

ARTICLE I. IN GENERAL

Secs. 40-1—40-25. Reserved.

ARTICLE II. COMMERCIAL ENTERPRISES IN PARKS

Sec. 40-26. Sale of goods prohibited.

It shall be unlawful for any person to peddle, sell, or offer for sale any goods, wares, or merchandise in any city park or take thereon or therein any peddler's cart or wagon, or any basket, tray, box or other receptacle or vehicle containing a stock of goods, wares or merchandise to be sold or offered for sale, except as provided in section 40-28.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-16)

Sec. 40-27. Renting amusement devices.

It shall be unlawful for any person to rent or offer to rent to another in any city park any amusement device including, but not limited to, bicycles, motorcycles, scooters, vehicles, or animals, except as provided in section 40-28.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-17)

Sec. 40-28. License to conduct business.

The city manager or his designate may grant licenses, privileges, or concessions for any of the acts mentioned in sections 40-26 and 40-27 in public parks, upon such conditions as do not unlawfully surrender the city's right of supervision, regulation and control; are consistent with park purposes; and do not unreasonably interfere with the rights of the public to the enjoyment of the park.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-18)

Secs. 40-29—40-55. Reserved.

ARTICLE III. PARKS; GENERAL USE

Sec. 40-56. Advertising.

It shall be unlawful within any city park for any person to announce, advertise or call the public's attention in any way to any article or service for sale or hire.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-19)

Cross reference—Signs generally, ch. 46.

Sec. 40-57. Animals in parks.

(a) It shall be unlawful for any person exercising ownership, care, custody, or control of any animal to allow such animal to run at large as defined in section 10-1 of the Code of Ordinances upon any public property, playground or park within the City of Lockhart.

(b) It shall be unlawful for any person exercising ownership, care, custody or control of a dog or cat to allow such dog or cat which has not been licensed as required by chapter 10, Code of Ordinances of the City of Lockhart, upon any public property, playground, or park area located within the City of Lockhart.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-20)

Cross reference—Animals generally, ch. 10.

Sec. 40-58. Bicycles.

(a) It shall be unlawful in any city park for any person to ride a bicycle on any surface other than a vehicular road or path designed for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grass area or wooded trail or in any pathway reserved for pedestrian use.

(b) Bicyclists shall, at all times in any city park, operate their machines with reasonable regard for the safety of others, signal all turns, pass to the right of any vehicle they are overtaking and pass to the right of any vehicle they may be meeting.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-21)

Cross reference—Bicycles and play vehicles generally, § 56-376 et seq.

Sec. 40-59. Camping.

It shall be unlawful for any person to camp in any city park or playground; set up any tent, shack, or other shelter; or lay out any bedroll or other sleeping equipment therein without first obtaining a permit from the city manager or his designate.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-22)

Sec. 40-60. Closing hours for city parks and park facilities.

(a) All city parks and park facilities, except as provided below, shall be closed to the public every night between 11:00 p.m. and 6:00 a.m.

(b) This section shall not apply to the following persons if in the park or facility in the performance of their duties: peace officers, physicians, ambulance operators/attendants, employees of the city.

(c) In the case of parks through which there are dedicated streets used for general travel (that is, not merely for access to the interior of the park), this section shall not apply to persons traveling through the park on such dedicated streets.

(d) The city manager or his designate may grant permission to extend the closing hours to persons, groups or organizations who have been issued a park use permit at any park or facility in accordance with the terms of the permit.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-23)

Sec. 40-61. Fires.

It shall be unlawful for any person to build or attempt to build a fire except in such areas and under such regulations as made or designated by the city manager or his designate. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes, cigars, tobacco paper or other inflammable material within any city park.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-24)

Cross reference—Fire prevention and protection, ch. 20.

Sec. 40-62. Hunting.

It shall be unlawful in any city park for any person to hunt, trap or pursue wildlife at any time. No person shall use, carry or possess any kind of trapping device in any city park. The director of animal control and his designee shall be excluded from this section when in the performance of their duties.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-25)

Sec. 40-63. Littering.

It shall be unlawful in any city park for any person to place or deposit any garbage, trash or refuse except in receptacles designated for such purpose by the city. It shall be unlawful to place or deposit any garbage, trash, or refuse in any city park except that which is generated within the city park grounds.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-26)

Cross reference—Solid waste, ch. 48.

Sec. 40-64. Signs.

It shall be unlawful 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 manager or his designate.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-27)

Cross reference—Signs generally, ch. 46.

Sec. 40-65. Swimming.

It shall be unlawful for any person to swim in any city park except in the swimming pool during the designated hours.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-28)

Sec. 40-66. Traffic.

(a) It shall be unlawful for any person to drive or operate any type of motor vehicle in any city park at a speed greater than indicated by appropriate traffic signs and in no event shall such speed exceed 30 miles per hour.

(b) It shall be unlawful for any person to operate a motor vehicle, recreational vehicle or motorcycle in any city park except on the roadway in such parks.

(c) It shall be unlawful for any person to park any motor vehicle in any city park other than on the side of the roadway or in areas designated for parking.

(d) This section shall not apply to the following persons if in the park or facility in the performance of their duties: Peace officers, physicians, ambulance operators/attendants, employees of the city.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-29)

Cross reference—Traffic and vehicles generally, ch. 56.

Sec. 40-67. Skate park facilities.

(a) *Rules and regulations.* The city council shall establish by resolution, rules and regulations for the use of city skate park facilities, and may amend skate park facility rules and regulations by resolution. Such rules and regulations shall be posted at city skate park facilities.

(b) *Violations.* Violators of city skate park facilities rules and regulations are subject to skate park facility use privileges being suspended or banned by the Lockhart Parks and Recreation Department.

(c) *Suspension procedure.* The city manager, parks and recreation department personnel, and/or city police officers may suspend a violator of city skate park facilities rules and regulations from using the facilities for up to one week. The suspension will commence on a violator's receipt of written notice of the suspension, and copies of the suspension notice will be given to the Lockhart Police Department and Parks and Recreation Department.

(d) *Banning procedure.* Violators of city skate park facilities rules and regulations who have been suspended from using facilities three or more times within any 12-month period may be banned from using facilities for a period of time not less than six months, nor greater than one year. The city manager, parks and recreation department head, and/or city police chief is authorized to ban the violator. The ban will commence upon the violator's receipt of written notice of the ban, and copies of the ban notice will be given to the Lockhart Police Department and Parks and Recreation Department. The violator may appeal the ban in writing to the city manager. The appeal must include reasons for removing the ban and an explanation of how the violator will avoid further violations. The city manager has final authority to maintain, modify or remove the ban.

(e) *Enforcement.* Violators who are suspended or banned from city skate park facilities, but enter onto such facilities, will be charged with criminal trespass. Nothing in this section shall limit the city's use of any or all applicable criminal sanctions and/or civil remedies for violations of the facilities rules and regulations, or local or state laws.

(Ord. No. 2009-30, § I, 11-4-09)

Secs. 40-68—40-95. Reserved.

ARTICLE IV. RESERVING PARK FACILITIES**Sec. 40-96. Park use permits.**

No person, group or organization shall be entitled to exclusive use of the park or recreational facility or part thereof owned or operated by the City of Lockhart unless such person, group or organization shall first obtain a permit for such exclusive use from the city manager or his designate.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-30)

Sec. 40-97. Standards for issuance.

Any person, group or organization applying for a park use permit shall make payment of an application fee and deposit as established by resolution by the city council. When it is determined by the city manager or his designee that the city will sponsor or partly sponsor an event, such fees shall not be collected. Applicable deposits shall not be refunded when it is determined by the city manager or his designee that park damages or littering or theft has occurred as a result of such event. Fees collected shall cover the cost of processing the application and any preparation of the designated area for the use of the applicant. Collection of such fees shall entitle the applicant assurance of such permit unless the city manager or his designee shall affirmatively find any of the following:

- (1) The park or recreational facility is to be used for any unlawful purpose; or
- (2) The time, place or manner of use of the facility is likely to cause substantial disturbance to persons occupying property adjoining the facility; or
- (3) The time, place or manner of use of the facility is likely to result in damage to city property; or
- (4) If the application for the permit is made such that there is not sufficient time to make the above determinations; or
- (5) The failure to clean a facility to the satisfaction of the city manager or his designate after a prior use of such facility, regardless of whether such prior use was under a permit provided for herein or not.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-31; Ord. No. 97-29, § 1, 12-2-97)

Sec. 40-98. Contents of park use permits.

- (a) The park use permit shall contain the following information:
 - (1) The name, address and telephone number of the person, group or organization issued such permit; and
 - (2) The dates and times for which such permit is effective; and
 - (3) The facility or part of the facility which the permittee is authorized to use; and
 - (4) The activity for which the permit is issued; and

- (5) Such other conditions as the city manager or his designate may deem appropriate to minimize disturbance to surrounding property, avoid traffic congestion, and to avoid destruction of city property.

(b) The items mentioned above are not the only items which the city manager or his designate may include in such permit but are the items which must be contained in such permit.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-32)

Sec. 40-99. Permission required to use any playing fields.

(a) No person, group or organization shall be entitled to the exclusive use of, or shall play any game on, or otherwise make use of any baseball, football, soccer, or other field belonging to the city and provided with equipment for artificial lighting (whether such lighting equipment is to be used or not), unless written permission for using the field at the designated time is first obtained from the city manager or his designate.

(b) In granting or refusing such permission the city manager or his designate shall be guided by the following standards:

- (1) Whether the field has already been reserved or applied for by someone else for approximately the same time;
- (2) Whether the field is in proper condition for use;
- (3) Whether the person applying for the field is of sufficient age and responsibility to exercise reasonable care in its use;
- (4) Whether the proposed use and the hours requested are such that other users of the park or residents of the neighborhood will not be subjected to undue inconvenience;
- (5) Any other factor which may reasonably bear upon the matter.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-33)

Sec. 40-100. Additional requirements.

The city manager or his designate may, at his discretion, require any applicant for a park use permit to post a bond in sufficient amount to indemnify the city against all loss, expense of special police protection, or anticipated damages to the park or its facilities or the expense of cleaning up the park or facility after the proposed activity. The posting of such bond, when requested, shall be a condition precedent to the issuance of the park use permit, but such bond shall not be for an amount in excess of the anticipated city expenditures with regard to the activity for which the bond is required.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-34)

Sec. 40-101. Revocation of permit.

A park use permit may be revoked at any time by the city manager or his designate for reasons which may include, but are not limited to, misrepresentation of information given at

the time of permit application, failure to comply with conditions on the permit, or assignment of the permit to another party without the prior written permission of the city manager or his designate.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-35)

Sec. 40-102. Appeal of denial.

Any applicant denied a permit may appeal such denial to the city council by filing a request for review with the city secretary within three days after written notice of such denial, and the city secretary shall place such denial on the agenda for the next regular city council meeting which meets the requisites of the Texas Open Meeting Act, V.T.C.A., Government Code ch. 551, as a nonemergency item. The decision of the city council shall be final. If the permit is denied with insufficient time for it to be considered by the city council under the provisions of this section, then, in that event, the permit shall be considered to have been denied by the city council.

(Ord. No. 87-06, pt. 1, 3-24-87; Code 1982, § 19-36)

Secs. 40-103—40-130. Reserved.

ARTICLE V. PARKS AND RECREATION ADVISORY BOARD*

Sec. 40-131. Definitions.

For the purposes of this article, the term "board" shall refer to the parks and recreation advisory board.

(Ord. No. 86-50, pt. 1(19-41), 11-25-86)

Sec. 40-132. Created.

There is hereby created an advisory board to be known as the parks and recreation advisory board.

(Ord. No. 86-50, pt. 1(19-42), 11-25-86)

Sec. 40-133. Members.

(a) The board shall consist of seven members appointed in accordance with section 2-210 to serve three-year terms, such terms to coincide with the council position making the appointment and two alternates shall also be appointed by the mayor and mayor pro-tem, one each. The two alternates shall also serve the term coinciding with the council position making the appointments. Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made.

(b) Members of the board shall serve without compensation.

***Cross reference**—Boards, commissions and committees, § 2-206 et seq.

(c) The city manager or the city manager's designate shall be an ex officio member of the board.

(d) The city council may, at its discretion, remove any member of the board for any reason. However, the unexplained absence from two consecutive regular meetings of the board by a member of the board shall be deemed to create a vacancy on the board, and the city council may decide to fill that vacancy with another person.

(Ord. No. 86-50, pt. 1(19-43), 11-25-86; Ord. No. 97-12, § I(E), 6-18-97; Ord. No. 06-08, § I, 2-7-06)

Sec. 40-134. Officers.

The board shall elect a chair and vice chair at its initial meeting. All officers shall be elected for a one-year term and at the expiration of that term the board shall elect successors.

(Ord. No. 86-50, pt. 1(19-44), 11-25-86)

Sec. 40-135. Meetings.

The board shall meet at least once each month.

(Ord. No. 86-50, pt. 1(19-45), 11-25-86)

Sec. 40-136. Rules.

The board shall adopt such bylaws, rules and regulations as it deems best to govern its actions.

(Ord. No. 86-50, pt. 1(19-46), 11-25-86)

Sec. 40-137. Quorum.

The presence of a majority of the members of the board at any meeting shall constitute a quorum.

(Ord. No. 86-50, pt. 1(19-47), 11-25-86)

Sec. 40-138. Powers and duties.

The board shall:

- (1) Recommend to the city council policies and programs for the advancement and betterment of city parks and recreation.
- (2) Render to the city manager recommendations concerning the annual budget of the parks and recreation department for presentation to the city council.
- (3) Make recommendations to the city council regarding proposed parks facilities and recreation programs, encourage public interest in parks facilities and recreation programs and solicit the cooperation of public and private agencies in the advancement of city parks and recreation.
- (4) Make recommendations through the city manager to the city council regarding special requests for use of public parks or facilities.

- (5) Make recommendations through the city manager to the city council regarding the use of donations, legacies or bequests made to the city for the furtherance of city park facilities.

(Ord. No. 86-50, pt. 1(19-48), 11-25-86)

Sec. 40-139. Incurring debts prohibited.

The board shall not have the power to incur debts of any kind or character.

(Ord. No. 86-50, pt. 1(19-49), 11-25-86)