

CITY OF BASTROP, TX  
ORDINANCE NO. 2023-42

AMENDING CITY PARK RULES AND REGULATIONS

AN ORDINANCE OF THE CITY OF BASTROP, TEXAS, AMENDING THE BASTROP CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.10 PARKS, SECTION 1.10.002 PARK RULES; AND PROVIDING FOR FINDINGS OF FACT, REPEALER, SEVERABILITY, CODIFICATION, EFFECTIVE DATE, PROPER NOTICE AND MEETING.

**WHEREAS,** pursuant to Texas Local Government Code Section 51.001, the City Council of the City of Bastrop (City Council) has general authority to adopt an Ordinance or police regulation that is for the good government, peace, or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS,** the City Council desires to update the rules and regulations applicable to City parks; and

**WHEREAS,** the City Council finds certain amendments to Bastrop Code of Ordinances necessary to meet changing conditions and are in the best interest of the City; and

**WHEREAS,** the City Council finds the attached amendments reasonable and necessary.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bastrop, Texas:**

**Section 1. Findings of Fact:** The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

**Section 2. Amendment: ARTICLE 1.10 – Parks, Section 1.10.002 – Park Rules** of the City of Bastrop Code of Ordinances is hereby amended, and after such amendment, shall read in accordance with *Attachment “A”*, which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as shown in each of the attachments.

**Section 3. Repealer:** To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby

repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated.

**Section 4. Severability:** Should any of the clauses, sentences, paragraphs, sections, or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

**Section 5. Codification:** The City Secretary is hereby directed to record and publish the attached rules, regulations, and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**Section 6. Effective Date:** This Ordinance shall take effect upon the date of final passage noted below, or when all applicable publication requirements, if any, are satisfied in accordance with the City's Charter, Code of Ordinances, and the laws of the State of Texas.

**Section 7. Proper Notice & Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED & APPROVED on First Reading** by the City Council of the City of Bastrop, on this, the 7th day of November 2023.

**PASSED & APPROVED on Second Reading** by the City Council of the City of Bastrop, on this, the 12th day of December 2023.

**APPROVED:**

by: \_\_\_\_\_  
Lyle Nelson, Mayor

**ATTEST:**

\_\_\_\_\_  
Ann Franklin, City Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Alan Bojorquez, City Attorney

**City of Bastrop**

**Code of Ordinances Chapter 1**

**ARTICLE 1.10 – Parks**

SEC. 1.10.002 – Park Rules

Swimming *or wading in Colorado River.*

(1) ~~It is an offense and a violation of this subsection for any person, child or adult to enter, wade, swim, or engage in any aquatic activity in any portion of the Colorado River in the city parks.~~ The public may enter, wade, swim, or engage in any aquatic activity at their own risk and shall obey all posted signs. No lifeguards will be on duty on the banks of the Colorado River. Furthermore, the City of Bastrop does not assume any liability for any persons swimming in the Colorado River.

(2) ~~Exception: The public shall be allowed to enter the water while in the process of embarking or disembarking any boat, canoe or any other flotation device upon waters of the Colorado River.~~

**City of Bastrop**

**Code of Ordinances Chapter 1**

**ARTICLE 1.10 – Parks**

SEC. 1.10.002 – Park Rules

*Swimming or wading in Colorado River.*

(1) The public may enter, wade, swim, or engage in any aquatic activity at their own risk and shall obey all posted signs. No lifeguards will be on duty on the banks of the Colorado River. Furthermore, the City of Bastrop does not assume any liability for any persons swimming in the Colorado River.