

ORDINANCE NO. 2010-02-09-001 (R2026-2)

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 ensure 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
DEFINITIONS, SCOPE, AND GENERAL EXCEPTIONS**

Sec. 1.01 DEFINITIONS. (a) in this ordinance:

1. “City” means the City of Kempner.
2. “Park” means the Sylvia Tucker Memorial Park and all areas within the boundary lines of the land owned by the city.
3. “Structure” includes all objects placed within the park either by the city or permitted by the city to be placed in the park.
4. “Veterans memorial complex” means the area of the park encircled by the semi-circular stone and concrete area consisting of the dedication stones and shall extend to twenty (20) feet from the outside edge of the concrete sidewalk surrounding the memorial stone walls.

Sec. 1.02 SCOPE. (a) 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.

Sec. 1.02 GENERAL EXCEPTIONS. (a) Any work performed by the City or authorized by the City within the park shall not be deemed a violation of this ordinance.

(b) it is an exception to the application of any provision of this ordinance that the person violating the provision is a law enforcement officer carrying out their official duties.

SECTION 2.
GENERAL RULES GOVERNING PUBLIC USE OF CITY PARKS.

Sec. 2.01 STRUCTURES. (a) 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.

Sec. 2.02 MAN-MADE OR NATURAL OBJECTS. (a) 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.

Sec. 2.03 PETS AND DOMESTIC ANIMALS. (a) No pets are allowed in a City park.

(b) Horseback Riding must be authorized by the city and in conjunction with an event sanctioned or hosted by the city.

Sec. 2.04 USE OF WEAPONS/FIREARMS. (a) It shall be unlawful for any person in a park to use or discharge a firearm of any description.

(b) for the purpose of this section, "firearm" shall have the meaning assigned by chapter 46 of the Texas Penal Code, and shall also include, but not limited to: BB guns, air guns, bow and arrows; slingshots, blowgun, 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. The use or possession of such items within any area of the park is prohibited unless expressly authorized by the City Council.

(c) a person may not discharge a firearm from a location outside the park in a manner that would likely cause the projectile to enter the boundaries of the park.

Sec. 2.05 FIRES AND FIRE DEBRIS (a) Fires may be lit 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.

Sec. 2.06 HUNTING AND TRAPPING. (a) No person shall attempt to or hunt, catch, capture, take, kill, trap, pursue or have in his or her possession any animal. Hunting is prohibited in all City parks.

Sec. 2.07 NOISE AND DISTURBANCES. (a) Loud or excessive noise, demonstrations, disturbances, disorderly conduct, profanity, public drunkenness, and the possession or use of controlled substances is prohibited.

Sec. 2.08 GARBAGE AND TRASH DISPOSAL. (a) 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 containers are provided in the vicinity of the parking area. Absolutely no glass containers are allowed within the boundaries of the park.

Sec. 2.09 HOURS OF OPERATION. (a) 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 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.

Sec 2.10 FIREWORKS AND EXPLOSIVES. (a) Fireworks, explosives, incendiaries, flammables, and other dangerous substances are prohibited in City parks.

Sec. 2.11 PERSONAL PROPERTY. (a) 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.

Sec. 2.12 SOLICITING AND ADVERTISING. (a) 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 public attention in any way to any article or service for sale or hire without written permission from the City.

Sec 2.13 ALCOHOLIC BEVERAGES. (a) Alcoholic Beverages are prohibited within the boundaries of the City Park unless a permit is issued by the City of Kempner in conjunction with an approved event whereas a vendor permit has been issued.

(b) Permits may only be issued for events which are approved by City Hall.

(c) Law Enforcement requirements. Any event in which alcohol will be served and or consumed shall be in accordance with state law and this ordinance. During the event in which the permit is issued for, the requester of the permit shall be required to have two uniform Peace Officers during the entire time in which the event is taking place. The requestor shall coordinate meeting this requirement with the City of Kempner Police Chief. Any cost associated with complying with this shall be payable directly to the Peace Officer.

(d) Fees: A non-refundable fee of \$75.00 shall be charged per permit, unless the city, after the passage of this ordinance, adopts a general fee schedule. In such case, the general fee schedule will prevail so long as this fee is a part of the schedule. In no case shall a permit be issued for longer one calendar day. The City may waive this fee for events coordinated and or sponsored by the City of Kempner.

Sec. 2.14 RESTROOMS. (a) 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.

Sec. 2.15 PARK ACTIVITIES. (a) 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.

(b) It shall be unlawful for any person in a park 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.

(c) It shall be unlawful for any person in a park to 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.

(d) It shall be unlawful for any person in a park 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.

Sec. 2.16 OVERNIGHT CAMPING. (a) Overnight camping is prohibited.

Sec. 2.17 UNLAWFUL GAMES AND ACTIVITIES. (a) It shall be unlawful for any person in a park to take part in or play 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.

(b) 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/skateboarding shall be confined to those areas specifically designated for such activities.

SECTION 3 VETERANS MEMORIAL COMPLEX

Sec. 3.01 AMENDMENT PROCEDURES. (a) no provision of this section of the ordinance relating to the placement of the benches located inside the memorial stone wall, shall be amended or changed unless:

1. A public hearing has been held during a regular council meeting where the agenda announced such hearing, and
2. at least 2/3 of the city council is present and voting for the amendment or change.

Sec. 3.02 AUTHORIZED STRUCTURES. (a) there shall be no more than six (6) concrete memorial benches placed inside the memorial stone walls. These benches shall bear the names of the following individuals:

1. Paul & Kathy Cook
2. Gene & Lenora Isenhour
3. Walter & Jennette Prugh
4. Robert & Carolyn Crane
5. Henry & Linda Mosley
6. A general dedication bench etched with a tribute to the Fallen, Prisoners of War and those

who are Missing in Action.

(b) The dedication stones displayed in the wall shall not require the approval of the City Council and new stones may be added at the direction of the City Manager or Mayor, at the cost of the person purchasing the stone.

(c) benches may be placed within the 20-foot boundary lines described in the definition section of this ordinance; however, each placement must be done by the city and:

1. Previously approved by a simple majority of the city council; and
2. The cost of the bench and the professional installation of such is paid to the city in advance.

Sec. 3.03 ORDER OF EXECUTION. (a) the City Manager, in consultation with the Mayor, shall take all necessary actions to ensure the Veterans Memorial Complex area is brought into compliance with this section.

SECTION 4 RESERVATION OF CERTAIN AMENITIES

Sec. 4.01 RESERVATIONS PERMITTED. (a) the City may grant the reservation of the bandstand area or pavilions.

Sec. 4.02 FEES AUTHORIZED. (a) any person requesting the reservation of the bandstand area or pavilions must, in advance, make payment to the city in accordance with the following: See Attachment A

(b) the fees assessed in this section shall not be waived and may only be changed by an official revision of this ordinance or upon the adoption of a revised fee schedule which contains specific reference to this ordinance.

SECTION 5 EVICTION, FINES AND PENALTIES

Sec. 5.01 EVICTION FROM THE PARK (a) Any person may be evicted from a City park for any breach of this ordinance by law enforcement or any other authorized personnel.

Sec. 5.02 FINES AND PENALTIES (a) 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 6
SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS

Sec. 6.01 SEVERABILITY (a) Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section 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.

Sec. 6.02 EFFECTIVE DATE. (a) This ordinance shall take effect immediately from and after its passage and publication as required by the Local Government Code.

Sec. 6.03 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, Chapter, Tex. Gov't Code*.

PASSED AND APPROVED on this the 12th day of May 2026.

City of Kempner, Texas:

Attest



John "JW" Wilkerson, Mayor



Shaleah Stevens, City Secretary

**ATTACHMENT A
CITY OF KEMPNER
SYLVIA TUCKER MEMORIAL PARK
FACILITY RENTAL FEE SCHEDULE**

Adopted pursuant to Ordinance No. 2010-02-09-001 (R2026-2)

SECTION 1. BANDSTAND AREA RENTAL

The Bandstand Area shall include the stage and the grassy area located between the stage and the basketball court.

Fees:

- Rental Fee: **\$20.00 per hour**
- Water Usage (if requested): **\$10.00 per hour**
- Electricity Usage (if requested): **\$10.00 per hour**

Restrictions:

- Use of the **bandstand stage area** is prohibited without an approved reservation.
- The grassy area between the bandstand and basketball court may be used without reservation unless otherwise reserved.

SECTION 2. PAVILION RENTALS

Fees:

- Large Pavilion: **\$50.00 flat fee for up to four (4) hour rental.**
 - **\$20.00 flat fee for up to an additional four (4) hour rental.**
- Small Pavilions: **\$30.00 flat fee for up to four (4) hour rental.**
 - **\$10.00 flat fee for up to an additional four (4) hour rental.**
- Electricity Usage (if requested): **\$10.00 per hour**

Use Policy:

- All park pavilions shall be available on a **first-come, first-served basis** unless a reservation has been properly made and approved through the City.

SECTION 3. RESERVATIONS AND GENERAL PROVISIONS

- All facility reservations must be made through the City of Kempner in accordance with established procedures.
- Fees must be paid in full prior to the scheduled use of the facility.
- The City reserves the right to deny, cancel, or revoke any reservation due to non-compliance with park rules, safety concerns, or ordinance violations.
- All use of park facilities shall comply with Ordinance No. 2010-02-09-001 (R2026-1) and any other applicable City regulations.

SECTION 4. EFFECTIVE DATE

This fee schedule shall become effective upon adoption and shall remain in effect until amended by the City Council.