

Ordinance No. 2007.03
Village of Salado
County of Bell
State of Texas
April 5, 2007

Park Regulations Ordinance

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AUTHORIZING THE ADOPTION OF PARK REGULATIONS PROHIBITING ALCOHOL CONSUMPTION, GLASS CONTAINERS AND ESTABLISHING A CURFEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; PROVIDING FOR EXPIRATION DATE.

WHEREAS, pursuant to Chapter 51 of the Texas Local Government Code, and the Village's inherent police powers, the Village of Salado Board of Aldermen finds it to be reasonable and necessary to adopt regulations providing for the adoption of park regulations when necessary to protect the public.

NOW, THEREFORE, BE IT ORDAINED BY THE Board of Aldermen of the Village of Salado, Texas:

Section 1. Findings of Fact

The above Findings of Fact shall be incorporated herein as Legislative findings of the Board of Aldermen.

Section 2. Enactment of General Provisions

A. Popular Name

This Ordinance shall be cited as the "Parks Regulations."

B. Application

This Ordinance applies to all village parks within the village limits and Extra Territorial Jurisdiction.

C. Definitions

1. General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined below, 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.

2. Specific

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

Glass Container: 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) drug glass containers containing over the counter or prescribed drugs.

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

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

Village Park or Park: Any land now or hereafter dedicated to or by the Village of Salado as a municipal park.

Section 3. Hours Open to the Public Authorized

- A. Municipal 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 municipal park except between the hours set forth herein.
- C. Any exceptions to the requirements of this section are authorized only by Board of Aldermen approval.

Section 4. Prohibitions

- A. It shall be unlawful for any person to knowingly or intentionally possess a Glass Container within any area of a Village Park, including parking lots, playing fields, playscapes, and adjoining sidewalks and driveways.

- B. It shall be unlawful for any person to possess or use alcoholic beverages in any area of a Village Park including parking lots, playing fields, playscapes, and adjoining sidewalks and driveways.
- C. 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.

Section 5. Enforcement

A. Civil & Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be 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. An offense under this Ordinance is a misdemeanor.

C. 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
- (b) a civil penalty up to one thousand dollars (\$1,000.00) per violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (c) other available relief.

Section 6. Severability

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance of the application thereby shall remain in effect, it being the intent of the Board of Aldermen of the Village of Salado, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reason of unconstitutionality or invalidity of any portion or provision.

Section 7. Repealing Conflict


All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

Section 8. Publishing & Effective Date

This Ordinance shall become effective immediately upon publication.

Passed, Approved, and Adopted on this the 5th day of April, 2007.

THE VILLAGE OF SALADO, TEXAS




Mayor Rick Ashe

CERTIFICATE

THE STATE OF TEXAS
COUNTY OF BELL

I, Dianna Zulauf, being the current Village Secretary of the Village of Salado, Texas, do hereby certify that the attached is a true and correct copy of Ordinance No. 2007.03, passed and approved by the Board of Aldermen of the Village of Salado, Texas, on the 5 day of April, 2007, and such Ordinance was duly adopted at a meeting open to the public and notice of said meeting, giving the date, place and subject thereof, was posted as prescribed by Government Code 551.043.

Witness my hand and seal of office this 5 day of April, 2007.


Dianna Zulauf
Village Secretary