

Motion was made by Pat Campbell, seconded by Lloyd Shenberger, that the following Ordinance be passed:

NO. 38

AN ORDINANCE BY THE CITY OF WOODLOCH, TEXAS, ESTABLISHING RULES AND REGULATIONS FOR OPERATION AND USE OF CITY PARKS AND PLAYGROUNDS; PROVIDING FOR ENFORCEMENT OF REGULATIONS, VARIANCE, PENALTY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE, AND EFFECTIVE DATE.

WHEREAS, as a result of the increased use and enjoyment of the City of Woodloch Parks and Playgrounds, and upon recommendation of the Park Board, it is deemed necessary to pass the following Ordinance regulating the use thereof, to-wit:

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

I.

SUPERVISIONS

SECTION 1. That all Parks and Playgrounds in the City of Woodloch shall be operated and maintained for recreational purposes only, under the supervision of the Superintendent of Parks and City Council.

SUPERINTENDENT OF PARKS

SECTION 2. The Superintendent of Parks shall be appointed upon the recommendation of the Park Board and confirmed by City Council. He shall see to the operation and maintenance of the City Parks and Playgrounds, and shall perform his duties subject to the supervision of the City Council.

ENFORCEMENT OF ORDINANCES

SECTION 3. The Superintendent of Parks, along with assistance of City Marshal, shall see to the enforcement of all Ordinances relating to the Parks and Playgrounds. They shall enforce all rules relating to the use of the same.

REGULATIONS

SECTION 4. It shall be unlawful for any person to violate any regulation governing conduct in the City Parks and Playgrounds which has been approved by the City Council.

AMUSEMENT FOR GAIN

SECTION 5. No amusement for gain or for which a charge is made, can be conducted in a Park or Playground without the consent of the governing body of the Park or Playground, and such amusement must be conducted in accordance with any Ordinance pertaining thereto.

ASSEMBLIES

SECTION 6. No person shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches or conduct any musical program or festivals, in any Park or Playground, unless a Permit has been obtained from the Park Superintendent, and unless such Permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to student's work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities; nor to any governmental agency within the scope of its functions.

(1) Applications for a Park or Playground Permit shall be filed with the Park Superintendent, to be approved by City Council, not less than twenty days nor more than one hundred eight days before the date on which it is proposed to conduct any such activity. Such application shall be sworn to and shall state:

- (a) The name of the person or organization wishing to conduct such activity;
- (b) If the activity is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible head of such organization;
- (c) The name, address and telephone number of the person who will be the chairman of such activity and who will be responsible for its conduct;

- (d) The name, address and telephone number of the person or organization to whom the Permit is desired to be issued;
- (e) The date when such activity is to be conducted;
- (f) The Park or Playground or portion thereof for which such Permit is desired;
- (g) An estimate of the anticipated attendance; and
- (h) The hour when such activity will start and terminate.
- (2) The Park Superintendent shall grant and issue such Park or Playground Permit if:
- (a) The proposed activity or use of the Park or Playground will not unreasonably interfere with or detract from the general public enjoyment of the Park or Playground;
- (b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
- (c) The facilities desired have not been reserved for other use at the day and hour required in the application;
- (d) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- (e) The conduct of such activity will not require the diversion of so great a number of police officers of the City to properly police such activity and the areas contiguous thereto, as to prevent normal police protection to the City;
- (f) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct; and
- (g) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

Each Park or Playground Permit shall state the following:

- (a) Date of such activity;

(b) Park or Playground or portion thereof to be used, and

(c) Hour when such activity shall start and terminate.

The Park Superintendent shall act upon the application for a Park or Playground Permit within ten (10) days after the filing of same.

II.

REGULATIONS CONCERNING USE OF CITY PARKS AND PLAYGROUNDS

SECTION 1. Requirements concerning use of grounds and facilities.

Each person, firm or corporation using the public Parks and Playground shall clean up all debris, extinguish all fires when such fires are permitted, and leave the premises in good order, and the facilities in a neat and sanitary condition.

SECTION 2. Prohibited Acts.

It shall be unlawful for any person, firm or corporation using such Parks and Playgrounds to either perform or permit to be performed any of the following acts:

(a) Wilfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water-lines 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, facilities or Park or Playground property or appurtenances whatsoever, either real or personal.

(b) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, stream, storm sewer, or drain, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(c) Bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste,

garbage, or refuse; or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any Park or Playground, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park or Playground by the person responsible for its presence, and properly disposed of elsewhere.

(d) Disturb the peace, or use any profane, obscene or blasphemous language.

(e) Endanger the safety of any person by any conduct or act.

(f) Commit any assault, battery, or engage in fighting.

(g) Carry, possess, or drink any alcoholic liquor in any Park or Playground.

(h) Drunkenness and drugs of every kind and character are prohibited.

(i) Violate any rule for the use of the Park or Playground, made or approved by the Park Board or City Council.

(j) Prevent any person from using any Park or Playground, or any of its facilities, or interfere with such use in compliance with this Ordinance and the rules applicable to such use.

(k) Swim, bathe, or wade in any waters or waterways in or adjacent to any Park or Playground, except in such waters and at such places as are provided therefor.

III.

TREES AND SHRUBS

SECTION 1. Planting.

It shall be unlawful to plant any tree or shrub in any Park or Playground without having first secured a Permit therefor. Applications for such Permits shall be made to the

Superintendent, and shall be referred by him to the Mayor and Council. No shrub shall be planted, maintained or allowed to grow to a height of more than three feet. The trees shall be planted at least fifty feet apart. All trees and shrubs so planted shall be placed subject to the directions and approval of the Superintendent of Parks.

SECTION 2. Removals.

It shall be unlawful to remove or cut down any tree or shrub in any street, parkway or other public place without having first secured a Permit therefor. Applications for such permits shall be made to the Superintendent, and shall be referred by him to the City Council for approval before permission shall be granted.

SECTION 3. Injury.

It shall be unlawful to injure any tree or shrub planted in any such public places.

SECTION 4. Advertisements or Notices.

It shall be unlawful to attach any sign, advertisement or notice to any tree or shrub in any Park or Playground.

SECTION 5. Wires.

It shall be unlawful to attach any wire or other rope to any tree in the Park or Playground without permission of the Park Superintendent.

Any person or company given the right to maintain poles and wires in the Parks and Playgrounds in the City shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from, and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Park Superintendent, so that no injury shall be done to the poles or wires or shrubs and trees by contact.

SECTION 6. Excavations.

In making excavations in Parks and Playgrounds, proper care shall be taken to avoid injury to the roots of any tree or shrub wherever possible.

IV.

HOURS OF OPERATION

SECTION 1. Hours of Operation.

The Parks and Playgrounds shall be open daily during each year from the hours of 7:00 o'clock A. M. to 12:00 o'clock Midnight of any one day; and it shall be unlawful for any person, or persons (other than City personnel conducting City business therein), to occupy or be present in said Parks and Playgrounds during any hours in which the same are not open to the public.

Any section, or part of the Parks and Playgrounds may be declared closed to the public by the Park Superintendent or City Council at any time and for any interval of time, either temporarily or at regular or stated intervals.

V.

USE OF EQUIPMENT

SECTION 1. All Park and Playground equipment shall be used in such a manner as to take care of same and prevent abuse and destruction; adults are not permitted to use equipment acquired for use of children.

VI.

GROUP ACTIVITY

SECTION 1. Whenever any group, association or organization desires to use a Park or Playground facilities for a particular purpose, such as, picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the Park Superintendent or City Council for such purposes. The City Council may adopt an application form to be used by the Park Superintendent for such situations.

The Park Superintendent shall grant the application if it appears that the group, association or organization will not interfere with the general use of the Park or Playground by the individual members of the public and if the said group, association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the City from any liability of any kind or character and to protect City property from damage.

VII.

PICNIC AREAS AND USE

SECTION 1. No person in a Park or Playground shall picnic or lunch in a place other than those designated for that purpose. The Park Superintendent shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

SECTION 2. No person in a Park or Playground shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

VIII.

OTHER REGULATIONS

SECTION 1. Special activities.

It shall be unlawful to engage in special activities including flying model airplanes, golf practice, games and picnics except at locations specifically designated for such activities by the Park Board. Areas for such activities may be reserved by groups for use at specified times.

SECTION 2. Vehicles.

It shall be unlawful to drive on the grass area, or

park automobiles, trucks, motorcycles, or any type of motor vehicles and bicycles, except on a street, driveway or parking lot in any Park or Playground, or to park or leave any such vehicles in any place other than one established for public parking. The Park Superintendent or City Council may, however, grant permission and a variance of this Ordinance for vehicles to travel over and on said restricted travel areas for maintenance, construction and improvement purposes.

SECTION 3. Animals.

It shall be unlawful to bring any dangerous animal into any Park or Playground, or to bring or harbor any animal in the Parks or Playgrounds.

SECTION 4. Signs.

It shall be unlawful for anyone to paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever in said Parks and Playgrounds, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a Park or Playground.

IX.

ENFORCEMENT OF REGULATIONS

SECTION 1. The Park Superintendent and City Marshal shall enforce the provisions of this Ordinance, and any other Ordinances relating to the use of the City Parks and Playgrounds.

X.

VARIANCE

That for good cause, the Superintendent or City Council may grant a variance of any of the provisions hereof.

XI.

PENALTY

Any person who shall violate any of the provisions of this Ordinance, or fail to comply therewith, shall be guilty of a misdemeanor, and shall upon conviction be fined in a sum not exceeding Two Hundred and No/100 (\$200.00) Dollars, and

each and every violation shall constitute a separate and
distinct offense.

XII.

REPEALING ALL ORDINANCES IN CONFLICT

All Ordinances or parts of Ordinances in conflict
herewith are hereby repealed.

XIII.

SAVINGS CLAUSE

That all provisions hereof are declared to be
severable and if any provision or part thereof is declared
to be invalid or unconstitutional, such shall not invalidate
or affect the remaining provisions which will be and remain
in full force and effect.

XIV.

EFFECTIVE DATE

That this Ordinance shall take effect and be in
force from and after its passage.

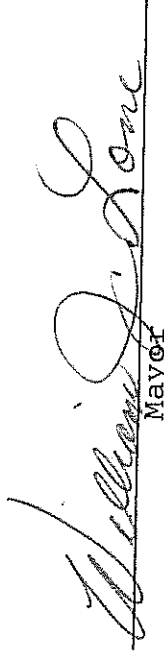
PASSED AND APPROVED this the 4th day of June, A. D.
1980.

ATTEST:


City Secretary

APPROVED AS TO FORM AND CONTENT:

Geo. B. Darden, City Attorney


Mayor