

CITY OF DRIPPING SPRINGS

ORDINANCE No. 2019-04

AN ORDINANCE AMENDING THE CITY OF DRIPPING SPRINGS CODE OF ORDINANCES CHAPTER 16 “PUBLIC WAYS AND PLACES,” ARTICLE 16.02 “PARKS AND RECREATION,” DIVISION 2, “PARK RULES,” BY AMENDING PROVISIONS AS NECESSARY TO REFLECT THE CHANGE IN NAME OF THE PARKS AND COMMUNITY SERVICES DEPARTMENT, PROVIDING ADDITIONAL DEFINITIONS, UPDATING FIREARMS AND WEAPONS PROVISIONS IN ACCORDANCE WITH STATE LAW, ADDING SPECIFIC RULES FOR DRIPPING SPRINGS RANCH PARK AND THE FARMERS’ MARKET FACILITY; PROVIDING FOR A PENALTY OF UP TO \$500.00 UPON CONVICTION FOR VIOLATION; AND PROVIDING THE FOLLOWING: FINDINGS OF FACT; AMENDMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council of the City of Dripping Springs (“City Council”) seeks to update its existing Park Rules, and to provide additional specific rules for Dripping Springs Ranch Park and the Farmers’ Market Facility; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the requirements within the ordinance are adopted to affect the purposes stated above; and

WHEREAS, the City Council finds that the amendments imposed by this Ordinance are reasonable, necessary, and proper for the good government of the City; and

WHEREAS, the City Council had a meeting and a public hearing on January 15, 2019 and recommended approval; and

WHEREAS, the City Council finds that the amendment proposed is reasonable, necessary, and proper for the good government of the City of Dripping Springs.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dripping Springs, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

Chapter 16 "Public Ways and Places," Article 16.02 "Parks and Recreation," Division 2 "Park Rules," of the City of Dripping Springs Code of Ordinances is hereby amended so to read in accordance with *Attachment "A,"* which is attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated on *Attachment "A"*.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

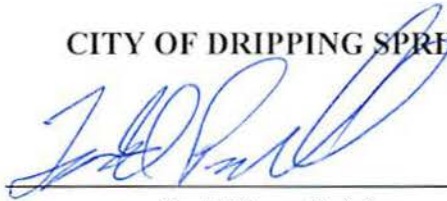
This Ordinance shall be effective immediately upon passage and publication of caption.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED & APPROVED this, the 15th day of January 2019, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Dripping Springs, Texas.

CITY OF DRIPPING SPRINGS:



Todd Purcell, Mayor

ATTEST:


Andrea Cunningham, City Secretary

City of Dripping Springs
CODE OF ORDINANCES
CODE OF ORDINANCES

CHAPTER 16: PUBLIC WAYS AND PLACES

ARTICLE 16.02: Parks and Recreation

DIVISION 2: Park Rules

Sec. 16.02.034 Definitions

(a) Rules of interpretation. Words and phrases used in this division shall have the meanings set forth in this section. Words and phrases that are not defined below, but are defined elsewhere in this code, shall be given the meanings set forth in those other ordinances. Words and phrases not defined in this code 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.

(b) Specific definitions.

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.

Business activities. The provision of services, instructions, training, or support to another person or to a group in exchange for payment.

City. The City of Dripping Springs, an incorporated municipality located in Hays County, Texas, and includes any official, agent or employee acting on behalf of the city.

Commercial fitness trainer. A for profit trainer providing physical fitness training expertise to clients in a city park.

Commission. The city parks and recreation commission (aka, “parks and rec”) or any successor entity.

Dangerous animal. An animal that:

- (1) Makes an unprovoked attack on a person or another animal that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own;
- (2) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person; or
- (3) Park personnel deems to be uncontrollable and a danger to those around it.

Department. The City of Dripping Springs and Community Services Department. ~~city parks and recreation department.~~

Farmers Market Association Board. the board created under Article 6.05 of the Code of Ordinances who supports, coordinates, and oversees the market and serves as an advisory body to the city council.

Firearm. A device defined in accordance with Texas Penal Code section 46.01.

For profit groups. Individuals or organizations that are not nonprofit groups as determined by state and/or federal law.

Glass container. Any glass receptacle other than:

- (1) Glass-lined vacuum bottles;
- (2) Commercially produced baby bottles or baby food jars containing products for consumption by a baby; or
- (3) Drug glass containers containing over the counter or prescribed drugs.

Market manager. The city employee designated by the city administrator to supervise the operations of the farmer’s market.

Multi-use trail. Trails designated for pedestrian, bicycle, and equestrian use.

Nonpark waste. Trash, refuse, litter or other solid waste that is not created or generated on-site at a park, but is transported from a person’s home, business or other location to a park for disposal purposes. This term includes construction debris, office waste, municipal solid waste, and any form of hazardous waste. This term excludes waste generated on park premises during the course of lawful use of the park for recreational purposes.

Park. Any or all of the parks and facilities under the management and control of the city, including any land now or hereafter dedicated by the city as a municipal park.

Park Attendant. A city employee who has been designated by the city council or city administrator to oversee and enforce the rules at a city park.

Park Facility. Any building or structure intended for a specific type of use within a park including, but not limited to, a building, sports field, recreational facility, parking lot, covered pavilion, designated camping site or other specific use area within a park.

Person. An individual, corporation, organization, government agency, business, trust, partnership, association, or any other legal entity, other than the city.

School-related activity. An event or activity on or off school property sponsored and/or sanctioned by the Dripping Springs Independent School District. Examples include, but are not limited to, sporting events and performances, such as theatrical, etc.

Tobacco product. Includes, but is not limited to, a cigarette, cigar, and any smokeless tobacco product such as chewing and dipping tobaccos.

Vehicle. A device that can be used to transport or draw persons or property including, but not limited to a moped, power driven bicycle, motorcycle, motor scooter, automobile, truck, golf cart, tractor, and all-terrain vehicle.

Weapon. Anything that in the manner of its use or intended use is capable of causing death, personal injury, or serious bodily injury, including (but not limited to) air guns, clubs, axes, pellet or BB guns, bows and arrows, or projectile devices.

Sec. 16.02.036 Issuance of warnings and citations

- (a) Any park attendant, as well as any city officer or city employee, is authorized to issue warnings to any person or persons violating any rules or regulations applicable to the parks, swimming pools, or other park ~~city-owned~~ facilities.
- (b) Any city officer authorized to issue citations may issue them to any person or persons violating any rules or regulations applicable to the parks, swimming pools, or other city-owned facilities.

(Ordinance 2018-04 adopted 2/20/18)

Sec. 16.02.038 Use of park facilities

Park facilities generally are available for public use on a first-come, first-served basis except for areas that require entrance or other fees, or that have previously been reserved.

- (1) Entrance or use fees. It is an offense for any patron to enter or use any park area or park facility for which an entrance or use fee has been established, unless each person has first paid the fee

or is otherwise authorized to enter. Entrance permits or passes shall be displayed to gate or entrance attendants on request.

- (2) Reservations fees. It is an offense for any patron to use or occupy a facility or area for which a reservation fee has been paid, when such use conflicts with the use by persons holding the reservation. Reservations shall be made in accordance with the city's reservation policies. Confirmation of the reservation shall be displayed on request to city employees charged with supervision or patrolling of parks.

Sec. 16.02.039 Occupancy limits

- (a) The Department ~~parks and recreation department~~ may establish and post maximum occupancies for any park area or park facility.
- (b) It is an offense for any patron to enter into or remain in an area or facility for which an occupancy limit has been established when such action will have the effect of exceeding the established occupancy limits.

Sec. 16.02.040 Assemblies or public demonstrations

Organizers intending to conduct an event of any kind ~~assemblies or public demonstrations~~ on parkland ~~must~~ shall provide 24 hours' notice to the ~~parks and recreation department~~ Department by calling the city, if the expected crowd will exceed 60 individuals. Generally, events at parks ~~assemblies or public demonstrations~~ are permissible, except where such an activity will prevent or will be inconsistent with the intended use of park facilities at the proposed site of assembly or ~~if an assembly or public demonstration may disrupt or interfere with scheduled events, the assembly or demonstration may be impermissible due to safety concerns.~~ Parks fees do apply to assemblies any event depending upon location of the event.

Sec. 16.02.041 Closed areas

- (a) The city administrator or designee may close park areas, wildlife preserves or park facilities to ~~the~~ public entry or otherwise restrict use until such time as the area or facility can be made available for public use.
- (b) Except in emergency circumstances, notice of closure shall be posted and patrons shall not enter closed or restricted areas.
- (c) It is an offense for any person to enter areas closed due to flooding or which are areas that are the subject of a flood ban.

(Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.042 Disruptive, destructive or hazardous behavior; ejection from park

- (a) Patrons engaged in disruptive, destructive or hazardous conduct may be warned and asked to stop such conduct immediately by any park attendant, city employee charged with patrolling of parks, or a peace officer.
- (b) Under circumstances where a patron's conduct is unlawful or poses an imminent threat of injury or prevents the public enjoyment of the park facility, any park attendant, city employee charged with patrolling of parks, or a peace officer is authorized to notify the patron to immediately leave the park facility per Texas Penal Code, section 30.05.

Sec. 16.02.043 Vending

- (a) It is an offense for any person to conduct the commercial sale or offer to sell any goods, wares, drinks, food or items nor render or offer to render any service for hire, at any park, or facility except for transportation, vehicle wrecker, or emergency roadside services provided to a specific patron upon their request, or as authorized by a contract, or permit properly issued by the city.
- (b) Commercial fitness trainers providing physical fitness training expertise to city park users for profit are governed under division 4 of this article.

Sec. 16.02.044 Abandoned or unattended property

- (a) It is an offense for any person to abandon a vehicle or other personal property at any park. Abandoned property shall be removed, impounded, and sold in conformance to city ordinances or state laws or as may be determined by the city.
- (b) It is an offense for any person to leave a vehicle, boat, barge, or other property unattended at any park facility in such a manner as to create a hazardous or unsafe condition, or at any time after applicable park hours as set forth in this Division to be in violation of a park curfew. Such property may be removed to a safe place or impounded by the city in accordance with city ordinance or state law.

Sec. 16.02.045 Peace and quiet

- (a) Patrons shall preserve the peace and quiet enjoyment of the parks and open spaces by observing all ordinances and state laws governing noise and amplified sound.
- (b) It is an offense for any person to ~~use offensive language,~~ make unreasonable noise as listed below, discharge weapons or fireworks except as authorized by this Division, or engage in offensive gestures or conduct constituting disorderly conduct under state law (Texas Penal Code section 42.01) in any park. (Ordinance 2018-04 adopted 2/20/18)
- (c) It is an offense for any person to use any device, including, but not limited to radios, that result in the emission of sound in excess of 85 decibels when measured at the source. (Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.046 Firearms and other weapons

(a) It is an offense for any person to:

- (1) Carry or possess weapons or firearms while in park facilities except as referenced or authorized by subsection (b) of this section.
- (2) Use firearms or weapons unless conducted under permit or contract, or in an authorized park facility.
- (3) Display a firearm or other weapon at in any park facility ~~or~~ in a manner calculated to alarm or threatens anyone (Texas Penal Code 42.02).

(b) It is not an offense for a person to carry or possess weapons or firearms:

- (1) In those areas of a park of park facilities where usage is ~~appropriate~~ expressly allowed by ordinance or park rules;
- (2) As allowed by state and federal gun laws including, without limitation, the right of a person licensed to carry a firearm in this state; and
- (3) When otherwise authorized in writing by the Department parks and recreation department; ~~or~~
or
- (4) At any event such as a gun show or other weapons related event at specific facilities, that are authorized in advance by the Department and subject to a rental contract including appropriate security, safety, liability and insurance requirements.

(Ordinance 1510.92 adopted 10/13/15)

Sec. 16.02.049 Protection of natural resources

- (a) All sites, objects, buildings, artifacts, implements, and locations of historical, archaeological, geologic, scientific or educational interest of every character located in, on, or under the surface of any park facility are protected.
- (b) It is an offense 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 without having permits as required by the Texas Natural Resources Code, and without having written permission of the city.

Sec. 16.02.050 Animals

- (a) Persons bringing pets or other animals into any outdoor park areas or facility where they are expressly allowed, shall, at all times, keep them under confinement or direct control. Leads on leashes used to control animals shall not be more than six feet long. Dogs may be allowed to

be without a leash in areas that are specifically designated by the Department for such use, if any areas, provided that each dog remains under immediate personal supervision and command.

(b) It is an offense for any person to within a park or park facility:

(1) Permit a pet or other animal to remain unattended or create a disturbance or a hazard;

(2) Permit a pet or other animal to be in the water of a swimming pool or designated swim area except when expressly authorized by ordinance, park rule, or in writing by the Department;

(3) Permit a pet animal, except for an animal trained in assisting handicapped or disabled persons, within the land area or beach area adjacent to the water of a swimming pool or designated swim areas except when expressly authorized by ordinance, park rule, or in writing by the Department;

(4) Bring into, or permit to range at any park ~~facility~~, domestic fowl, horse, swine, sheep, goat, or other livestock ~~except upon approval by the city~~ when expressly authorized by ordinance, park rule, or in writing by the Department.;

(5) Ride, drive, lead or keep a horse at any park facility, except:

(A) On a horseback riding trail, so designated and posted by the city; and

(B) As authorized under contract, approved reservation, or permit;

(6) Ride a horse in a manner that is dangerous to any person or animal at any park facility or wildlife preserve.

(7) Hitch a saddled horse to a tree, shrub, or structure in any manner that causes damage.

(8) All horseback riders are required to have a permit on file with the Department. To obtain a permit the following are required:

(A) Coggins certificate shall be available for inspection at all times;

(B) Liability waiver must be signed by each permit holder;

(C) Permit must be displayed in vehicle and on person during park use; and

(D) \$100.00 fine will be charged per horse/rider for permit violation.

(9) Permit pets ~~and/or~~ other animals within the playscape areas, or any play areas that are designed for children;

(10) Bring into or permit ~~Permit~~ dangerous animals in any city park; or

(11) Knowingly, intentionally or negligently allow ~~Allow~~ any pet or animal that a person exercises any ownership, care, custody or control over to ~~knowingly, intentionally or negligently~~ deposit feces on any city property, unless said person removes the feces once deposited, with the exception of equine feces at Dripping Springs Ranch Park. Failure to carry feces removal supplies when accompanied by a pet or other animal a park will constitute ~~be~~ a violation of this section.

(c) Hunting. It is an offense for any person to:

(1) Hunt, trap, or pursue wild life at any time in any city park; or

(2) Use, carry or possess any kind of trapping device in any city park.

(3) Animal control officers and their designees shall be excluded from this section when in the performance of their duties.

Sec. 16.02.051 Fires, smoking, firewood and fireworks

(a) It is an offense for any person to light, build, or maintain a fire in any park ~~on any of the city park facilities~~, except in a park facility or device provided, maintained or designated for such purposes, or as authorized in writing by the city.

(b) Portable camp stoves or portable barbecue grills of metal construction may be used in designated campsites or picnic areas.

(c) Campfires shall be allowed only with the written authorization of the City in approved locations and under such conditions as may be prescribed by the city. Allowed campfires ~~Campfires~~ shall be attended at all times by an adult until fully extinguished.

(d) During periods of extreme fire hazard or burn ban period initiated by Hays County, ~~the city may prohibit or restrict~~ fires and smoking in designated areas are restricted as directed by the city and Hays County.

(e) It is an offense for any person to cut, gather, or collect wood or other combustible material in ~~at~~ any city park ~~facility~~, for use as firewood or fuel, except for material designated for this purpose by the city.

(f) It is an offense for any person to possess or use ~~of~~ any kind of firework, except by permit, in any ~~city~~ park.

Sec. 16.02.052 Camping and overnight use

(a) Generally; definition. It is an offense for any person to camp in ~~at~~ any ~~city~~ park ~~facility~~, except as authorized by permit and only in camping facilities ~~areas~~ designated or marked for that purpose. Camping is defined as:

- (1) Occupying a designated camping facility.
 - (2) Erecting a tent or arranging bedding, or both, for the purpose of, or in such a manner as will permit remaining overnight.
 - (3) Use of a trailer, camper, or other vehicle for the purpose of sleeping overnight.
- (b) Camping time limit.
- (1) To afford all the public a wider use of the city's camping facilities, continuous occupancy of camping facilities by the same person or persons in a park is limited to 7 consecutive calendar days within any 90 day period.
 - (2) The city may establish an alternate time limit for continuous occupancy of a facility or facilities by the same person or persons in a park, or in a designated portion of a park, when necessary to achieve maximum utilization of the park, or designated portion, by all the public.
- (c) Minors. Persons under the age of 18 years that are authorized to be in a park ~~facility~~ between the hours of 9:00 p.m. and 8:00 a.m. shall be accompanied or supervised by an adult at all times. The ratio of adults to minors shall not be less than one adult for every eight minors.
- (d) Water, wastewater, sewage, and garbage. It is an offense for any person to:
- (1) Deposit wastewater, sewage, or effluent from sinks, toilets, or other plumbing fixtures directly on the ground or into the water;
 - (2) Use any water fountain, drinking fountain, pool, sprinkler, reservoir, lake or any other water body contained in the park for bathing, laundering, and washing dishes, pets, or vehicles (including trailers);
 - (3) Discard, deposit, or dump garbage in a park, except for:
 - (A) Garbage generated inside the park during the course of park visitation; or
 - (B) An amount of garbage consistent with what ordinarily would accumulate in a vehicle in the course of a day's travel;
 - (4) Dispose of garbage except in a receptacle provided for that use or as may otherwise be specifically authorized by department personnel; or
 - (5) Use water provided by the park for purposes other than drinking, washing or culinary uses necessary while in the course of authorized or allowed use of the park.
- (e) Clotheslines. Under no circumstances may clotheslines be strung across or secured to any vegetation or other county properties.

- (f) Responsibility. The city assumes no responsibility for personal belongings or property of any kind.

(Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.053 Operation of motor vehicles

- (a) It is an offense for any person to:

- (1) Operate a motor vehicle ~~at~~ in any park ~~facility~~, except upon roads, driveways, parking areas, and areas designated as open to motor vehicles, ~~or~~ except as authorized in writing by the city;
- (2) Drive or operate any type of motor vehicle in any city park at a speed greater than indicated by appropriate traffic signs; or
- (3) Drive or operate any type of motor vehicle in any ~~city~~ park that has the potential or is used in a manner so as to be is destructive and cause damages to grounds, parking areas, driveways, roads, and any other city property.

- (b) This section shall not apply to the following persons if in the park or facility in their performance of their duties: peace officers, physicians responding to an emergency, ambulance operators and attendants, employees of the city and fire suppression personnel.

(Ordinance 1510.93 adopted 5/17/16)

Sec. 16.02.054 Parking of vehicles

- (a) It is an offense for any person to:

- (1) Park a motor vehicle in a park ~~on parkland~~ except in designated parking areas, or within twelve feet of a public park road, if not otherwise prohibited;
- (2) Access or park in areas of a park where permits are required without a proper city issued permit; or
- (3) Park, store or leave a vehicle or trailer in areas of a park posted “restricted” or ~~with~~ “no parking” signs.

- (b) A vehicle or trailer parked in such a manner as to create a hazardous or unsafe condition may be impounded, consistent with city ordinance and state law.

- (c) This section shall not apply to the following persons if in the park or facility in their performance of their duties: peace officers, physicians responding to an emergency, ambulance operators and attendants, employees of the city and fire suppression personnel.

(Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.056 Adherence to signs; unlawful signs

- (a) All persons shall comply with the signs and markers installed by the city in any park.
- (b) It is an offense 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. This provision shall not apply to traffic-control devices and/or signs authorized by the city council.

Sec. 16.02.057 Alcohol and tobacco

- (a) It is an offense for any person to:
 - (1) Sell, possess with the intent to sell or, consume alcoholic beverages, unless authorized by the city, in the following areas:
 - (A) Within enclosed areas of swimming or wading pools;
 - (B) In recreation centers and adjacent grounds;
 - (C) Within the playing boundaries of athletic fields; and
 - (D) In those areas designated by the city.
 - (2) Use alcoholic beverages at any school-related or school-sanctioned activity, on or off school property, including any city-owned park; or
 - (3) Smoke or use any tobacco products, including electronic cigarettes and vaping, at any school-related or school-sanctioned activity, on or off school property, including any city-owned park.
- (b) A person who engages in conduct prohibited by this section commits an offense which, upon conviction is punishable by a fine not to exceed \$500.00.

Sec. 16.02.058 Drugs

It is an offense for any person to possess or use illegal drugs (controlled substances) ~~in~~ at any location in a park ~~the city parks, opens spaces, or recreational facilities.~~

Sec. 16.02.059 Glass containers

It is an offense for any person to possess glass containers ~~in~~ at any location in a park except where authorized by the City in writing for events subject to a permit or rental contract of the city parks, open spaces, or recreational facilities.

(Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.060 Closing hours

(a) The hours of operation for city parks shall be as follows, unless otherwise modified in a park use permit or agreement:

Sunday–Saturday: Dawn to midnight.

(b) The following exception shall apply, unless otherwise specifically modified in the use permit or agreement:

(1) Events with loudspeakers, amplified sound, ~~live music~~, or any activity which involves amplification equipment/devices of any kind shall not commence prior to 5:30 p.m. Monday– through Friday, and shall terminate by 10:30 p.m. ~~Monday–Thursday~~ Sunday through Thursday.

(2) No activity which may disrupt normal city business/operations or neighboring residential properties shall commence prior to 5:30 p.m., Monday– through Friday.

(3) Events with loudspeakers, amplified sound, or any activity which involves amplification equipment/devices of any kind shall terminate by midnight Friday and Saturday night.

(4) Exceptions to the provisions of this section may be considered by the city administrator, upon recommendation by the parks and community services ~~recreation~~ director, by written agreement as related to the Dripping Springs Ranch Park Event Center, and on a case-by-case basis.

(Ordinance 1510.93 adopted 5/17/16)

Sec. 16.02.061 Noise from events that include loudspeakers or amplified sound ~~live music~~

All events which will include loudspeakers, amplified sound ~~live music~~, or amplification equipment/devices of any kind must comply with the ~~city noise ordinance~~ or Texas Penal Code 42.01(a)(5), ~~if the city does not have an enacted noise ordinance.~~ Notwithstanding the foregoing, the city reserves the right to ask disruptive music amplified sound to be turned down. Specific parks or park facilities may enact additional rules regarding noise or quiet times.

Sec. 16.02.062 Events requiring street closures

Any noncity event held in a city park, which will require street closures, barricades, or diversion of traffic for any reason, must be approved by the city council at least 30 days in advance.

Sec. 16.02.063 Littering; pollution of swimming pool or water body

It is an offense for any person to:

- (1) Place or deposit any garbage, trash, discarded vegetation of any kind, or any other refuse in any ~~city~~ park or ~~city~~ park facility except in receptacles designated for such purpose by the city. In any park area where receptacles are not provided, persons shall carry any garbage, trash, discarded vegetation of any kind, or any other refuse away from the park and properly dispose of it elsewhere;
- (2) Place or deposit any garbage, trash, discarded vegetation of any kind or any other refuse ~~refuge~~ in any city park except that which was generated within the ~~city~~ park grounds. City trash receptacles shall never be used to discard trash, garbage, vegetation or other refuse ~~refuge~~ which is brought to the park for the purpose of disposal; or
- ~~(3) Fail to deposit any rubbish, refuse, garbage, or other material in receptacles provided in any public park or recreation area; where receptacles are not provided, persons shall carry rubbish or waste away from the park, and properly dispose of it elsewhere; or~~
- (3) Throw, discharge, or otherwise place or cause to be placed in the waters of any swimming pool, fountain, or body of water in or adjacent to any public park or recreation area, any substance, matter or thing, liquid or solid, which will or may result in the pollution of the water.

(Ordinance 1510.91 adopted 8/11/15)

Sec. 16.02.064 Pool rules

- (a) Children under 12 years of age must be accompanied and supervised at all times by a parent or competent person at least 18 years of age.
- (b) Swimmers must wear proper attire; (i.e, swimming suits or trunks). A clean tee shirt may be worn over proper swim attire. No cut-offs permitted.
- (c) Diapers are not permitted in the pool area. All ~~infants and toddlers not~~ individuals not potty trained are required to wear swim diapers.
- (d) No running, fast walking, horseplay, or rough play is allowed in the pool complex. No pushing, throwing, dunking, splashing, riding on shoulders, chicken fighting or any games or actions that may endanger swimmers or individuals using the pool area ~~sunbathers~~.
- (e) Admission to the pool may be denied when, at the city's sole discretion, it is deemed that:
 - (1) An individual is apparently unable to care for themselves to the extent they pose a reasonable risk of harm to themselves or others.

- (2) An individual is intoxicated or appears to be under the influences of controlled substances.
 - (3) The city has specific evidence that an individual suffers from a contagious disease.
 - (4) An individual exhibits open sores, wounds or runny nose.
 - (5) An individual is clad inappropriately in an excessively revealing outfit that is inappropriate for families in a public setting.
 - (6) In the opinion of the aquatics employee in charge (e.g., head lifeguard), the individual poses a reasonable risk to the health and safety of the pool patrons or general public.
- (f) Pool personnel may eject persons from pool area at any time when deemed necessary to protect the health and safety of pool patrons, as determined within the sole discretion of city officials. In serious cases of misconduct, the ~~parks and recreation~~ Department ~~department~~ office or the county sheriff should be called. In cases involving small children, the parents will be informed. No refunds of entry fee will be allowed upon ejection.
- (g) The following nonbinding guidelines explain the typical progressive enforcement of these rules:
- (1) First offense: Rule is explained and warning issued.
 - (2) Second offense: Rule is explained and 1-hour "time out" enforced.
 - (3) Third offense: Person must leave for the day. No refund of entry fee.
- (h) No loitering around cashiers, ~~or~~ lifeguards on duty, or lifeguard stands. No one, except a lifeguard, is allowed on or near lifeguard stand(s).
- (i) All guests must shower before entering the pool.
- (j) Swimmers are not to hang or pull on lifelines, ropes, nets or rims. Mistreatment or abuse of pool property or other patron's personal property will not be tolerated. No swinging on ladders, playing on or near the ladders, or jumping off of ladders.
- (k) No flips, somersaults, twists, or belly flops allowed. Swimmers may only jump into the pool facing forward with feet first.
- (l) Abusive or profane language will not be tolerated.
- (m) Facemasks and goggles are permitted to be worn in the pool provided they are properly used and have nonbreakable lenses. Facemasks and goggles are not permitted to be worn on the slides.

- (n) No glass containers are allowed in the pool complex.
- (o) No outside drinks or food are permitted in the pool complex. No ice chests are allowed in pool complex. The only exceptions to this rule are applicable to authorized private parties or special use events.
- (p) Smoking or tobacco use of any type, including electronic cigarettes or vaping, is not allowed in pool complex.
- (q) No alcohol, in any form, is allowed in pool complex.
- (r) The city is not responsible for lost, stolen, or damaged personal belongings. Patrons should not bring valuables to pool complex.
- (s) Lifeguard(s) on duty are the city officials and park attendants primarily in charge of enforcing the rules.
- (t) Children 5 years and younger must be within arm's reach of an adult while in water.
- (u) No animals are allowed in the pool complex except with written authorization of the city.
- (v) The pool will be closed for thunderstorms at first sign of lightning or thunder. The pool will re-open 30 minutes after last thunder is heard.
- (w) Flotation devices will be permitted at the lifeguard's discretion. Inflatable beach balls, sponge balls, squirt guns, noodles, or other pool toys are allowed in the pool during noncrowded conditions and at lifeguard's discretion.
- (x) Any and all injuries occurring within the pool complex must be ~~reported~~ reported to the manager on duty immediately. Accident/incident reports must be filled out by the pool personnel and turned in to the parks and recreation director daily.
- (y) 10-minute safety break shall occur each hour. At 10 minutes before the hour, each hour, all swimmers must get out of pool. This break is for the water quality to be checked, lifeguards to take a break and swimmers to take a break.
- (z) All patrons entering the facility during swim times are required to pay the facility admission fee.
- (aa) Incidents involving any blood, feces, vomit, or other unsanitary matter in or close to the water must be reported to the nearest lifeguard and the manager on duty immediately. Such incidents may require the pool to be closed temporarily for cleaning and sanitation.

(Ordinance 1510.05 adopted 4/20/10)

Sec. 16.02.065 Special rules for specific park facilities

- (a) Each park facility may develop additional rules and regulations that address problems specific to that facility, which shall be in writing and approved by the Director of the Department ~~director of parks and recreation~~. Patrons shall comply with all rules and regulations posted at individual facilities or for special events.
- (b) ~~Persons bringing pets or other animals into outdoor park areas shall keep them under confinement or direct control. Leads on leashes used to control animals shall not be more than six feet long. Dogs may be allowed to be without a leash in designated areas, provided that each dog remains under immediate personal supervision and command.~~
- (c) ~~It is an offense for any person to:~~
- ~~(1) Permit a pet or other animal to remain unattended or create a disturbance or a hazard;~~
 - ~~(2) Bring into, or permit to range at any park facility, domestic fowl, horse, swine, sheep, goat, or other livestock except upon approval by the city;~~
 - ~~(3) Ride, drive, lead or keep a horse at any park facility, except on a horseback riding trail, so designated and posted by the parks and recreation department and except as authorized under contract, approved reservation or permit;~~
 - ~~(4) Ride a horse in a manner that is dangerous to any person or animal at any park facility or wildlife preserve; or~~
 - ~~(5) Hitch a saddle horse to a tree, shrub, or structure in any manner that causes damage.~~
- (d) ~~All horseback riders are required to have a permit on file with the parks and recreation department. To obtain a permit the following are required:~~
- ~~(1) Coggins certificate shall be available for inspection at all times.~~
 - ~~(2) Liability waiver must be signed by each permit holder.~~
 - ~~(3) Permit must be displayed in vehicle and on person during park use.~~
 - ~~(4) \$100.00 fine will be charged per horse/rider for permit violation.~~
- (b) ~~The following rules apply to Dripping Springs Ranch Park~~ Rules:
- (1) It is an offense for any person to swim or boat at this park.
 - (2) Only members of the Dripping Springs Ranch Park or patrons who pay a daily fee are permitted to have their horses at this park.
 - (3) Any farrier providing services at this park shall pay an itinerant vendor fee and is permitted to provide their services only in the designated areas provided by the Ranch Park Manager or the Director of the Department.

- (4) Quiet hours for RV Sports are from 10:00 p.m. to 6:00 a.m. unless approved by the Department in a rental contract.
- (5) All waste must be disposed of in the dumpster located on site at the park. Littering on the property will result in a fine.
- (6) All wastewater, including gray water, must be disposed of in the Dump Station, located on site at the park. Any dumping of waste/sewage on pavement, dirt or vegetation will result in eviction.
- (7) No swimming pools are to be set upon the property.
- (8) Rowdiness, abusive language, fighting, lewd conduct, reckless driving/speeding, drunkenness, and possession of or use of illegal drugs will not be tolerated at any time. Amplified sound, firearms or weapons shall not be allowed unless otherwise allowed by law or authorized by the city by written agreement.
- (9) Parents are responsible for the conduct of their children and financially responsible for any damages caused by their children. Children under the age of 13 must be accompanied by an adult at all times.
- (10) The City, the Department, and Dripping Springs Ranch Park, as well as their officials, agents, and employees are not responsible for property or personal injury damages arising out of, or in any way connected to use of the park, including, but not limited to loss or damage by fire, wind, theft, accident or Acts of God.
- (11) Registered guests and visitors are liable for all personal injury or property damages and assume any and all risks associated with use of the park to their person, property, animals and vehicles.
- (12) All park rules apply to Dripping Springs Ranch Park and the Event Center, including hours of operation and hours when amplified sound is allowed. The hours of operation and hours of amplified sound may be extended by written agreement between the city and a user of this park.

(Ordinance 1510.91 adopted 8/11/15)

- (c) ~~The following applies to Farmers Market operations in Veterans Memorial Park. The market manager has the authority to control the use of the park premises for purposes of Texas Penal Code section 42.03 (obstruction of passageway), issue warnings, provide notice per Texas Penal Code, section 30.05 (criminal trespass), and take appropriate action against any person who violates the rules and regulation for market operations, any section of this division, and any other regulation or law.~~ Farmers Market Park in Veterans Memorial Park. The following section applies to Farmers Market operations in Veterans Memorial Park. The market manager has the authority to control the use of the park premises for purposes of Texas Penal Code

section 42.03 (obstruction of passageways), issue warnings, provide notice per Texas Penal Code section 30.05 (criminal trespass), and take appropriate action against any person who violates the rules and regulation for market operations, any section of this division, and any other regulation or law. Additional regulation related to the Farmers is in Article 6.05 of the Code of Ordinances. Farmers Market Rules include: (Ordinance 2018-04 adopted 2/20/18)

- (1) All market participants must complete the appropriate application, pay the applicable fees, and be approved by the Market Manager or the Farmers Market Board prior to participation.
- (2) Producers, prepared-food producers, artists and craftspeople, service providers, entertainers, and community organizations that fulfill the Mission of the Market as listed in Section 6.05.003 of the Code of Ordinances, may be approved to participate in the Market.
- (3) The Farmers Market and all vendors must comply with the Americans with Disabilities Act and with State of Texas accessibility requirements. All common areas and vendor booths must be accessible to individuals with disabilities whenever the booth is open to the public.
- (4) All vendors must agree to and assist in the inspection of their operation by representative of the Market at any time to ensure compliance with these rules and State of Texas health rules, as applicable.
- (5) Market booth fees will be determined annually by the Farmers Market Association Board and approved by the city council. Fees will be assessed to participants weekly.
- (6) All selling and promotion must be contained within the 10' wide by 10' deep booth space.
- (7) Any vendor cancellations must be communicated with the Market Manager by 2:00 p.m. on day prior to the market or late notice fees will be assessed.
- (8) Smoking or other tobacco use, including vaping or electronic cigarettes, is not allowed in market area.
- (9) All market complaints should be sent to the Market Manager for review by the Farmers Market Association Board.
- (10) Violation of Farmers Market or park rules may result in verbal warning, written warning, fine, suspension or expulsion from the Market. The Market Manager shall have discretion to enact any or all of the above options based on the severity of the violation.
- (11) Community organizations that fulfill the Mission of the Market and seek to fundraise or educate at the market can submit an application to the Farmers Market Association Board for approval to perform such activities.

- (12) All vendors must wait for the sound of the Opening Bell to commence sales to the public.
- (13) Public dissemination of Information is regulated on market days from 2:00 p.m.-7:00 p.m. Those seeking to disseminate information must do so only in the area designated by the Market Manager.
- (14) Each vendor is responsible for his or her own sales tax collections and payments.
- (15) A scale certified by the Texas Department of Agriculture must be used at the market for all products sold by weight.
- (16) Food samples must be distributed in accordance with the rules set forth by the Dripping Springs Farmers Market Food Sampling Rules and Texas Department of State and Health Services.
- (17) Home-canned processed foods and baked goods can be sold but must comply with the Texas Cottage Food Laws as defined by the Texas Department of State Health Services and Texas Health and Safety Code.
- (18) All vendors must obtain any and all permits and licenses required by the State of Texas and Hays county as applicable to sell each product.
- (19) All items sold at the market must be raised, prepared, processed, or crafted by the vendor within a 150 mile radius of the City of Dripping Springs and meet the Mission of the Market.
- (20) All vendors will be subject to inspection by the Market Manager prior to selling at the market.
- (21) No live animals may be sold or given away at the market.
- (22) No vendor, attendee, or participant in the Market may impede pedestrian or vehicular traffic or interfere or disrupt normal Market operations.

Secs. 16.02.066–16.02.100 Reserved