

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2023-218

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. 2022-199.

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. 2022-199 defining the terms of the use of City parks; and

WHEREAS, the City of Sandy Oaks has expanded the usages and facilities in the park, the City Council desires to amend Ordinance No. 2022-199 by repealing Ordinance 2022-199 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) “Livestock” means domesticated horses, cattle, goats, sheep or swine or any ruminant regardless of age, sex or breed.
- (c) “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. ALCOHOLIC BEVERAGES. There shall be no alcoholic beverages permitted in the City park at any time, except during City approved events.

SECTION 3. 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 4. 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 5. 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 6. 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 7. ANIMALS IN THE PARK.

- (a) It shall be unlawful for any person owning, having control or custody of any animal, excluding animals 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 8. 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 9. 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 10. 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 an annoyance.

SECTION 11. 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 12. 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 13. HOURS OF OPERATION. Park hours are sunrise to 10:00 p.m., seven days a week, except for City sponsored special events.

SECTION 14. CLOSED AREAS. The Mayor, City Administrator, Chief of Police, or designee may close park areas to public entry or otherwise restrict use until such time as it is determined that the area or facility can be made available for public use. Entering any posted protected areas is prohibited.

SECTION 15. AFTER HOURS USE PROHIBITED. Attempt to gain access past any erected barricade, gate or other device intended to restrict park access or the access past any erected barricade, gate or other device intended to restrict park access is prohibited. Any person on park premises in violation of hours for use as provided in Sections 13 and 14 herein is prohibited.

SECTION 16. 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. The penalty for alcohol offenses shall be as prescribed by the Texas Alcoholic Beverage Code.

SECTION 17. PLACING OF SIGNS. The Mayor, City Administrator, or designee is authorized to place signs giving notice of the prohibited acts in any City park, but the placing or existence of such signs for the general regulations herein shall not be a prerequisite to conviction for violation of this Ordinance.

SECTION 18. 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 19. REPEAL. This Ordinance shall supersede, repeal and replace Ordinance No. 2022-199. All ordinances, or parts of ordinances, in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION 20. 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 21. 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 12th day of January 2023.

CITY OF SANDY OAKS, TEXAS



MICHAEL MARTINEZ, JR., MAYOR

ATTEST:



KATHERINE YELTON, CITY SECRETARY