

ORDINANCE NO. 2022-O-04F

AN ORDINANCE OF THE CITY OF CITY OF MARBLE FALLS CODE OF ORDINANCES AMENDING SECTIONS 15-16 "TIME RESTRICTION; OVERNIGHT CAMPING; PENALTY," 15-26 "SPECIAL PUBLIC FUNCTIONS; PERMIT," AND 15-28 "RESERVATION, USE AND FEE SCHEDULE FOR PARK FACILITIES" OF ARTICLE II "CONDUCT IN CITY PARKS" OF CHAPTER 15 "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY TO ALLOW THE CITY MANAGER OR DESIGNEE TO APPROVE EXEMPTIONS, REQUIRE A SPECIAL EVENT PERMIT FOR SPECIAL FUNCTIONS, AND PROVIDE A DISCOUNT ON FEES TO FEDERAL, STATE, LOCAL, AND CHARITABLE ORGANIZATIONS; AMENDING SECTIONS 15-86 "DEFINITIONS," 15-87 "RESERVATIONS," 15-90 "LICENSE FEES" OF ARTICLE IV "LAKESIDE PAVILION" OF CHAPTER 15 "PARKS AND RECREATION" TO MODIFY THE DEFINITION OF ADMINISTRATION PROVIDING THE CITY MANAGER MORE AUTHORITY, MODIFICATION OF THE DEFINITION OF RATE CLASSIFICATION GROUPS TO INCLUDE RESIDENT AND NONRESIDENT ONLY AND REMOVING THE PREVIOUS GROUP METHOD, ADDING A REFUND SCALE BASED ON TIME OF CANCELLATION, AUTHORIZING A DISCOUNT RATE FOR RESIDENTS AND CLARIFYING EXISTING LANGUAGE, REMOVING LANGUAGE THAT PROVIDED FREE USE IN EXCHANGE FOR PREPAYMENT OF THREE CONSECUTIVE WEEKEND DAYS, ADDING A DISCOUNT RATE FOR FEDERAL, STATE, LOCAL, AND CHARITABLE ORGANIZATIONS, RESERVING SECTIONS IN ARTICLE V FOR FUTURE USE, ADDING A NEW ARTICLE VI TO AUTHORIZE THE CITY TO CHARGE FOR RECREATIONAL PROGRAMS SPONSORED BY THE CITY, PROVIDING FOR A PENALTY, SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, PROVIDING AN OPEN MEETINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City of Marble Falls is empowered to enact and amend ordinances that pertain to activities within dedicated parkland under the control of the City; and

WHEREAS, the City Council has determined that there is a need for amendments to those sections of the Code of Ordinances related to the use of the public parks; and

WHEREAS, the City Council believes that such amendments to the current regulations will be in the best interest of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS, THAT:

SECTION I. PREAMBLE. All the above premises are hereby found to be true and correct legislative and factual findings of the City of Marble Falls and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION II. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article II, Conduct in City Parks, Section 15-16, Time restriction; overnight camping; penalty to read as follows:

Sec. 15-16. - Time restriction; overnight camping; penalty.

- (a) There shall be no overnight camping within any publicly owned park or playground within the city limits; except in designated camping areas.
- (b) There shall be no erection of tents by campers or for campers upon any public property within the city limits; except in designated camping areas.
- (c) There shall be no overnight parking of any portable building, any camping unit of any type, or any motor vehicle within any publicly owned park, playground or cemetery within the city limits, except in designated overnight parking areas.
- (d) There shall be no person, vehicle, equipment or activity within any publicly owned park or playground within the city limits between the hours of 12:00 midnight and 6:00 a.m. each day, except in designated overnight areas.
- (e) The only exception to the provisions of this section shall be with the approval of an exemption granted by the city manager or their designee.
- (f) Persons found in violation of this section shall receive notice to depart from the park, playground or cemetery. Such notice to depart means an oral or written communication from the city manager, the director of parks and recreation, the police chief, or city police officer. Any person failing to comply with such notice to depart within a reasonable length of time, which shall not exceed thirty (30) minutes, shall be guilty of a misdemeanor and a conviction of this violation shall be punishable by a fine not to exceed five hundred dollars (\$500.00).

SECTION III. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article II, Conduct in City Parks, Section 15-26, Special public functions; permit to read as follows:

Sec. 15-26. Special public functions; permit.

Nothing herein shall prohibit use of the parks for special public functions or entertainment. Participants in these special functions shall be permitted to have overnight camping and shall be permitted to park vehicles on the grassy areas on the following conditions: the organizer(s) of the special function shall first obtain a special events permit pursuant to section 5-51, if applicable, or approval of the city manager or their designee.

SECTION IV. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article II, Conduct in City Parks, Section 15-28, Reservation, use and fee schedule for park facilities to read as follows:

Sec. 15-28. Reservation, use and fee schedule for park facilities.

- (a) A person may reserve a park facility for holding picnics, barbecues, family reunions, or any other lawful function. The ball field may be reserved for baseball, softball, kickball, or soccer games; or for any other purpose authorized by the city manager or designee. A reservation fee in the amount set out in the Master Fee Ordinance, Appendix C of this Code, shall accompany the request for the reservation. Other persons may use a park facility when it is not reserved. However, such use is subject to use by persons who have a prior reservation. Any group or organization with an attendance of one hundred (100) or more shall keep the city parks free of litter for the duration and at the conclusion of the event; and may be required to provide additional waste facilities.
- (b) Reservation fees for Federal, State, County and City agencies, and non-profits formed as 501(c)(3) or 501(c)(6) organizations, shall be reduced by fifty (50) percent from the rate set out in the Master Fee Schedule. The 501(c)(3) or 501(c)(6) non-profit organization must provide proof of their tax-exempt status in the form of documentation from the Internal Revenue Service (IRS).

SECTION V. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article IV, Lakeside Pavilion, Section 15-86, Definitions to read as follows:

Sec. 15-86. Definitions.

The *Lakeside Pavilion* of the City of Marble Falls, hereinafter called Pavilion, means the building including grounds located at 307 Buena Vista at Lakeside Park under the jurisdiction of the city.

Administration: The city manager or their designee shall have full responsibility for the operation of the Pavilion and shall act on behalf of the city. The city manager, or their designee, may enter into license agreements for the use of the Pavilion to ensure that the facility is used efficiently and safely. The city manager, or their designee, is fully authorized to impose fees for the use of the Pavilion as set out in the Master Fee Schedule.

License as used herein means the written agreement issued to an applicant by the city manager or his authorized representative for use of the Pavilion.

Licensee as used herein includes any person, association, public organization, partnership, company or corporation that is granted a license agreement to use the Pavilion.

Rate classification groups for determination of license fees:

Resident: named licensee who resides or owns real property within in the corporate limits of the City of Marble Falls. Federal, state, county, city agencies, and City of Marble Falls employees will be charged resident rates.

Nonresident: named licensee who does not reside or own real property within in the corporate limits of the City of Marble Falls.

SECTION VI. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article IV, Lakeside Pavilion, Section 15-87, Reservations to read as follows:

Sec. 15-87. Reservations.

- (a) Reservations will be taken at the parks and recreation department office between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, (except for official holidays). Reservation requests may also be submitted via the city website at any time.
- (b) The pavilion will be rented on a first-come, first-served basis. Reservation request conflicts will be resolved by the city manager or his authorized representative.
- (c) A reservation for the pavilion will be considered confirmed only upon the receipt of a signed license agreement accompanied by the appropriate fee as described herein.
- (d) Reservation of the pavilion may be made up to twelve (12) months from the date of the request in advance.
- (e) Reservation cancellation by licensee must be made in writing on or before thirty (30) days prior to any scheduled event for any refund. If a reservation is cancelled after such time or if the person does not use the pavilion on the scheduled date, the license fee shall be forfeited. Bad weather is not grounds for refund or cancellation. Refunds will be granted using the following parameters:
 - (1) 30 days to 90 days – 25% of licensee fees.
 - (2) 90 days to 180 days – 50 % of licensee fees.
 - (3) Greater than 180 days – 100%, minus a \$25 administrative fee.
- (f) Official use of the pavilion will take precedence over any and all reservations that may be in effect in the event of an emergency (as identified by the Marble Falls emergency operations management team) or when the city manager determines there is a public necessity warranting the need for use of the pavilion. Such preemption shall be without liability to the city for any and all damages that may result from the prior reservation. The city shall refund any deposits paid.

SECTION VII. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article IV, Lakeside Pavilion, Section 15-90, License fees to read as follows:

Sec. 15-90. License fees.

- (a) License fees per day for use shall be charged as set in the Master Fee Schedule, Appendix C of this Code.
 - a. Residents (persons residing within the corporate limits of the city and named on a reservation as a licensee) shall be charged a discounted rate as set out in the Master Fee Schedule.
- (b) License fee and facility deposit are required at the time of reservation confirmation.
- (c) Keys will be issued one (1) day prior to scheduled event. Keys must be returned no later than the next working day after scheduled event. Anyone not returning the key after one (1) working day has passed shall forfeit the facility deposit.

- (d) Facility deposit will be refunded after return of keys and facility deposit refund checklist, and, inspection of the Lakeside Pavilion; provided, however, that the use or consumption of alcohol without having obtained a permit from the parks and recreation department and without having paid all required alcohol sales permit fees, and alcohol and consumption fees shall result in a forfeiture of the facility deposit.
- (e) Any damage to the pavilion in excess of the security deposit shall be billed to licensee.
- (f) Early access will be permitted to the pavilion and grounds prior to rental time only if such access will not conflict with any other event or licensee.
- (g) All personal property must be removed at the end of the event.
- (h) License fees for Federal, State, County and City agencies, and non-profits formed as 501(c)(3) or 501(c)(6) organizations, shall be reduced by fifty (50) percent from the rate set out in the Master Fee Schedule. The 501(c)(3) or 501(c)(6) non-profit organization must provide proof of their tax-exempt status in the form of documentation from the Internal Revenue Service (IRS).

SECTION VIII. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, Article V, Park Concessions, to reserve sections for future use and reads as follows:

Sec. 15-135—15-150. - Reserved.

SECTION IX. AMENDMENT. This ordinance amends Chapter 15 of the Marble Falls Code of Ordinances, Parks and Recreation, to add Article VI, Recreational Programs and Section 5-151, Recreational Program fees to read as follows:

ARTICLE VI. RECREATIONAL PROGRAMS

Sec. 15-151. Recreational Program fees.

A person who participates in a recreational program sponsored by the City of Marble Falls shall pay the applicable fee in the amount set out in the Master Fee Ordinance, Appendix C of this Code.

SECTION X. ENFORCEMENT AND PENALTIES. Any violation of this Ordinance shall be subject to enforcement through a fine or other penalties as set out in Chapter 1, General Provisions, Section 1-9, General penalties for violation of Code, Marble Falls Code of Ordinances.

SECTION XI. REPEALER. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

SECTION XII. PROVIDING FOR SEVERABILITY. If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of

Marble Falls in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

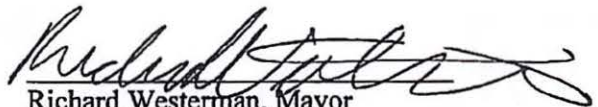
SECTION XIII. EFFECTIVE DATE. This ordinance shall be in full force and effect from its date of approval.

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


ADOPTED AND APPROVED THIS 19th **DAY OF** April, **2022.**



CITY OF MARBLE FALLS:


Richard Westerman, Mayor

ATTEST:


Christina McDonald, City Secretary

(Seal)

APPROVED TO FORM:


Patty L. Akers, City Attorney