

ORDINANCE NO. 2016-23

AN ORDINANCE OF THE PORT ARANSAS CITY COUNCIL AMENDING THE CODE OF ORDINANCES CHAPTER 18 “PUBLIC PLACES, PROPERTY AND SERVICES”, ARTICLE VIII. “PUBLIC PARKS” BY DELETING SECTIONS 18-240, 18-241, 18-242 AND 18-243 IN THEIR ENTIRETY AND ADDING NEW SECTIONS TO IDENTIFY THE PARK FACILITIES, GENERAL RULES, PROHIBITION, PARK HOURS AND PERFORMING GENERAL HOUSEKEEPING; PROVIDING FOR SEVERANCE, READING, PENALTY, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:

SECTION 1. DELETION

That Chapter 18 “Public Places, Property and Services”, Article VIII. “Public Parks”, Section 18-240 “Port Aransas Community Park general rules”, Section 18-241 “Port Aransas Nature Preserve”, Section 18-242 “Rules for the Leonabelle Turnbull and the Joan and Scott Holt Paradise Pond Birding Centers”, and Section 18-243 “Skate park Rules” is hereby deleted in its entirety.

SECTION 2. ADDITION

That Chapter 18 “Public Places, Property and Services”, Article VIII. “Public Parks”, is hereby added to wit:

ARTICLE VIII. - PUBLIC PARKS

Section 18-240. In General

- (a) All federal and state regulations and Port Aransas City ordinances apply in the park system. Any infraction of a duly adopted City of Port Aransas rule constitutes a Class C misdemeanor and is punishable by law.
- (b) The city may engage in such activities and conduct and take such action as is reasonable, in its discretion, to maintain, improve, repair, operate, and police the park system. The Brazilian Pepper Tree Control and Replacement Plan will be monitored with reasonable accommodations made as needed.

Section 18-241. Parks Designated

The following facilities are designated as a City of Port Aransas Parks.

- 1. Community Park comprised by the following facilities –
 - a. Fields – Baseball, volleyball, basketball, pickleball
 - b. Swimming Pool
 - c. Skatepark
 - d. Inline Skate Rink
 - e. Walking/Jogging Paths and Trails
- 2. The Eco-Tourism Recreational Areas and noted as a “Preserve” are comprised by the following facilities:
 - a. Nature Preserve at Charlie’s Pasture
 - b. Leonabelle Turnbull Birding Center
 - c. Joan & Scott Holt Paradise Pond Birding Center

d. Hwy 361 Wetland (Overlook) Park

3. Robert's Point Park

Section 18-242. General Rules

The following rules and regulations shall be applicable to all Park facilities:

1. Vehicles - All vehicles must remain on paved surfaces within designated areas only.
2. Pets, where allowed, must be on a leash and feces must be removed and disposed of properly by the owner.
3. Parents or other responsible adult over eighteen (18) years of age must accompany and supervise children under twelve (12) years of age.
4. Visitors must stay on designated trails posted and provided for use. Guided-only trails are available by appointment at the point of contact and according to accessibility restrictions.
5. The speed limit for all vehicles on roadways in the park area is five (5) miles per hour.
6. Smoking of tobacco products, except in areas designated by city staff, is prohibited, and in those areas if containers for disposal of tobacco products are provided, they must be used.
7. Fishing and bait catching are allowed only in areas along bulkhead or Piper Channel. All state fishing regulations apply.
8. Organized groups such as camps, recreation programs, and families, consisting of more than twenty (20) people, must make a reservation with the park department prior to visiting.
9. Only official entrances and exits designated as such may be used to enter or exit the preserve areas.
10. Wildlife is protected within the parks system. It is unlawful to injure, harm, remove, or introduce wildlife without express permission of the city's parks and recreation department.
11. The City of Port Aransas reserves the right to revoke use privileges from those who violate any park rules.

Section 18-243. Prohibitions

The following prohibitions apply to all park facilities unless otherwise noted:

- 1) Open fires and gathering of firewood;
- 2) Possession of firearms. Prohibition does not include a peace officer as defined by V.T.C.A., Code of Criminal Procedure Art. 2.12 or a person who possesses a concealed handgun and a license issued under V.T.C.A., Government Code Ch. 411, Subch. H, to carry a concealed handgun of the same category as a handgun the person is carrying. Shooting into the nature preserve from beyond its boundaries or discharging firearms within the nature preserve is prohibited;
- 3) Removal of plant life. No one may remove any natural objects from the nature preserve. Everyone must carry out everything he or she brings in. Collecting or disturbing plants or animals is not permitted without prior permission for approved teaching or research activity. Those claiming possession of a permit must be able to produce it upon request. Permits are obtainable through the park department and will carry the stamp of the department;
- 4) Littering, damaging or defacing park facilities. Trash containers at viewing sites/parks must be used for deposit of all trash;
- 5) Use of amplified sound equipment i.e. stereos, electrical sound equipment to attract wildlife other than ballfield public address system;
- 6) Use or possession of alcoholic beverages;
- 7) Hunting, fishing, and trapping;
- 8) Bicycles, skateboards, or skates in the bathhouse, picnic shelter area, playground area or boardwalk;
- 9) Swimming in the pond(s);
- 10) Overnight camping;
- 11) Injuring or harming wildlife - Wildlife is protected;
- 12) Glass containers;
- 13) Firecrackers and other fireworks;

- 14) Pets are not allowed in the preserve(s), except that service animals accompanying disabled persons and qualifying as service animals under the Americans with Disabilities Act are permitted within the nature preserve;
- 15) Peddling and soliciting;
- 16) Feeding of wildlife, the scattering of feed or seed or any food of any kind;
- 17) Watercraft;
- 18) No tagging, graffiti, or placement of stickers; and
- 19) Skate/Inline Skate Rink:
 - a. Only skateboards, in-line skates, and roller skates are allowed.
 - b. Proper safety equipment is recommended at all times.
 - c. Skating is allowed in authorized areas only.
 - d. No outside obstacles

Section 18-244. Park Hours

No person shall be in or on any park grounds or facilities or property other than during these hours:

- (a) Community Park: 8:00 am to 10:00 pm daily.
- (b) Community Park Jogging track: Opens at 6:00 am. Organized, structured programs and activities which are sanctioned by the city parks and recreation department may be conducted between the hours of 6:00 am and 11:00 pm.
- (c) Nature Preserve @ Charlie's Pasture: dawn to dusk, seven (7) days a week
- (d) Preserve Birding facilities - one (1) hour before dawn to one (1) hour past dusk, seven (7) days a week.

Secs. 18-245—18-249. - Reserved.

SECTION 3. EFFECTIVE DATE.

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption upon adoption on third and final reading and upon publication of the Ordinance Header in the City's official newspaper.

SECTION 4. READING.

As provided by Article III, Section 13 and Article III, Section 12.b. of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

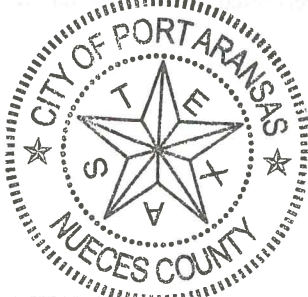
SECTION 5. SEVERANCE.

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

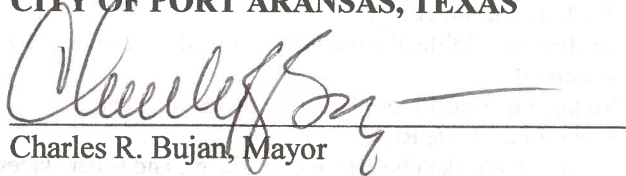
SECTION 6. PENALTY FOR VIOLATION.

Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-15, "General Penalty for Violations of Code; Continuing Violations" Port Aransas Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

PASSED, ORDAINED, APPROVED AND ADOPTED this 10th day of Oct., 2016.



CITY OF PORT ARANSAS, TEXAS


Charles R. Bujan, Mayor

ATTEST:


Irma Parker, City Secretary

First Reading: August 18, 2016
Second Reading: September 15, 2016
Third Reading: October 20, 2016