

## ARTICLE 1.11 PARKS AND RECREATION\*

### Division 1. Generally

Secs. 1.11.001–1.11.030 Reserved

### 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)

**Secs. 1.11.050–1.11.080 Reserved**

## **Division 3. Davis Park Swimming Pool**

### **Part I. In General**

**Sec. 1.11.081 Definition**

For the purpose of this division, the term "swimming pool" shall mean the municipal swimming pool located in Davis Park within the Town. (1971 Code, sec. 12-44)

**Sec. 1.11.082 Penalties**

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](#) of this code. In addition, such person may have his season permit for the use of the swimming pool forfeited. (1971 Code, sec. 12-54)

**Sec. 1.11.083 Use restricted to Town residents and guests**

Only bona fide residents of the Town shall be allowed to enter and use the swimming pool; provided that a bona fide guest of a bona fide resident of the Town may be invited and permitted to use the swimming pool when accompanied by such resident. (1971 Code, sec. 12-45)

**Sec. 1.11.084 Use of pool and wading pool by children under eight years of age**

(a) No child under eight (8) years of age shall be permitted in the swimming pool unless accompanied by his parent or parents, except when such child is taking swimming lessons from a competent person or is a competent swimmer.

(b) A child under the age of eight (8) years who is the child of a bona fide resident of the Town shall be permitted to use the wading pool in Davis Park, free of charge, when accompanied by his parent or a competent person authorized by the parent to accompany the child and who shall be responsible for the safety and conduct of the child entrusted to his care. No child under eight (8) years of age shall be permitted to enter the wading pool enclosure unless accompanied by his parent or a person over sixteen (16) years of age who has been entrusted with the care of such child.

(1971 Code, sec. 12-46)

**Sec. 1.11.085 Shower and foot bath required before entering pool**

Every person shall, before entering the swimming pool, take a shower bath and a foot bath in the facilities provided at the pool. (1971 Code, sec. 12-51)

**Sec. 1.11.086 Prohibited conduct**

(a) In the interest of the public health, safety and welfare, each of the following enumerated acts is forbidden and unlawful in the swimming pool and fenced-in area surrounding the pool:

- (1) Diving off the shoulders of another person.
- (2) Running along the banks of the pool.
- (3) Splashing water on other persons in such a manner as to interfere with others, or using the pool in such a manner as to create disorder or disturbances.
- (4) Acting with indecent familiarity toward other persons.
- (5) Taking floaters, inner tubes, or any other objects or devices in the deep end of the pool.
- (6) Cursing, swearing or using indecent language.
- (7) Throwing rocks or any other object in the pool or in the vicinity of the pool.
- (8) Entering the pool while under the influence of intoxicating liquor.
- (9) Eating food, smoking or chewing tobacco while in the pool.
- (10) Using the spring board with other persons.
- (11) Diving in shallow water.
- (12) Entering the deep end of the pool unless such person can swim two (2) widths of the pool.
- (13) Taking or permitting dogs or pets in the fenced-in area surrounding the pool.

(b) It shall be the duty of all persons using the swimming pool to act in an orderly manner so as to permit the largest use and enjoyment of the pool by all persons, and no person shall willfully interfere with or willfully annoy or disturb others in the proper use of the pool. Whenever the Pool Attendant or any Police Officer calls attention to any acts prohibited by this section being committed, or about to be committed, such person so committing, or about to commit, such acts shall immediately desist therefrom, and upon failing to do so, such person shall be ejected from the pool. Such ejection shall not bar the prosecution of such person for violating this section.

(1971 Code, sec. 12-52)

**Sec. 1.11.087 Use by persons with contagious disease, skin disorder or open sores**

No person who has an infectious, contagious or communicable disease, a skin disorder or open sores shall use the swimming pool. The Pool Attendant and the Police are authorized to immediately eject from the pool any person who has an infectious, contagious or communicable disease, a skin disorder or open sores, and such person shall be denied further use of the pool unless a certificate of a licensed physician is furnished certifying that such person is free of all contagious, infectious, or communicable diseases. (1971 Code, sec. 12-53)

## Part II. Use Permits

### Sec. 1.11.111 Fees

The Town Council shall, by resolution duly enacted at a regular meeting held not less than thirty (30) days prior to the date set for the opening of the swimming pool each year, establish the charge to be made for each annual permit to use the swimming pool for the ensuing season and the charge to be made for each single-admission permit for such season. Such charges may be determined each year by resolution enacted by the Town Council in the manner herein provided, without the necessity of amending this division, and any charge so established shall continue from year to year until changed by subsequent resolution enacted by the Town Council. (1971 Code, sec. 12-47)

### Sec. 1.11.112 Issuance and effect

A season permit for use of the swimming pool shall be issued by the Town Secretary upon application made by a bona fide resident of the Town and payment of the established charge for such permit. Such season permit shall entitle the owner thereof to use the swimming pool at all times it shall be opened for use during the year for which the permit is issued. A single-admission permit, good for one swim on the day upon which it is issued, may be purchased at the pool by a bona fide resident of the Town for use by such resident or a bona fide guest of such resident when accompanied by such resident. (1971 Code, sec. 12-48)

### Sec. 1.11.113 Register of season permits; numbering; transfer

A season permit issued pursuant to [section 1.11.112](#) shall be registered in a book provided for such purpose in the office of the Town Secretary and shall be numbered and nontransferable. The season permit register shall provide space for the name, address and telephone number of the permittee. (1971 Code, sec. 12-49)

### Sec. 1.11.114 Season permit tags

(a) Each bona fide resident who is issued a season permit under this division shall be furnished a metal tag bearing the same number shown on the permit register, which must be securely fastened to the bathing suit and worn at all times while such resident is using the swimming pool, and no person, although the owner of a registered season permit, shall be allowed in the pool unless at all times wearing and displaying such tag.

(b) Should the legal holder of a duly issued and registered metal tag, as provided for in subsection (a), lose such tag, the Town Secretary shall issue to such person a new tag, upon payment of a fee of one dollar (\$1.00), which fee shall be refunded upon surrender of such new tag accompanied by a display of the original tag.

(c) Should a registered permit tag issued under this section be found in use by any person other than the registered owner, the Pool Attendant shall take up such tag and eject the person unlawfully using it. The permit tag taken from an unlawful user shall be returned to the rightful owner upon satisfactory showing that the use by such person was without the owner's consent. If such use was with the owner's permission, the tag shall be forfeited.

(1971 Code, sec. 12-50)

## Division 4. Municipal Tennis Courts

### Part I. In General

#### Sec. 1.11.141 Definitions

Within the meaning of this division, the following terms are defined as follows:

*Bona fide guest.* Any person invited to use the municipal tennis courts of the Town when such person is accompanied by a bona fide permit holder of the Town as defined in this section.

*Bona fide permit holder.* Such person as may be a resident of and who holds a valid municipal tennis court permit (hereinafter referred to as "MTC") from the Town.

(1971 Code, sec. 12-65)

**Sec. 1.11.142 Use limited to permit holders and guests**

The use of the tennis courts within the corporate limits of the Town is limited to the exclusive use and enjoyment of bona fide permit holders of the Town and their bona fide guests. (1971 Code, sec. 12-66)

**Sec. 1.11.143 Use regulations; prohibited conduct; reservations**

(a) Tennis courts are to be used only for tennis play. It shall be a violation of this division for any person to enter upon tennis courts located in the Town and use same for any purpose other than tennis play. Prohibited activities on the tennis courts include, but are not limited to, riding bicycles, the use of skates or skateboards, the use of scooters or motorized vehicles, the playing of any game other than tennis, or for any other purpose.

(b) In the interest of the public health, safety and welfare, each of the following enumerated acts is forbidden in and around municipal tennis courts located in the Town:

- (1) Cursing, swearing or using indecent language.
- (2) Creating a disturbance or unnecessary noise.
- (3) Acting with indecent familiarity toward other persons.
- (4) Entering upon tennis courts while under the influence of intoxicating liquor.
- (5) Discarding food, beverages, bottles, cans or other refuse within the fenced-in areas surrounding the tennis courts.
- (6) Throwing rocks, dirt, debris, or any other objects in, on or around the tennis courts.
- (7) Throwing tennis racquets, metal objects, or other items manufactured of hard material in, on or around the tennis courts.
- (8) Taking or permitting dogs or other pets within the fenced in areas surrounding the tennis courts.
- (9) Climbing fences.

(c) All persons entering upon tennis courts within the Town must wear tennis shoes, and it shall be a violation of this division for any person to enter upon any tennis court in leather shoes or any other footwear likely to damage the surface of the courts. The term "tennis shoes" shall mean soft shoes with rubber soles, which soles have no heels or treads.

(d) No person shall enter upon a tennis court in the Town without first making a reservation either in person, or by telephone, with the Reservation Clerk at the Town Fire Station, and it shall be a violation of this division for anyone to enter upon the tennis courts without a reservation. A valid permit number must be furnished when making a reservation.

(e) Reservations for tennis courts shall be taken in accordance with regulations as may be prescribed from time to time by the Town Administrator.

(f) At least one member of each group using a tennis court shall have in his or her possession his or her valid permit, and to enter upon the tennis court without such permit is a violation of this division.

(g) The Chief of Police or his designated representative shall, from time to time, check the use of municipal tennis courts to enforce compliance with this division, and in particular to enforce compliance with the requirement of a permit and reservation.

(1971 Code, sec. 12-69)

**Sec. 1.11.144 Damaging courts or equipment**

Any person who shall willfully damage in any way the playing surfaces of tennis courts, tennis nets, fences surrounding tennis courts, tennis lighting fixtures, tennis backboards, or any other equipment involved in the use of tennis courts or attached thereto shall be guilty of a violation of this division. (1971 Code, sec. 12-70)

**Secs. 1.11.145–1.11.170 Reserved**

**Part II. Use Permits**

**Sec. 1.11.171 Application**

Any person who is a resident of the Town may make an application on an application form prescribed by the

Town at the Town Hall, 4700 Drexel Drive, on January 1st of each year or any time during that same calendar year, for an annual MTC permit. (1971 Code, sec. 12-67)

**Sec. 1.11.172 Issuance; fees; expiration; transfer**

Upon timely and proper application being made, an annual MTC permit shall be issued to a resident applicant, subject to the following conditions:

(1) The Town Council shall, by resolution enacted at a regular meeting, establish the charge made for each annual permit to use the municipal tennis courts for the ensuing season. Such charges may be determined each year by resolution enacted by the Town Council in the manner herein provided without the necessity of amending this division, and any permit charge so established shall continue from year to year until changed by subsequent resolution enacted by the Town Council.

(2) MTC permits shall be numbered and dated to indicate validity.

(3) All MTC permits shall expire on January 1 of each year. Permits are nontransferable. If a permit should be found in use by any person other than the registered owner, said permit shall be taken up and such person will be ejected from the tennis court by the Chief of Police or his designated representative. The permit taken from the unlawful user shall be returned to the rightful owner upon satisfactory showing that the use by such person was without the owner's consent. If such use was with the owner's permission, the permit shall be forfeited.

(1971 Code, sec. 12-68)

**Secs. 1.11.173–1.11.200 Reserved**

### **Division 5. Park Weddings**

**Sec. 1.11.201 Restrictions**

The use of Town parks for weddings shall be restricted to residents of the Town and is further subject to the following restrictions:

- (1) No more than twenty-five (25) persons;
- (2) Restricted to daylight hours only and a maximum time of thirty (30) minutes;
- (3) No food and drink;
- (4) No music, amplifiers or recording equipment;
- (5) No artificial lighting;
- (6) No chairs, floral arrangements, candelabra or other props or hardware.

(1971 Code, sec. 12-82)

**Sec. 1.11.202 Liability**

Any resident who uses a Town park for a wedding shall be liable to the Town for any damage to the Town shrubbery, grass and any other Town property by reason of such wedding. (1971 Code, sec. 12-83)