

ORDINANCE NO. 2010-02-09-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, PROVIDING FOR RULES AND STANDARDS REGULATING THE USE OF THE FACILITIES OF THE SYLVIA TUCKER MEMORIAL PARK WITHIN THE CORPORATE LIMITS OF THE CITY; AND PROVIDING SEVERABILITY, OPEN MEETINGS, PENALTY AND EFFECTIVE DATE CLAUSES.

Whereas, the City of Kempner (the "City"), Texas recognizes the need to institute rules and regulations to insure the safety of its citizens using the facilities of the Park within the corporate limits of the City; and

Whereas, the City has the responsibility to preserve the appearance, cleanliness, safety and functionality of the park facilities, and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS THAT;

Section 1. General

1.1. Scope. This ordinance governs the public use of City of Kempner parks. This ordinance is necessary to provide for public health, safety and welfare; to protect City property; and to assure City recreational area guests a safe, beneficial and enjoyable experience.

Section 2. General Rules Governing Public Use of City Parks.

2.1. Structures

No person shall cut, deface, destroy, or drive any object into any tree, shrub, rock, sign, building or other structure or object in a City park.

2.2. Man-made or Natural Objects

No person shall remove any man-made or natural object, material, substance, plant, animal or historical or archeological relic or artifact from a City park.

2.3 Pets and Domestic Animals

No pets are allowed in a City park. No horseback riding allowed in a City park.

2.4 Use of Weapons/Firearms

(a) It shall be unlawful for any person in a park to use, carry or possess firearms of any description, to include but not limited to: BB guns, air guns, bow and arrows; slingshots; blow-gun, paint-ball guns or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device unless authorized by the City Council. It shall be unlawful for any person to shoot into park areas from beyond the park boundaries. It shall be unlawful for any person in a park to possess any illegal weapon to include knives of illegal length.

2.4 Use of Weapons/Firearms – continued

(b) This section shall not prohibit any person in a park from carrying a concealed firearm, if the 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, or has a valid permit or endorsement to carry concealed firearms issued by another state of political subdivision of another state.

(c) This section shall not prohibit officers of the law to discharge a firearm in the performance of his or her duty.

2.5. Fire and Fire Debris

Fires may be lighted only in fireplaces, fire rings or grates provided by the City. Those persons responsible for a fire shall extinguish it completely before leaving it. Ashes, charcoal briquettes and other materials used for a fire shall be left in the fireplace, fire ring, grate or place designated for the fire, or be deposited in a trash container or a container provided specifically for that purpose but only after they are extinguished. The materials shall not be strewn over the ground.

2.6 Hunting and Trapping

No person shall attempt to hunt, catch, capture, take, kill, trap, pursue or have in his or her possession any animal. Hunting is prohibited in all City parks.

2.7. Noise and Disturbances

Loud or excessive noise, demonstrations, disturbances, disorderly conduct, profanity, public drunkenness, and the possession or use of controlled substances is prohibited.

2.8. Garbage and Trash Disposal

Garbage, waste, bottles, cans, paper, junk, or any other trash or refuse shall not be dumped, deposited or strewn within the boundary of any City park. Trash receptacles are provided in the vicinity of the parking area.

2.9. Hours of Operation

Unless other operating hours are posted at all park entrances, only persons who have authorized, legitimate business in a City park are permitted on the premises when the park is closed. When the gates are closed, the premises are closed to the general public. Park hours will normally be daylight hours only. The Mayor may close the Park as deemed necessary for special events, construction or public safety.

2.10. Fireworks and Explosives

Fireworks, explosives, incendiaries, flammables and other dangerous substances are prohibited in City parks.

2.11. Personal Property

The City of Kempner assumes no responsibility for any personal property. If personal property is abandoned or left unattended by park guests more than forty-eight (48) hours, it will be removed from the public use area and disposed of according to law.

2.12. Soliciting and Advertising

Hawking, peddling, soliciting, begging, advertising, or carrying on any business or commercial enterprise is prohibited in City parks without the written permission from the City. It shall be unlawful for any person in a park to announce, advertise or call the public attention in any way to any article or service for sale or hire without written permission from the City.

2.13. Alcoholic Beverages

No person shall have in his or her possession beer, wine, liquor, or other alcoholic beverages within the boundaries of the City parks.

2.14. Restrooms

It shall be unlawful for any person in a park to fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex.

2.15. See Addendum A for Bandstand Policy and Procedure.

2.16. Park activities

It shall be unlawful for any person in a park to picnic or lunch in a place other than those designated for that purpose. The City shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end. It shall be unlawful for any person to violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "first-come, first-served," except in those cases where prior reservations have been made with the City. It shall be unlawful for any person in use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, or to use such area and facilities for an unreasonable time if the facilities are crowded, except in those cases where prior reservations have been made with the City. It shall be unlawful for any person to leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage or other refuse is placed in the disposal receptacles provided in the vicinity of the parking area.

2.17. Overnight Camping

Overnight camping is prohibited.

2.18. Unlawful games and activities

It shall be unlawful for any person in a park to take part in or the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes, except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited except in the fields and courts or areas provided therefore. Roller skating/skate boarding shall be confined to those areas specifically designated for such activities.

Section 3. Eviction from the Park.

Any person may be evicted from the City park for any breach of this ordinance by law enforcement or any other authorized personnel.

Section 4. Fines and Penalties.

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subjected to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, except where a different penalty has been established by state law for such offense. For any violation of any provision which governs fire safety, public health or sanitation, it shall be punished by a penalty or fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

Section 5. Severability.

Should any section or part of this ordinance be held unconstitutional, illegal, or invalid or the application to any person for circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such action or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this ordinance are declared to be severable.

Section 6. Effective Date.

This ordinance shall take effect immediately from and after its passage and publication as required by the Local Government Code.


Section 7. Open Meetings.

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapt, Tex. Gov't Code.*

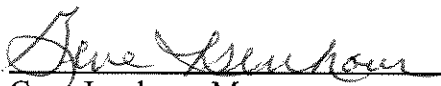
PASSED AND APPROVED on this the 9th day of February, 2010.

Attest:

City of Kempner, Texas



Frances Spinney, City Secretary



Gene Isenhour, Mayor

City of Kempner

Use of Bandstand Policy & Procedure

All requests for use of the Bandstand located in the Sylvia Tucker Memorial Park must be approved in advance by the City Secretary or Mayor. The Bandstand Use Application form should be submitted to the City Secretary at least ten (10) working days prior to the event. The request will be reviewed by the City Secretary/Mayor to see if the event is consistent with policy. Additional information shall be obtained if necessary. The person making the request will be notified by the City Secretary.

GENERAL POLICY & PROCEDURES

1. Use of the Bandstand should be restricted to non-profit groups, organizations and individuals, as well as City sponsored events. Usage fees are as follows:
 - (a) \$10.00 per hour fee for use of electricity
 - (b) \$75.00 clean-up deposit which may be refunded upon inspection by city official.
2. The Bandstand may be used for passive activities and events such as art shows, political events, celebrations and concerts, but not for active programs such as sports, games, carnivals, etc.
3. Bands scheduled for concerts must be approved by the City Secretary/Mayor.
4. No vehicles shall drive or park near the Bandstand unless specifically authorized by the City.
5. No heavy equipment of any type which could cause damage to the grass, basketball court or walkways shall be placed near the Bandstand.
6. No bicycles, roller-skates, skateboards or rollerblades are allowed on the Bandstand or the adjacent basketball court.
7. Care must be taken to prevent damage to the Bandstand and other park facilities.
8. No alcoholic beverages or pets shall be permitted on the park grounds.
9. All park rules (posted at park entrance) must be followed.

10. After the event, the sponsoring group must ensure clean-up of the Bandstand and restroom areas within 24 hours. It must be left in substantially the same condition that it was in before the event. All rubbish must be removed by the sponsor. The security deposit may be refunded upon inspection by a city official.
11. At the discretion of the City Council, a police officer (or police officers) may be required to be present at the event; this cost will be the responsibility of the applicant.
12. The amplification of sound may be restricted by City ordinances, and the authority to restrict the level of amplitude may be made without prior notice by a police officer or Park Committee member during an event.
13. No person or applicant, upon receiving permission to conduct an event, shall refuse to obey or neglect to obey any reasonable direction of a police officer or Park Committee member.
14. All situations not defined in this policy, or requests for exception to this policy, must be ruled upon by the City Council.
15. Public or private events on the Bandstand shall not continue after 9:00 P.M. unless approved by the City Council.
16. The City Council, at their discretion, may require a bond/liability insurance policy to protect the interests of the City of Kempner. The City, its agents, volunteers and employees shall be held free and clear of any and all liability and the person(s)/entity(ies) shall indemnify the City for all costs, expenses and claims made upon it, liability or otherwise.
17. The Police Department and the Park Committee shall be the enforcement agency for any and all portions of this General Policy & Procedures.
18. This policy will be reviewed every three (3) years; however, the City Council reserves the right to alter, amend/modify this policy at their discretion.

As adopted by the Kempner City Council, *July 28*, 2015.