

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2023-___

AN ORDINANCE OF THE CITY OF DRIPPING SPRINGS, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 16: PUBLIC WAYS AND PLACES: ARTICLE 16.02. PARKS AND RECREATION; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING.

WHEREAS, the City Council of the City of Dripping Springs ("City Council") seeks to promote and maintain the quality of life in our community, ensuring the health of all citizens, and contributing to the economic and environmental well-being of the community; and

WHEREAS, a new Pedestrian Information Kiosk with Park rules is scheduled to be installed at Founders Memorial Park; and

WHEREAS, City Staff have determined to review and update Article 16.02. Parks and Recreation in the City Code of Ordinances before production and installation of the new Pedestrian Information Kiosk system; and

WHEREAS, the City Council recognizes the public safety benefits by updating Article 16,02. Parks and Recreation in the City Code of Ordinances; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City 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 finds that it is necessary and proper for the protection of the welfare, health, peace, and safety of the City of Dripping Springs to adopt an ordinance amending Article 16,02. Parks and Recreation in the City Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DRIPPING SPRINGS, TEXAS, THAT:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 16, Article 16.02 Parks and Recreation of the Dripping Springs Code of Ordinances is hereby amended to read in accordance with Attachment “A” and which are attached hereto and incorporated into this Ordinance and the City Code for all intents and purposes. Additions to the Ordinance text are underlined and highlighted and deletions are struck-through.

3. REPEALER

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

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.

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.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

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 this, the ____ day of _____ 2023, by a vote of ____ (ayes) to ____ (nays) to ____ (abstentions) of the City Council of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:

Bill Foulds, Jr., Mayor

ATTEST:

Andrea Cunningham, City Secretary

- CODE OF ORDINANCES
Chapter 16 - PUBLIC WAYS AND PLACES
ARTICLE 16.02. PARKS AND RECREATION

ARTICLE 16.02. PARKS AND RECREATION¹

DIVISION 1. GENERALLY

Secs. 16.02.001—16.02.030. Reserved.

DIVISION 2. PARK RULES

Sec. 16.02.031. Title.

This division shall be cited as the parks rules.

Sec. 16.02.032. Purpose.

These rules are established to regulate the use of city parks and recreational facilities. These rules are intended to secure and preserve the fullest enjoyment of parks and recreational facilities to a wide range of park patrons. Failure to abide by these rules shall be cause for removal. The commission of offenses under local ordinances or state law shall be cause for arrest.

Sec. 16.02.033. Applicability.

These rules apply to and in all parks and recreational facilities or areas belonging to the city or managed by or under the authority of the city. These rules shall not apply to city, state or federal agents or officials in the performance of official duties.

(Ordinance 1510.05, adopted 4/20/10)

Sec. 16.02.034. Definitions.

- (a) Rules of interpretation. Words and phrases used in this division shall have the meanings set forth in this section. Words and phrases that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in those other ordinances. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural

¹State law reference(s)—Authority to acquire and maintain parks, museums and historic sites, V.T.C.A., Local Government Code, ch. 331.

number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

(b) Specific definitions.

Alcoholic beverage: Alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Business activities: The provision of services, instructions, training, or support to another person or to a group in exchange for payment.

City: The City of Dripping Springs, an incorporated municipality located in Hays County, Texas, and includes any official, agent or employee acting on behalf of the city.

Commercial Activity: Providing goods or services for sell or rent or providing a class or instruction for compensation or as an inducement or advertisement for paid classes or instruction.

Commercial fitness trainer: A for profit trainer providing physical fitness training expertise to clients in a city park.

Commission: The city parks and recreation commission (aka, "parks and rec") or any successor entity.

Dangerous animal: An animal that:

- (1) Makes an unprovoked attack on a person or another animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Park personnel deems to be uncontrollable and a danger to those around it.

Department: The City of Dripping Springs and ~~community services department.~~ Parks & Community Services department.

Farmers market ~~association board;~~ committee: The board created under article 6.05 of this code ~~who supports, coordinates, and oversees~~ the market and serves as an advisory body to the city council.

Firearm: A device defined in accordance with Texas Penal Code section 46.01.

For profit groups: Individuals or organizations that are not nonprofit groups as determined by state and/or federal law.

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Glass container: Any glass receptacle ~~other than:~~

~~(1) Glass lined vacuum bottles;~~

~~(2) Commercially produced baby bottles or baby food jars containing products for consumption by a baby; or~~

~~(3) Drug glass containers containing over the counter or prescribed drugs.~~

Market manager: The city employee designated by the city administrator to ~~supervise~~ manage the operations of the farmer's market.

Multi-use trail: Trails designated for pedestrian, bicycle, and equestrian use.

Nonpark waste: Trash, refuse, litter or other solid waste that is not created or generated on-site at a park, but is transported from a person's home, business or other location to a park for disposal purposes. This term includes construction debris, office waste, municipal solid waste, and any form of hazardous waste. This term excludes waste generated on park premises during the course of lawful use of the park for recreational purposes.

Park: Any or all of the parks and facilities under the management and control of the city, including any land now or hereafter dedicated by the city as a municipal park.

Park attendant: A city employee who has been designated by the city council or city administrator to oversee and enforce the rules at a city park.

Park facility: Any building or structure intended for a specific type of use within a park including, but not limited to, a building, sports field, recreational facility, parking lot, covered pavilion, designated camping site, skatepark, or other specific use area within a park.

Person: An individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity, other than the city.

School-related activity: An event or activity on or off school property sponsored and/or sanctioned by the Dripping Springs Independent School District. Examples include, but are not limited to, sporting events and performances, such as theatrical, etc.

Tobacco product: Includes, but is not limited to, a cigarette, cigar, and any smokeless tobacco product such as chewing and dipping tobaccos.

Vehicle: A device that can be used to transport ~~or draw~~ persons or property including, but not limited to a moped, power-driven bicycle, motorcycle, motor scooter, automobile, truck, golf cart, tractor, aircraft, gliders, paragliders, and all-terrain vehicle.

Weapon: Anything that in the manner of its use or intended use is capable of causing death, personal injury, or serious bodily injury, including (but not limited to) air guns, clubs, axes, pellet or BB guns, bows and arrows, or projectile devices.

(Ordinance 2019-04, adopted 1/15/19)

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Sec. 16.02.035. Enforcement; penalties.

- (a) Enforcement. The city shall have the power to administer and enforce the provisions of this division as may be authorized by governing law. Any person violating any provision of this division is subject to suit for injunctive relief as well as prosecution for criminal violations to the extent permitted by applicable law.
- (b) Criminal penalty. An offense under this division is a misdemeanor. Any person violating any of said provisions of this division shall, upon conviction, be subject to a fine not to exceed \$500.00 for each offense.
- (c) Civil remedies. Nothing in this division shall be construed as a waiver of the city's right to bring a civil action to enforce the provisions of this division and to seek all remedies as allowed by law.
- (d) Nothing is in this section limits which individuals are authorized to issue notices of violation, warnings, or citations under state law.

Sec. 16.02.036. Issuance of warnings and citations.

- (a) Any park attendant, as well as any city officer or city employee, is authorized to issue warnings to any person or persons violating any rules or regulations applicable to the parks, swimming pools, or other park facilities.
- (b) Any city officer authorized to issue citations may issue them to any person or persons violating any rules or regulations applicable to the parks, swimming pools, or other city-owned facilities.

Sec. 16.02.037. Authority to establish rules and reservation system.

The city council hereby authorizes the commission to establish rules for the orderly use of city parks, and to establish and oversee a system for reserving the use of park facilities by persons on a temporary basis. The commission may establish fees, insurance requirements, and any other requirements for such use. Commission rules shall become effective upon ratification by the city council.

Sec. 16.02.038. Use of park facilities.

Park facilities generally are available for public use on a first-come, first-served basis except for areas that require entrance or other fees, or that have previously been reserved.

- (1) Entrance or use fees. It is an offense for any patron to enter or use any park area or park facility for which an entrance or use fee has been established, unless each person has first paid the fee or is otherwise authorized to enter. Entrance permits or passes shall be displayed to gate or entrance attendants on request.

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- (2) Reservations fees. It is an offense for any patron to use or occupy a facility or area for which a reservation fee has been paid, when such use conflicts with the use by persons holding the reservation. Reservations shall be made in accordance with the city's reservation policies. Confirmation of the reservation shall be displayed on request to city employees charged with supervision or patrolling of parks.

Sec. 16.02.039. Occupancy limits.

- (a) The department may establish and post maximum occupancies for any park area or park facility.
- (b) It is an offense for any patron to enter into or remain in an area or facility for which an occupancy limit has been established when such action will have the effect of exceeding the established occupancy limits.

Sec. 16.02.040. Assemblies or public demonstrations.

~~Organizers intending to conduct an event of any kind on parkland shall provide 24 hours' notice to the department by calling the city, if the expected crowd will exceed 60 individuals. (a)~~
Organizers intending to conduct an event of 50 or more on parkland shall submit a completed Special Event Application at least 30 days prior to the start of the event being considered. Per City Code 6.02.071

(b) Generally, events at parks are permissible, except where such an activity will prevent or will be inconsistent with the intended use of park facilities at the proposed site of assembly or may disrupt or interfere with scheduled events. Parks fees do apply to any event depending upon location of the event.

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(c) A violation of subsection (a) is an offense.

Sec. 16.02.041. Closed areas.

- (a) The city administrator or designee may close park areas, wildlife preserves, or park facilities to public entry or otherwise restrict use until such time as the area or facility can be made available for public use.
- (b) Except in emergency circumstances, notice of closure shall be posted at the entrance of the area or facility and on the city's website and patrons shall not enter closed or restricted areas.
- (c) ~~It is an offense for any~~ No person under this section to shall enter areas closed due to flooding or which are areas that are the subject of a flood ban.
- (d) A violation of this section is an offense.

Sec. 16.02.042. Disruptive, destructive or hazardous behavior; ejection from park.

- (a) ~~Patrons~~ A person who engages in disruptive, destructive or hazardous conduct may be warned and asked to stop such conduct immediately by any park attendant, city employee charged with patrolling of parks, or a peace officer.
- (b) Under circumstances where a patron's conduct is unlawful or poses an imminent threat of injury or prevents the public enjoyment of the park facility, any park attendant, city employee charged with patrolling of parks, or a peace officer is authorized to notify the patron to immediately leave the park facility per Texas Penal Code, section 30.05.

Sec. 16.02.043. Vending.

- (a) It is an offense for any person to conduct the commercial sale or offer to sell any goods, wares, drinks, food, or items nor render or offer to render any service for hire, at any park, or facility except for transportation, vehicle wrecker, or emergency roadside services provided to a specific patron upon their request, or as authorized by a contract or permit properly issued by the city.
- (b) Commercial fitness trainers providing physical fitness training expertise to city park users for profit are governed under division 4 of this article.

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Sec. 16.02.045. Peace and quiet.

- (a) Patrons shall preserve the peace and quiet enjoyment of the parks and open spaces by observing all ordinances and state laws governing noise and amplified sound.
- (b) It is an offense for any person to make unreasonable noise ~~as listed below, including, but not limited to,~~ discharge of weapons or fireworks except as authorized by this division, ~~or engage in offensive gestures or conduct constituting disorderly conduct under state law (Texas Penal Code section 42.01) in any park.~~
- (c) It is an offense for any person to use any device, including, but not limited to radios, that result in the emission of sound in excess of 85 decibels when measured at the source.

Sec. 16.02.046. Firearms and other weapons.

- (a) It is an offense for any person to:
 - (1) Carry or possess weapons or firearms while in park facilities except as referenced or authorized by subsection (b) of this section.
 - (2) Use firearms or weapons unless conducted under permit or contract, or in an authorized park facility.
 - ~~(3) Display a firearm or other weapon in any park in a manner calculated to alarm or threaten anyone (Texas Penal Code 42.02).~~
- (b) It is not an offense for a person to carry or possess weapons or firearms:
 - (1) In those areas of a park or park facilities where usage is expressly allowed by ordinance or park rules;
 - (2) As allowed by state and federal gun laws including, without limitation, the right of a person licensed to carry a firearm in this state;
 - (3) When otherwise authorized in writing by the department; or
 - (4) At any event such as a gun show or other weapons related event at specific facilities, that are authorized in advance by the department and subject to a rental contract including appropriate security, safety, liability and insurance requirements.

Sec. 16.02.047. Protection of wildlife.

All wildlife within the boundaries of any city park facility is protected. It is an offense for any person to harm, harass, hunt, trap or remove any animal, including mammals, fish, insects, birds, reptiles, or other living creature from any park facility except upon written approval of the city.

Sec. 16.02.048. Protection of plant life.

- (a) All plant life within the boundaries of any city park facility is protected.
- (b) It is an offense for any person to:
 - (1) ~~Willfully~~ Intentionally mutilate, injure, destroy, thrash, or remove any live tree, shrub, vine, wildflower, grass, sedge, fern, moss lichen, fungus or any other member of the plant kingdom or portion thereof, except upon approval by the city;
 - (2) Collect or harvest dead wood or plants, or portions thereof, except upon written approval by the city; or
 - (3) Thrash pecan trees.
- (c) The collecting of pecan nuts on the ground is allowed (Texas Rev. Civ. Statutes 6143.1).

Sec. 16.02.049. Protection of natural resources.

- (a) All sites, objects, buildings, artifacts, implements, and locations of historical, archaeological, geologic, scientific or educational interest of every character located in, on, or under the surface of any park facility are protected.
- (b) It is an offense for any person to remove, excavate, take, dig into, or destroy any site, object, building, artifact, implement or location of archaeological, geological, scientific or historical interest without having permits as required by the Texas Natural Resources Code, and without having written permission of the city.

Sec. 16.02.050. Animals.

- (a) Persons bringing pets or other animals into any park areas or facility where they are expressly allowed, shall, at all times, keep them under confinement or direct control. Leads on leashes used to control animals shall not be more than six feet long. Dogs may be allowed to be without a leash in areas that are specifically designated by the department for such use, if any, provided that each dog remains under immediate personal supervision and command.
- (b) It is an offense for any person to within a park or park facility:
 - (1) Permit a pet or other animal to remain unattended or create a disturbance or a hazard;
 - (2) Permit a pet or other animal to be in the water of a swimming pool or designated swim area except when expressly authorized by ordinance, park rule, or in writing by the department;
 - (3) Permit a pet animal, except for an animal trained in assisting handicapped or disabled persons, within the land area or beach area adjacent to the water of a swimming pool

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or designated swim areas except when expressly authorized by ordinance, park rule, or in writing by the department;

- (4) Bring into, or permit to range at any park, domestic fowl, horse, swine, sheep, goat, or other livestock except when expressly authorized by ordinance, park rule, or in writing by the department;
 - (5) Ride, drive, lead or keep a horse at any park facility, except:
 - (A) On a horseback riding trail, so designated and posted by the city; and
 - (B) As authorized under contract, approved reservation, or permit;
 - (6) Ride a horse in a manner that is dangerous to any person or animal at any park facility or wildlife preserve;
 - (7) Hitch a saddled horse to a tree, shrub, or structure in any manner that causes damage;
 - (8) All horseback riders are required to have a permit on file with the department. To obtain a permit the following are required:
 - (A) Coggins certificate shall be available for inspection at all times;
 - (B) Liability waiver must be signed by each permit holder;
 - (C) Permit must be displayed in vehicle and on person during park use; and
 - (D) ~~One hundred dollar fine will be charged per horse/rider for permit violation~~An offense under (b)(8) is punishable by a fine of \$100.
 - (9) Permit pets or other animals within the playscape areas, or any play areas that are designed for children;
 - (10) Bring into or permit dangerous animals in any city park; or
 - (11) Knowingly, intentionally or negligently allow any pet or animal that a person exercises any ownership, care, custody or control over to deposit feces on any city property, unless said person removes the feces once deposited, with the exception of equine feces at Dripping Springs Ranch Park. Failure to carry feces removal supplies when accompanied by a pet or other animal a park will constitute a violation of this section.
- (c) Hunting. It is an offense for any person to:
- (1) Hunt, trap, or pursue wild life at any time in any city park; or
 - (2) Use, carry or possess any kind of trapping device in any city park.
 - (3) Animal control officers and their designees shall be excluded from this section when in the performance of their duties.

Sec. 16.02.051. Fires, smoking of meat, firewood, and fireworks.

- (a) It is an offense for any person to light, build, or maintain a fire in any park, except in a park facility or device provided, maintained, or designated for such purposes, or as authorized in writing by the city.
- (b) Portable camp stoves or portable barbecue grills of metal construction may be used in designated campsites or picnic areas.
- (c) Campfires shall be allowed only with the written authorization of the city in approved locations and under such conditions as may be prescribed by the city. Allowed campfires shall be attended at all times by an adult until fully extinguished.
- (d) During periods of extreme fire hazard or burn ban period initiated by the county, fires and smoking in designated areas are restricted as directed by the city and the county.
- (e) It is an offense for any person to cut, gather, or collect wood or other combustible material in any city park, for use as firewood or fuel, except for material designated for this purpose by the city.
- (f) It is an offense for any person to possess or use any kind of firework, except by permit, in any park.

Sec. 16.02.052. Camping and overnight use.

- (a) Generally; definition. It is an offense for any person to camp in any park, except as authorized by permit and only in camping facilities or sites designated or marked for that purpose. Camping is defined as:
 - (1) Occupying a designated camping facility or site.
 - (2) Erecting a tent or arranging bedding, or both, for the purpose of, or in such a manner as will permit remaining overnight.
 - (3) Use of a car, trailer, camper, or other vehicle for the purpose of sleeping overnight.
- (b) Camping time limit.
 - (1) To afford all the public a wider use of the city's camping facilities, continuous occupancy of camping facilities by the same person or persons in a park is limited to seven consecutive calendar days within any 90-day period.
 - (2) The city may establish an alternate time limit for continuous occupancy of a facility or facilities by the same person or persons in a park, or in a designated portion of a park, when necessary to achieve maximum utilization of the park, or designated portion, by all the public.

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- (c) Minors. Persons under the age of 18 years that are authorized to be in a park between the hours of 9:00 p.m. and 8:00 a.m. shall be accompanied or supervised by an adult at all times. The ratio of adults to minors shall not be less than one adult for every eight minors.
- (d) Water, wastewater, sewage, and garbage. It is an offense for any person to:
- (1) Deposit wastewater, sewage, or effluent from sinks, toilets, or other plumbing fixtures directly on the ground or into the water;
 - (2) Use any water fountain, drinking fountain, pool, sprinkler, reservoir, lake or any other water body contained in the park for bathing, laundering, and washing dishes, pets, or vehicles (including trailers);
 - (3) Discard, deposit, or dump garbage in a park, except for:
 - (A) Garbage generated inside the park during the course of park visitation; or
 - (B) An amount of garbage consistent with what ordinarily would accumulate in a vehicle in the course of a day's travel;
 - (4) Dispose of garbage except in a receptacle provided for that use or as may otherwise be specifically authorized by department personnel; or
 - (5) Use water provided by the park for purposes other than drinking, washing or culinary uses necessary while in the course of authorized or allowed use of the park.
- (e) Clotheslines. Under no circumstances may clotheslines be strung across or secured to any vegetation or other county properties.
- (f) Responsibility. The city assumes no responsibility for personal belongings or property of any kind.

Sec. 16.02.053. Operation of motor vehicles.

- (a) It is an offense for any person to:
- (1) Operate a motor vehicle in any park, except upon roads, driveways, parking areas, and areas designated as open to motor vehicles, or as authorized in writing by the city;
 - (2) Drive or operate any type of motor vehicle in any city park at a speed greater than indicated by appropriate traffic signs; or
 - (3) Drive or operate any type of motor vehicle in any park that has the potential or is used in a manner so as to be destructive and cause damages to grounds, parking areas, driveways, roads, and any other city property.
- (b) This section shall not apply to the following persons if in the park or facility in their performance of their duties: Peace officers, physicians responding to an emergency, ambulance operators/emergency medical services and attendants, employees of the city and fire suppression personnel.

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Sec. 16.02.054. Parking of vehicles.

- (a) It is an offense for any person to:
- (1) Park a motor vehicle in a park except in designated parking areas, or within 12 feet of a public park road, if not otherwise prohibited;
 - (2) Access or park in areas of a park where permits are required without a proper city issued permit; or
 - (3) Park, store or leave a vehicle or trailer in areas of a park posted "restricted" or "no parking."
 - (4) Park, store or leave a vehicle or trailer in areas of a park past the posted hours of the park without a permit.
- (b) A vehicle or trailer parked in such a manner as to create a hazardous or unsafe condition may be impounded, consistent with city ordinance and state law.
- (c) This section shall not apply to the following persons if in the park or facility in their performance of their duties: Peace officers, physicians responding to an emergency, ambulance operators and attendants, employees of the city and fire suppression personnel.

Sec. 16.02.055. Trail use.

- (a) It is an offense for any person to:
- (1) Operate or use a motor vehicle, including a motorcycle, motorbike, mini-bike, or a bicycle on a trail or path not designated for the use with such vehicles;
 - (2) Operate or use a bicycle on any pedestrian trail; or
 - (3) Ride, drive, leads or keep a horse on any pedestrian trail.
- (b) On multi-use trails, bicyclists shall yield to joggers, joggers to walkers. All trail users must yield to horses.
- (c) Trail users on multi-use trails should not be more than two abreast when this action will impede other traffic on the trail. Trail users should leave ample room on the trail for other users to pass safely.
- (d) Bicyclists should maintain bicycles in good condition and should operate them in a safe, manner at a reasonable and prudent speed. All bicycles shall be equipped with properly functioning brakes.

Sec. 16.02.056. Adherence to signs; unlawful signs.

- (a) All persons shall comply with the signs and markers installed by the city in any park.

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- (b) It is an offense for any person to paste, glue, tack or otherwise post any signs, placard, advertisement, or inscription whatsoever nor shall any person erect or cause to be erected any sign whatsoever on any public land or highway or roads adjacent to any park or within any park without permission from the city as provided in the signs on city property policy. This provision shall not apply to traffic-control devices and/or signs authorized by the city council.

Sec. 16.02.057. Alcohol, electronic cigarettes, vaping, and tobacco.

- (a) It is an offense for any person to:
- (1) Sell, possess with the intent to sell or, consume alcoholic beverages in a city-owned park, unless authorized by the city, ~~in the following areas: in writing.~~
 - ~~(A) Within enclosed areas of swimming or wading pools;~~
 - ~~(B) In recreation centers and adjacent grounds;~~
 - ~~(C) Within the playing boundaries of athletic fields; and~~
 - ~~(D) In those areas designated by the city;~~
 - ~~(2) Use alcoholic beverages at any school related or school sanctioned activity, on or off school property, including any city owned park; or~~
 - (3) Smoke or use any tobacco products, including electronic cigarettes and vaping, at in ~~any school related or school sanctioned activity, on or off school property, including any~~ city-owned park.
- (b) A person who engages in conduct prohibited by this section commits an offense which, upon conviction is punishable by a fine not to exceed \$500.00.

Sec. 16.02.058. Drugs.

It is an offense for any person to possess or use illegal drugs (controlled substances) at any location in a park.

Sec. 16.02.059. Glass containers.

It is an offense for any person to possess glass containers at any location in a park except where authorized by the city in writing for events subject to a permit or rental contract.

Sec. 16.02.060. Closing hours.

- (a) The hours of operation for city parks shall be as follows, unless otherwise modified in a park use permit or agreement:
- Sunday—Saturday: ~~Dawn to midnight.~~ 5:00 am – 11:00 pm.

(b) ~~The following exception shall apply, unless otherwise specifically modified in the use permit or agreement:~~

- ~~(1) Events with loudspeakers, amplified sound, or any activity which involves amplification equipment/devices of any kind shall not commence prior to 5:30 p.m. Monday through Friday, and shall terminate by 10:30 p.m. Sunday through Thursday.~~
- ~~(2) No activity which may disrupt normal city business/operations or neighboring residential properties shall commence prior to 5:30 p.m., Monday through Friday.~~
- ~~(3) Events with loudspeakers, amplified sound, or any activity which involves amplification equipment/devices of any kind shall terminate by midnight Friday and Saturday night.~~
- ~~(4) Exceptions to the provisions of this section may be considered by the city administrator, upon recommendation by the parks and community services director, by written agreement as related to the Dripping Springs Ranch Park Event Center, and on a case by case basis.~~

Sec. 16.02.061. Noise from events that include loudspeakers or amplified sound.

All events which will include loudspeakers, amplified sound, or amplification equipment/devices of any kind in a city-owned park must:

- a. ~~Have a~~ Written permission from the City Administrator or designee.
- b. Comply with the Texas Penal Code 42.01(a)(5).
- c. ~~Notwithstanding the foregoing,~~ The city reserves the right to ask disruptive amplified sound to be turned down.
- d. Specific parks or park facilities may enact additional rules regarding noise or quiet times.

Sec. 16.02.062. Events requiring street closures.

Any non-city event held in a city park, which will require street closures, barricades, or diversion of traffic for any reason, must be approved by the city council at least 30 days in advance.

Sec. 16.02.063. Littering; pollution of swimming pool or water body.

It is an offense for any person to:

- (1) Place or deposit any garbage, trash, discarded vegetation of any kind, or any other refuse in any park or park facility except in receptacles designated for such purpose by the city. In any park area where receptacles are not provided, persons shall carry any garbage, trash, discarded vegetation of any kind, or any other refuse away from the park and properly dispose of it elsewhere;

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- (2) Place or deposit any garbage, trash, discarded vegetation of any kind or any other refuse in any city park except that which was generated within the park grounds. City trash receptacles shall never be used to discard trash, garbage, vegetation or other refuse which is brought to the park for the purpose of disposal; or
 - (3) Throw, discharge, or otherwise place or cause to be placed in the waters of any swimming pool, fountain, or body of water in or adjacent to any public park or recreation area, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the water.

Sec. 16.02.064. Pool rules.

- (a) Children under 12 years of age must be accompanied and supervised at all times by a parent or ~~competent person~~ guardian at least 18 years of age.
- (b) Swimmers must wear proper attire; (i.e., swimming suits or trunks). A clean tee shirt may be worn over proper swim attire. No cut-offs permitted.
- (c) Regular Diapers are not permitted in the pool area. All individuals not potty trained are required to wear a disposable swim diaper along with their bathing suit when in the water.
- (d) No running, fast walking, horseplay, or rough play is allowed in the pool complex. No pushing, throwing, dunking, splashing, riding on shoulders, chicken fighting or any games or actions that may endanger swimmers or individuals using the pool area.
- (e) Admission to the pool may be denied when, at the city's sole discretion, it is deemed that:
 - (1) An individual is apparently unable to care for themselves to the extent they pose a reasonable risk of harm to themselves or others.
 - (2) An individual is intoxicated or appears to be under the influences of controlled substances.
 - (3) The city has specific evidence that an individual suffers from a contagious disease.
 - (4) An individual exhibits open sores, wounds or runny nose.
 - (5) An individual is not clad as detailed in subsections (b) and (c) ~~inappropriately.~~
 - (6) In the opinion of the aquatics employee in charge (e.g., head lifeguard), the individual poses a reasonable risk to the health and safety of the pool patrons or general public.
- (f) Pool personnel may eject persons from pool area at any time when deemed necessary to protect the health and safety of pool patrons, as determined within the sole discretion of city officials. In serious cases of misconduct, the department office or the county sheriff should be called. In cases involving small children, the parents will be informed. No refunds of entry fee will be allowed upon ejection.
- (g) The following nonbinding guidelines explain the typical progressive enforcement of a violation of these rules in this section:

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- (1) First offense violation: Rule is explained and warning issued.
 - ~~(2) Second offense: Rule is explained and one hour "time out" enforced.~~
 - ~~(3) Third offense violation~~: Person must leave for the day. No refund of entry fee.
 - (h) No loitering around ~~cashiers~~ the office area, lifeguards on duty, or lifeguard stands. No one, except a lifeguard, is allowed on or near lifeguard stand(s).
 - (i) All guests must shower before entering the pool.
 - (j) An individual may not enter the pool or pool area unless a lifeguard is on duty.
 - (k) Swimmers are not to hang or pull on lifelines, ropes, nets or rims. Mistreatment or abuse of pool property or other patron's personal property will not be tolerated. No swinging on ladders, playing on or near the ladders, or jumping off of ladders.
 - ~~(k) No diving, flips, somersaults, twists, or belly flops allowed. Swimmers may only jump into the pool facing forward with feet first.~~
 - (l) Abusive or profane language will not be tolerated.
 - (m) Facemasks and goggles are permitted to be worn in the pool provided they are properly used and have non-breakable lenses. ~~Facemasks and goggles are not permitted to be worn on the slides.~~
 - (n) No glass containers are allowed in the pool complex.
 - (o) No outside drinks or food are permitted in the pool complex. No ice chests are allowed in pool complex unless given written permission by the City Administrator or designee. The only exceptions to this rule are applicable to authorized private parties or special use events.
 - (p) Smoking or tobacco use of any type, including electronic cigarettes or vaping, is not allowed in the pool complex.
 - (q) No alcohol, in any form, is allowed in the pool complex.
 - (r) The city is not responsible for lost, stolen, or damaged personal belongings. Patrons should not bring valuables to the pool complex.
 - (s) Lifeguard(s) on duty ~~are the city officials and park attendants primarily in charge of enforcing the rules.~~ have final authority to enforce all the pool rules.
 - (t) Children five years and younger must be within arm's reach of an adult while in water.
 - (u) No animals are allowed in the pool complex except with written authorization permission of from the city unless such animal is a service animal or a service animal-in-training.
 - (v) The pool will be closed for thunderstorms at first sign of lightning or thunder. The pool will re-open 30 minutes after last thunder is heard and last lightning seen.

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- (x) Any and all injuries occurring within the pool complex must be reported to the ~~manager~~ head lifeguard on duty immediately. Accident/incident reports must be filled out by the pool personnel and turned in to the ~~parks and recreation director daily~~ Aquatics manager.

~~Ten minute safety break shall occur each hour. At ten minutes before the hour, each hour, all swimmers must get out of pool. This break is for the water quality to be checked, lifeguards to take a break and swimmers to take a break.~~

- (y) All patrons entering the facility during swim times are required to pay the facility admission fee.
- (z) Incidents involving any blood, feces, vomit, or other unsanitary matter in or close to the water must be reported to the nearest lifeguard and the manager on duty immediately. Such incidents may require the pool to be closed temporarily for cleaning and sanitation.

Sec. 16.02.065. Special rules for specific park facilities.

- (a) Each park facility may develop additional rules and regulations that address problems specific to that facility, which shall be in writing and approved by the ~~director of the department~~ City Administrator or designee. Patrons shall comply with all rules and regulations posted at individual facilities or for special events.
- (b) Dripping Springs Ranch Park Rules:
- (1) It is an offense for any person to swim or boat at this park.
 - (2) Only members of the Dripping Springs Ranch Park or patrons who pay a daily fee are permitted to have their horses at this park.
 - (3) ~~It is an offense for a~~ Any farrier to provideing services at this park without approval shall pay an itinerant vendor fee and is permitted to provide their services only in the designated areas provided by the ranch park manager or the director of the department Parks & Community Services Director.
 - (4) Quiet hours for RV sports are from 10:00 p.m. to 6:00 a.m. unless approved ~~by the department in a rental contract.~~ in writing.
 - (5) All waste must be disposed of in the dumpster located on site at the park. Littering on the property will result in a fine.
 - (6) All wastewater, including gray water, must be disposed of in the dump station, located on site at the park. Any dumping of waste/sewage on pavement, dirt or vegetation will result in eviction.
 - (7) No swimming pools are to be set upon the property.
 - (8) Rowdiness, abusive language, fighting, lewd conduct, reckless driving/speeding, drunkenness, and possession of or use of illegal drugs will not be tolerated at any

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time. Amplified sound, firearms, or weapons shall not be allowed unless otherwise allowed by law or authorized by the city by written agreement.

- (9) Parents are responsible for the conduct of their children and financially responsible for any damages caused by their children. Children under the age of 13 must be accompanied by an adult at all times.
- (10) The city, the department, and Dripping Springs Ranch Park, as well as their officials, agents, and employees are not responsible for property or personal injury damages arising out of, or in any way connected to use of the park, including, but not limited to loss or damage by fire, wind, theft, accident, or Acts of God.
- (11) Registered guests and visitors are liable for all personal injury or property damages and assume any and all risks associated with use of the park to their person, property, animals and vehicles.
- (12) ~~All park rules apply to Dripping Springs Ranch Park and the event center, including hours of operation and hours when amplified sound is allowed. The hours of operation and hours of amplified sound may be extended by written agreement between the city and a user of this park.~~
- (13) No vehicles are allowed within the park without a permit or written permission after 11:00 pm

(c) ~~Farmers Market Park in Veterans Memorial Park~~. The following section applies to farmers market operations ~~in Veterans Memorial Park~~. The market manager has the authority to control the use of the park premises for purposes of Texas Penal Code section 42.03 (obstruction of passageways), issue warnings, provide notice per Texas Penal Code section 30.05 (criminal trespass), and take appropriate action against any person who violates the rules and regulation for market operations, any section of this division, and any other regulation or law. Additional regulation related to the farmers is in article 6.05 of this code. Farmers market rules include:

- (1) All market participants must complete the appropriate application, pay the applicable fees, and be approved by the market manager or the farmers market ~~board~~ committee prior to participation.
- (2) Producers, prepared-food producers, artists and craftspeople, service providers, entertainers, and community organizations that fulfill the mission of the market as listed in section 6.05.003 of this code, may be approved to participate in the market.
- (3) The farmers market and all vendors must comply with the Americans with Disabilities Act and with state accessibility requirements. All common areas and vendor booths must be accessible to individuals with disabilities whenever the booth is open to the public.

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- (4) All vendors must agree to and assist in the inspection of their operation by representative of the market at any time to ensure compliance with these rules and state health rules, as applicable.
 - (5) Market booth fees will be determined annually by the farmers market ~~association board~~ manager and approved by the city council. Fees will be assessed to participants weekly.
 - (6) All selling and promotion must be contained within the ten feet wide by ten feet deep booth space.
 - (7) Any vendor cancellations must be communicated with the market manager by 2:00 p.m. on day prior to the market or late notice fees will be assessed.
 - (8) Smoking or other tobacco use, including vaping or electronic cigarettes, is not allowed in market area.
 - (9) All market complaints should be sent to the market manager for review by the farmers market ~~association board~~ committee.
 - (10) Violation of farmers market or park rules may result in verbal warning, written warning, ~~fine~~, suspension or expulsion from the market. The market manager shall have discretion to enact any or all of the above options based on the severity of the violation.
 - (11) Community organizations that fulfill the mission of the market and seek to fundraise or educate at the market can submit an application to the farmers market ~~association board~~ manager for approval to perform such activities.
 - (12) All vendors must wait for the sound of the opening bell to commence sales to the public.
 - (13) Public dissemination of information is regulated on market days ~~from 2:00 p.m. — 7:00 p.m.~~ during market hours. Those seeking to disseminate information must do so only in the area designated by the market manager.
 - (14) Each vendor is responsible for his or her own sales tax collections and payments.
 - (15) A scale certified by the Texas Department of Agriculture must be used at the market for all products sold by weight.
 - (16) Food samples must be distributed in accordance with the rules set forth by the city's farmers market food sampling rules and Texas Department of State and Health Services.
 - (17) Home-canned processed foods and baked goods can be sold but must comply with the Texas Cottage Food Laws as defined by the Texas Department of State Health Services and Texas Health and Safety Code.

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- (18) All vendors must obtain any and all permits and licenses required by the state and the county as applicable to sell each product.
 - (19) All items sold at the market must be raised, prepared, processed, or crafted by the vendor within a 150 mile radius of the city and meet the mission of the market.
 - ~~(20) All vendors will be subject to inspection by the market manager prior to selling at the market.~~
 - (20) No live animals may be sold or given away at the market.
 - (21) No vendor, attendee, or participant in the market may impede pedestrian or vehicular traffic or interfere or disrupt normal market operations.

Secs. 16.02.066—16.02.100. Reserved.

DIVISION 3. YOUTH PROGRAMS' STANDARDS OF CARE

Sec. 16.02.101. Title.

This division shall be cited as the "standards of care ordinance."

Sec. 16.02.102. Purpose.

The following standards of care are intended to be minimum standards by which the city will operate the city's youth programs. These are the basic child-care regulations for programs operated by the city. The programs operated by the city are recreational in nature and are not day care programs. This will allow the city to qualify as being exempt from the requirement of the Texas Human Resources Code. The city is not licensed by the state to offer day care programs.

Sec. 16.02.103. Applicability.

These standards apply to ~~all youth programs offered by the city~~ the Coyote Day Camp program offered by the city and directly supervised by city staff.

Sec. 16.02.104. Definitions.

Words and phrases used in this division shall have the meanings set forth in this section. Words and phrases that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in those other ordinances. Words and phrases not defined in this code shall be given their common, ordinary meaning unless the context clearly requires

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otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

Camp counselor: The city staff that has been hired or volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of the city's youth programs. This definition also includes camp director.

Camp director: The city staff that has been hired or volunteered to work for the city and have been assigned responsibility for managing, administering, or implementing some or all portions of the city's youth programs.

City: The City of Dripping Springs, an incorporated municipality located in Hays County, Texas, and includes any official, agent or employee acting on behalf of the city.

City park or park: The city parks identified below and any land now or hereafter dedicated by the city as a municipal park.

Commission: The city's parks and recreation commission (aka, "parks and rec") or any successor entity.

Department: City of Dripping Springs.

Parent(s): One or both parents(s) or guardian(s) who have legal custody and authority to enroll their child(ren) in the city youth program.

Park: Drippings Springs Ranch Park, the site at which any city youth program may be hosted.

Participant: A youth whose parent(s) or guardian(s) have completed all required registration procedures and determined to be eligible for a city youth program.

Program manual: Notebook of policies, procedures, required forms, and organizational and programming information relevant to the city's youth programs.

Programs site: Area or facilities where the city youth programs are held.

Youth program(s): The city's youth programs consisting of the summer day camp program which lasts one week (five days) or longer.

Sec. 16.02.105. General information/administration.

- (a) Organization. The governing body of the city's youth programs is the city council.
- (b) Implementation. Implementation of the youth programs standards of care is the responsibility of the ~~city administrator and the program director overseeing the recreation programs.~~ DSRP Manager or designee.

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- (c) Application. Programs to which these standards of care will apply are: ~~Camp LASSO summer day camp~~ Coyote Day Camp.
- (d) Access to standards.
- (1) Each site will have available for public and staff review a current copy of the standards of care.
 - (2) Parents will be provided a copy of the current standards of care upon request.
- (e) Program objectives for youth programs.
- (1) To offer a program of varied recreational activities appropriate for children, such as but not limited to those programs that are related to nature, arts and crafts, sports and games, education, drama, special events, and other such activities designed for elementary age children.
 - (2) To provide an encouraging atmosphere emphasizing positive development of physical skills, emotional growth and self-confidence.
 - (3) To provide a pleasant, memorable, educational and fun recreational experience in a positive environment.
 - (4) To provide a safe environment; always promoting good health and welfare for all.
 - (5) To educate, instill self-confidence, teach teamwork skills and inspire kids to use their leisure time wisely through outdoor education and recreation, in an effort to meet emotional, physical and social needs.
- (f) Exemption status. Once an exempt status is established, the licensing division will not monitor the recreational program. The licensing division will be responsible for investigating complaints of unlicensed child care and for referring other complaints to the municipal authorities or, in the case of abuse/neglect allegation, to the local law enforcement authorities.
- (g) Standards of care review. Standards will be reviewed annually and approved by the city council after a public hearing is held to pass an ordinance regarding section 42.041(b)(14) of the Human Resources Code.
- (h) Child care licensing. Child care licensing will not regulate these programs nor be involved in any complaint investigation related to the program.
- (i) Complaints. Any parent, visitor or staff may register a complaint by ~~calling~~ contacting the city DSRP Manager office at (512) 858-4725, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Sec. 16.02.106. Staffing.

- (a) Requirements.
- (1) Program staff must be at least ~~18~~ 15 years old.

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- (2) All program staff should possess or complete prior to the beginning of camp, the following certifications from a nationally recognized organization in the following areas:
 - (A) Community CPR or the equivalent.
 - (B) First aid.
 - (3) Staff must complete the mandatory training program for the day camp.
 - (4) Staff must exhibit competency, good judgment, and self-control throughout the duration of camp.
 - (5) Staff should relate to the children with courtesy, respect, acceptance, and patience.
 - (6) Staff shall not abuse or neglect children.
 - (7) Staff will be evaluated at least once during the summer prior to the completion of camp. Evaluations will be reviewed with the camp counselors to discuss any area of improvement or suggestions.
- (b) Criminal background checks will be conducted on prospective summer day camp employees. An applicant may be disqualified if they have a criminal conviction.
 - (c) A prospective employee may be subject to a drug test prior to hiring.
 - (d) The state-required ratio for number of children (ages five to 13) may not exceed 12:1 children to staff.
 - (e) Participants with special needs requiring personal assistance, i.e., feeding, changing of clothes, using the restroom, must provide an attendant for the duration of the program. Program staff will not provide personal assistance. The attendant will be admitted to the program free of charge.

Sec. 16.02.107. Facility standards.

- (a) Safety measures.
 - (1) First-aid kits and infection control kits should be available at the site at which the participants are engaged in program activities.
 - (2) First-aid guidelines should be on file, and available at the site, and include:
 - (A) CPR/rescue breathing sequence guidelines.
 - (B) First-aid review.
 - (C) Medical emergency procedures.
 - (3) In a situation where evacuation is necessary, the first priority of staff is to make sure all participants are in a safe location.
 - (4) A disaster and evacuation procedure should be posted at the facility.

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(5) If the site is a building, the site should be provided with clearly marked exits for use in emergency.

(b) Inspections.

- (1) The facility should generally be kept reasonably free of insects, rodent and stray animals.
- (2) Program employees will inspect sites daily for any sanitation or safety concerns. Those concerns should be passed on to the supervisor immediately.

(c) Health and sanitation.

- (1) The facility must have a sufficient number of restrooms, which are maintained in good repair, equipped for independent use by children, and designed to permit staff supervision as needed.
- (2) The site must have an adequate supply of water and it will be readily available to all participants in a safe and sanitary manner.

Sec. 16.02.108. Service standards.

This information will be provided to each staff member as a part of the day camp staff manual.

(1) Appearance and behavior.

- (A) Staff will wear name badges that are clearly visible.
- (B) Appropriate shirts, shorts, and tennis shoes are to be worn at all times. No tube tops allowed, shorts should be at a respectable length, no cutoffs.
- (C) No clothing should bear any inappropriate logos, phrases, or pictures.
- (D) Any staff member, who does not adhere to the dress code, will be sent home for the day without pay.
- (E) Cell phone use is allowed only when the staff is on an approved break, when there are emergency circumstances, or when approved by the camp director.

(2) Communication with parents.

- (A) Staff will keep parents continuously informed of activities and schedules. A weekly schedule will be posted at the park ~~and in the city office~~.
- (B) Camp participants and parents will be treated with respect at all times.
- (C) Staff will note details of behavior of participants and update parents as much as possible.

(3) Additional staff responsibilities.

- (A) Staff will monitor the sign in/out log at all times.

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- (B) Staff will spend ~~100 percent of~~ their time actively involved with participants and/or parents.
 - (C) Staff will make an attempt to answer any complaints at the site and resolve all problems in a timely fashion. Situations that cannot be resolved on site by staff will be passed to a supervisor immediately and be investigated within 24 hours.
 - (D) Camp staff will clean the program area after each activity.

Sec. 16.02.109. Operational issues.

- (a) Emergency phone numbers are kept with the day camp director at all times. These numbers will include the nearest fire, police, and ambulance services.
- (b) A day camp program manual is given to every day camp ~~director and counselor employee~~. An additional manual will be located at each site where all staff can have access to the manual. The manual will contain the following information:
 - (1) Discipline issues.
 - (2) City rules and regulations.
 - (3) Forms that must be filled out.
 - (4) Service standards.
 - (5) Game/activity leadership.
 - (6) Ways to interact with children.
- (c) Sign-in/out sheets will be used every day. Only adults listed on sign-in/out release will be allowed to pick up children. An authorized person must enter the building, present appropriate identification and sign the sheet in order for staff to release the child.
- (d) Parents will be notified regarding planned field trips and provided the required release forms.
- (e) Enrollment information will be kept and maintained on each child and shall include:
 - (1) Child's name, birth date, home address, home telephone number, physician's phone number and the appropriate daytime contact information where parents can be reached during normal business hours.
 - (2) Names and telephone numbers of persons to whom the child can be released.
 - (3) Liability waiver.
 - (4) Statement of the child's special problems and/or needs, including but not limited to any known allergies.
 - (5) Designation of need for reasonable accommodations.
 - (6) Signed acknowledgement of program code of conduct by a parent or guardian.

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- (f) Staff shall immediately notify the parent or other person authorized by the parent when the child is injured or has been involved in any situation that placed the child at risk.
 - (g) Staff shall notify parents or authorized persons of children in the facility when there is an outbreak of a communicable disease in the facility that is required to be reported to the county department of health. Staff must notify parents of children in a group when there is an outbreak of lice or other infestation in the group.

Sec. 16.02.110. Behavior management and discipline procedures.

- (a) Program employees will implement discipline and guidance in a consistent manner based on an understanding of individual needs and development with the best interest of program participants in mind.
- (b) There will be no harsh, cruel, or corporal punishment used as a method of discipline.
- (c) Program employees may use brief, supervised separation from the group if necessary. Children will be aware of all camp rules prior to the start of any activity. Their understanding of the rules is an integral part of behavior management. When negative behavior occurs they will know there is a consequence for the chosen action.
- (d) Incident reports will be filled out on any disciplinary cases, and information is to be shared with parents when picking up the child (or sooner when extreme cases occur). Parents will be asked to sign the incident report to indicate they have been advised about specific problems and/or negative behaviors.
- (e) A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a participant being suspended from the program. Parents/guardians will be contacted to pick up their child immediately.
- (f) In instances where there is danger including physical harm or threat of physical harm to participants, staff, or themselves, the offending participant(s) will be removed from the program immediately. Parent(s) or guardian(s) will be contacted to pick up the child immediately.

Sec. 16.02.111. Illness or injury.

- ~~(a) Participants shall have and maintain immunizations in accordance with those required by the state department of health for public school attendance according to age.~~
- (a) Parents shall be notified in cases of illness or injury.
- (b) When an incident occurs that results in an injury, an incident report shall be filled out immediately after the incident.
- (c) A child who is ill or injured shall be supervised until the parent or other authorized adult removes the child from the site.

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- (d) In the event of suspected abuse, program employees will report suspected abuse or neglect in accordance with the Texas Family Code. In the case where a city employee is involved in an incident with a child that could be construed as child abuse, the incident must immediately be reported to the camp director, who will immediately notify the county's sheriff's department and any other agency as may be appropriate.
 - (e) State law requires the staff of youth programs to report any suspected abuse or neglect of a child to the state department of family and protective services or law enforcement agency. Failure to report suspected abuse is punishable by fines up to \$1,000.00 and/or confinement up to 180 days. Confidential reports may be made by calling 1-800-252-5400.
 - (f) Program staff will receive basic training related to child abuse prevention and how to report suspected abuse.

Sec. 16.02.112. Monitoring and distribution.

- (a) The camp director is to confirm and ensure the standards of care are being adhered.
- (b) The camp director in charge of these programs will make visual inspections of all program sites on a biweekly basis and make a report if necessary to be sent to the ~~city administrator~~ DSRP Manager.
- (c) The department shall post and make available copies of these standards and the rules adopted pursuant to this section.
- (d) The department shall notify the parents of each prospective participant that the recreational programs are not licensed by the state. The program may not, and will not, be advertised as any type of child-care facility.
- (e) The ~~camp director~~ DSRP Manager shall submit an annual report on the camp to the ~~city administrator~~ within 30 days of the end of the camp. Parks & Community Services Director. The report shall include standards of care compliance issues and changes recommended for the next year.

Secs. 16.02.113—16.02.160. Reserved.

DIVISION 4. COMMERCIAL FITNESS TRAINERS ACTIVITY ON PARK PROPERTY

Sec. 16.02.161. Title.

This division shall be cited as the "~~commercial fitness trainers~~" "Commercial Activity on Park Property" ordinance."

Sec. 16.02.162. Purpose.

These rules are established to ensure:

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- (1) The condition of the city parks do not decline from overuse by commercial ~~fitness trainers' ("trainers")~~ activities;
 - (2) Park users ~~not utilizing trainers~~ have adequate access to park facilities when ~~trainers are~~ commercial activity is present at the parks;
~~Trainers conduct business in park facilities in a manner that promotes public health;~~
~~and~~
 - (3) The city is not liable for injuries sustained by ~~the trainers' and/or the trainers' patrons,~~ any commercial activity on park property.

Sec. 16.02.163. Applicability.

These rules apply to anyone providing ~~physical fitness direction~~ services or products for profit while on any city-owned park property.

~~Sec. 16.02.164. Definitions.~~

~~Commercial fitness trainer: Per section 16.02.034, a for profit trainer providing physical fitness training expertise to city park users.~~

Sec. 16.02.165. ~~Itinerant vendor's~~ Commercial Activity in Parks license Permit.

All commercial ~~fitness trainers~~ activity providers must obtain an ~~itinerant vendor~~ Commercial Activity in Parks license permit prior to ~~training in city parks,~~ as well as comply with all other sections of this division.

- ~~(b) All licensees shall be placed on a calendar year renewal program. If license to conduct training activities is purchased after January of the calendar year, the license fee will be prorated by month, and divided by 12. The trainer shall pay that portion of the 12 months left in the calendar year and will renew on January 2nd of the next calendar year so that license renewal anniversaries are consistent~~

Sec. 16.02.166. Permit; application; plan required.

- (a) Commercial ~~fitness trainers~~ activity providers must obtain the proper city-issued commercial ~~fitness trainer's activity~~ permit ("permit") prior to ~~training patrons providing services~~ for profit on city park property from the Parks and Community Services department. Permits may be obtained from the city, 511 Mercer St., Dripping Springs, Texas 78620. Trainers must sign and return to the city a copy of the guidelines for permitting commercial fitness activity ("guidelines"), and retain a copy. See exhibit A attached to Ordinance No. 1510.08 for the guidelines.
- (b) Facility use application. ~~Trainers~~ Commercial activity providers must submit a facility use application ("application") which requires city approval prior to receiving a permit and commencing ~~training activity~~ operations. The application must list the times, dates, and

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the specific areas where ~~training~~ the commercial activity will be conducted. ~~Training events~~ Commercial activity must only be conducted during the times, dates and within the event area specified in the application, including the time to set up and take down equipment. ~~See exhibit B attached to Ordinance No. 1510.08 for an application.~~

- (c) Site layout plan. ~~Trainers~~ Commercial activity providers must submit a site layout plan ("plan") with the application indicating areas of park to be utilized, and equipment ~~brought to training by trainers and patrons to be brought into the park~~. This plan must be attached to the application in order to receive a permit. ~~See exhibit C attached to Ordinance No. 1510.08 for a plan.~~

Sec. 16.02.167. Provisions.

- (a) A non-exhaustive list of services commercial ~~fitness trainers ("trainers")~~ activity providers with the proper permit may be allowed to provide at city parks ~~are include but are not limited to:~~ Boot camp training, personal training, ~~and~~ yoga instructing, home school programs, nature based programs, and sports programs.

~~The maximum number of participants in a group is 12 per session. If there are more than 12 participants, the trainer must:~~

- ~~(1) Split group into separate groups directing each to designated areas; and
(2) Provide a separate trainer for each group.~~

- (b) No more than five x 1.5 hour sessions (or a total of 7.5 hours) are allowed per week at each designated area of a park. No more than two sessions are allowed in any park at any time.
- (c) Commercial (i.e., for profit) use of city parks for fitness sessions may only take place on designated areas within a park. The designated area must be reserved in advance ~~at city hall~~, and is on a first-come, first-served basis.
- (d) Athletic fields (i.e., soccer and football) may be available by special request due to heavy utilization by youth user groups. Other fields (i.e. softball) may be available during off season times. No field can be used without the prior written approval of the city administrator or their designee.
- (e) List of available city parks and the designated areas:
- (1) Charro Ranch Park.
 - (A) ~~Cross country trail~~ Pedestrian Trail.
 - (B) Solstice Circle (yoga only).
 - (2) Dripping Springs Ranch Park.
 - (A) Walking trail system.
 - (B) Open recreation areas as designated on site plan request (if approved).

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(3) Founders Memorial Park.

- (A) ~~Walking trail system~~ Pedestrian Trail.
- (B) Open recreation areas as designated on site plan request (if approved).
- (C) ~~Overflow parking area may be used if the city's youth sports association is not using the facility.~~
- (C) Athletic Fields

(4) Sports and Recreation Park.

- (A) ~~Walking trail system~~ Pedestrian Trail.
- (B) ~~UHL soccer field~~ Athletic Fields.
- (C) Open recreation areas as designated on site plan request (if approved).
- (D) Exercise stations.

(5) Veterans Memorial Park

- (A) Open recreation areas as designated on the site plan request (if approved).

(6) The city reserves the right to alter commercial fitness training activity areas. Availability is subject to sustainability and maintenance impact on the parks.

(f) A nonexhaustive list of areas where commercial ~~fitness trainers activity are~~ activity are is prohibited ~~from training:~~

~~Veterans Memorial Park;~~

- (1) Areas of cultural or natural significance as determined by city staff;
- (2) Within a 100-foot radius of any picnic shelters or benches;
- (3) Within a 100-foot radius of any playgrounds or play equipment;
- (4) Within a 100-foot radius of any public toilet or kiosk areas;

~~—The Pound House grounds next to Founders Memorial Park;~~

- (5) Charro Ranch Park with the exception of the ~~cross-country~~ pedestrian trail, the pavilion, and the solstice circle; and
- (6) Roadways within the parks.

(g) Additional prohibitions.

- (1) Parking lots within the city parks may not be used for any type of training activity or any other professional service or solicitation at any time without prior approval by the city administrator or their designee.

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- (2) Use of the electrical service at any designated park location is not covered by this permit and must be requested and approved by the city administrator or their designee under separate request. Additional fees will apply.
 - (3) Any amplified music.
 - (4) Training events in the ranch house, in the arena, on the equine trail, in camping areas and their surrounding grounds at the city's Ranch Park.
 - (h) Commercial AG trainer, the city requires any trainer conducting instruction in city parks hold a current fitness certification from a nationally recognized fitness organization. Some examples of these fitness organizations include: National Academy of Sports Medicine, National Association for Fitness Certification, National Fitness Instructor Training.

Sec. 16.02.168. Fees.

- (a) Permit fees are needed to ensure that the public is fairly compensated for commercial use of city parks.
- (b) Fees must be paid by trainers and secured by the city prior to beginning the park reservation request process. ~~The fee structure for use of the parks is:~~
 - (1) ~~Six month license: \$50.00.~~
 - (2) ~~Twelve month license: \$70.00.~~
 - (3) ~~Park maintenance fee: \$10.00 per month per training session (in addition to the license).~~
- (c) Applicant shall pay to the city a deposit equal to the cost of the upcoming session/classes in order to reserve space in the park prior to the beginning of the camp/event, etc.
- ~~(d) If no sessions/classes occur, the deposit shall be refunded or, at the payee's discretion, retained by the city as credit toward the next session that occurs.~~
- ~~(e) Commercial fitness trainer will complete a monthly report (summary sheet) designed to track park usage and revenue to city. The monthly report form, provided by the city, and payment (payable to the city, sent to the city) of any park maintenance fees, is due to the city by the 10th day of each month sessions are to occur. Monthly reports are only required to be filed when in the preceding month a commercial fitness trainer has used park facilities for purposes governed by this division.~~
- ~~(f) A city employee will perform periodic checks to monitor training instruction and city code compliance.~~

Sec. 16.02.169. Deposits; insurance.

Following completion of the permitting process, ~~trainers~~ commercial activity providers must comply with the following:

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- (1) Pay refundable deposits as required for athletic fields, a minimum of two weeks prior to first requested date. No rental fee will be charged for use of fields.
 - (2) Requestor must provide a copy of a certificate of liability insurance with a separate endorsement listing the city as an additional named insured in the amount of \$500,000.00.

Sec. 16.02.170. Criminal offense.

- (a) A person commits an offense under this division, if the person:
 - (1) Conducts ~~physical fitness training~~ commercial activity for profit without a valid itinerant vendor's license as required by section 16.02.165;
 - (2) Fails to comply with the requirements of section 16.02.166;
 - (3) Uses park facilities prior to payment of a permit fee or deposit per section 16.02.168; or
~~Fails to submit a monthly report by the 10th day as required by section 16.02.168(e).~~
- (b) ~~An offense under this section is a misdemeanor punishable by a fine not to exceed \$500.00.~~ No culpable mental state is required for proof of an offense under this section.

~~Sec. 16.02.171. License suspension, revocation, and appeals.~~

- ~~(a) Suspension of license. Upon the filing of a complaint alleging an offense under section 16.02.170 the city may, without warning, notice, or hearing suspend an itinerant vendor's license issued under this division for a period of 30 days. A conviction of an offense under section 16.02.170 may result in a suspension of up to 180 days. Suspension is effective upon service of the notice by the city. When an itinerant vendor's license is suspended physical fitness training for profit operations shall immediately cease at city parks. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within 20 days of receipt of a request for a hearing. During the pendency of the hearing, the suspension shall be stayed.~~
- ~~(b) Notice and hearing.~~
 - ~~(1) Whenever an itinerant vendor's license is suspended, the holder of the permit or the person in charge shall be notified in writing that the license is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the city by the holder of the license within ten days. If no written request for hearing is filed within ten days, the suspension is sustained. The city may end the suspension at any time if reasons for suspension no longer exist.~~
 - ~~(2) The hearing, which shall be administrative in nature, shall be conducted before the city administrator or the city administrator's designee. The city may be represented~~

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by city staff or legal counsel. The hearing shall not be bound by the state rules of evidence, state rules of civil procedure, or the state code of criminal procedure.

- ~~(c) Revocation of license. The city may, after providing opportunity for a hearing, revoke an itinerant vendor's license to a person who is convicted twice of an offense under section 16.02.170. Prior to revocation, the city shall notify the holder of the license in writing, of the reason the license is subject to revocation and that the license shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the city administrator. If no request for hearing is filed within the ten day period, the revocation of the license becomes final.~~
- ~~(d) Administrative process. A notice as required by this section is properly served when it is delivered to the holder of the license, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the license. A copy of the notice shall be filed in the records of the city.~~
- ~~(e) The hearing. The hearings provided for in this section shall be conducted by the city administrator or the city administrator's designee at a time and place designated by the city administrator or the city administrator's designee. Based upon the evidence presented at such hearing, the city administrator or the city administrator's designee shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the city.~~
- ~~(f) Appeal. The licensee shall have ten days from the date of suspension or revocation to file notice of his appeal to the parks and recreation commission from the order suspending or revoking the license. The appeal shall be determined by the parks and recreation commission at its next regular meeting. After holding a hearing on appeal, the parks and recreation commission shall by majority vote either sustain the suspension or revocation, or issue an order reinstating the license. During the pendency of an appeal, a license suspension or revocation shall be stayed.~~

Sec. 16.02.171. Indemnity/waiver.

Permit holder/trainer shall provide the city with a release and waiver of the city's liability for each company, entity, trainer, and participant in each session.

~~Sec. 16.02.173. Delinquent accounts.~~

~~Any funds paid by a trainer/entity will first be applied to the appropriate delinquent account, until no longer delinquent, before funds may be applied to future park training uses.~~