any fountain, any substance, matter or thing, liquid, or solid, which will or may result in the pollution of the water.
- h) Light, build or maintain fires, campfire or ground fire in any park, except in designated installed BBQ pits.
- i) Carry, possess, or discharge a gun, BB gun, bow and arrow, air or gas weapon, paintball gun or marker, or any instrument with a propelling force, spring, air or gas that is being used for the purpose of hunting, sports or recreation.

- j) Discharge or cause to be discharged any firecracker, fireworks, torpedo, rocket, explosive or other substance capable of explosion.
- k) Cause, create, or contribute noise which emits beyond the person's immediate individual picnic or use site, whether by using a radio, phonograph, televisions, or musical instrument, or by operating mechanical or electrical equipment between the hours of 10:01 p.m. and Sunrise of the next morning.
- l) Possess, use, or consume any alcoholic beverage, as defined in the State Alcoholic Beverage Code, in any park. It shall be unlawful for any intoxicated person to enter or remain in any park area.
- m) Set up any tent, camp, or stay overnight anywhere within any public park.
- n) Be nude in any public park.
- o) Distribute post or affix any printed or written matter, sample or device.
- p) To act as or play the vocation of a solicitor, agent, peddler, beggar, strolling musician, organ grinder, or showman in any park.
- q) Enter areas posted: "Closed to the Public".
- r) Provide entertainment or exhibitions, with the exception of sport events.
- s) Hold, or conduct any public assemblage, meeting or gathering, or take part in public debate or discussion.
- t) Willfully interfere with, disrupt or prevent the orderly conduct of any supervised play or amusement program being conducted by the Town.

SECTION 7 - PARK & FACILITY MODIFICATIONS

- a) Modifications of all parks and facilities owned by the Town will be performed only by the Town. No modifications, alterations, additions, changes or deletions, temporary or otherwise, may be made to any park or facility owned by the

Town unless written approval is obtained from the Board of Aldermen. All permanent alterations, after approved and complete will become property of the Town.

SECTION 8 - PERMITS FOR ACTIVITIES NOT PERMITTED

a) Special permits for activities not permitted in Town parks under this ordinance shall be obtained by making written application to city hall and approval by the City Manager. Requests for special permits must be submitted, in writing, no later than two (2) weeks prior to the event.

b) Any special event that involves the use, possession or consumption of alcohol will not be approved without onsite security. The security will be in the form of off-duty Laguna Vista Police Officers at an hourly rate of \$22.00 per hour and a minimum of 4 hours. However, in the event of scheduling conflicts, the Laguna Vista Police Department reserves the right to enlist the help from off-duty officers from other agencies.

c) The number of off-duty officers required for an event is as follows:

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|-----------------------------|--------------|
| 1 – 25 expected attendees | (1 Officer) |
| 25 – 50 expected attendees | (2 Officers) |
| 50 – 75 expected attendees | (3 Officers) |
| 75 – 100 expected attendees | (4 Officers) |

d) Any event expecting more than 100 attendees will need to meet with the Chief of Police or his designee to determine the number of off-duty officers required for the event.

e) In the event that an event exceeds the number of expected attendees by a rate of 25% the police department reserves the right to call in additional off-duty officers at the same rate of \$22.00 per hour with a 4 four hour minimum to be paid by the holder of the special permit.

SECTION 9 - PENALTY

Any person who shall violate any provision of this Ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the Town limits

shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00). Such penalty shall be in addition to all the other remedies provided herein and at law.

SECTION 10 - PROVISION

All other ordinance or part of ordinances in conflict with this Ordinance are hereby repealed, and in particular Ordinance Number 2004-18 is expressly repealed in its entirety by this Ordinance.

PASSED, APPROVED AND ADOPTED by the Board of Aldermen of the Town of Laguna Vista, Texas on the 9th day of June 2009.

Susie Houston, Mayor

ATTEST:

Alma Deckard, City Secretary

Approved as to Form:

Janice Cassidy, Town Attorney