



CITY OF ALPINE
PARKS & RECREATION BOARD MEETING
September 11, 2024 – 5:30 PM

City Council Chambers, 803 W. Holland Avenue, Alpine, Texas 79830

1. **CALL TO ORDER.**

2. **DETERMINATION OF QUORUM**

3. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the Board on an item on the agenda shall speak during this section. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the Board. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees.

4. **PUBLIC HEARINGS.**

At this time, the Chair of the Board will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

5. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

A. Approval of August 14, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

B. Approval of June 12, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

6. **INFORMATION OR DISCUSSION ITEMS**

A. Update on Pueblo Nuevo Park Project. (D. Nance, City Council)

7. **ACTION ITEMS.**

Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).

A. Approve a recommendation to the City Council to approve an ordinance amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; Amending and establishing rules and regulations for all city parks; Providing for the establishment of a permitting process to be approved by City Council Resolution; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper notice and Meeting, and Effective Date clauses. (M. Antrim, City Manager)

8. **BOARD MEMBER COMMENTS**

9. **ADJOURN.**

CERTIFICATION

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com/agenda pursuant to Section 551.043, Texas Government Code. The said notice was posted by 5:00 P.M. on September 6, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL
this 6th day of September, 2024



Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer



PARKS AND RECREATION BOARD AGENDA ITEM REPORT

September 11, 2024

Agenda Item No. 5A

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approval of August 14, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. 8-14-24 Parks & Recreation Board Minutes

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY2023-2024: N/A

Additional Funding: N/A

APPROVERS

City of Alpine
PARKS & RECREATION BOARD MEETING
Wednesday, August 14, 2024 – 5:30 PM
Minutes

1. **CALL TO ORDER.**

2. **DETERMINATION OF QUORUM**

Board Members Present:

Place 6 Iris De Leon
Place 7 Luis Gomez
Place 3 Kristal Baca
Place 5, Chair Herman Acosta
Councilor Darin Nance

City Staff and Stakeholders Present:

Geoffrey R. Calderon, City Secretary
Megan Antrim, City Manager
Vianey Olivas, City Receptionist

Not Present:

Place 2 Norma Hinojos Olivo

Others Present: None.

3. **PUBLIC COMMENTS.**

Each person in attendance who desires to speak to the City Council on an item on the agenda shall speak during this section, or at one singular agenda item. A Public Comment Card must be filled out and turned in to the City Secretary at least 5 minutes prior to the start time of the meeting. The Public Comment Card may be filled out at www.cityofalpine.com/councilcomments. Public comments may be made regarding agenda items only. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. Please note that the City Council may only take action on items posted on the agenda. The Texas Open Meetings Act prohibits the Council from deliberating or taking action on an item not listed on the agenda. City Staff may ask commenters clarifying questions, respond with facts, and explain policy.

4. **APPROVAL OF MINUTES OF PREVIOUS BOARD MEETING**

A. Approval of February 14, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

On a motion by Board Member Gomez and seconded by Board Member Baca to approve, the Parks and Recreation Board unanimously adopted the motion.

B. Approval of June 12, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

On a motion by Board Member Gomez and seconded by Board Member Baca to table consideration of the June 12, 2024 meeting minutes, the Parks and Recreation Board unanimously adopted the motion.

C. Approval of July 10, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

On a motion by Board Member Baca and seconded by Board Member Gomez to approve the July 10, 2024 meeting minutes, the Parks and Recreation Board unanimously adopted the motion.

5. **PUBLIC HEARINGS.**

At this time, the Mayor will invite members of the public to address each item listed in this section. Comments made during this section are limited to the topic of each public hearing. Attendees must be physically present in order to address the City Council. Comments by proxy are not allowed. Public Comments are limited to 3 minutes per person. Unused time may not be yielded to other attendees. If more than one public hearing is being held, each person will be allowed to speak during each topic.

6. **INFORMATION OR DISCUSSION ITEMS**

- A. Update on the Pueblo Nuevo Park project. (D. Nance, City Council)
- B. Discuss watering at City Parks, specifically Medina Park, and discuss what needs to be done for the trees to be watered and kept up with. (N. Olivas, Board Member)
- C. Discuss parks tasks in relation to signs in city parks and hold a discussion regarding the sufficiency of current signs and proposed changes. (K. Baca, Board Member)

7. **ACTION ITEMS.**

Action items are to be accompanied by a brief statement of facts, including where funds are coming from, if applicable. (Action items limited to 10 per meeting).

- A. Make a recommendation to the City Council regarding Parks and Recreation Facilities Fees. (M. Antrim, City Manager)

Board Member Acosta made a motion to remove the morning rental and the afternoon rental for the Kokernot Pavilion, to set the full day rental to \$30 and the deposit to \$30 which would be non-refundable if any trash is left, and for the Civic Center to remove the half day rental and to add a set up fee for prior use, of \$50 per day. This was seconded by Board Member Baca. The Parks and Recreation Board unanimously approved.

8. **BOARD MEMBER COMMENTS**

9. **ADJOURN.**

APPROVED:

ATTEST:

Officer of the Board

Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer

CERTIFICATION

I, Geoffrey R. Calderon, do hereby certify that this notice was posted at City Hall, in a convenient and readily accessible place to the general public, and on the City website at www.cityofalpine.com/agenda pursuant to Section 551.043, Texas Government Code. The said notice was posted by 5:00 P.M. on August 9, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

WITNESS MY HAND AND SEAL
this 9th day of August, 2024



Geoffrey R. Calderon, TRMC
City Secretary & Chief Governance Officer



PARKS AND RECREATION BOARD AGENDA ITEM REPORT

September 11, 2024

Agenda Item No. 5B

Department: Office of the City Secretary

Sponsor: Geoffrey R. Calderon, City Secretary

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Approval of June 12, 2024 Regular Meeting Minutes. (G. Calderon, City Secretary)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

1. 6-12-24 Parks Minutes

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY2023-2024: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

**CITY OF ALPINE
PARKS & RECREATION BOARD MEETING
WEDNESDAY, JUNE 12, 2024 – 5:30 P.M.
MINUTES**

1. **Call to Order** – Chair of the Board, Herman Acosta, called the regular meeting to order at 5:30 P.M. The meeting took place in City Council Chambers at 803 W. Holland Avenue, Alpine, Texas, 79830.

2. **Determination of quorum and proof of notice of meeting.**

Board Members Physically Present:

Kristal Baca, Board Member Place 3
Herman Acosta, Board Member Place 5
Luis Gomez, Board Member Place 7
Council Member Darin Nance

City Staff Present:

Geoffrey R. Calderon, City Secretary

Board Members Not Present:

Norma Olivos, Board Member Place 2
Vacant, Board Member Place 1
Vacant, Board Member Place 4
Vacant, Board Member Place 6

3. **Public Comments (limited to three minutes per person).** -None.

4. **Approval of Minutes of the previous meeting –**

- a) February 14, 2024, Regular Meeting Minutes. (G. Calderon, City Secretary)

The minutes were tabled to be considered at the next regularly scheduled meeting.

5. **Public Hearings** – None.

6. **Information or Discussion Items –**

- a) Discuss Fiscal Year 2024-2025 Meeting Schedule. (G. Calderon, City Secretary)
b) Discuss watering at Centennial Park. (D. Nance, City Council)
c) Discuss updates to the dog park and citizen concerns with goat heads. (D. Nance, City Council)
d) Discuss and reconfigure Parks Board task list as needed. (D. Nance, City Council)

7. **Action Items –**

- a) Appoint the Chair of the Parks and Recreation Board. (G. Calderon, City Secretary)

Action Item A was tabled to be considered at the next regularly scheduled meeting.

8. **Board Member Comments.**

On a motion by Board Member Acosta and Seconded by Board Member Baca to adjourn, the meeting was adjourned.

9. **Adjourn (6:02 P.M.)**

Chair of the Parks & Recreation Board

CERTIFICATION

I, Geoffrey R. Calderon, hereby certify that notice of this meeting was posted at City Hall, a convenient and readily accessible place to the general public and to the City website at www.cityofalpine.com pursuant to Section 551.043, Texas Government Code. The said notice was posted by 5:00 P.M. on June 7, 2024, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

Geoffrey R. Calderon, City Secretary

PARKS AND RECREATION BOARD AGENDA ITEM REPORT

September 11, 2024

Agenda Item No. 6A

Department: Parks & Recreation

Sponsor: Darin Nance, Councilor

Memo Prepared By: Geoffrey R. Calderon, City Secretary



Staff Recommendation: Approve

AGENDA ITEM

Update on Pueblo Nuevo Park Project. (D. Nance, City Council)

EXECUTIVE SUMMARY

None

SUPPORTING MATERIALS

None

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A

Current Budget FY2023-2024: N/A

Additional Funding: N/A

APPROVERS

Alex Tackett, Records Clerk

Geoffrey R. Calderon, City Secretary

Megan Antrim, City Manager

PARKS AND RECREATION BOARD AGENDA ITEM REPORT

September 11, 2024

Agenda Item No. 7A

Department: Administration

Sponsor: Megan Antrim, City Manager

Memo Prepared By: Geoffrey R. Calderon, City Secretary

Staff Recommendation: Approve



AGENDA ITEM

Approve a recommendation to the City Council to approve an ordinance amending Chapter 74 – Parks and Recreation, Article I – In General, to the Alpine Code of Ordinances; Amending and establishing rules and regulations for all city parks; Providing for the establishment of a permitting process to be approved by City Council Resolution; Providing the establishment of up to a \$500 penalty per occurrence for violations of the ordinance; And providing for the following: Findings of Fact, Enactment, Repealer, Penalty, Savings, Severability, Proper notice and Meeting, and Effective Date clauses. (M. Antrim, City Manager)

EXECUTIVE SUMMARY

On September 13, 2023, the Parks and Recreation Board (PRB) voted to make a recommendation to the City Council to update Chapter 74 - Parks and Recreation to the Alpine Code of Ordinances. The changes included in the recommended update included the establishment of streamlined rules and updated regulations for City parks. On September 26, 2024, the City Council considered the recommendations and voted to postpone the item and send the ordinance back to the PRB. The PRB held a discussion on January 10, 2024 and discussed amendments to the ordinance. City Administration worked on the proposed updates and the amendments were given to board members on August 14, 2024 to review and provide feedback. Board Member Baca was the only individual to provide comments on the ordinance. After review, the City Secretary recommends removing a portion of the updates to the parking (highlighted in the ordinance with strikethrough text) because typically a completely separate ordinance would be required if the subject matter is different from the main subject matter (Parks & Recreation Rules and Regulations). These types of parking (general zoning) regulations would need to be amended in a separate ordinance amending the zoning code, and would need to be reviewed by the Planning & Zoning Commission prior to implementation. If any reference to parking requirements should be made aside from parking in City parks, a reference should be made pointing to parking requirements in the zoning ordinance.

SUPPORTING MATERIALS

1. 2024-10-01 Parks Rules and Regulations
2. K. Baca Comments

BUDGET CONSIDERATIONS

Expenditure Required: N/A

Savings Anticipation: N/A
Current Budget FY2023-2024: N/A
Additional Funding: N/A

APPROVERS

ORDINANCE 2024-10-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 74 – PARKS AND RECREATION, ARTICLE I – IN GENERAL, TO THE ALPINE CODE OF ORDINANCES; AMENDING AND ESTABLISHING RULES AND REGULATIONS FOR ALL CITY PARKS; PROVIDING FOR THE ESTABLISHMENT OF A PERMITTING PROCESS TO BE APPROVED BY CITY COUNCIL RESOLUTION; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, ENACTMENT, REPEALER, PENALTY, SAVINGS, SEVERABILITY, PROPER NOTICE AND MEETING, AND EFFECTIVE DATE CLAUSES.

WHEREAS, the Parks and Recreation Board is composed of community members who advise the City Council on policy decisions that affect Parks and Recreation programs of the city; and

WHEREAS, the Parks and Recreation Board has recommended changes to the City Council that would implement streamlined rules and regulations for all city parks; and

WHEREAS, the amendments recommended by the Parks and Recreation Board will provide clarification and enhancements to the existing rules, and ensure that city parks are properly taken care of, managed, and regulated to the benefit of all park users; and

WHEREAS, in addition to the updated rules and regulations, the Parks and Recreation Board recommends that the City Council implement event permitting processes by City Council resolution; and

WHEREAS, Chapter 331 of the Texas Local Government Code provides that municipal parkland is under the operation, maintenance, control, and management of the City; and

WHEREAS, the City of Alpine is a home-rule municipality that owns and operates city parks for the use and enjoyment of the general public; and

WHEREAS, the city endeavors to assert its rights as a property owner by implementing rules and regulations that will benefit the general public as recommended by the Parks Board.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ALPINE, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached as Exhibit “A” are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

SECTION II

INCLUSION IN THE CODE OF ORDINANCES

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

SECTION III CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION IV PENALTY CLAUSE

Any person, corporation, or entity who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$4,000.00. Each day in which any violation occurs, or each occurrence of any violation, shall constitute a separate offense.

SECTION V SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION VI SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION VII PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. A public hearing was held on November 5, 2024, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche, the official newspaper of the City of Alpine on October 31, 2024.

**SECTION VIII
EFFECTIVE DATE**

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 5th DAY OF NOVEMBER 2024 BY THE CITY COUNCIL
OF THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING

OCTOBER 15, 2024

SECOND AND FINAL READING

NOVEMBER 5, 2024

APPROVED:

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT “A”

EDITOR’S NOTE:

Additions are Underlined. ~~Omissions appear in Strikethrough Text.~~

Chapter 74 PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 74-1. Alcoholic beverages generally.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Alcoholic beverages means spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, excluding non-alcoholic beer, non-alcoholic wine, or kombucha which is fit for beverage purposes or intended for beverage purposes.

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- (b) *Consumption prohibited in certain areas.* No person shall consume any alcoholic beverage while in or upon prohibitive areas defined in this section.
- (c) *Sale.* It shall be unlawful for any person, firm or corporation to sell alcoholic beverages within the boundaries of ~~Kokernot and Centennial Parks, including the Kokernot Park athletic complex, within the city.~~ all designated city parks, except as authorized by City Council.
- (d) *Possession and consumption.*
- (1) ~~It shall be unlawful for any person to consume alcoholic beverages, or to have in his possession an alcoholic beverage, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city~~
- (2) ~~It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundary of Centennial Park, in the city.~~
- (3)(1) It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundaries of any designated City Park, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city.
- (e) *Signs and notices.* Signs shall be posted in appropriate locations stating substantially "No alcoholic beverage may be brought into this park or consumed in this park in violation of city ordinances which are strictly enforced." The signs shall be placed in locations to be visible on entering areas where possession or consumption of alcoholic beverages are prohibited.

(Code 1978, § 19-8(a)—(d))

Sec. 74-2. Playing of golf and other dangerous sports in certain city parks.

- (a) *Application.* This section shall not apply to the Alpine Municipal Golf Course operated by the Alpine Country Club.
- (b) *Prohibited; signs to be posted.* It shall be unlawful for any person to practice, hit golf balls or play golf in ~~the Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex~~ any designated park located within the city. It shall further be unlawful for any person to carry on any activity for which the park was not specifically designed and the performance of which would constitute a hazard to the health and safety of those lawfully using the park facilities. Signs shall be posted in appropriate locations determined by the city council or the city manager advising citizens of the restricted activities permitted in ~~Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex.~~ any city designated park.

(Code 1978, § 19-9(a), (b))

Sec. 74-3. Medina Hours of Operation for City Parks.

- (a) *Hours of operation.* ~~Medina City Parks~~ Medina City Parks will be open for the public's use and enjoyment only ~~between the hours of 8:00 a.m. and 9:00 p.m. from dawn until dusk daily, and closed to the public between the hours of 9:00 p.m. and 8:00 a.m. daily when it is dark outside.~~ from dawn until dusk daily, and closed to the public between the hours of 9:00 p.m. and 8:00 a.m. daily when it is dark outside. No one,

except with specific city authorization, shall be permitted to be on the premises of ~~Medina~~ a city Park during the hours that such park is closed, without prior authorization from the city.

- (b) ~~Alcoholic beverages.~~ No person shall, at any time, transport to and/or carry upon such park, any alcoholic beverage, ~~whether any of the alcoholic beverage is consumed upon such park or not. It is a violation of this section, and constitutes an illegal association, for any person to knowingly be in the company of any person who are in obvious violation of this section.~~
- (e) *Violation; penalty.* Any person in violation of the mandates of this section will be prosecuted as criminal trespassers and if found guilty may be assessed the maximum fine that, by law, may be assessed by the municipal court.

(Code 1978, §§ 19-51—19-53)

Sec. 74-4. ~~Baines Park.~~ Use of Park Facilities Generally.

~~Hours of operation.~~ Baines Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 10:30 p.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Baines Park during the hours that such park is closed.

(Ord. No. 2002-5-4, 7-9-02)

- (a) A park facility is generally available for public use on a first-come, first-served basis, subject to:
 - 1. A requirement, if any, for a permit;
 - 2. A requirement, if any, to pay an entrance fee, reservation fee, or other fee.
 - 3. A previous reservation.
- (b) A person shall comply with city signs and markers in a park.
- (c) Entrance or Use Fees.
 - 1. A person may not enter or use a park facility for which an entrance or use fee has been established, unless the person has first paid the fee or is otherwise authorized to enter.
 - 2. A person must display an entrance permit or receipt to a city officer or employee on request.
- (d) Reservations.
 - 1. A person may not use or occupy a facility or area for which another person has paid a reservation fee when the person's use conflicts with the use of the facility or area by the person who has made a reservation.
 - 2. A person must make a reservation in accordance with the established reservation policies by the city.
 - 3. A person must display documentation of a confirmed reservation on request to a City employee charged with the supervision or patrolling of parks.
- (e) Permits.

1. When the city code or approved city council rule requires a person to obtain a permit or written authorization for a use or prohibits a use without a permit or written authorization, a person is required to obtain the permit or authorization prior to use. A person who wishes to apply for a permit or authorization may contact city hall to reach the designated parks and recreation staff member.

(f) Restricted Uses.

1. A person may not use a court or field designed for a specific sport for another sport, unless the alternative use is permitted by the city manager or the city manager designee. For example, a person may not use a tennis court for lacrosse, or a baseball field for soccer.

(g) Occupancy Limit.

1. The city may establish and post a maximum occupancy for any park area or facility.
2. A person may not enter, or remain in, an area or facility for which the city has established an occupancy limit when the person's entrance will have the effect of exceeding the established occupancy limit. Compliance with this rule does not eliminate any additional requirements that may be imposed by the city code or city rules regarding an event on City property.

(h) Closed Areas.

1. The city manager or the city manager designee may close a park area or facility to public entry or otherwise restrict use until the area or facility can be made available for public use.
2. If practicable, the designee shall post notice of a closed area. A person may not enter a closed or restricted area.
3. A person may not enter an area closed due to flooding, toppled trees, or debris, or which is otherwise closed due to health or safety issues.

(i) Special Rules for Specific Parks Facilities or Events.

1. The city manager or city manager designee may develop special rules and regulations that address problems specific to a facility or event.
2. Special rules shall be in writing, approved by the city manager or city manager designee, and posted at the facility or provided to a person holding or attending an event.
3. A person shall comply with all special rules and regulations posted at a facility or provided to the person.

(j) Smoking.

1. A person may not smoke in a park, except in a temporary designated smoking area for a special event. Smoking outside the indicated temporary location for an event or not during an event is a violation and any person found to be in violation of this section shall be fined, upon conviction, an amount not to exceed \$500.00.

2. Disposing of a cigarette or cigar butt outside of a trashcan or dumpster is considered littering
3. It shall be unlawful for an person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, tires, bottles, cans, loose paper, rags, scrapes of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who illegally disposes of litter, solid waste, tires, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties.

- (1) Class C misdemeanor: 5lbs/5gals or less: Fine up to \$500.00
- (2) Class B misdemeanor – 6lbs-499lbs/6gals-99c.f: Fine up to \$2,000.00 and /or not more than 180 days in county jail
- (3) Class A misdemeanor – 500-999lbs/100c.f.-199c.f: Fine up to \$4,000.00 and/or not more than one year in county jail
- (4) State jail felony: Over 1,000lbs/200c.f., any amount of waste in a closed drum or barrel: Fine up to \$10,000.00 and/or 180 days to two years in a state jail.

Sec. 74-5. Assembly.

- (a) A person organizing an event in a park that the person reasonably should know will be attended by more than 30 people must provide notice, at least one week before the event begins, to the City by calling the city hall. Subject to compliance with all other applicable rules and ordinances, the event may be allowed upon approval of the city manager and the chief of police.
- (b) An exception shall be made for larger groups gathering for birthday parties, picnics or as allowed by the City Manager.

Sec. 74-6. Festival Permitting, Event Permitting, and other Permitting Requirements.

- (a) The city council may implement permitting processes and procedures for festivals, large gatherings, events, and other permitting requirements by city council resolution.

Sec. 74-7. Costs and Fees associated with City Parks.

- (a) All costs and fees associated with city parks, including reservation fees, may be approved by City Council resolution.

Sec. 74-8. Disruptive Behavior; Ejection from Facilities.

- (a) If a person's conduct violates these rules, or is unlawful, disruptive, destructive, or hazardous, the person may be warned and asked to stop the conduct immediately by any city employee.
- (b) If a person persists in the conduct after a warning, a city employee may eject the person from the park. If a person's conduct is criminal, poses an imminent threat of injury or property damage, or prevents the public enjoyment of the premises, a city employee may eject the person from the park.

Sec. 74-9. Peace and Quiet.

- (a) A person shall preserve the peace and quiet enjoyment of a park by observing the applicable laws and ordinances governing noise and amplified sound.
- (b) A person may not use offensive language, make unreasonable noise, discharge weapons or fireworks, or engage in gestures or conduct in a park that would be offensive to a person of ordinary sensibility. Fireworks are allowed only with explicit authorization from the city.
- (c) A person may not operate a noise-making device in a park in violation of applicable law.

Sec. 74-10. Weapons and Firearms.

- (a) A person may not carry or possess a weapon or firearm while in a park, except:
 - a. where the use is expressly allowed;
 - b. *as allowed by state and federal law; or As of 2021, Texas law no longer requires people to have a license to carry (LTC) in order to carry a handgun in most public places. Handguns and other weapons are prohibited in these places:*

Guns Not Allowed:

- Secured areas of the Airport
 - Courthouse
 - Polling places on any voting days
 - Schools
 - Race Tracks
 - Places of Executions
 - Places of business with visible signage prohibiting handguns
 - Business permitted by TABC that derives 51% or more of its income from the sale of alcohol
 - High school, college, interscholastic, or professional sporting event unless the person is a participant and the event involves use of the weapon
 - Correctional facility; civil commitment facility, hospital, nursing facility, or mental hospital
 - Amusement parks
 - A room(s) where an open governmental meeting is occurring
- c. when otherwise authorized in writing by the chief of police.

- (b) The use of a firearm, air gun, paintball gun, pellet or B.B. gun, bow and arrow, or projectile device capable of inflicting personal injury is prohibited unless conducted under permit or in a park facility where the city manager or city manager designee has authorized the use.
- (c) A person may not display a firearm or other weapon in a park in a manner that the person should reasonably know will alarm or threaten another person.

Sec. 74-11. Abandoned or Unattended Property.

- (a) A person may not abandon a vehicle or other personal property in a park. The city may remove, impound, and dispose of abandoned property under applicable law.
- (b) A person may not leave a vehicle or other property unattended at any park in such a manner as to create a hazardous or unsafe condition. The city may impound the unattended property or move the unattended property to a safe place at expense of owner.

Sec. 74-12. Parking.

- (a) Unless parking is otherwise prohibited, a person may park a motor vehicle in a park only in a designated area.
- (b) A person may not park, store, or leave a vehicle or trailer in an area posted "restricted" or with "no parking" signs.
- (c) The city may impound a parked vehicle or trailer that creates a hazardous or unsafe condition.

~~(d) Parking, storage or use of major recreational and commercial equipment~~

Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers (designed to be mounted on automotive vehicles), coaches, motorized dwellings, tent trailers, other equipment for which the primary purpose or use is recreation and the like, and cases or boxes to be used for transporting such recreational equipment.

Commercial equipment is defined as vehicles, and trailers, and other equipment used in enterprises of retail trade, wholesale trade, the food service industry, and in warehouses and supply depots.

No major recreational or commercial equipment shall be parked or stored on any street or alley in a residential use district or other district not approved for such use. Exception will be loading and unloading, during daylight hours only. No such equipment shall be used for living, sleeping, retail, home occupation, or housekeeping purposes, when parked or stored on a residential lot or in any location not approved for such use.

Zoning Ordinance General Zoning Regulations—Section 6

Sec. 74-13. Commercial Activity.

- (a) Generally.

1. Unless a person is specifically authorized to do so by a permit or contract, or is acting in conjunction with a specifically permitted use of a reserved park facility; a person may not:
 - i. sell or rent a good or service in a park;
 - ii. place a stand, cart, or vehicle in a park for a commercial purpose;
 - iii. affix an advertisement to park property.

(b) Providing Commercial Classes and Instruction.

1. A person may not conduct classes or instructional activities for compensation in a park unless the person obtains a contract from the city.
2. A person may not provide a free class or instruction as an inducement or advertisement for a paid class or instruction unless the person has a contract from the city to conduct classes for compensation.

(c) Performing Artists.

1. A person may perform as an artist or entertainer in a park, but the person:
 - i. may not block a sidewalk or trail, or impede pedestrian or vehicular traffic;
 - ii. may not block or impede access to a park;
 - iii. may not perform at a restricted-access event without the written permission of the event organizer;
 - iv. may not juggle potentially hazardous materials or items such as knives or fire; and
 - v. must comply with all otherwise applicable laws, ordinances, and rules.

Sec. 74-14. Animals.

- (a) A person bringing a pet or other animal into a park shall keep the animal under confinement or direct control. Leads or leashes used to control animals may not be more than six feet long. A person who brings a dog into a park may allow the dog to be without a leash in a designated off-leash area; provided that the dog must at all times remain under the person's immediate personal supervision and command. A person who brings a dog into a designated off-leash area must carry a leash in order to restrain the dog should the need arise.
- (b) A person shall remove waste left by an animal under the person's care and control and shall dispose of the waste only in an appropriate waste receptacle.
- (c) A person who brings an animal into a park may not permit the animal to remain unattended or create a disturbance or a hazard.
- (d) A person may not bring livestock into a park, or permit livestock to range at a park, except with the written approval of the city manager or city manager designee.
- (e) A person may not ride, drive, lead, or keep a horse at a park except as authorized under a contract, or permit.

- (f) A person may not ride a horse in a park in a dangerous manner.
- (g) A person may not hitch a horse to a tree, shrub, or structure in a manner that causes damage, or that the person should reasonably know will cause damage.

Sec. 74-15. Creation Remains.

- (a) A person may not disperse or dispose of cremation remains in a park.

Sec. 74-16. Fires, Firewood, and Fireworks.

- (a) A person may not light, build, or maintain a fire in a park, except in a device provided, maintained, and designated for that purpose, or as authorized by the city.
- (b) A portable camp stove or portable barbecue grill of metal construction may be used in a designated picnic area.
- (c) During a period of extreme fire hazard, the city manager or city manager designee may prohibit or restrict fires in designated areas.
- (d) A person may not cut, gather, or collect wood or other combustible material at a park, for use as firewood or fuel.
- (e) A person may not possess or use any kind of fireworks in a city park, unless explicitly authorized by the city.

Sec. 74-17. Camping and Overnight Use.

- (a) Camping and overnight use of city parks and parking areas is strictly prohibited in accordance with Texas Penal Code, Sec. 48.05.

Sec. 74-18. Enforcement.

- (a) Any person, firm, or organization violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00).

Secs. ~~74-5~~—~~74-19~~ – 74-35. Reserved.

STATE OF TEXAS
COUNTY OF BREWSTER

CITY OF ALPINE

ORDINANCE 2024-xx-xx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALPINE, TEXAS AMENDING CHAPTER 74 – PARKS AND RECREATION, ARTICLE I – IN GENERAL, TO THE ALPINE CODE OF ORDINANCES; AMENDING AND ESTABLISHING RULES AND REGULATIONS FOR ALL CITY PARKS; PROVIDING FOR THE ESTABLISHMENT OF A PERMITTING PROCESS TO BE APPROVED BY CITY COUNCIL RESOLUTION; PROVIDING THE ESTABLISHMENT OF UP TO A \$500 PENALTY PER OCCURRENCE FOR VIOLATIONS OF THE ORDINANCE.

WHEREAS, the Parks and Recreation Board is composed of community members who advise the City Council on policy decisions that affect Parks and Recreation programs of the city; and

WHEREAS, the Parks and Recreation Board has recommended changes to the City Council that would implement streamlined rules and regulations for all city parks; and

WHEREAS, the amendments recommended by the Parks and Recreation Board will provide clarification and enhancements to the existing rules, and ensure that city parks are properly taken care of, managed, and regulated to the benefit of all park users; and

WHEREAS, in addition to the updated rules and regulations, the Parks and Recreation Board recommends that the City Council implement event permitting processes by City Council resolution; and

WHEREAS, Chapter 331 of the Texas Local Government Code provides that municipal parkland is under the operation, maintenance, control, and management of the City; and

WHEREAS, the City of Alpine is a home-rule municipality that owns and operates city parks for the use and enjoyment of the general public; and

WHEREAS, the city endeavors to assert its rights as a property owner by implementing rules and regulations that will benefit the general public as recommended by the Parks Board.

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

**SECTION I
FINDINGS OF FACT**

The Alpine Code of Ordinances is hereby amended to reflect the changes hereto attached as Exhibit “A.” The premises attached as Exhibit “A” are found to be true and correct legislative and factual findings of the City Council of the City of Alpine and are hereby approved and incorporated herein as findings of fact.

**SECTION II
INCLUSION IN THE CODE OF ORDINANCES**

The provisions of this ordinance shall become and be made a part of the Code of Ordinances of Alpine, Texas. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word. The codifier of the City is empowered to make amendments to match the style of the existing code.

SECTION III CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of the City of Alpine, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

SECTION IV SEVERABILITY CLAUSE

It is hereby declared to be the intention of the City Council of the City of Alpine that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences paragraphs or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, clause, sentence, paragraph or section.

SECTION V PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VI PUBLIC HEARING

A public hearing was held on October 3, 2023, where interested parties had the opportunity to make public comments on this ordinance prior to approval. Notice of the date and time of the hearing and notice of how to obtain copies of the proposed ordinance was published in the Alpine Avalanche on September 28, 2023.

SECTION VII EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as required by State and Local law.

**PASSED AND ADOPTED THIS 3rd DAY OF OCTOBER 2023 BY THE CITY COUNCIL
OF THE CITY OF ALPINE, TEXAS.**

INTRODUCTION AND FIRST READING
SEPTEMBER 26, 2023

SECOND AND FINAL READING
OCTOBER 3, 2023

APPROVED:

Catherine Eaves, Mayor

ATTEST:

Geoffrey R. Calderon, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

EDITOR'S NOTE:

Additions are Underlined. ~~Omissions appear in Strikethrough Text.~~

Chapter 74 PARKS AND RECREATION¹

ARTICLE I. IN GENERAL

Sec. 74-1. Alcoholic beverages generally.

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

✓ *Alcoholic beverages* means spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, excluding non-alcoholic beer, non-alcoholic wine, or kombucha which is fit for beverage purposes or intended for beverage purposes.

- (b) *Consumption prohibited in certain areas.* No person shall consume any alcoholic beverage while in or upon prohibitive areas defined in this section.

¹Cross reference(s)—Streets, sidewalks and other public places, ch. 86.

State law reference(s)—Municipal parks and recreation, Vernon's Ann. Civ. St. art. 1015c et seq.; public improvements, bonds, occupancy tax, Vernon's Ann. Civ. St. art. 1269j-4.1; city parks, Vernon's Ann. Civ. St. art. 6081h et seq.; local parks and other recreational and cultural resources, V.T.C.A., Local Government Code chs. 315, 331 et seq.; lease of land from state parks and wildlife department, V.T.C.A., Parks and Wildlife Code § 13.006; local boating regulations, V.T.C.A., Parks and Wildlife Code § 31.092; safety standards for publicly funded playgrounds, V.T.C.A., Health and Safety Code § 756.061.

✓ (c) *Sale.* It shall be unlawful for any person, firm or corporation to sell alcoholic beverages within the boundaries of ~~Kokernot and Centennial Parks, including the Kokernot Park athletic complex, within the city.~~ all designated city parks, except as authorized by City Council.

(d) *Possession and consumption.*

(1) ~~It shall be unlawful for any person to consume alcoholic beverages, or to have in his possession an alcoholic beverage, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city~~

(2) ~~It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundary of Centennial Park, in the city.~~

✓ (3)(1) It shall be unlawful for any person to consume, or to have in his possession, an alcoholic beverage within the boundaries of any designated City Park, within the parking lots, baseball fields, walking and jogging track and soccer field located in Kokernot Park, within the city.

2. (e) *Signs and notices.* Signs shall be posted in appropriate locations stating substantially "No alcoholic beverage may be brought into this park or consumed in this park in violation of city ordinances which are strictly enforced." The signs shall be placed in locations to be visible on entering areas where possession or consumption of alcoholic beverages are prohibited.
Same as signs already up? or different signs?
(Code 1978, § 19-8(a)—(d))

Sec. 74-2. Playing of golf and other dangerous sports in certain city parks.

(a) *Application.* This section shall not apply to the Alpine Municipal Golf Course operated by the Alpine Country Club.

✓ (b) *Prohibited; signs to be posted.* It shall be unlawful for any person to practice, hit golf balls or play golf in ~~the Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex~~ any designated park located within the city. It shall further be unlawful for any person to carry on any activity for which the park was not specifically designed and the performance of which would constitute a hazard to the health and safety of those lawfully using the park facilities. Signs shall be posted in appropriate locations determined by the city council or the city manager advising citizens of the restricted activities permitted in ~~Kokernot Park and Centennial Park as well as the Kokernot Park Athletic Complex.~~ any city designated park.

(Code 1978, § 19-9(a), (b))

Sec. 74-3. Medina Hours of Operation for City Parks.

✓ (a) *Hours of operation.* ~~Medina City Parks~~ will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 9:00 p.m. from dawn until dusk daily, and closed to the public between the hours of 9:00 p.m. and 8:00 a.m. daily when it is dark outside. No one, except with specific city authorization, shall be permitted to be on the premises of ~~Medina a~~ city Park during the hours that such park is closed, without prior authorization from the city.

(b) ~~Alcoholic beverages.~~ No person shall, at any time, transport to and/or carry upon such park, any alcoholic beverage, whether any of the alcoholic beverage is consumed upon such park or not. It is a violation of this section, and constitutes an illegal association, for any person to knowingly be in the company of any person who are in obvious violation of this section.

✓ (e) *Violation; penalty.* Any person in violation of the mandates of this section will be prosecuted as criminal trespassers and if found guilty may be assessed the maximum fine that, by law, may be assessed by the municipal court.

(Code 1978, §§ 19-51—19-53)

Sec. 74-4. Baines Park. Use of Park Facilities Generally.

Hours of operation. Baines Park will be open for the public's use and enjoyment only between the hours of 8:00 a.m. and 10:30 p.m. daily. No one, except with specific city authorization, shall be permitted to be on the premises of Baines Park during the hours that such park is closed.

(Ord. No. 2002-5-4, 7-9-02)

✓ (a) A park facility is generally available for public use on a first-come, first-served basis, subject to:

1. A requirement, if any, for a permit;
2. A requirement, if any, to pay an entrance fee, reservation fee, or other fee.
3. A previous reservation.

✓ (b) A person shall comply with city signs and markers in a park.

(c) Entrance or Use Fees.

- ✓ 1. A person may not enter or use a park facility for which an entrance or use fee has been established, unless the person has first paid the fee or is otherwise authorized to enter.
- ✓ 2. A person must display an entrance permit or receipt to a city officer or employee on request.

(d) Reservations.

- ✓ 1. A person may not use or occupy a facility or area for which another person has paid a reservation fee when the person's use conflicts with the use of the facility or area by the person who has made a reservation.
- ✓ 2. A person must make a reservation in accordance with the established reservation policies by the city.
- ✓ 3. A person must display documentation of a confirmed reservation on request to a City employee charged with the supervision or patrolling of parks.

(e) Permits.

-
- ✓ 1. When the city code or approved city council rule requires a person to obtain a permit or written authorization for a use or prohibits a use without a permit or written authorization, a person is required to obtain the permit or authorization prior to use. A person who wishes to apply for a permit or authorization may contact city hall to reach the designated parks and recreation staff member.

✓ (f) Restricted Uses.

1. A person may not use a court or field designed for a specific sport for another sport, unless the alternative use is permitted by the city manager or the city manager designee. For example, a person may not use a tennis court for lacrosse, or a baseball field for soccer.

(g) Occupancy Limit.

- ✓ 1. The city may establish and post a maximum occupancy for any park area or facility.
- ✓ 2. A person may not enter, or remain in, an area or facility for which the city has established an occupancy limit when the person's entrance will have the effect of exceeding the established occupancy limit. Compliance with this rule does not eliminate any additional requirements that may be imposed by the city code or city rules regarding an event on City property.

(h) Closed Areas.

- ✓ 1. The city manager or the city manager designee may close a park area or facility to public entry or otherwise restrict use until the area or facility can be made available for public use.
- ✓ 2. If practicable, the designee shall post notice of a closed area. A person may not enter a closed or restricted area.
- ✓ 3. A person may not enter an area closed due to flooding, toppled trees, or debris, or which is otherwise closed due to health or safety issues.

(i) Special Rules for Specific Parks Facilities or Events.

- ✓ 1. The city manager or city manager designee may develop special rules and regulations that address problems specific to a facility or event.
- ✓ 2. Special rules shall be in writing, approved by the city manager or city manager designee, and posted at the facility or provided to a person holding or attending an event.
- ✓ 3. A person shall comply with all special rules and regulations posted at a facility or provided to the person.

(j) Smoking.

- ✓ 1. A person may not smoke in a park, except in a temporary designated smoking area for a special event. Smoking outside the indicated temporary location for an event

or not during an event is a violation and any person found to be in violation of this section shall be fined, upon conviction, an amount not to exceed \$500.00.

- ✓ 2. Disposing of a cigarette or cigar butt outside of a trashcan or dumpster is considered littering
- ✓ 3. It shall be unlawful for an person to throw, place or deposit, or cause to be thrown, placed or deposited, or suffer or permit his servant or any other person in his family to throw or deposit in any street, alley, gutter, ditch, lot or other place in this city, the carcass of any dead animal or fowl or any meat, fish, hides, skins, bones, offal, manure, fruit, vegetables, litter, debris, melon rinds, fruit peelings, slop, trash or other unsound or offensive matter or matter liable to become offensive or injurious to the health of those who reside in the vicinity or owned or controlled by him, or to throw, place or deposit, or cause to be thrown, place or deposit in any street, alley, gutter, ditch or other public place, or upon any lot or other premises not owned or controlled by him, tires, bottles, cans, loose paper, rags, scrapes of leather, shavings, dishwater, chips, debris, litter or trash.

Any individual group of individuals, business, or corporation who illegally disposes of litter, solid waste, tires, hazardous materials, bulky wastes, or other such materials can be charged with the following offenses and penalties.

- (1) Class C misdemeanor: 5lbs/5gals or less: Fine up to \$500.00
- (2) Class B misdemeanor – 6lbs-499lbs/6gals-99c.f: Fine up to \$2,000.00 and /or not more than 180 days in county jail
- (3) Class A misdemeanor – 500-999lbs/100c.f.-199c.f: Fine up to \$4,000.00 and/or not more than one year in county jail
- (4) State jail felony: Over 1,000lbs/200c.f., any amount of waste in a closed drum or barrel: Fine up to \$10,000.00 and/or 180 days to two years in a state jail.

Sec. 74-5. Assembly.

- ✓ (a) A person organizing an event in a park that the person reasonably should know will be attended by more than 30 people must provide notice, at least one week before the event begins, to the City by calling the city hall. Subject to compliance with all other applicable rules and ordinances, the event may be allowed upon approval of the city manager and the chief of police.
- ✓ (b) An exception shall be made for larger groups gathering for birthday parties, picnics or as allowed by the City Manager.

Sec. 74-6. Festival Permitting, Event Permitting, and other Permitting Requirements.

- ✓ (a) The city council may implement permitting processes and procedures for festivals, large gatherings, events, and other permitting requirements by city council resolution.

Sec. 74-7. Costs and Fees associated with City Parks.

- ✓ (a) All costs and fees associated with city parks, including reservation fees, may be approved by City Council resolution.

Sec. 74-8. Disruptive Behavior; Ejection from Facilities.

- ✓ (a) If a person's conduct violates these rules, or is unlawful, disruptive, destructive, or hazardous, the person may be warned and asked to stop the conduct immediately by any city employee.
- ✓ (b) If a person persists in the conduct after a warning, a city employee may eject the person from the park. If a person's conduct is criminal, poses an imminent threat of injury or property damage, or prevents the public enjoyment of the premises, a city employee may eject the person from the park.

Sec. 74-9. Peace and Quiet.

- ✓ (a) A person shall preserve the peace and quiet enjoyment of a park by observing the applicable laws and ordinances governing noise and amplified sound.
- ✓ (b) A person may not use offensive language, make unreasonable noise, discharge weapons or fireworks, or engage in gestures or conduct in a park that would be offensive to a person of ordinary sensibility. Fireworks are allowed only with explicit authorization from the city.
- ✓ (c) A person may not operate a noise-making device in a park in violation of applicable law.

Sec. 74-10. Weapons and Firearms.

- ✓ (a) A person may not carry or possess a weapon or firearm while in a park, except:
- ✓ a. where the use is expressly allowed;
- b. *as allowed by state and federal law; or As of 2021, Texas law no longer requires people to have a license to carry (LTC) in order to carry a handgun in most public places. Handguns and other weapons are prohibited in these places:*

 Guns Not Allowed:

- Secured areas of the Airport
- Courthouse
- Polling places on any voting days
- Schools
- Race Tracks
- Places of Executions
- Places of business with visible signage prohibiting handguns
- Business permitted by TABC that derives 51% or more of its income from the sale of alcohol
- High school, college, interscholastic, or professional sporting event unless the person is a participant and the event involves use of the weapon
- Correctional facility; civil commitment facility, hospital, nursing facility, or mental hospital

-
- Amusement parks
 - A room(s) where an open governmental meeting is occurring

c. when otherwise authorized in writing by the chief of police.

- ✓ (b) The use of a firearm, air gun, paintball gun, pellet or B.B. gun, bow and arrow, or projectile device capable of inflicting personal injury is prohibited unless conducted under permit or in a park facility where the city manager or city manager designee has authorized the use.
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Sec. 74-11. Abandoned or Unattended Property.

- ✓ (a) A person may not abandon a vehicle or other personal property in a park. The city may remove, impound, and dispose of abandoned property under applicable law.
- ✓ (b) A person may not leave a vehicle or other property unattended at any park in such a manner as to create a hazardous or unsafe condition. The city may impound the unattended property or move the unattended property to a safe place at expense of owner.

Sec. 74-12. Parking.

- ✓ (a) Unless parking is otherwise prohibited, a person may park a motor vehicle in a park only in a designated area.
- ✓ (b) A person may not park, store, or leave a vehicle or trailer in an area posted "restricted" or with "no parking" signs.
- ✓ (c) The city may impound a parked vehicle or trailer that creates a hazardous or unsafe condition.
- ✓ (d) *Parking, storage or use of major recreational and commercial equipment—*

Major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers (designed to be mounted on automotive vehicles), coaches, motorized dwellings, tent trailers, other equipment for which the primary purpose or use is recreation and the like, and cases or boxes to be used for transporting such recreational equipment.

Commercial equipment is defined as vehicles, and trailers, and other equipment used in enterprises of retail trade, wholesale trade, the food service industry, and in warehouses and supply depots.

- ✓ No major recreational or commercial equipment shall be parked or stored on any street or alley in a residential use district or other district not approved for such use. Exception will be loading and unloading, during daylight hours only. No such equipment shall be used for living, sleeping, retail, home occupation, or housekeeping purposes, when parked or stored on a residential lot or in any location not approved for such use.

Zoning Ordinance General Zoning Regulations – Section 6

Sec. 74-13. Commercial Activity.

(a) Generally.

- ✓ 1. Unless a person is specifically authorized to do so by a permit or contract, or is acting in conjunction with a specifically permitted use of a reserved park facility; a person may not:
 - i. sell or rent a good or service in a park;
 - ii. place a stand, cart, or vehicle in a park for a commercial purpose;
 - iii. affix an advertisement to park property.

(b) Providing Commercial Classes and Instruction.

- ✓ 1. A person may not conduct classes or instructional activities for compensation in a park unless the person obtains a contract from the city.
- 2. A person may not provide a free class or instruction as an inducement or advertisement for a paid class or instruction unless the person has a contract from the city to conduct classes for compensation.

(c) Performing Artists.

- ✓ 1. A person may perform as an artist or entertainer in a park, but the person:
 - i. may not block a sidewalk or trail, or impede pedestrian or vehicular traffic;
 - ii. may not block or impede access to a park;
 - iii. may not perform at a restricted-access event without the written permission of the event organizer;
 - iv. may not juggle potentially hazardous materials or items such as knives or fire; and
 - v. must comply with all otherwise applicable laws, ordinances, and rules.

Sec. 74-14. Animals.

- ✓ (a) A person bringing a pet or other animal into a park shall keep the animal under confinement or direct control. Leads or leashes used to control animals may not be more than six feet long. A person who brings a dog into a park may allow the dog to be without a leash in a designated off-leash area; provided that the dog must at all times remain under the person's immediate personal supervision and command. A person who brings a dog into a designated off-leash area must carry a leash in order to restrain the dog should the need arise.
- ✓ (b) A person shall remove waste left by an animal under the person's care and control and shall dispose of the waste only in an appropriate waste receptacle.

-
- ✓ (c) A person who brings an animal into a park may not permit the animal to remain unattended or create a disturbance or a hazard.
 - ✓ (d) A person may not bring livestock into a park, or permit livestock to range at a park, except with the written approval of the city manager or city manager designee.
 - ✓ (e) A person may not ride, drive, lead, or keep a horse at a park except as authorized under a contract, or permit.
 - ? (f) A person may not ride a horse in a park in a dangerous manner. *if they have a permit?*
 - ✓ (g) A person may not hitch a horse to a tree, shrub, or structure in a manner that causes damage, or that the person should reasonably know will cause damage.

Sec. 74-15. Creation Remains.

- ✓ (a) A person may not disperse or dispose of cremation remains in a park. ~~without 13 the written authorization of the city manager or city manager designee.~~

Sec. 74-16. Fires, Firewood, and Fireworks.

- ✓ (a) A person may not light, build, or maintain a fire in a park, except in a device provided, maintained, and designated for that purpose, or as authorized by the city.
- ✓ (b) A portable camp stove or portable barbecue grill of metal construction may be used in a designated ~~campsite or~~ picnic area.
- ✓ (c) During a period of extreme fire hazard, the city manager or city manager designee may prohibit or restrict fires in designated areas.
- ✓ (d) A person may not cut, gather, or collect wood or other combustible material at a park, for use as firewood or fuel.
- ✓ (e) A person may not possess or use any kind of fireworks in a city park, unless explicitly authorized by the city.

J Sec. 74-17. Camping and Overnight Use.

- (a) Camping and overnight use of city parks is strictly prohibited. This includes parking areas. Texas Governor Greg Abbott signed legislation on June 15, 2021 enforcing a statewide camping ban to take effect on September 1, 2021. HB1925 will ban encampments in all public areas.

(b) BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 48, Penal Code, is amended by adding Section 48.05 to read as follows: Sec. 48.05. PROHIBITED CAMPING. (a) In this section: (1) "Camp" means to reside temporarily in a place, with shelter. (2) "Shelter" includes a tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of shelter, other than clothing, designed to protect a person from weather conditions that threaten personal health and safety. (b) A person commits an offense if the person intentionally or knowingly camps in a public place

without the consent of the officer or agency having the legal duty or authority to manage the public place. (c) The actor's intent or knowledge may be established through evidence of activities associated with sustaining a living accommodation that are conducted in a public place, including: (1) cooking; (2) making a fire; (3) storing personal belongings for an extended period; (4) digging; or (5) sleeping. (d) Consent given by an officer or agency of a political subdivision is not effective for purposes of Subsection (b). (e) For purposes of Subsection (b), a designation made by a state officer or agency that an area owned and controlled by a political subdivision may be used for camping constitutes consent to camping on that property. A state officer or agency may designate an area as described by this subsection only if that designation is proposed to the officer or agency by the applicable political subdivision. (f) An offense under this section is a Class C misdemeanor. (g) This section does not preempt an ordinance, order, rule, or other regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affect the authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or other regulation relating to prohibiting camping in a public place if the ordinance, order, rule, or other regulation: (1) is compatible with and equal to or more stringent than the offense prescribed by this section; or (2) relates to an issue not specifically addressed by this section.

SECTION 2. Subtitle C, Title 11, Local Government Code, is amended by adding Chapter 364 to read as follows: CHAPTER 364. ENFORCEMENT OF PUBLIC CAMPING BANS Sec. 364.001. DEFINITIONS. In this chapter: (1) "Local entity" means: (A) the governing body of a municipality or county; (B) an officer or employee of or a division, department, or other body that is part of a municipality or county, including a sheriff, municipal police department, municipal attorney, or county attorney; and (C) a district attorney or criminal district attorney. (2) "Policy" includes a formal, written rule, ordinance, order, or policy and an informal, unwritten policy. (3) "Public camping ban" means a law, rule, ordinance, order, or other regulation that prohibits camping in a public place, including Section 48.05, Penal Code. Sec. 364.002. POLICY ON CAMPING BANS. (a) A local entity may not adopt or enforce a policy under which the entity prohibits or discourages the enforcement of any public camping ban. (b) In compliance with Subsection (a), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban. Sec. 364.003. INJUNCTIVE RELIEF. (a) The attorney general may bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of Section 364.002. (b) The attorney general may recover reasonable expenses incurred in obtaining relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs. Sec. 364.004. DENIAL OF STATE GRANT FUNDS. (a) A local entity may not receive state grant funds, and state grant funds for the local entity shall be denied, for the state fiscal year following the year in which a final judicial determination in an action brought under Section 364.003 is made that the entity has intentionally violated Section 364.002. (b) The comptroller shall adopt rules to implement this section uniformly among the state agencies from which state grant funds are distributed to a municipality or county.

(c) A local entity that has not violated Section 364.002 may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of that section.

SECTION 3. This Act takes effect September 1, 2021.

Sec. 74-18. Enforcement.

- ✓ (a) Any person, firm, or organization violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed five hundred dollars (\$500.00).

Secs. 74-5—74-19 – 74-35. Reserved.