

## **Division 2. Park Rules**

### **Sec. 1.11.031 Definitions**

The following words and phrases, when used in this division, shall, for the purpose of this division, have the meanings respectively ascribed to them in this section:

*Park.* A park, reservation or any other area in the Town, owned or used by the Town, and devoted to active or passive recreation.

*Police Officer.* Every official of the Town Police Department.

(1971 Code, sec. 12-16)

### **Sec. 1.11.032 Authority to regulate activities**

Police Officers shall have the authority to regulate activities in parks when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. (1971 Code, sec. 12-17)

### **Sec. 1.11.033 Injuring, defacing or removing property**

No person in a park shall wilfully mark, deface, disfigure, injure, tamper with or displace or remove any building, benches, bridges, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, tables, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal. (1971 Code, sec. 12-18)

### **Sec. 1.11.034 Damaging or removing trees, plants or grass**

No person shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark, or pick the flowers or seeds, of any tree or plant growing in a park, nor shall any person attach any rope, wire or other contrivance to any such tree or plant. No person shall dig in or otherwise disturb grass areas in a park or in any other way injure or impair the natural beauty or usefulness of any park area. (1971 Code, sec. 12-19)

### **Sec. 1.11.035 Climbing trees; walking, standing or sitting on fountains, railings, etc.**

No person shall climb any tree in a park, or walk, stand or sit upon any fountains or railings or upon any other property in a park, which property is not designated or customarily used for such purposes. (1971 Code, sec. 12-20)

### **Sec. 1.11.036 Littering**

No person shall deposit or leave in any park any glass, bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed in any park waters or left anywhere on the grounds thereof, but it shall be placed in the proper receptacles, where provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere. (1971 Code, sec. 12-21)

State law reference—Litter, V.T.C.A., Health and Safety Code, ch. 365.

### **Sec. 1.11.037 Hunting or molesting animals or birds; using or carrying weapons or traps**

No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird in a park. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow-and-arrows, slings, 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, in a park. Shooting into park areas from beyond park boundaries is forbidden. (1971 Code, sec. 12-22)

### **Sec. 1.11.038 Fishing permit**

(a) It shall be unlawful for any person to fish in, or take fish from, the lakes and streams in the public parks of the Town, without first applying for and receiving a fishing permit issued by the Chief of Police.

(b) A permit to fish in the lakes and streams in the public parks of the Town shall be issued free of charge by the Chief of Police to any bona fide resident citizen of the Town who shall apply therefor.

(c) A permit to fish in the lakes and streams in the public parks of the Town may be issued by the Chief of Police to a nonresident of the Town, upon the payment of a fee of five dollars (\$5.00) for such permit. Each permit so issued to a nonresident of the Town shall be valid for one (1) year from its date.

(d) The permit to fish in the lakes and streams in the parks of the Town shall be carried by the person to whom issued at all times while fishing and shall be exhibited by the permittee upon request of any Police Officer.

(1971 Code, sec. 12-23)

**Sec. 1.11.039 Fishing with trotlines prohibited; limitation on number of poles**

No person shall fish at any time with a trotline or with more than two (2) fishing poles in any of the lakes or streams in the parks within the Town. (1971 Code, sec. 12-24)

**Sec. 1.11.040 Boats and other watercraft**

No person shall bring into or operate any boat, raft or other watercraft, whether motor-powered or not, upon any waters in a park. (1971 Code, sec. 12-25)

**State law reference**—Authority to make certain rules and regulations regarding public water within municipality's jurisdiction, V.T.C.A., Parks and Wildlife Code, sec. 31.092.

**Sec. 1.11.041 Swimming, bathing or wading**

No person shall swim, bathe or wade in any lake or pool in a park, except in the Highland Park Swimming Pool in Davis Park, located between Drexel Drive and St. Johns Drive, as regulated by [division 3](#) of this article. (1971 Code, sec. 12-26)

**State law reference**—Authority to make certain rules and regulations regarding public water within municipality's jurisdiction, V.T.C.A., Parks and Wildlife Code, sec. 31.092.

**Sec. 1.11.042 Picnicking prohibited in Lakeside Park**

No person shall picnic or lunch in the park area known as Lakeside Park, from Beverly Drive to Wycliff Avenue, on Lakeside Drive and St. Johns Drive. (1971 Code, sec. 12-27)

**Sec. 1.11.043 Camping**

No person shall set up tents, shacks, or any other temporary shelter in any park, for the purpose of camping. (1971 Code, sec. 12-28)

**Sec. 1.11.044 Possession or consumption of alcoholic beverages**

No person shall bring any alcoholic beverages into any park, nor shall any person drink alcoholic beverages at any time in any park. (1971 Code, sec. 12-29)

**Sec. 1.11.045 Remaining in park between midnight and 5:00 a.m.**

No person shall remain, stay or loiter in a park between the hours of 12:00 midnight and 5:00 a.m. on any day. (1971 Code, sec. 12-30.1)

**Sec. 1.11.046 Fires; dropping burning cigarettes or other inflammable material**

No person shall build or attempt to build a fire in any park, nor shall any person drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area. (1971 Code, sec. 12-31)

**Sec. 1.11.047 Advertising**

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire in any park. (1971 Code, sec. 12-33)

**Sec. 1.11.048 Organized sports activities - permit/permission required**

(a) No person shall manage or participate in any organized sports activity in a park without first obtaining a permit/permission for such activity.

(b) A person seeking the issuance of a permit under this section shall file an application with the Director of Town Services, or his or her designee. The application shall state:

- (1) The name, address and telephone number of the person and organization applying for the permit;
  - (2) If the use or activity is to be conducted for, on behalf of, or by any person other than the applicant, the name, address and telephone number of that person;
  - (3) The exact nature of the use or activity for which the permit is being sought;
  - (4) The date(s) and hours for which the permit is desired;
  - (5) The park and the portion of the park desired to be used to conduct the proposed use or activity;
  - (6) An estimate of the anticipated attendance; and
  - (7) Any other information that the Director of Town Services finds to be reasonably necessary in order to determine whether to issue a permit.
- (c) The person seeking a permit under this section must be resident of the Town.

(d) The Director of Town Services, or his or her designee shall issue a permit under this section, unless:

- (1) There is a reasonable risk that the proposed activity will be detrimental to the safety and conditions of the park;
- (2) The proposed activity or use of the park will unreasonably interfere with or detract from the general public's use and enjoyment of the park;
- (3) The proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety or welfare;
- (4) The conduct of the proposed activity or use is reasonably likely to result in or create a clear and present danger of violence by the applicant to persons or property resulting in potential harm to the public;
- (5) The park grounds requested by the applicant have been reserved for another activity or for use at the day and hour requested in the application;
- (6) False or misleading information is contained in the application or required information is omitted;
- (7) The event would violate any federal, State or municipal law; or
- (8) The nature of the event could cause unreasonable or undue environmental damage to the site.

(e) For the purposes of this section, an “organized sports activity” means a group of five (5) or more persons engaging in various athletic activities, including but not limited to gaming events that involve the use of a baseball, softball, kickball, volleyball, football, soccer, rugby, lacrosse, or Frisbee.

#### **Sec. 1.11.049 Penalty**

Any person or entity violating any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof may be fined as provided in [section 1.01.009\(a\)](#) of this Code of Ordinances.

(Ordinance 2013 adopted 1/9/17)