

**ORDINANCE NO. 041725-02**

**AN ORDINANCE OF THE CITY OF LA VERNIA, TEXAS AMENDING LA VERNIA CODE OF ORDINANCES CHAPTER 40 PARKS AND RECREATION COMMISSION, ARTICLE II. SECTION 40-27 MEMBERS; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, per **Sec. 332.002. ESTABLISHMENT AND OPERATION OF RECREATIONAL FACILITIES AND PROGRAMS**, of the Texas Local Government Code, a municipality or county may establish, provide, acquire, maintain, construct, equip, operate, and supervise recreational facilities and programs, either singly or jointly in cooperation with one or more other municipalities or counties; and

**WHEREAS**, per **Sec. 332.005. ADMINISTRATION**, of the Texas Local Government Code, a governing body may administer and operate recreational facilities and programs through a bureau or department of recreation or through a board established jointly with another governing body. The board shall adopt rules for the administration and operation of the recreational facilities and programs under its control subject to the approval of the establishing governing bodies; and

**WHEREAS**, the City Council of the City of La Vernia, Texas (hereinafter referred to as the "City") has requested the Park Ordinance amendment for the Parks and Recreation Commission, Section 40-27, as listed in **Exhibit A**; and

**WHEREAS**, the City Council has reviewed the amendment prepared and finds it to be in the best interest of the City of La Vernia to approve this amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, TEXAS, THAT:**

**Section 1. Members**

Chapter 40, Article II of the City's Park Ordinance is hereby amended as reflected in Exhibit A.

**Section 2. Severability**

If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

**Section 3. Conflict of Ordinances**

Ordinances or parts of Ordinances in conflict herewith are hereby repealed and are no longer of any force and effect.

**Section 4. Effective Date**

This ordinance shall take effect upon City Council approval.

**PASSED, APPROVED, AND APPROVED** this 17th day of April 2025.

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Martin Poore  
Mayor, City of La Vernia

**ATTEST:**

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Madison Farrow,  
City Secretary, City of La Vernia

**APPROVED AS TO FORM:**

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City Attorney's Office  
City of La Vernia

## Exhibit A

## ORDINANCE NO. 01192023-02

**AN ORDINANCE OF THE CITY OF LA VERNIA, REPEALING ORDINANCE 47A-H AND 011217-02 CREATING CHAPTER 40 PARKS AND RECREATION IN LA VERNIA CODE OF ORDINANCE, ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF THE PARK, ESTABLISHING OPENING AND CLOSING HOURS, SETTING SPEED LIMITS, ESTABLISHING PARKING REGULATIONS AND ESTABLISHING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA VERNIA, WILSON COUNTY TEXAS, at its regular City Council meeting held on April 17, 2025 at the La Vernia City Hall, La Vernia, Texas:

### ***ARTICLE I. IN GENERAL***

#### **Sec. 40-1. CITY PARK DESIGNATED.**

There is hereby created and established a City Park located within the corporate limits of the City of La Vernia, known as CITY OF LA VERNIA RECREATION PARK, said park consists of 22.64 acres of land and being that same land described in Judgment dates October 15, 1979 in Cause No. 9829 in the District Court of Wilson County, Texas, of record in Vol. D Page 323, District Clerk Minutes of Wilson County, Texas.

#### **Sec. 40-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Child area* means any lot or tract of land that is used as a:

- (a) School, playground, youth center, or video arcade facility, as defined by Section 481.134, Texas Health and Safety Code;
- (b) Public park; or
- (c) Private recreational facility, including a park, pool, playground, skatepark, or youth athletic field:
  - (1) Owned by a residential property owners association; or
  - (2) For which an entrance, admission, or rental fee is charged.

*Department* means the parks and recreation department.

*E-cigarettes* means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery or electronic circuit to deliver nicotine or other substances to the

individual inhaling from the device. Regardless of whether the device is manufactured, distributed or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description.

*Facilities* means and refers to any park areas available for reservation.

*Organized team play* means scheduled and/or planned athletic practices and games with a coach, participants, referees, etc.

*Park* means and refers to any park, reservation, playground, skatepark, athletic field, splash pad, pool, recreation facility or any other open space area owned, leased or under control of the city, whether located within or without the corporate boundary limits of the city, which is devoted to recreation and leisure-time use by the public.

*Sex offender* means an individual who is required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or by a state or federal agency. Sex offender shall also refer to civilly committed sexually violent predators, as referenced under V.T.C.A., Health and Safety Code Ch. 841.

*Tobacco products* include cigarettes, cigars, chewing or pipe tobacco, snuff, dip and any other product that contains tobacco, regardless of the frequency or method of use.

#### **Secs. 40-3—40-25. Reserved.**

## **ARTICLE II. PARKS AND RECREATION COMMISSION**

#### **Sec. 40-26. Established.**

There is created and established a parks and recreation commission to be composed of seven members. Such board shall be officially designated as the La Vernia Parks and Recreation Commission.

#### **Sec. 40-27. Members.**

- a. The commission shall consist of seven **Commissioners** who shall serve without compensation and shall be appointed **by their respective organization, with approval from the City Council.** **Commissioners** shall be appointed from the La Vernia Little League, La Vernia Historical Association, La Vernia Chamber of Commerce with **four at-large positions available for La Vernia residents, with one of the positions open to those from the ETJ.** If a member of the commission ceases to qualify for a position, the city council shall appoint a new **Commissioner** to fill the remainder of the resigning member's term. Administrative officials of the City may be appointed as ex-officio, nonvoting members of the commission.
- b. The members of the commission shall serve four-year staggered terms with even-numbered position being appointed in January of even-numbered years and odd-numbered positions appointed in January of odd-numbered years. An appointment to fill a vacancy shall be the unexpired terms. A member serving to fill an unexpired term shall be eligible for reappointment to serve a full term.
- c. Unless otherwise required by state law, all members serve at the pleasure of the City Council and may be removed at any time with or without cause.
- d. Upon the death, resignation, removal or expiration of the term of office of any member of the parks and recreation advisory board, the mayor, with approval of the city council, shall appoint a successor as a member of the board, who shall hold his membership for the unexpired term of the member he is appointed to succeed or for a period of three years when the appointment is made due to the expiration of a term of office.

## **Sec. 40-28. Officers.**

The commission shall have a chairperson and vice-chair-person, elected from its membership to serve for a one-year term. Officers shall be elected annually at the first meeting in January by the commission. The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason. The commission may elect other officers as necessary to conduct the business of the commission.

## **Sec. 40-29. City staff.**

- (a) The director shall be an ex officio member of the parks and recreation advisory board without voting privileges and shall act in an advisory capacity to the board.
- (b) The parks and recreation advisory board shall receive reports, advice and available services from the various city departments as required and as directed by the city manager. When directed by the city manager, any department head or official of the city shall be available to the board for advice and consultation, and they shall cooperate with and render such services for the board as shall come within the scope of the duties of the city manager.
- (c) The parks and recreation commission shall have no authority in the choice of employees who may be assigned to parks and recreation activities or in the establishment of salary ranges for such employees. The board may offer advice to the city manager and city council as to needs in the area of parks and recreation that might be met by additional employees.

## **Sec. 40-30. Duties and responsibilities.**

1. The Parks and recreation Commission is tasked with the review, planning, and providing recommendation of the development and improvement of the parks and recreational areas within the City of La Vernia.
2. The commission may hear testimony and conduct public hearings as required.
3. The commission shall provide and/or coordinate volunteers to plan and implement city-sponsored special events and activities such as LV Spirit of Christmas Tree Lighting and the 4<sup>th</sup> of July in the Park.
4. The commission shall assist and coordinate with City Council, staff, and possible outside professionals for obtaining and accomplishing grants for park or future park space.
5. The commission shall solicit and obtain suggestions from citizens for projects or activities that would improve the parks.
6. The commission shall prepare and present reports and recommendations to the City Council as needed.
7. The commission will not interfere with nor direct city employees with their duties.

## **Sec. 40-31. Rules and regulations.**

1. The commission shall have a chairperson and vice-chair-person elected from its membership to serve for a one-year term. Officers shall be elected annually at the first meeting in January by the commission. The chairperson shall preside over the commission and shall have the right to vote on all items before the commission. The vice-chairperson shall fulfill the duties of the chairperson when the chairperson is not available for any reason. The commission may elect other officers as necessary to conduct the business of the commission.

2. The commission may adopt and establish such rules, regulations, or bylaws as necessary for the orderly conduct of its business subject to the approval by the City Council.
3. The commission should hold regularly scheduled monthly meetings. All meetings shall be at a time and place established by the commission and shall be held in accordance with the Texas Open Meetings Act. Special meetings may be called by the City Council, chairperson, administrative official, or upon written request of any three commission members.
  - a. A quorum shall consist of a majority of the members of the commission, except that when a vacancy exists, a quorum shall consist of a majority of the members without regard to the vacancy. The concurring vote of a majority of members present is necessary to make a valid motion, decisions, or recommendation of the commission. The commission shall keep a record which shall be reasonably available to the public of its resolutions, proceedings, and actions. Absences may be excused if caused as a result of illness, death of a family member or close personal friend, scheduled vacation, business travel, or other extraordinary circumstances. The chairperson of the commission shall be responsible for determining whether an absence may be excused.
  - b. Members shall strive to notify the chairperson or other appropriate officer of the commission in advance of any known or planned absence to enable the chairperson or other officer to determine if a quorum will be present. Failure to give reasonable notice may be considered when determining whether an absence shall be excused.
4. A public record shall be kept of all transactions, findings, resolutions, determinations and actions of the commission as required by law. All public records shall be open to the public under the Texas Public Information Act.
5. A commission member having any potential conflict of interest on any policy decision or determination before the commission shall disclose such conflict, shall recuse themselves from discussion on the topic involving such conflict and shall abstain from voting on such policy, decision, or determination. The disclosure of a conflict of interest shall be recorded in the commission's minutes.

**Secs. 40-32—74-50. Reserved.**

### ***ARTICLE III. USE REGULATIONS***

#### **Sec. 40-51. Fees and charges.**

- (a) The city administrator is authorized to recommend to the city council all fees charged for the use of parks, recreational facilities and for recreational programs of the city. Any fee structure shall be adopted by the city council and set forth in the annual budget.
- (b) Use of ball field complexes and/or athletic fields for organized team practice or play are by reservation only through the city. Use, regulations of, and scheduling for ball field and/or athletic fields shall be coordinated by the city.
- (c) The reservation fee for park facilities, as set forth in the annual budget, may be refunded under the following conditions:
  - (1) Full refund of the reservation fee in those cases where the city is notified in writing of cancellation of reservation not less than 7 days prior to the date of use of the reserved area.
  - (2) If a cancellation of the reservation occurs less than 7 days prior to the date of use of the reserved area, there is an option to reschedule to a later date that must be exercised when the cancellation occurs.

(3) If inclement weather causes cancellation, the reservation holder may reschedule for a later available date or request a full refund provided the city is notified in writing within the first three working days of the cancellation.

(4) The only exception to the refund provisions as set forth in this subsection shall be with the approval of the city administrator.

#### **Sec. 40-52. Hours of operation.**

- (a) The City Park shall be open daily to the public from 6:30 a.m. through 11:00 p.m. Only those persons authorized by the city administrator shall be allowed to remain in the park or recreation areas after such hours.
- (b) Nothing in this section shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities where such events or activities have been approved by the city administrator.
- (c) In the case of emergency or inclement weather or where, in the judgment of the city administrator or police chief, the public interest and safety demands it, the roadways or other portions of any park may be closed to the public. This includes the closure of all ball field complexes and/or athletic fields due to inclement weather or unplayable field conditions.

#### **Sec. 40-53. Destruction of park property.**

- (a) It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, damage, destroy or injure in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, turf, shrub, plant, flower, railing, bridge, backstop, asphalt, culvert or any other property whatsoever belonging to the city in, at or upon any park, trail, parking lot, pavilion, athletic field, equipment, amenity, or recreation facility owned or controlled by the city.
- (b) It shall be unlawful for any person to willfully pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, destroy, or hang items on any tree, shrub, plant, vine, flower, moss or vegetation, or portion thereof, including, but not limited to, leaf, mold, foliage, berries, fruit, grass, turf, roses, except by written approval issued of the city administrator for scientific or educational purposes.

#### **Sec. 40-54. Explosives, inflammables and combustibles.**

It is unlawful for any person to take or carry or cause to be taken or carried into any park any explosive, dangerous or inflammable powder or any explosive or dangerous or inflammable or combustible substance. It is likewise unlawful for any person to fire or explode any other substance or thing containing an explosive, dangerous or inflammable substance in any such park. However, nothing in this section shall prohibit any public fireworks exhibition sponsored by the city.

#### **Sec. 40-55. Fires and barbeque grills.**

- (a) The city is authorized to post signs within any park during periods of extreme fire danger directing that no fires, including barbeque grills, shall be built, started or maintained in the park or portion thereof and that it is unlawful to build, start or maintain a fire in any area so posted.
- (b) It is unlawful for any person to start or maintain or cause to be started or maintained any fire in or on any park, unless confined within a fire pit permanently erected for such purpose, if available. All persons using a barbeque grill or other cooking fire shall use a metal drip pan under the grill to catch ashes and grease.

- (c) Cutting of green or living firewood is prohibited, except by written consent of the city administrator.
- (d) It shall be unlawful for any person to dispose of, or dump on the ground, any ashes, wood, or other fuel material used in a barbeque grill as fuel. All such ashes, wood or other fuel material shall either be placed in a metal can, if available, or carried off the park grounds for disposal at home.

#### **Sec. 40-56. Refuse and trash disposal.**

It shall be unlawful for any person to dump, deposit or leave any bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in any park or park land. Such refuse or trash shall be placed in the proper receptacles where these are provided, and otherwise it shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

#### **Sec. 40-57. Motor vehicles.**

- (a) It shall be unlawful for any operator to drive any motor-driven vehicle into, along, or across any grassy area of a public park, playground, trail system or public recreation area which is owned, operated, or maintained by the city, except upon public roadways and parking lots maintained by the city for the operation of such vehicles. No motor driven vehicle shall be driven upon any sidewalk, footpath or footbridge spanning a stream located therein. For the purposes of this section wheel chairs and motorized bicycles and scooters with motors smaller than 3 H.P. shall not be considered as a motor driven vehicle. It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways. This subsection shall not apply to any areas specifically designated and marked for parking purposes by order of the city administrator.
- (b) It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor vehicle traffic.
- (c) It is unlawful to leave or park a vehicle overnight in any park after 11:00 p.m., any day of the week without written consent of the city administrator, except by city employees in the course of their employment.
- (d) Motor driven vehicle restrictions shall not apply to emergency vehicles or city owned vehicles being used for the purpose of loading or unloading freight therein or in the construction, maintenance or repair of such public parks, public playgrounds, trail systems or public recreation areas owned or maintained by the city.

#### **Sec. 40-58. Abandoning or disturbing animals and defecation by animals on park property.**

- (a) It shall be unlawful to abandon in any park or other recreational facility any dog, cat, birds, fowl, reptiles or any other animals whatsoever.
- (b) It shall be unlawful to disturb in any park or other recreational facility any birds, fowl, reptiles or any animals whatsoever present in, belonging to or preserved in the park or other recreational facilities owned or controlled by the city, except as otherwise provided in this article.
- (c) An owner, harbinger, or other person in possession of an animal commits an offense if he knowingly permits, or by insufficient control allows the animal to defecate in the city on park property and fails to remove and dispose of any excreta the animal deposits.
- (d) It is an affirmative defense to prosecution under subsection (c) that:
  - (1)The animal was specifically trained to assist a person with a disability and was in possession of that disabled person at the time it defecated or was otherwise present on park property;

- (3) The animal is a police canine being used in official law enforcement activities.

Cross reference(s)—Animals, Ch. 4.

### **Sec. 40-59. Loose livestock and pets.**

- (a) It shall be unlawful to allow any horses, cattle, sheep, goats, hogs, cats, dogs or other pets or any other livestock whatsoever to pasture, graze or run at large within the limits of any of the parks of the city. However, this subsection shall not apply to animals placed within enclosures by the city.
- (b) Any person employing or using the services of any person who violates this section shall be liable as principal for the breach of this section, and the person having control of such animals or livestock shall be liable for any breach of this section.

Cross reference(s)—Animals, Ch. 4.

### **Sec. 40-60. Excavations.**

It shall be unlawful for any person to excavate any ditches, tunnels, holes or trenches or to lay sewer lines, pipelines, drain lines, conduit or cable within any park area without first obtaining a permit from the city. In making permitted excavations, proper care shall be taken to prevent injury to the roots of trees, shrubs or plants. Upon completion of the work, the ground surface shall be restored by the permittee. All costs shall be paid by the person obtaining a permit.

### **Sec. 40-61. Prohibited conduct.**

Within any park, or other city-owned property, it is unlawful for any person, family, group, organization, association, business, etc. to:

- (1) Camp or lodge in the park without first having obtained written approval from the city.
- (2) Sell or offer for sale any merchandise, article, goods, services or thing without obtaining a solicitor permit from the city.
- (3) Fly model airplanes or drones in any park except at locations specifically designated by the city administrator.
- (4) Thrash, shake or otherwise disturb or damage trees.
- (5) Build, construct or place any structure or improvement, temporary or permanent, in any public park without the written consent and approval of the city.
- (6) Prevent, disrupt, interfere with or obstruct in any manner any authorized, permissible, and/or organized activities, programs or uses in any public park.
- (7) Directly or indirectly be responsible for disruptive, destructive, or violent conduct in a city park, park facility, dog park, splash pad, or playground, which endangers public property, health or safety.
- (8) Use any ball field complexes, athletic fields, basketball courts, playgrounds, or trails for any sport or activity other than its intended use (that could be considered destructive to the park and/or facility and park amenities) except as authorized in writing by the city administrator. Some examples include golf on baseball fields, skateboarding and soccer on basketball court, etc.
- (9) Fail to obey any other rules, either temporary or permanent, that are posted on signs duly erected on any city-owned property.

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## **Sec. 40-62. Permit required for scheduled events.**

- (a) It shall be unlawful to hold any organized, scheduled event and/or public special event within the parks and recreational facilities and city streets or rights-of-way unless and until a permit has been issued by the city as provided in this section. All events shall be conducted in an orderly and law-abiding manner.
- (b) Facilities are rented on a first paid, first served basis. Scheduling of events is coordinated through the city.
- (c) Additional arrangements may be required, depending on group size and purpose, including, but not limited to:
  - (1) Proof of insurance.
  - (2) Adequate security as required by the police department.
  - (3) Health permits as required by the health inspector.
- (d) If the request is denied, the applicant will be advised in writing within five days of receipt of the application.

## **Sec. 40-63. Lighting turned off at midnight.**

The police department is authorized and directed to ensure that the recreational lighting at the Little League fields and volleyball courts is turned off by midnight each night, unless some arrangement has been made by the city for teams to make up a particular game or to conduct tournaments.

## **Sec. 40-64. Possession of certain drinks.**

- (a) It shall be unlawful for anyone to exhibit, use, carry or dispose of glass beverage containers in the entire city park.
- (b) It shall be unlawful for any person to possess, use or consume any alcoholic beverage or intoxicating liquor, or possess an open container of intoxicating liquor or alcoholic beverage, as defined by the Alcoholic Beverage Code, as amended, within the boundaries of the public parks and trails within the city limits maintained by the city except in designated areas by permit only obtained from the city.
- (c) The possession of alcoholic beverages are allowed in designated areas by permit only:
  - (1) *Designated areas for adult baseball, softball, kickball games.*
    - a. Sponsoring organizations shall provide proof of liability insurance naming the city as co-insured in amounts not less than \$1,000,000.00 per occurrence in a form and through a carrier satisfactory to the city;
    - b. Sponsoring agency will provide proof of all required licenses and permits for the sale of alcoholic beverages or food items;
    - c. Sponsoring organizations shall pay the designated fee per day for the entire baseball/softball complex when utilizing the parking area;
    - d. Security shall be provided in accordance with requirements of the police chief at the expense of the sponsoring organization;
    - e. Maintenance Staff may be provided in accordance with requirements of the city administrator at the expense of the sponsoring organization;

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- f. Sponsoring organization must provide that event is concluded no later than normal park operating hours and that the parking area is cleared of litter and debris immediately.

(2) *Volleyball complex.*

- (d) An alcoholic beverage permit shall not be required when an adult athletic association and/or league organization agrees to employ a certified police officer to be present during scheduled games and activities according to the policies as set by the police department. This agreement shall be a part of any approval granted for use of city park facilities to such adult associations or organizations.

### **Sec. 40-65. Use of tobacco products and E-cigarettes.**

- (a) Tobacco products and E-cigarettes are prohibited where children typically gather and play in the following park facilities (with the exception of paved parking areas):
  - (1) On and within 50 feet of any park playground.
  - (2) On and within 50 feet of any splash pad.
  - (3) On and within 50 feet of any basketball court.
  - (4) On and within 50 feet of the Little League fields.

### **Sec. 74-66. Sexual offenders prohibited from entering public parks.**

- (a) It is unlawful for any person to enter or remain within 500 feet of a child area, park, or city library if the person is required by law to register on the department of public safety's sexual offender database because of a violation involving a victim or an intended victim who was 17 years of age or younger.
- (b) It is an affirmative defense to prosecution under this article that the sex offender was a minor when the offense was committed, and does not qualify as a sex offender under this article as an adult.
- (c) It is an affirmative defense to prosecution under this article that the sex offender is under an order of a court in the state or of the Texas Department of Criminal Justice Parole Board, permitting the person to be within the park safety zone.
- (d) Affirmative defenses have the same effect as specified in V.T.C.A. Penal Code § 2.04.
- (e) Exemptions from the terms of this chapter shall not be contrary to the public interest but may be granted where, owing to special conditions, or when a literal enforcement of the provisions of this chapter will result in unnecessary hardship. A sex offender shall have the right to make an appeal for an exemption from a provision of this chapter by making a request to the Chief of the La Vernia Police Department, in writing, stating why an exemption should be granted. The decision of the chief of police, which may be made based solely on the written appeal without further hearing, shall be final.
- (f) This section does not apply to a sex offender who has a right to be present at an official meeting or a polling place that is located within a child area as defined herein. In such case that person may approach and enter a park safety zone for such time as is necessary to attend the official meeting or vote. This exemption shall only apply to those areas of the park safety zone that are necessary for attendance at the official meeting or polling place, and any sex offender found outside such areas shall be in violation of this article.

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## **Sec. 40-67. Penalties.**

The Mayor, City Administrator, members of City Council, Municipal Judge, Police Chief and other peace officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this ordinance.

Any person who knowingly or intentionally violates any rule set forth in this ordinance may be charged with a Class C Misdemeanor and upon a finding of guilt may be punished by a fine not to exceed \$500.00.

## **Sec. 40-68. Special rules pertaining to Splash Pad and Play Scapes.**

- (a) Other than for purposes of aiding a person with a disability, no bicycles, rollerblades, skate boards, or other wheeled conveyances shall be used in the splash pad or play scape areas.
- (b) Food and drinks shall not be carried into or consumed in the splash pad or play scape areas.
- (c) Due to the detrimental effect on the splash pad pumps and filters, water balloons, silly string, silly putty, confetti, and other similar substances that would impede the operation of the splash pad shall not be used.
- (d) Park patrons shall not hang, tape, or otherwise fasten any item or device to a structure or tree within the park.
- (e) Animals shall be on a leash and shall not be allowed in the splash pad area.

## **Sec. 74-69. Special rules for Dog Park.**

- (a) All persons using the dog park do so at their own risk.
- (b) Persons using the park are responsible for any damage to property, other persons, or other dogs caused by the person or the dog that accompanied the person to the park.
- (c) All dogs must wear a collar and display current identification and vaccination tags as required by section 14-75 of this Code of Ordinances.
- (d) Only dogs are allowed in the dog park. Other animals are prohibited.
- (e) Dogs must be leashed until they are into the leash free area.
- (f) All dogs must be under visual and voice control at all times.
- (g) Children under 14 must be accompanied by an adult.
- (h) Users shall remove solid waste and fill any holes your dog makes.
- (i) Maximum three dogs per handler.
- (j) Only dogs under 25 pounds in small dog area.
- (k) Park hours are from 7 AM to 10 PM.
- (l) The following are not allowed in the dog park:
  - (1) Dogs in heat.
  - (2) Dogs under six months of age.
  - (3) Skateboards, bicycles, and rollerblades.
  - (4) Motorized vehicles except for people with disabilities.

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(5)Alcohol, glass containers, and human food.

- (m) Any dog that becomes aggressive shall be immediately leashed and removed from the park.
- (n) Any dog that has been determined to be dangerous, aggressive, or bitten other dogs or persons shall not be permitted to enter the dog park.

**Sec. 74-70. Special rules for Gazebo.**

- (a) There is to be no skateboarding, roller blading, or bicycling.
- (b) Group exercising will not be allowed.

**Secs. 74-71—74-89. Reserved.**

## ***ARTICLE IV. SEVERABILITY***

### **Sec. 40-90. Severability.**

Should any section or part of any section or paragraph of this ordinance be declared unconstitutional or invalid for any reason, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this ordinance.

This Ordinance shall become effective and shall be in full force and effect on and after its date of passage.

PASSED and APPROVED this 19th day of January, 2023.