

Title 9 General Regulations

Chapter 97 Municipal Parks, Facilities and Cemeteries

Sec. 97.01 Definitions

For the purposes of this chapter, the following words, terms and phrases shall have the meaning ascribed to them except where the context clearly indicates a different meaning:

City Parks. All parks inside the limits of the City of Stephenville that have been dedicated to the public, leased, including all such parks that are subsequently annexed into the city limits or dedicated to the public in the City of Stephenville. This includes both developed and undeveloped lands.

Bosque River Trail. Trail system located along the Bosque River Trail Greenway

Splashville. City-owned waterpark

Recreation Facilities. Pavilions, Recreation Center, Senior Center, Gazebo, etc.

Municipal Cemeteries. West End Cemetery, East Memorial Cemetery, Mount Olive Cemetery

Department. The City of Stephenville Parks and Leisure Services Department

Director. The Director of the Parks and Leisure Services Department or his/her designee

Cemetery Supervisor. Person overseeing operations of all municipal cemeteries

Parks and Recreation Advisory Board. The Advisory Board is associated with a park(s) and/or recreation department administered by a division of government: state, county, parish or municipality

Community Event. An event in the City that is open to the public in general and that enjoys widespread support, not only from the citizens of Stephenville, but also from the surrounding areas. The aforementioned classifies as an exclusive park rental, and therefore a completed and approved community / special events form is required prior to use of facility or park.

Special Event – means any community event requiring a permit, road closure, sale of goods or services or charging of admissions. The aforementioned classifies as an exclusive park rental, and therefore a completed and approved community / special events form is required prior to use of facility.

Commercial Activity – Commercial Activities includes any person, group, or organization, that makes or attempts to make profit, vend a service or product, receive money, or obtain goods or services as compensation from participants in activities occurring on public parkland owned and operated by the City of Stephenville. Including Nonprofit Training/Fundraising Activity, Outdoor Revenue Generating Programs, and Educational groups that receive money from participants in activities occurring on department land.

1. Fundraising Activity- A program created to seek financial support for a charity, institution or other enterprise.
2. Commercial Use Permit- Written authorization from the Parks and Recreation Department to the applicant conducting organized educational/leisure classes at designated park sites, and to charge a fee of participants, who desire to attend or participate in the commercial activity whether it is for profit or fundraising. (Permit for one time use activities)
3. Indoor/Outdoor Revenue Generating Program- Activities/events held three or more times a month that charge a fee to generate revenue.
(Ex. Sports association, Exercise training programs, etc.)
4. Educational Program- Program or activity to enrich educational opportunities. Can be fee based or free of charge to participants.
5. Sports Associations, Organizations or Foundations – any outside organized non-profit sports program not operated and staffed by the City of Stephenville.

Section 97.02 Public Park Hours of Operation

All public parks located within and/or leased inside the city limits by the city and which are owned and/or managed by the city shall be closed between the hours of 11:00 p.m. and 5:00 a.m. It shall be unlawful for any person or persons to remain or be found in any area or facility between these hours or to remain or be found in any area or facility beyond the designated hours, which said area or facility is open to the public. This section shall not apply to the following parks and recreation sponsored/sanctioned functions:

- (A) Park closing times do not apply to parks and recreation community events, sanctioned athletic events, leagues or tournaments.
- (B) Any activity properly permitted through the office of the Director of Parks and Leisure Services.
- (C) Permitted camping at City of Stephenville RV Park.

Section 97.03 Applicability of Local, State, and Federal Laws

- (A) All terms and provisions of the Texas Water Safety Act shall be applicable to Stephenville City Park and Bosque River Trail, and where appropriate to parkland owned by the City of Stephenville.
- (B) All rules and regulations promulgated by the Texas Parks and Wildlife Department pursuant to the Texas Water Safety Act shall likewise be applicable to the Stephenville City Park and Bosque River Trail, and where appropriate to parkland owned by the City of Stephenville.
- (C) All appropriate rules and regulations of the U.S. Army Corps of Engineers including Title 35, Code of Federal Regulations Chapter 111, Part 327, and any amendments or revisions there to shall be applicable to all parklands owned by the City of Stephenville.

Section 97.04 General Provisions

- (A) Children below the age of ten (10) years will be admitted to the parkland owned by the City of Stephenville only if accompanied by a parent, legal guardian, or person of age eighteen (18) years in a designated role of responsible care. Overnight camping in the City RV Park by

anyone, under eighteen (18) years of age may not occur unless the individual is accompanied by parent, legal guardian or as part of an approved, permitted group.

- (B) No person shall modify the natural conditions of topography and terrain of parkland owned by the City of Stephenville as such, conditions existed when said parklands were acquired by the city by excavating, filling, dredging or any other means unless the city has issued a license authorizing such modification.
- (C) No person shall camp overnight in a City Park or the Bosque River Trail except in designated areas and without first obtaining written permission from the director or his/her designee.
- (D) The city shall have the right to revoke, to suspend, or to refuse to reissue the permit of any permitted individual upon violation of rules, contract terms, regulations, standards or ordinances of the city, United States, State of Texas or other local government entity.
- (E) No person in any park shall operate a motor driven model airplane, drone, shoot a bow and arrow, fire any type of firearms, or hit golf balls except in an area designated for that purpose by the director. Weapons are prohibited in all city parkland in accordance with state law.

Section 97.05 Vehicle and traffic laws

- (A) All applicable state and local vehicle and traffic laws and ordinances shall be in full force and effect in all parks.
- (B) Speed limit in all park land shall not exceed 10 MPH.
- (C) **Direction of traffic.** All law enforcement officers shall have the authority to limit traffic whenever needed in a park in accordance with the provisions of this chapter or any other applicable laws and ordinances, in order to control pedestrian and vehicular movement and park capacity.
- (D) **Special provisions applicable to motorcycles, motor scooters and minibikes.** The director may, in reasonable discretion, through park rules and regulations, set aside or designate areas, paths, trails or roads in a park where operating motorcycles, motor scooters, and minibikes shall be allowed. Motorcycles, motor scooters, and mini bikes are prohibited on the Bosque River Trail.
- (E) **Operating or parking vehicles**
 - a. No person shall operate or park a vehicle over, through or on any park ground except along or upon park roadways and designated parking areas as set forth in park rules and regulations.
 - b. No person shall operate a non-city vehicle on city parkland between the hours of 11:00 p.m.. and 5:00 a.m. except for emergency or law enforcement purposes or in conjunction with special activities permitted by the director.

- c. No person shall park or place an inoperable motor vehicle, or allow an inoperable motor vehicle to remain on city parkland for a period of more than twenty-four (24) continuous hours. Violators will be towed at owner's expense.

Section 97.06 Buildings and Other Property

No person, in any city park, shall do or cause to be done any of the following without first obtaining a permit from the director:

- (A) Mark, deface, injure, displace, remove or tamper with any park property or any park grounds.
- (B) Construct or erect any building or structure of any kind, whether permanently or temporarily.
- (C) Store or stockpile any equipment, material or product on park property, within any structure or compound located in a park.
- (D) Cut or gather trees or parts of trees and shall not remove from any park without written approval of the director.
- (E) Construct, place, or operate any pier, bulkhead, wharf, boathouse, dock, barge, building, boat ship, boat stall, fixture or other structure or facility of any kind or character upon, in or over the city parkland or the portion of the Stephenville City Park and Bosque River Trail where river water is present, and same shall be regulated by the city unless a lease has been issued by the city.
- (F) Construct or place any structure (including, but not limited to, roads, trails, signs or landscape features) of any kind under, upon, in or over the park lands or that portion of the Stephenville City Park and Bosque River trail where river water is present unless a permit or other appropriate written agreement has been issued by the director.
- (G) Items (E) and (F) above shall not apply to bulkheads; rip rap or soil conservation measures, or other facilities constructed by or on behalf of the city or USACOE (United States Army Corps of Engineers)

Section 97.07 Sanitation

No person in any City Park shall:

- (A) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, stream or other body of water in or adjacent to any park, any substance, matter of thing, liquid or solid, which will or may result in the pollution of said waters.
- (B) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse, or other trash.
- (C) Spill, pump or otherwise discharge contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products.
- (D) The owners and/or operators of all commercial ventures and operations shall provide on-site facilities satisfactory to the city for the collection of all trash, rubbish and all other forms of waste.

Section 97.08 Swimming

No person in any park, with the exception of Splashville, shall:

- (A) Swim, bathe, or wade in any water or waterway in or adjacent to any park, except in designated areas in accordance with the terms of this chapter and the regulations.
- (B) Swim, bathe, or wade except during those hours established for such activities.

- (C) Dive or jump from bridges or other structures, which cross the park waters or Bosque River Trail.

Section 97.09 Boating

- (A) No person shall bring into or operate any vessel upon any park waters.
- (B) The use of waters considered to be state waters that lay within or adjacent to city parks shall be subject to the Texas Water Safety Act, Texas Parks and Wild. Code Ann. §§ 31.001-31.142.
- (C) No person shall leave any private vessel unattended on city parkland or in the portion of the Stephenville City Park and Bosque River Trail regulated by the city.

Section 97.10 Camping

- (A) Campers, picnickers and all other persons shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.
- (B) No person shall place camping equipment or other items on a campsite, nor physically occupy a campsite without overnight occupancy following the payment of appropriate fees. Likewise, no person shall place another person, equipment, or other items at a campsite for reserving a campsite for future occupancy.
- (C) No person shall alter any campsite, dig or level any ground, nor construct any structure on a campsite without written permission from the director.

Section 97.11 Fires

No person in any City Park or parkland shall:

- (A) Start or maintain any outdoor fire except for cooking fires, which shall be started and maintained only in a stove, fireplace, barbecue pit, fire ring or in a portable camp stove.
- (B) Leave any fire started or maintained by such person unattended without first completely extinguishing the fire.
- (C) Gather firewood for use on or removal from any park.
- (D) Burn any material that produces toxic fumes, including but not limited to, tires, plastic or treated wood products.
- (E) Carry onto or store gasoline and other fuels, except that which is contained in storage trucks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose.

Section 97.12 Animals.

No person in any City Park shall:

- (A) Abandon any animal in the park.
- (B) Permit or allow any dog to be upon the playing fields and spectator area of athletic fields whether on leash or not. Dogs specially trained to assist the disabled may be on the fields to assist their owner during programs designed for the disabled.
- (C) Animals and pets, except properly trained animals assisting the disabled, are prohibited in sanitary facilities; the director may deem playgrounds and other areas as appropriate.

- (D) Persons bringing or allowing pets in City Park areas shall be responsible for proper removal and disposal, in sanitary facilities, of waste produced by those animals.
- (E) All animals and pets are prohibited in Splashville area, except at special events permitted by the Director.
- (F) Ride a horse or other animal except in areas or on paths or trails designated by park rules and regulations. All horses shall have successfully passed a Coggins test prior to using any park areas, paths or trails. Any animal ridden shall be properly restrained and ridden with due care and shall not be allowed to go unattended.
- (G) No person shall bring or allow wild or domestic animals, reptile bird, fish, horses, cattle or other livestock on parkland owned by the City of Stephenville or that portion of the Stephenville City Park and Bosque River Trail regulated by the city except in areas designated by the director.
- (H) Ranging, grazing, watering or allowing livestock on parkland owned by the City of Stephenville is prohibited except when authorized by lease, license. No person, in any city park, shall do or cause to be done any of the following without first obtaining permission from the director: Capture, attempt to capture, hunt, molest, injure, trap or administer or set out any trap or harmful substance for any wild or domestic animal, reptile or bird or remove or have in possession the young, eggs, or nest of any animal, reptile, or bird.

Section 97.13 Alcoholic beverages

- (A) No person shall sell or serve alcoholic beverages in any City park or City facility, except when specifically permitted by the director.
 - a. All such permitted sales or serving of alcoholic shall be performed by an approved concessionaire.
 - b. All events selling or servicing alcoholic beverages shall also be required to obtain all appropriate city and state permits and licenses.
 - c. All events at which alcoholic beverage sales or serving are permitted shall be required to provide on-site law enforcement personnel during the hours of the event.
- (B) The sale of Alcohol must have written permission from the Director of Parks and Leisure Services.
- (C) Alcohol consumption is not allowed in; City Park, Optimist Jaycee Park, Bill Johnson Park, Splashville, covered pavilions or dugouts unless written approval is granted by the Parks and Leisure Services Director.
- (D) It is not permissible to consume or sell alcoholic beverages at any public event, tournament, or program that is geared to youth under the age of 21. Examples of prohibited activities include, but are not limited to: youth athletic leagues, teen programs, or public events that are marketed towards youth and children under the age of 21.
- (E) All events requesting alcohol sales or consumption must apply for a special event permit, and adhere to the policies and regulations outlined in the permit. Failure to comply with the permit regulations will result in the rescinding of the permit, and prohibit the organizer or party from being issued special event permits in the future. City organized or sponsored events and programs are reviewed and provided permission or disallowed from consumption or sales on a case by case basis.

Section 97.14 Merchandising, Advertising, Signs, Commercial Use

No person in any park shall:

- (A) Expose or offer for sale or hire any article, thing or service, nor station or place any stand, cart, or vehicle for the transportation, sale or display of any article, thing or service, unless written permission has been obtained from the director.
- (B) Announce, advertise or call the public's attention in any way to any article, thing or service for sale or hire, unless written permission has been obtained from the director.
- (C) Paste, glue tack or otherwise place any sign, placard, advertisement or inscription on park property, or erect or cause to be erected any sign on any public lands, highways, or roads adjacent to a park, unless written permission has been obtained from the director.
- (D) Provide and/or sell any food or drink based product to the public for free or at a fee without provider and dispenser obtaining written permission from the director and having obtained all applicable health code licenses and permits.
- (E) Construct, operate, or otherwise engage in any retail or wholesale sales or commercial operation including but not limited to piers, docks or other installations of any kind, on City park or Bosque River Trail regulated by the city unless the city has granted a license and sublease for such operation.
- (F) Commercial use in public parkland is not authorized without approval from the City of Stephenville. Individuals or entities engaged with the provision and sale of goods and / or services on City of Stephenville parkland will be required to provide all necessary documentation provided by the Parks and Recreation division of the Parks and Leisure Services Department. Upon the completion of all required documentation, it is the City of Stephenville's sole discretion to approve the application.
 - 1. Exceptions: Any exceptions to the requirements of this section are authorized only by council approval. Any exceptions to any of these requirements once approved by council must show and have all proper insurance and permits pertaining to their event or organization

Section 97.15 - Interference with users or permittees

- (A) No person shall prevent, disturb or unreasonably interfere with any other persons occupying any area or participating in any lawful activity permitted within any City Park.
- (B) No person shall act in a boisterous, rowdy, disorderly manner or otherwise disturb the peace in any city park.
- (C) No person shall disrobe in public or display public nudity in any city park in accordance with State Law.
- (D) No person shall use or operate rollerblades, skates, scooters or skateboards in and around concession areas, spectator seating, parking lots and adjacent walkways during athletic events, concerts or special events.
- (E) No person shall make any use of any tobacco product (including e-cigarettes) within one hundred (100) feet of the boundaries of youth athletic fields or concessions facilities located at youth athletic facilities or at organized events.

Section 97.16 Permits

- (A)Event Permit Required.** In addition to any other provision of this chapter that requires the obtaining of a permit prior to engaging in a given activity, no person in any City Park shall

conduct, operate, present, manage or take part in any of the following activities unless written permission has been obtained from the director prior to the start of the activity:

1. Any organized sporting event using park ballgame facilities that are designated for permit use only;
2. Any exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, carnival, musical event or any similar event;
3. Any public meeting, assembly, parade, ceremony, address, speech, political meeting or other gathering composed of one hundred (100) or more persons;
4. Any use of any park facility by a group of persons to the exclusion of others;
5. Any use involving amplified sound;
6. Any use involving firearms or guns; or
7. Any use of parks and recreation facilities in violation of park hours of operation.

(B) Permit application procedure

1. A person seeking the issuance of a permit to carry on an activity in a park shall file an application with the director or a designated representative. The application shall state:
 - a. The name, address and telephone number of the person and organization and its officers applying for the permit;
 - b. If the use or activity is to be conducted for, on behalf of, or by any person other than the applicant, the name, address and telephone number of that person;
 - c. The exact nature of the use or activity for which the permit is being sought;
 - d. The day and hours for which the permit is desired;
 - e. The park and the portion of the park desired to be used to carry out the proposed use or activity;
 - f. An estimate of the anticipated attendance;
 - g. Any other information that the director finds to be reasonably necessary in order to determine whether to issue a permit.
2. Applications shall be filed with the director for consideration not less than thirty (30) days or more than three hundred sixty-five (365) days before the date of the proposed use or activity.
3. The director shall evaluate the application and render a decision in accordance with Section 97.16 (C).

(C) Standards for issuance of permit; procedures

1. A permit for an activity in or use of a City Park shall be issued unless it is found:
 - a. That the proposed activity or use of the City Park will unreasonably interfere with or detract from the general public use and enjoyment of the park; or
 - b. That the proposed activity or use of the City Park will unreasonably interfere with or detract from the public health, safety or welfare; or
 - c. That the conduct of the proposed activity or use is reasonably likely to result in or create a clear and present danger of violence by the applicant or by others to persons or property resulting in serious harm to the public;
 - d. That the facilities desired have been reserved for another activity or use at the day and hour requested in the application;
 - e. That false or misleading information is contained in the application or required information is omitted; or

- f. That the event would violate any federal, state or municipal law.
2. The director may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:
 - a. Restrictions on fires, fireworks, amplified sound, use of alcoholic beverages, dancing, sports, use of animals, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk to the reasonable use and enjoyment of the park property;
 - b. That the applicant has not posted a refundable security deposit of \$250 for the repair of any damage to City Park property, or the cost of cleanup or both;
 - c. That the applicant has not agreed to pay a reasonable fee to defray the cost of furnishing adequate security forces by the city at the proposed use or activity;
 - d. That the applicant has not furnished additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.
 - e. That the applicant has not applied for and obtained a city special event permit.
 - f. Permits shall not be transferable without the written consent of the director.
3. Within seven (7) days after submission of an application, the director shall apprise an applicant in writing of such director's approval or reasons for refusing a permit (Remove or of any conditions attached to the issuance of a permit, and any aggrieved person shall have the right to appeal in writing within six (6) days to the City Manager, who shall consider the application, under the standards set forth in subsection (a) of this section or other reasons deemed by the City Manager to be detrimental to the use of the public parks and sustain or overrule the director's decision.)
4. An applicant shall be bound by all ordinances fully as though the same were inserted in such person's permit.
5. The person to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatever due to the negligence of the person to whom such permit was issued.
6. The director or his/her designee shall have the authority to revoke a permit upon a finding of violation of ordinance, state or federal law, or upon the violation of any condition or restriction under which the permit was issued.
7. The director or his/her designee shall have the authority to reject a permit for a special event if the director has determined that the infrastructure of the park would not support the event.

(D) Posting and Exhibiting Permits

Permits required by this chapter shall be posted in the area where the activity is conducted or produced and exhibited upon the demand of any law enforcement officer or authorized City Park employee.

Section 97.17 Closed areas

Any section or part of any City Park may be declared closed to the public by the director or a law enforcement officer at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director or law enforcement officer shall find reasonably necessary.

Section 97.18 Naming parklands, park roads, major improvements and facilities

- (A) A committee, appointed by the Parks and Recreation Advisory Board chairperson, shall be responsible for research, study and recommendation to the board for proposed names. A resume stating the reason for the recommendation of a name shall be submitted in writing. The Parks and Recreation Advisory Board shall approve or disapprove of the name recommended by the committee. If the board disapproves the committee's recommendation, the matter may be referred back to the committee for further action. Upon approval, the recommended name will be forwarded to the city council for consideration.
- (B) The Parks and Recreation Advisory Board's recommendation for naming parklands, park roads, major improvements and facilities, if any, shall be submitted to the city council within sixty (60) days after acquisition, construction completion or at the earliest possible time.
- (C) The naming of parklands and Recreation facilities shall permit ready identification and/or geographical association by the public. The following guidelines shall be considered:
 - 1. Outstanding and/or predominate physical characteristics of the land.
 - 2. Contribution, fifty (50) per cent or better, of land and/or money by individuals or organizations.
 - 3. Outstanding community leaders, living or deceased.
 - 4. National, state or local historical leaders; heroes, both past and present.
 - 5. Predominate plant materials.
 - 6. Streams, rivers, lakes and creeks.
 - 7. Outstanding environmentalists and parks and recreation notables.
 - 8. No City Park site shall be given the same name as an existing school site or public facility except where sites abut one another.
 - 9. Subdivision names where parklands are adjacent to or lie within the subdivision.
- (D) Proposed names of individuals shall be confidential insofar as the individual and/or family is concerned until city council action has been taken. An individual or relative of an individual after whom a park or recreation facility is to be named shall be provided the opportunity to oppose such designation.

Section 97.19 Park Facility Rental

- (A) Facility Rentals
 - 1. The following facilities are available for rental:
 - a. Large Pavilion City Park
 - b. Small Pavilion City Park
 - c. Century Park Gazebo
 - d. Birdsong Amphitheatre
 - e. Recreation Hall
 - f. Sports Complex
 - g. Senior Citizens Center
 - 2. Available for practices, tournaments, 5K runs, and special events:
 - a. Eight baseball fields
 - b. Three softball fields
 - c. Four tennis courts
 - d. Bosque River Trail
 - 3. Exclusive Municipal Park Rental for Community Event / Special Event

Individuals or groups wanting to have exclusive use of any Stephenville City Parks and Recreation facilities must fill out the Community / Special event application. The Exclusive Rental rate will be applied for every 24-hour period the park is rented.

(B) Fees for use of park facilities

1. Fees shall be set in accordance with policies as approved by the city council.
2. Any person or persons occupying City Park space or using such facilities where that occupancy or use requires a fee but where said fee has not been paid shall be considered to be trespassing.

(C) Refunds

1. Refundable Deposits will be refunded upon inspection of the parks by staff. The standard of cleanup is leaving the park as it was when you arrived.
2. **Cancellation of Reservations:**
3. **Pavilion, Birdsong Amphitheater:** No refund for inclement weather.
4. Recreation Center: Refund will be issued if cancelled within seven (7) business days from event date. Remove - Reservations must be cancelled no less than 48 hours before the reserved date in order to receive a refund.
5. **Waiving of Fees:** The City of Stephenville may waive all or a portion of the fee with the recommendation of the Director of Parks and Leisure Services.

(D) Sports Association / Organization / Foundation Facility Fees

1. These groups must meet with the Parks and Leisure Services Director and agree to terms in a written contract agreement. This contract will cover fees, policies and procedures, maintenance, and operation and standards in which the City of Stephenville facilities will be maintained.
2. Individual or entities must provide documentation of transactions for goods and/or services as well as provide a copy of liability insurance policy naming the City of Stephenville as an additional insured party when appropriate.

Section 97.20 Insurance and Liability

- (A) The City of Stephenville and its agents disclaim all liability resulting from the exclusive use of _____ a municipal park, its facilities and/or equipment, gazebo, and pavilions for events open to the public (community events, special events, or any other activity specified in these policies.)
- (B) Organizers of these public events must provide proof of insurance indemnifying the City of Stephenville against any liability arising from such exclusive use. Closed events (birthday parties, family reunions, etc.) will not require the liability insurance.
- (C) The Director of Parks and Leisure Services shall have the right to waive the insurance requirement for events. The waiver will be made on a case-by-case basis. A waiver shall not be granted without adequate protection for the city, such as a sufficient indemnity agreement.
- (D) Minimum Coverage should include:
1. Bodily Injury: \$100,000 per person; \$500,000 per occurrence

Section 97.21 City-Owned Cemeteries

(A) City Manager Duties

The Municipal Cemeteries of the City of Stephenville shall be reserved for the burial of human remains, the city Manager or his/her designee shall have the authority to promulgate rules, and regulations for its use, set fee schedules for services, determine prices for the sale of burial rights, and control the use of the facility in accordance with state law.

(B) Burial in accordance with laws of the State of Texas

No person shall purchase or allow any cemetery lot or niche to be used for any purpose other than the burial of human remains in accordance with the laws of the State of Texas.

(C) Parking and/or driving in gardens; speed limit

No person shall use the cemetery land as a thoroughfare and the right to use automobiles or other vehicles in the cemetery is authorized solely and exclusively for transporting persons to visit burial plots. The speed limit within the cemetery is ten (10) miles per hour. Parking and/or driving on any gardens or grassy areas are prohibited for purposes other than those obtained from the cemetery.

(D) Possession of drugs or alcohol in cemetery

No person shall possess alcoholic beverages or illegal drugs in any Municipal Cemetery.

(E) Right of cemetery to enter upon lot

The cemetery supervisor shall have the right to enter upon or use any adjoining cemetery lot or lots to carry out its duties as to interments, erection of monuments or markers, etc., without prior notice to the lot owner.

(F) Advertisements prohibited

No person shall cause a sign, notice or advertisement of any kind to be placed or brought in the cemetery unless placed by cemetery employees.

(G) Solicitation prohibited

No person shall peddle, sell, or solicit the sale of any goods or service within the municipal cemeteries.

(H) Decorative objects prohibited

1. No person shall cause decorative objects or photos to be affixed to the crypt fronts by tape or other means. No curbs, shrubs, landscaping, mounds, rocks or gravel, glass containers, ceramic containers or like objects shall be permitted. Foot markers shall be set no more than (1) inch above ground. (existing conditions are exempt from curbing requirements) Pre-existing items installed prior to 08/2018 will not be removed.)
2. All such unauthorized items will be removed by the Cemetery Supervisor without notice.
3. Old flowers shall be removed at Cemetery Supervisor's discretion.
4. All landscaping will be removed at the discretion of Cemetery Supervisor.
5. Flowers shall be set to the side of the headstone, a flower receptacle will be provided if needed.

(I) **Open flames prohibited.**

No person shall possess or cause to be placed within the cemetery devotional light or any open flame device.

(J) **Headstones**

No headstones shall be installed, moved, repaired or removed without first obtaining the approval of the Cemetery Supervisor. Temporary placeholders may be placed for a period of no longer than 12 months before a permanent headstone or marker is placed.

Section 97.22 Miscellaneous Provisions

- (A) Except as amended herein, the City of Stephenville ordinances shall remain in full force and effect as presently enacted and amended from time to time. To the extent of a conflict between this Ordinance and any other ordinances of the City of Stephenville as same may have existed prior to the adoption of this Ordinance, this Ordinance shall control.
- (B) If any section or part of this ordinance is held by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair, or invalidate the remaining provisions of this Ordinance but shall be confined in its operation to the specific section or sections that are held unconstitutional or invalid.
- (C) This ordinance shall be effective immediately upon its approval by the City Council of the City of Stephenville.
- (D) Penalties for violation of a park ordinance are subject to the general penalty set out in 10.99 of the City of Stephenville Code of Ordinances.