

**CITY OF OAK POINT, TEXAS
ORDINANCE NO. 2011-04-321**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAK POINT, TEXAS, REPEALING IN ITS ENTIRETY CHAPTER 1 (GENERAL PROVISIONS), ARTICLE 1.600, OF THE CODE OF ORDINANCES OF THE CITY OF OAK POINT, TEXAS, ENTITLED "CITY PARK RULES AND REGULATIONS", AND REPLACING IT WITH A NEW CHAPTER 1, ARTICLE 1.600, SECTIONS 1.601 TO 1.604, ENTITLED "CITY PARK RULES AND REGULATIONS;" ESTABLISHING CITY PARK RULES; PROVIDING FOR THE ENFORCEMENT OF PARK RULES; REPEALING IN ITS ENTIRETY CHAPTER 4 (BUSINESS REGULATIONS), ARTICLE 4.300, SECTIONS 4.301 TO 4.303 OF THE CODE OF ORDINANCES OF THE CITY OF OAK POINT, TEXAS, ENTITLED "ACCESS ROAD, BOAT RAMP, AND COURTESY DOCK USE," AND REPLACING IT WITH A NEW CHAPTER 4, ARTICLE 4.300, SECTIONS 4.301 TO 4.303 ENTITLED "ACCESS ROAD, BOAT RAMP, AND COURTESY DOCK USE," ESTABLISHING RULES AND REGULATIONS FOR THE ACCESS ROAD, BOAT RAMP, AND COURTESY DOCK ON TRACT NO. M1101-2; ESTABLISHING PARK PERMIT FEES AND PERMIT PROCEDURES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Oak Point, Texas ("City Council") has investigated and determined that Chapter 1, Article 1.600, entitled "City Park Rules and Regulations" and Chapter 4, Article 4.300, entitled "Access Road, Boat Ramp, and Courtesy Dock Use" of the Code of Ordinances of the City of Oak Point, Texas ("Oak Point") should be amended; and

WHEREAS, Oak Point has complied with all notices and public hearings as required by law; and

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Oak Point to amend Oak Point's Code of Ordinances, as set forth below.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to Chapter 1, Article 1.600 (City Park Rules and Regulations) of Oak Point's Code of Ordinances. That Chapter 1, Article 1.600 of the Code of

Ordinances of the City of Oak Point, Texas, entitled "City Park Rules and Regulations" is repealed in its entirety, and is replaced with a new Chapter 1, Article 1.600, Sections 1.601 to 1.604 of the Code of Ordinances of the City of Oak Point, Texas, entitled "City Park Rules and Regulations," which shall read as follows:

"ARTICLE 1.600. City Park Rules and Regulations

Sec. 1.601. Definitions.

City Manager shall mean the City Manager of the City and/or his designee.

Park shall mean a park, playground, indoor facility, outdoor facility, recreation center, field, athletic field, and any related facilities, or any other area in the City owned, leased and/or used by the City, and devoted to active or passive recreation.

Sec. 1.602. Park Rules and Regulations.

- (a) Parks shall be open daily and available for public use from 6:00 a.m. until 10:00 p.m., unless otherwise authorized in writing by the City Manager. In the case of an exception, excessive noise which unreasonably disturbs persons is prohibited.
- (b) It shall be unlawful for any person to park any vehicle in the park, except in such places as designated by the city. It shall be unlawful to park or permit to remain parked any vehicle on park property between the hours of 10:00 p.m. and 6:00 a.m., unless participating in an activity which is scheduled by or with approval of the city.
- (c) The city may establish and post a schedule of operating hours and/or restrictions on the public use of the park. The police chief may close or restrict the use of the park when necessitated by reason of public safety, maintenance or other reasons in the public interest. Entering or using the park in a manner which is contrary to the schedule of visiting hours, closure, or restrictions is strictly prohibited.
- (d) No vehicle shall be driven at a speed in excess of ten (10) miles per hour while inside the park.
- (e) With the exception of vehicles operated by City employees in the course of their regular duties, it shall be unlawful for any person to ride, operate or drive any horse, automobile, motorcycle, or other vehicle through the park, except along or in park streets, driveways, or designated parking areas.
- (f) Bicyclists or persons using skates, scooters, or skateboards on sidewalks or trails shall yield the right-of-way to pedestrians.
- (g) The consumption or possession of alcoholic beverages, as defined in V.T.C.A., Alcoholic Beverage Code § 1.04, as it may be amended from time to time, are strictly prohibited at or in a park.

- (h) No person shall use a tobacco product at or in a park.
- (i) Picnickers shall keep their sites free of trash and litter during the period of occupancy. All park users that generate garbage, trash, rubbish, litter or any other waste shall either remove such waste from the park or deposit such waste in receptacles provided at the park.
- (j) Refuse containers at parks are reserved for garbage, trash, rubbish, litter or any other waste generated at parks. Dumping or disposal of garbage, trash, rubbish, litter or any other waste generated outside of a park is prohibited.
- (k) Fires shall be permitted only in grills, except with written permission of the City Manager. Park users shall extinguish their fire prior to leaving the park.
- (l) It shall be unlawful to offer any goods, food, drinks, confections, merchandise or services for sale within parks unless authorized in writing by the City Manager.
- (m) Dogs must be kept on a leash at all times. Persons responsible for pets are required to immediately dispose of their pet's waste.
- (n) It shall be unlawful to carry or discharge firearms, fireworks, bb guns, air guns, bows and arrows, slingshots, blowgun, rockets or paint-ball guns unless a person is duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act, as amended.
- (o) It shall be unlawful for any person to possess any glass container within the park.
- (p) Destruction, injury, defacement, removal or any alteration of public property, including, but not limited to building, structures, restrooms, signs, bulletin boards, fences, playground equipment, playing fields, trees, turf, and other vegetative growth, is prohibited. Any such destruction, removal or alteration of public property shall be performed by City employees or through written authorization from the City Manager.
- (q) The City shall not be held liable for any loss or damage claimed by reason of a loss or damage to personal property or be held liable for any personal injury or death of any person or animal entering a park.
- (r) The city will assume no responsibility for any damage to any adjoining properties.
- (s) Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 for each offense. Each day a violation of any provision of this article shall continue it shall constitute a separate offense.

Sec. 1.603. Enforcement.

- (a) The City Manager and/or the Director of Public Safety shall, in connection with their duties, diligently enforce the provisions of this article, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended.
- (b) The City Manager and/or the Director of Public Safety shall have the authority to eject from areas or facilities any person or persons that:
 - (1) willfully interferes with or disrupts park activities;
 - (2) conducts any activity which will create a danger to the public;
 - (3) engages in physical violence; or
 - (4) acts in violation of any section of this article, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended.

Sec. 1.604. Special Events and Reservations.

- (a) Special events not sponsored by the City including, but not limited to, carnivals, regattas, festivals, dramatic presentations or other recreational program are prohibited unless written permission has been granted by the City Manager.
- (b) Reservation of pavilions, baseball and soccer fields, the community room, and other park facilities shall be in accordance with City policy as it exists or may be amended in the future.”

SECTION 3: Amendment to Chapter 4, Article 4.300 (Access Road, Boat Ramp, and Courtesy Dock Use) of Oak Point’s Code of Ordinances. That Chapter 4, Article 4.300, Sections 4.301 to 4.303 of the Code of Ordinances of the City of Oak Point, Texas, entitled “Access Road, Boat Ramp, and Courtesy Dock Use” is repealed in its entirety, and is replaced with a new Chapter 4, Article 4.300, Sections 4.301 to 4.303 of the Code of Ordinances of the City of Oak Point, Texas, entitled “Access Road, Boat Ramp, and Courtesy Dock Use,” which shall read as follows:

“ARTICLE 4.300. Access Road, Boat Ramp, and Courtesy Dock Use

Sec. 4.301. Rules adopted.

The city council, for the purpose of establishing rules and regulations for the access road, boat ramp, and courtesy dock on Tract No. M1101-2 (approx. one acre) as a fee pay park, hereby adopts "Title 36, Chapter III, U.S. Army Corps of Engineers. Part 327, Rules and Regulations governing public use of water resources development projects administered by the Chief of Engineers," published in the Federal Register of September 3, 1985, a copy of which has been and is now filed in the office of the city secretary, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from and after the enactment of this article, the provisions hereof shall be controlling in the operation and maintenance of the access road, boat ramp, and courtesy dock on Tract No. M1101-2 (approx. 1 acre) as a fee pay park.

Sec. 4.302. Park permit fees and permit procedures.

- (a) All yearly permits shall be as provided for in the fee schedule found in the appendix of this Code and will expire on December 31 of each year.
- (b) Daily permits shall be as provided for in the fee schedule found in the appendix of this Code.
- (c) Any person, male or female, who is 65 years of age or older, shall pay a fee as provided for in the fee schedule found in the appendix of this Code.
- (d) Any person in the same family may purchase a yearly permit for their additional vehicles for an amount as provided for in the fee schedule found in the appendix of this Code.
- (e) Permit procedures:
 - (1) The City shall manage the distribution of permits to the necessary people, the collection of permit sales proceeds, and shall deliver all the proceeds for deposit in the city treasury.
 - (2) Annual permits shall be affixed to lower right corner of the front windshield of the vehicle for which the permit applies.
 - (3) Daily permits shall be hung from the rearview mirror or placed on the dashboard of the vehicle, on the driver's side.
 - (4) Permits shall be displayed at all times in which the vehicle is on park premises, and shall be made available for inspection on demand.
 - (5) It shall be a violation of these regulations for a person to occupy or use park property or facilities without obtaining and properly displaying a current permit.
 - (6) It shall be a violation of these regulations to refuse to or fail to comply with the terms or conditions of any permit issued under the provisions of this section.

Sec. 4.303. Offenses; penalty.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not to exceed \$500.00 for each offense. Each day a violation of any provision of this article shall continue it shall constitute a separate offense.”

SECTION 4: Savings/Repealing Clause. Oak Point’s Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the

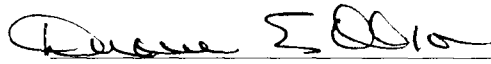
repeal of the ordinance. Any remaining portions of said ordinance shall remain in full force and effect.

SECTION 5: Severability Clause. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Oak Point hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: Penalty Provision. Any person, firm, corporation or business entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Oak Point from filing suit to enjoin the violation. Oak Point retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OAK POINT, TEXAS on this 18th day of APRIL, 2011.



Duane Olson, Mayor

ATTEST:



Angie Kelly, City Secretary

