

ORDINANCE NO. 2015-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EAST BERNARD, TEXAS, ESTABLISHING REGULATIONS FOR THE USE OF PARK AND RECREATIONAL FACILITIES; PROVIDING DEFINITIONS; PROVIDING HOURS OF OPERATION AND OTHER REGULATIONS AND RESTRICTIONS RELATED TO THE USE OF SAID PARK AND RECREATIONAL FACILITIES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$500 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

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BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS:

Section 1. Definitions.

For purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein unless the context indicates a different meaning. The word "shall" is always mandatory and not merely directory.

(a) "City" shall mean the City of East Bernard, Texas.

(a) "City Park(s)" shall mean and include any public park or recreational facility located within the City of East Bernard, including, but not limited to the East Bernard City Park.

(b) "Person" shall mean any individual, corporation, business, partnership, association or other legal entity.

Section 2. Hours of Use of City Parks.

City Parks shall be open daily for use by the public between the hours of 6:00 a.m. and 10:00 p.m. The regulations provided herein shall be applicable to all City Parks in its entirety. It shall be unlawful for any person to occupy, use, or be present in the park during any hours in which the park is not open or public use. The City may, for good cause, grant an extension of the times for usage of the facilities as herein provided.

Section 3. Restrictions on Use of City Parks.

(a) After receiving prior consent from the City, any nonprofit organization may use any open space of a City Park for an authorized event.

(b) No person shall use any City Park, in the regular course of business, to conduct such activities to make a profit or otherwise receive a personal gain.

(c) It shall be unlawful for any person to utilize any glass container within a City Park.

(d) It shall be unlawful for any person to have any alcoholic beverage or drink any alcoholic beverage in any City Park. The city may waive this restriction by granting written permission for authorized special events.

(e) It shall be unlawful for any person to use tobacco products within a City Park. For the purposes of this section, use of tobacco products shall include, but not be limited to:

- 1) Carrying or holding a lighted pipe, cigar, or cigarette of any kind; including e-cigarettes;
- 2) Lighting a pipe, cigar, of any kind;
- 3) Emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind; including e-cigarettes; or
- 4) Chewing, dipping, spitting, or using a smokeless tobacco product, such as chewing tobacco or snuff.

(f) It shall be unlawful for any person to use or possess any illegal drugs within a City Park or within 1000 feet of a City Park.

(g) Walkways within City Parks are for pedestrians only. Strollers and wheelchairs, motorized or not, are permitted. No bicycles, skateboards, or any other type of wheeled item is permitted on such walkways. Bicycles are to be left at bike racks located within a City Park.

(h) It shall be unlawful for any person to keep, permit, or bring into a City Park any dog, cat, or any other domesticated or wild animal at any time, with the exception of service animals. Service animals must be registered in accordance with any applicable State and/or Federal law.

(i) Feeding of wildlife will not be permitted.

(j) It shall be unlawful to have a fire in City Parks in a place other than an approved container capable of containing the fire, such as a commercial BBQ pit, and for the sole purpose of cooking food. Gathering fire wood is not permitted.

(k) It shall be unlawful to dispose of any trash or garbage in a City Park except in a container that is provided for that use. Household trash or garbage disposal in a City Park is prohibited.

(l) It shall be unlawful to hunt or fish in City Parks.

(m) No swimming or entry into the water, other than in a designated swimming pool, will be allowed in a City Park.

(n) Vehicles will only be permitted in designated parking areas during City Park hours of operation. It shall be unlawful to leave a vehicle unattended in a City Park for longer than twenty-four (24) hours.

(o) No overnight camping will be permitted in a City Park without prior consent from the City.

(p) Planting plants, shrubs, trees, or grasses of any kind will not be permitted.

Section 4. Use of Park Improvements.

(a) No structure or items of any type may be altered or added to a City Park at any time by anyone or group without approval by the City. This includes any structure or items on the park grounds, river outlook, ball field, or concession stand.

(b) The pavilion may be rented on a first come first serve basis. Clean up of pavilion is the responsibility of the reserving party. A deposit will be required and may be refunded after a visual inspection by a City Official.

(c) The baseball field may be under lease during certain times of the year by a Little League organization. Existing leases for such use shall have priority use of the baseball field. Any other proposed use of the baseball field shall require consent from the City.

(d) The concession stand may be utilized for a City Park authorized function or event. During a lease period for a Little League organization, there will be no public use of the concession stand. Clean up is the responsibility of the renter and a deposit will be required. After an inspection by a City Official, the deposit may be returned.

Section 5. Placement of Notice Signs.

City staff is hereby authorized to place signage at the entrance of City Parks, or at other such places as to be inconspicuous to persons in the City Parks, for the following purposes:

(a) To address certain restrictions provided for in this ordinance, including, but not limited to prominently displaying reasonably sized signs at the entrance of City Parks, stating that smoking and the use of tobacco products, including smokeless tobacco and e-cigarettes, is prohibited; and

(b) To address the prohibition of animals within City Parks. The signs shall be placed in locations visible on entering the park, but where possible, to be inconspicuous to persons in the park.

(c) To address the prohibition of illegal drugs within a City Park or within 1000 feet of a City Park. The signs shall be placed in locations visible on entering the park, but where possible, to be inconspicuous to persons in the park or within 1000 feet of the park.

Section 6. Penalty.

Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$500.00. Each day of violation of any provision hereof shall constitute a separate offense.

Section 7. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

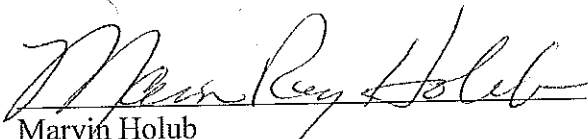
Section 8. Severability.

In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the Board of Aldermen of the City of East Bernard, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

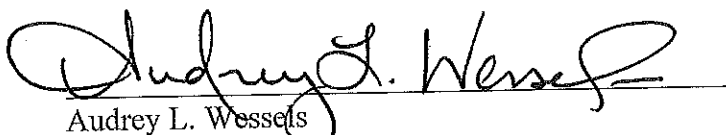
Section 12. Effective Date.

This ordinance shall become effective as of the date of adoption hereof.

PASSED, APPROVED, AND ADOPTED this 20TH day of APRIL, 2015.


Marvin Holub
Mayor

ATTEST:


Audrey L. Wessels
City Secretary