

ORDINANCE NO. 2015-46

AN ORDINANCE REPEALING AND REPLACING THE CODE OF ORDINANCES, CITY OF BOERNE, TEXAS, BY AMENDING CHAPTER 16 PARKS AND RECREATION; AND PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE.

WHEREAS, from time to time it becomes necessary to repeal and replace ordinances;

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

that Chapter 16, Parks and Recreation, of the Code of Ordinances, City of Boerne, Texas, is hereby repealed and replaced to read as follows:

Sec. 16-1. - General provisions.

The following provisions apply to all parks, recreational areas, and other public open spaces and facilities within the City of Boerne:

- (a) Hunting, boating, wildlife, vegetation, and domestic animals.
 - (1) No hunting or trapping shall be allowed.
 - (2) No discharge of any firearms shall be allowed.
 - (3) State fishing laws shall apply, except that no trot lines, throw lines, or set lines shall be allowed.
 - (4) Watercraft with combustion-type motors are allowed on City Lake, however combustion-type motors may be operated solely in the pursuit of official business by law enforcement agencies, fire service personnel, maintenance personnel, or other emergency services. Watercraft motors, batteries, and other equipment must be in good repair and securely attached to the watercraft. No skiing of any kind is allowed.
 - (5) Boats shall be operated and equipped in accordance with the State Water Safety Act.
 - (6) It shall be unlawful for any unauthorized person to intentionally or knowingly uproot, dig up, cut, break, injure burn or otherwise destroy any flower, shrub, or tree, or to deface, mark, injure, damage, or destroy any natural or artificial improvement in any public space owned by the city.
 - (7) Animals taken upon land owned by the city shall comply with Chapter 4 Section III of the City of Boerne Code of Ordinances.
 - (8) It shall be unlawful for any person to frighten, annoy, injure, or kill or attempt to frighten, annoy, injure, or kill any wild or native animal or bird in any public space, with the exception of city staff and or approved representatives of the city who may need to attend to wildlife management issues.
- (b) Proper use of park grounds and roads.

- (1) Community parks shall be closed from 12:00 a.m.—5:00 a.m. Neighborhood parks shall be closed from 10:00 p.m.—6:00 a.m. With the exception of Boerne Skate Park which shall be closed from dusk till dawn, and Boerne Lake Park which shall be closed from 10:00 pm – 5:00 am.
 - (2) It shall be unlawful for any person to intentionally or knowingly dump or otherwise dispose of trash, junk, garbage, refuse, unsightly matter, or other solid waste on the grounds.
 - (3) It shall be unlawful to intentionally or knowingly destroy any property owned by the city or located on property owned by the city.
 - (4) No overnight camping shall be allowed except for official programs sanctioned by the City and permitted by the Parks and Recreation Department
 - (5) No ground fires shall be allowed.
 - (6) All motorized vehicles shall be street legal and will be permitted only on developed and designated park roadway systems and parking areas.
 - (7) Speed limit on improved roads within property owned by the city shall be fifteen (15) miles per hour unless otherwise posted.
 - (8) It shall be unlawful for any person to carry in or possess any glass beverage containers.
 - (9) No heavy equipment may be placed on the plaza or parks. No staked tents shall be raised or structures constructed.
 - (10) No admittance will be allowed within the fenced area of the city water wells located in city parks.
 - (11) It shall be unlawful for any person to enter or remain in a park or recreation area which is designated as restricted or closed. Posted signs will designate restricted areas.
 - (12) Athletic fields and park facilities are to be utilized for the purposes for which they were designed and built. A deviation of use must be requested in writing and submitted to the city manager or his/her designated representative.
 - (13) It shall be unlawful for any person to practice golf in any portion of a park or recreation area not designated for that purpose; provided, however that the practice of golf with knit or plastic balls may be permitted in any open area not specifically designed or designated for some other specialized activity.
- (c) Alcoholic beverages. The consumption or possession of alcoholic beverages within athletic field areas, their perimeter fences, skate parks and pool area shall be prohibited.
- (d) Commercial activities.
- (1) No commercial activities will be permitted on city-owned property except as authorized under the provisions of this chapter.
 - (2) It shall be unlawful for any person to sell or offer for sale any goods, wares, services, or merchandise within any parkways, medians, parks, parking lots, playgrounds, swimming pools, or other recreational areas without permission of the parks and recreation department. Any person wishing to sell food or drink items in a park must apply for a park vendor permit at the parks and recreation office and a health permit from the health department (Kendall County).
- (e) Requirements for scheduled group events.

- (1) Any group or organization desiring to hold a scheduled group event on city-owned property shall complete all the necessary application forms and other documents as directed by the parks and recreation department or other city office. All groups wishing to rent/use city facilities must be in good standing with the city at the time of application. Good standing status means that the group or organization is current on all amounts owed to the city.
- (2) All events that are sanctioned by the city and held on city property must provide proof of liability insurance with a "hold harmless" clause naming the city as an additional insured. Determination of the need for proof of insurance will be made by the city manager or his/her designee.
- (3) Events that require city staff services other than those normally provided by the city staff shall be responsible for compensating the city for those services.
- (4) Reserving parties and user groups with current contracts with the City of Boerne have priority use. Reservations are made through the City of Boerne Park and Recreation Department.
- (5) User groups that desire to operate ongoing league activities on city-owned athletic fields or complexes must contract with the city for such use. User groups will be required to have a current facility use agreement on file with the City of Boerne and meet all requirements therein.
- (6) The city manager is hereby authorized to close city streets for scheduled group events if such action is deemed to be in the best interest of the public.
- (7) The city reserves the right to close and/or cancel any scheduled event/rental due to inclement weather and/or in the case of poor facility conditions. If such closure occurs, the city will return on all monies paid by the group or organization for such event/rental.

Sec. 16-2. - Boerne City Lake.

- (a) No swimming or boat launching within one thousand (1,000) feet of the water treatment plant intake is permitted.
- (b) No vehicles shall be allowed on the dam structure at Boerne City Lake except city emergency or maintenance vehicles.
- (c) No person shall locate, build or construct any dock, boat house or other structure that projects out from the shore of Boerne City Lake into the body of the lake.
- (d) No admittance will be allowed within the fenced area of the water treatment plant without property authorization from a duly authorized official of the city.
- (e) No person, except duly authorized personnel, shall enter onto the primary spillway structure at the Boerne City Lake.
- (f) No swimming or wading allowed within fifty (50) feet of the boat ramp.
- (g) Fires are only allowed for the purposes of cooking/grilling food and such fires must be located within the permanent grilling units provided by the city. Use of personal grills for the purposes of cooking/grilling food will be allowed as long as they are self-contained above ground pits. Ashes must be extinguished. Ashes shall not be discarded in trash receptacles, on park grounds or in the lake.

~~Sec. 16-3. -- Boerne City Park.~~

~~City Park, south of the paved public parking area located near the swimming pool and athletic fields, shall be closed to vehicular traffic from 10:00 p.m. to 8:00 a.m.~~

Sec. 16-4. 16-3 - Main Plaza, Veterans Plaza, River Road Park, and Northrup Park, City Park, Amphitheater at the Library.

- (a) Uses are primarily intended for nonprofit, nonsectarian organizations for a maximum of twenty-four (24) hours. Uses longer than twenty-four (24) hours must have prior approval by the city manager or his/her designee and shall not be permitted more than 5 days in total length. Group events and activities shall not detract from the quality of life for residents surrounding the parks due to increased traffic, trash or noise.
- (b) Reservations will be made on a first-come, first-served basis.
- (c) Reservations must be made in the parks and recreation department during regular business hours. A reservation form must be completed and signed by a representative of the organization making the request.
- (d) The group using the city property is responsible for its cleanup within twenty-four (24) hours following the event.
- (e) Any event that would require any extraordinary measures (i.e., closure of a state-controlled highway, crowd control, helicopter landings, etc.) must be pre-approved by city council.
- (f) Permanent signs shall not be placed on Main Plaza at any time. A maximum of two (2) "permitted" temporary signs may be placed on other city property for a period of up to two (2) weeks.
- (g) It shall be unlawful for an unauthorized individual to walk or run across the top of the dam or to open the flood gate at River Road Park. It shall also be unlawful for an individual to jump, dive, sit, or stand on the prohibited section of the dam at River Road Park. This prohibition does not apply to duly authorized personnel. A violation of this section shall be punishable by a fine not to exceed two hundred dollars (\$200.00) and shall be considered trespassing as defined by state law.
- (h) No amplified sound will be permitted at Veterans Plaza or in neighborhood parks except for official ceremonies sanctioned by the City and permitted by the Parks and Recreation Department.
- (i) Group events and activities in Veterans Plaza shall be held only during the daylight hours from dawn to dusk and must be approved and permitted by the Parks and Recreation Department.
- (j) Event coordinators or their designee must be present during the entire duration of public events.
- (k) Skate boarding and biking shall be prohibited at Veteran's Plaza

~~Sec. 16-5. 16-4. - Roeder Park and Optimist Park.~~

Roeder Park and Optimist Park shall not be used for group activities or events, other than approved children's events, that would cause increased vehicular traffic in the neighborhood.

~~Sec. 16-6.~~ **16-5.** - Old Number Nine Trail.

No unauthorized motorized vehicles shall be allowed at any time on any portion of the trail.

~~Sec. 16-7.~~ **16-6.** - Boerne Skate Park.

Hours of operation shall be from dawn to dusk and the skate park shall be considered closed in the event of inclement weather. Only skateboards and in-line skates are permitted. Existing ramps or other park features shall not be modified. The addition of obstacles or other materials is prohibited.

- a. The following are not permitted on the skating surface: Pets; and bicycles, motorized vehicles or other wheeled devices.
- b. The following are not permitted at the skate park: Glass containers; and profanity, fighting and/or **other** disorderly behavior.

Editor's note—

Ord. No. 2010-12, adopted May 25, 2010, renumbered the former §§ 16-7—16-10 as 16-8—16-11 and enacted a new § 16-7 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

~~Sec. 16-8.~~ **16-7.** - Fees.

The fees for the various uses of city parks, recreational areas, and other public open spaces and facilities are found in the city's fee ordinance, which is on file in the office of the parks and recreation department.

~~Sec. 16-9~~ **16-8.** - Exceptions.

- (a) In the best interest of the public, the city manager may allow for special uses of city parks, recreation areas, and other open spaces and facilities for specified periods of time and may waive or amend the rules and regulations contained herein for the duration of such special use.
- (b) The city manager may require the execution of a standard short-term license agreement in connection with the granting of such special use in order to further the health, welfare, or safety of the public.
- (c) In the event that a special use is denied, for any reason other than the property being previously reserved, the applicant may appeal the denial to the city council at its next regularly scheduled meeting.

~~Sec. 16-10.~~ **16-9.** - Severability clause.

If any part of these regulations should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.

Sec. ~~46-11~~ 16-10. - Penalty clause.

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two hundred dollars (\$200.00), for each day any violation of this chapter shall continue to occur. Every such additional day shall be considered a separate offense and punishment shall be assessed accordingly.

PASSED and APPROVED on first reading this the 15^h day of December, 2015.

PASSED, APPROVED, and ADOPTED on this the ____ day of January, 2016.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:



City Attorney