

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2018-88

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS DEFINING THE TERMS OF USE OF CITY PARKS AND REPEALING ORDINANCE NO. 2016-64.

WHEREAS, it is the intent of the City Council to protect the public health, safety and welfare; and

WHEREAS, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

WHEREAS, the City of Sandy Oaks ("City") is a Type A General Law municipality incorporated and operating under the laws of the State of Texas; and

WHEREAS, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is for the good government, peace, or order of the municipality; and

WHEREAS, Texas Local Government Code Section 51.002(2) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or police regulation that is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality; and

WHEREAS, the City Council of the City of Sandy Oaks adopted Ordinance No. 2016-64 defining the terms of the use of City parks; and

WHEREAS, a municipality may regulate the carrying of a firearm or air gun by a person, other than a person licensed to carry a handgun, at a public park under section 229.001(a) of the Local Government Code; and

WHEREAS, Ordinance No. 2016-64 adopted by the City Council provided for regulations of a firearm in city parks under section 14 of the ordinance, but did not exclude persons licensed to carry a handgun; and

WHEREAS, in order to conform with State law, it is necessary to amend section 14 of Ordinance No. 2016-64 to provide an exception for persons licensed to carry a handgun; and

WHEREAS, the City Council desires to amend section 14 of Ordinance No. 2016-64 by repealing Ordinance No. 2016-64 and replacing it with this ordinance;

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

SECTION 1. DEFINITIONS. For the purposes of this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (a) "City" shall mean the City of Sandy Oaks, Texas, a Type A General Law municipality incorporated and operating in Bexar County under the laws of the State of Texas.
- (b) "Dusk" means the hours beginning at 9:00 p.m. from April 1 to October 31 and 8:00 p.m. from November 1 through March 31.
- (c) "Livestock" means domesticated horses, cattle, goats, sheep or swine or any ruminant that which standing measures less than thirty inches (30") in height at the top of the shoulder regardless of age, sex or breed; or any other domesticated animals that when standing measures less than thirty inches (30") in height at the top of the shoulder other than a dog.
- (d) "Public Park(s)" or "Park(s)" is any land owned or leased by the city for the use of the public for any one or combination of the following uses, to-wit: recreation, amusement, playground and field, swimming, beaches, trails and trailways, and any area used by the public for relaxation.

SECTION 2. HOURS OF OPERATION. Parks shall be open from 8:00 a.m. until dusk seven days a week.

SECTION 3. ALCOHOLIC BEVERAGES. There shall be no alcoholic beverages permitted in a park at any time.

SECTION 4. CHILDREN. A child or children 10 years of age or younger must be supervised by a person 16 years of age or older at all times while in a park.

SECTION 5. LITTERING. It shall be unlawful for any person to:

- (a) Deposit scatter, or abandon in a city park any bottles, cans, glass or broken glass, sewage, waste, refuse or other materials, except in receptacles provided for such purposes; or
- (b) Bring into a city park any hazardous waste, yard waste, or solid or liquid waste for the purpose of disposal in receptacles provided in a city park or on any city park property.

SECTION 6. SPEED LIMIT ON ALL PARK ROADS. The maximum speed limit on any park road within the limits of the city shall be 10 miles per hour and no person shall drive or operate any vehicle on any park road in the city at a speed greater than 10 miles per hour. As used herein, a park road is any driving surface, whether or not paved, which is commonly used or intended for access or parking within any public park within the city.

SECTION 7. DEFACING OR DESTROYING PROPERTY PROHIBITED. No person shall deface, destroy, damage, or impair the value of any public or private property located within any public park in the city including buildings, structures, signs, trees, shrubs, or vegetation located therein.

SECTION 8. ANIMALS IN THE PARK.

- (a) It shall be unlawful for any person owning, having control or custody of any animal, excluding animals certified to and assisting persons with disabilities, to:
 - 1) Bring animals into a city park without being caged or on leash no more than six feet in length;
 - 2) Allow an animal to disturb, harass, or interfere with any park visitor or their property, city employee or their property, city contractors or their property, or to endanger the safety of park visitors, city employees, or employees of a contractor of the city;
 - 3) Allow an animal to damage park property, resources, or facilities;
 - 4) Tether an animal to a tree, plant, building or park equipment, or leave an animal unattended in a city park;
 - 5) Fail to remove and dispose of any animal feces created by an animal under an individual's control or ownership;
 - 6) Lead or control a pet on inline skates, skateboards, bicycle or any other means than on foot;
 - 7) Allow an animal to pull, operate, or assist in the operation of a cart, wagon, or any other equipment or other animal in a city park, unless as a participant in a permitted special event.
- (b) No person shall ride or drive any horse or other livestock, or permit any horse or other livestock, to go upon any portion of a public park at any time except as authorized by the City Council.

SECTION 9. COMMERCIAL AMUSEMENT CONTRAPTIONS. It shall be unlawful for any person to bring in or set up, construct, manage or operate any amusement or entertainment contraption, device or gadget for commercial purposes without a permit.

SECTION 10. COMMERCIAL USE, SOLICITATION, ADVERTISING, OR PHOTOGRAPHY. It shall be unlawful for any person to:

- (a) Use a city park or park property for commercial use without a permit;
- (b) Solicit, sell or otherwise peddle any goods, wares, merchandise, services, liquids or edibles in a city park except by authorized concession or written permission from the City Council;
- (c) Expose, distribute or place any sign, advertisement, notice, poster, or display in a city park without the permission of the City Council.

SECTION 11. ELECTRIC, BATTERY-OPERATED AND MOTORIZED VEHICLES. It shall be unlawful to operate any electric, battery-operated or motorized vehicles, including automobiles, trucks, off-road ATVs, go carts, dirt bikes, golf carts, 4-wheelers, 3-wheelers, motorcycles, mopeds, or motor scooters in a park except in designated parking spaces and city maintained roads within a park. This section does not apply to emergency or maintenance vehicles, motorized equipment assisting persons with disabilities, or low-speed battery-operated children's toys, which when operated in substantial conformance with the manufacturer's instructions, pose no significant risk of causing injury or annoyance.

SECTION 12. AVIATION. It shall be unlawful for a person to start, fly, or use any fuel or battery-powered model aircraft, "drone", or rocket powered or like powered aviation device within the city park.

SECTION 13. OPEN FIRE PROHIBITED. No person shall build a fire in any area in a park, except in fireplaces or receptacles duly provided for said purpose, except as in such areas as may be specifically designated for open fires by signs.

SECTION 14. FIREARMS PROHIBITED. No person shall be permitted to carry firearms of any kind within the park areas, except for police officers and other persons licensed to carry a handgun.

SECTION 15. PENALTY FOR VIOLATION. Any firm, partnership, association, person, or corporation, or any agent or employee thereof, who shall violate any of the rules, regulations or provisions of this Ordinance or any portion thereof, by any act of either commission or omission, or cause the same to be done, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500 for each and every violation, except that a fine or penalty for the violation of a rule, ordinance, or police regulation that governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, may not exceed \$2,000 for each and every violation, and a fine or penalty for the violation of a rule, ordinance, or police regulation that governs the dumping of refuse may not exceed \$4,000 for each and every violation. Violation of each part or any part of this Ordinance shall be and constitute a separate offense; and where such violation is a continued, each day such violation is continued, or permitted to be continued shall be a separate offense, and shall be punishable accordingly.

SECTION 16. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 18. REPEAL. This Ordinance shall supersede, repeal and replace Ordinance No. 2016-64. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 18. PUBLICATION. The City Clerk is hereby authorized and directed to publish this Ordinance, or a caption that summarizes the purpose of this Ordinance and the penalty for violating this Ordinance in the manner and for the length of time prescribed by law.

SECTION 19. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication as required by section 52.011 of the Local Government Code.

PASSED and APPROVED on the 25th day of January, 2018..

CITY OF SANDY OAKS, TEXAS


KAREN MENDIOLA TANGUMA, MAYOR

ATTEST:


CHARLOTTE RABE, CITY CLERK