

ORDINANCE NO. 2005-12

AN ORDINANCE RESTRICTING ACCESSIBILITY TO THE TOWN OF SAN FELIPE LOWER PASTURE TO RESIDENTS OF AT LEAST TWELVE (12) MONTHS OF THE TOWN OF SAN FELIPE; ESTABLISHING A USER FEE; SETTING FORTH A PROCEDURE; PROHIBITING SHOOTING OF RIFLES OR HANDGUNS ON THE TOWN OF SAN FELIPE LOWER PASTURE; PROHIBITING THE SHOOTING OR KILLING OF ANTLERLESS DEER (DOES) ON THE TOWN OF SAN FELIPE LOWER PASTURE; VIOLATIONS AND PENALTIES; DEFINITIONS; CONTAINING A SAVINGS CLAUSE; REPEALING CONFLICTING ORDINANCES; PROVIDING PENALTIES AND REVOCATION OF KEY PRIVILEGE FOR VIOLATION OF THIS ORDINANCE; GIVING THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE THE RIGHT TO CHANGE THE LOCK AND ISSUE NEW KEYS TO THE TOWN OF SAN FELIPE LOWER PASTURE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, unrestricted access to the Town of San Felipe Lower Pasture may have a detrimental effect upon the health, safety, and welfare of the citizens of the Town of San Felipe; and

**WHEREAS**, because portions of the Town of San Felipe Lower Pasture are leased from time to time to allow the grazing of cattle, restrictions on access to the property and strict safety rules must be established and enforced; and

**WHEREAS**, because youth groups, including members of the Boy Scouts of America and others, are allowed to use the Town of San Felipe Lower Pasture for camping activities, restrictions on access to the property to persons aware of safety rules and other regulations applying to the property are necessary.

**NOW, THEREFORE: BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SAN FELIPE, TEXAS:**

**Section 1:**

Only residents shall have access to the Town of San Felipe Lower Pasture. Residents will be required to reside continuously in the Town of San Felipe for twelve (12) consecutive months immediately prior to the date of issuance of a key providing access to the Town of San Felipe Lower Pasture. This residency requirement must be verifiable by presentation of a recognized photo identification, i.e., a Texas Driver's License or United States Passport.

## **Section 2:**

Only said residents shall be able to obtain a key that provides access to the Town of San Felipe Lower Pasture and only after specific authorization by the Town Council. The resident shall request a key from the person appointed by the Mayor and Town Council to control access to the Town of San Felipe Lower Pasture. Whereupon, the resident shall sign a License Agreement, a copy of which is attached hereto, marked "Exhibit "A," and incorporated herein for all purposes. This executed License Agreement shall be kept on file by the Town of San Felipe. The spouse of the resident and any other adults who permanently reside in the home of the resident may have access to the Town of San Felipe Lower Pasture only if and when they sign the License Agreement which has been executed previously by the resident. Only one key per household will be issued. Minor children of the Authorized Resident and any non-resident guests must be under escort of the Authorized Resident at all times while upon the Town of San Felipe Lower Pasture. Non-resident guests are limited to two per Authorized Resident. The Authorized Resident is responsible for the actions of his/her family and guests while on the Town of San Felipe Lower Pasture. Temporary, limited access to the Town of San Felipe Lower Pasture may be granted by the Town Council to non-residents for special events occurring on specified dates and of a fixed duration. The Town Council shall determine a suitable fee for non-resident use.

Upon vacating or abandoning residence within the Town of San Felipe, the License Agreement shall be automatically revoked and the Authorized Resident shall return the key providing access to the Town of San Felipe Lower Pasture to the person appointed to control access to the Town of San Felipe Lower Pasture. The key providing access to the Town of San Felipe Lower Pasture shall be returned within ten (10) days of the date said residence is vacated or abandoned by the Authorized Resident.

The License Agreement and access key are not transferable or assignable.

## **Section 3:**

Except as otherwise provided by this Section, a user fee of fifty dollars (\$50.00) per year is established for each key issued. A user fee of twenty-five dollars (\$25.00) per year is established for each key issued to a resident who is sixty-five (65) years of age or older. This fee shall be utilized for maintenance and improvement of the Town of San Felipe Lower Pasture. The Town Council shall have the right to set the due date of the fee by action of the Town Council and the right to adjust the user fee upon adoption of each Town budget.

**Section 4:**

There shall be no shooting of rifles or hand guns at anytime on the Town of San Felipe Lower Pasture.

**Section 5:**

There shall be no destruction, damage, or removal of any fences, vegetation, or other tangible property on the Town of San Felipe Lower Pasture.

**Section 6:**

Only residents will be allowed to use a shotgun or bow and arrow for hunting. Guests of residents will not be allowed to hunt anything at any time on the Town of San Felipe Lower Pasture.

**Section 7:**

It shall be a violation of Section 1 and Section 2 of this Ordinance for any person who has not executed a License Agreement with the Town of San Felipe to go upon the Town of San Felipe Lower Pasture. The property will be patrolled and monitored at all times.

It shall be a violation of Section 2 of this Ordinance to have a duplicate key made for any other person for the purpose of providing access to the Town of San Felipe Lower Pasture. It shall also be a violation of Section 2 of this Ordinance for a resident to lend his or her key for the purpose of providing access to the Town of San Felipe Lower Pasture to any another person, except for a spouse and any other adults who permanently reside in the home of the resident and who have signed the License Agreement previously executed by the resident.

It shall be a violation of Section 4 of this Ordinance to hunt with a rifle, hand gun, spear, or any other implement (other than a shotgun or bow and arrow which is customarily used for hunting) or to otherwise shoot a rifle or hand gun at any time on the Town of San Felipe Lower Pasture. All hunting and fishing regulations, game limits, tagging procedures, and other regulations of the State of Texas shall be enforced on the Town of San Felipe Lower Pasture. If cattle are present on the Town of San Felipe Lower Pasture, they shall not be harmed or harassed in any way at any time.

It shall be a violation of this Ordinance to remove wood from the Town of San Felipe Lower Pasture for the purpose of sale as firewood. Deadwood to be used as firewood for personal use is allowed.

It shall be a violation of this Ordinance for any person to mutilate, injure, destroy, or remove any live trees on the Town of San Felipe Lower Pasture, with the exception of huisache.

It shall be a violation of this Ordinance for any person to remove sand or gravel from the Town of San Felipe Lower Pasture without the prior approval of the Town Council and without notification by the Town Council of a designated location for such removal.

It shall be a violation of this Ordinance for any person to construct any vehicle roadway on the Town of San Felipe Lower Pasture without prior authorization from the Town Council.

**Section 8:**

The hunting, shooting, maiming, or killing of antlerless deer (does) is strictly prohibited on the Town of San Felipe Lower Pasture.

**Section 9:**

It shall be the duty and responsibility of the residents who have executed a License Agreement and have a key in their possession providing access to the Town of San Felipe Lower Pasture to keep the access gate to the Town of San Felipe Lower Pasture locked at all times and to maintain the property and keep it clear. Littering on the Town of San Felipe Lower Pasture is strictly prohibited and compliance is enforced. Anyone convicted of littering in any form will be subject to a fine up to two thousand dollars (\$2,000.00) and shall surrender their key. Re-application for a key may be made after one year. Glass containers of all forms are prohibited on the Town of San Felipe Lower Pasture.

**Section 10:**

Any person entering onto the Town of San Felipe Lower Pasture, whether authorized or not, shall hold harmless and indemnify the Town of San Felipe for any accident, loss, or injury occurring while said person is on the Town of San Felipe Lower Pasture.

**Section 11:**

The following is barred in the Town of San Felipe Lower Pasture: the driving of ATV's, motorcycles, four wheelers, dirt bikes, pocket bikes, and other similar motor vehicles. No motor vehicle shall be driven in the Town of San Felipe Lower Pasture over the maximum speed limit of ten (10) miles per hour. This section does not prohibit the driving of a non-motorized bicycle to the extent that such driving does not exceed ten (10) miles per hour or is not reckless so as to damage the land or any personal

property thereon or endanger the lives of the driver, the occupants, or any person or wildlife on the land.

**Section 12:**

Definitions:

(a) The term "resident" means one who permanently resides within the municipal corporate limits of the Town of San Felipe, Texas.

(b) The term "Authorized Resident" means a resident who has signed a License Agreement for the privilege of access to the Town of San Felipe Lower Pasture.

(c) The term "Town of San Felipe Lower Pasture" designates the parcel of land that is owned by the Town of San Felipe under its charter that borders on and has access to the Brazos River. This land is also known as the corporate bottomland or the Corporation.

(d) The term "antlerless deer" refers to female deer (does) on the Town of San Felipe Lower Pasture.

**Section 13:**

Any person who violates any Section of this Ordinance, except Section 9, shall be prosecuted, and upon final conviction, be fined not more than five hundred dollars (\$500.00), the offense for a violation of such a Section being a Class "C" Misdemeanor. Any person who violates Section 9 of this Ordinance shall be prosecuted, and upon final conviction, be fined not more than two thousand dollars (\$2,000.00), the offense for a violation of Section 9 being a Class "C" Misdemeanor. The privilege of access to the Town of San Felipe Lower Pasture shall be revoked for a period of one (1) year, the key providing access to the Town of San Felipe Lower Pasture rescinded, and an appropriate notation of the revocation of privilege of access shall be made on the License Agreement for a person who violates any Section of this Ordinance.

**Section 14:**

Each and every section of this Ordinance and each provision of each section is hereby declared to be an individual section of provision and the holding of any section or provision of any section as void, ineffective, or unconstitutional for any cause whatsoever by a court of competent jurisdiction shall not be deemed to affect any other section or provision thereof.

**Section 15:**

All ordinances or parts of ordinances in conflict herewith (including Ordinance No. 199310, adopted on January 11, 1994) shall be, and are hereby, repealed to the extent of such conflict.

**Section 16:**

The Town Council shall change the lock on the access gate to the Town of San Felipe Lower Pasture each year and shall issue new keys at cost, upon payment of the user fee described in Section 3.

**Section 17:**

This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

**PASSED AND APPROVED** this, the 13th day of September, 2005.

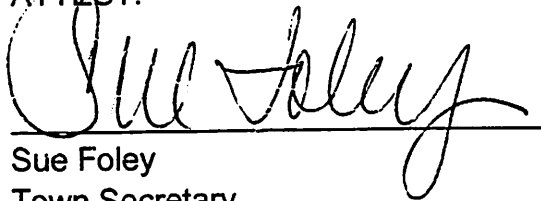


Bobby Byars

Mayor

Town of San Felipe, Texas

ATTEST:

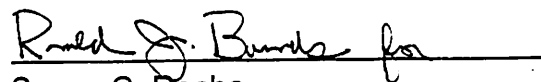


Sue Foley

Town Secretary

Town of San Felipe, Texas

APPROVED AS TO FORM:



Susan C. Rocha

City Attorney

Town of San Felipe, Texas