

ORDINANCE NO. 2017.08

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS ESTABLISHING PARK REGULATIONS APPLICABLE WITHIN ANY PARK WITHIN THE VILLAGE LIMITS OR ITS EXTRATERRITORIAL JURISDICTION IN ORDER TO REGULATE THE POSSESSION AND CONSUMPTION OF ALCOHOL, THE USE OF GLASS CONTAINERS, AND VARIOUS OTHER ACTIVITIES WITHIN SUCH AREAS; REPEALING ORDINANCE NUMBER 2007.03 AND OTHER CONFLICTING ORDINANCES OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Pursuant to Chapter 51 of the Texas Local Government Code, and the Village of Salado's inherent police powers, the Board of Aldermen of the Village of Salado hereby finds it to be reasonable and necessary for the protection of the public health and safety to adopt the following park; and

WHEREAS, on April 5, 2007 the Board of Aldermen adopted Ordinance Number 2007.03 for the purpose of providing Park Regulations; and

WHEREAS, the Board of Aldermen now finds it reasonable and necessary to repeal and replace the regulations enacted under Ordinance Number 2007.03 and provide new and additional park regulations;

NOW, THEREFORE, BE IT Ordained BY THE Board of aldermen OF THE village OF Salado, TEXAS, that:

SECTION 1: The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

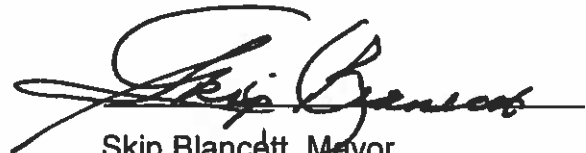
SECTION 2: The Village of Salado Park Regulations set forth in EXHIBIT A are hereby adopted.

SECTION 3: Ordinance Number 2007.03 adopted on April 5, 2007 is hereby repealed and replaced in its entirety, and all other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

SECTION 4: If any provision of this Ordinance, or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 5: This Ordinance shall become effective immediately upon its passage and publication in accordance with state law.

PASSED AND APPROVED this, the 6th day of July, 2017 by a 3 (ayes) to 0 (nays) and 0 (abstentions) vote of the Board of Aldermen of Salado, Texas.


Skip Blancett, Mayor

ATTEST:



Don Ferguson, Village Administrator
Acting City Secretary

EXHIBIT A

VILLAGE OF SALADO PARK REGULATIONS

Section 1. General Provisions.

- A. **Popular Name.** This Ordinance shall be cited as the Village of Salado Park Regulations.
- B. **Application.** This Ordinance shall be effective in all Village Parks within the corporate limits of the Village of Salado or its extraterritorial jurisdiction.
- C. **Definitions.** Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined herein, 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 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. Headings and captions are for reference purposes only.

Alcoholic Beverage: shall mean 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.

Glass Container: shall mean any glass receptacle other than:

- (a) glass lined vacuum bottles;
- (b) commercially produced baby bottles or baby food jars containing products for consumption by a baby; or
- (c) glass containers containing over the counter or prescribed drugs.

Person: shall mean an individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity other than the City.

Village: shall mean the Village of Salado, an incorporated municipality located in Bell County, Texas, and includes any official, agent or employee acting on its behalf

Village Park or Park: Any land now or hereafter dedicated to, owned, or managed by the Village that is intended to be used as park land.

Section 2. Hours Open to the Public.

- A. Parks shall be open to the general public only between the hours of 6:00 a.m. and 10:00 p.m., unless otherwise approved by the Board of Alderman. Special events or activities permitted or authorized by the Village are exempt from complying with this section.
- B. It shall be unlawful for any person except for employees of the Village engaged in the performance of their official duties to be in any Village Park except during the times set forth in Section A above.
- C. Any exceptions to the requirements of this section are authorized only by Board of Aldermen approval.

Section 3. Park Regulations.

- A. It shall be unlawful for any person to knowingly or intentionally possess a Glass Container within any area of a Village Park, including, but not limited to, parking lots, playing fields, playscapes, and adjoining sidewalks and driveways.
- B. Except as provided in paragraph C below, it shall be unlawful for any person to possess or use alcoholic beverages in any area of a Village Park including, but not limited to parking lots, playing fields, playscapes, and adjoining sidewalks and driveways.
- C. Exception: Alcohol may be possessed and consumed during special events or activities with a valid permit issued by the Village under the following conditions:
 - 1. Specific dates and times approved for the event by the Board of Aldermen shall be set forth in writing and shall not exceed three (3) consecutive days;

2. Evidence of approval from the Texas Alcoholic Beverage commission to sell, serve and/or deliver alcoholic beverages for the activity shall be provided prior to issuance of the permit and kept at the location during the entire event;
 3. The dispensing of alcoholic beverages must be from a bulk delivery service using biodegradable paper cups or aluminum cans No glass containers or bottles will be allowed;
 4. Sale, service or delivery of alcoholic beverages must stop no later than one (1) hour prior to the scheduled end of the event each day;
 5. No alcoholic beverages may be carried in or out of the specific location authorized in the permit except by those persons authorized by the TABC to sell, serve or deliver alcoholic beverages for the event while in the course and scope of such purpose; and
 6. The event organizer may be required to provide security personnel for an event serving alcohol as determined by the Board of Aldermen in issuing the permit.
- D.** It shall be unlawful for any person to dispose of ashes from a barbecue pit or other portable burning device within any area of a Village Park, including parking lots, playing fields, playscapes, and adjoining sidewalks and driveways, unless disposed of in designated receptacles provided within the park.
- E.** It shall be unlawful for any person to operate a motor vehicle, except upon roads, driveways, parking areas, and areas designated open to motor vehicles within a Village Park except as authorized by the Village of Salado
- F.** It shall be unlawful to possess or display a firearm within any area of a Village Park unless authorized by Texas Statute.
- G.** It shall be unlawful for any person to camp or lodge within any area of a Village Park.
- H.** It shall be unlawful to litter within any area of a Village Park.
- I.** It shall be unlawful to collect and remove firewood, plants, animals and artifacts from within any area of a Village Park.

- J.** It shall be unlawful 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 from within any area of a Village Park without prior written permission from the Village of Salado.
- K.** It shall be unlawful for any person to feed and/or harass of wildlife within any area of a Village Park
- L.** It shall be unlawful for any person to dispose of cremation remains within any area of a Village Park without written permission from the Village of Salado.
- M.** It shall be unlawful for any person to utilize tent stakes within any area of a Village Park
- N.** It shall be unlawful for any person to sell food, beverages or other merchandise within any area of a Village Park without prior written permission from the Village of Salado.

Section 4. Enforcement

A. Criminal Prosecution/Penalty

Any person violating any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and fined a sum not exceeding five hundred dollars (\$500.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense.

B. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (a) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and

a civil penalty up to one thousand dollars (\$1,000.00); and any other legal remedy available to the Village.