

TOWN OF FLOWER MOUND, TEXAS

ORDINANCE NO. 56-11

AN ORDINANCE OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND THROUGH THE AMENDMENT OF CHAPTER 54, ARTICLE IV REGARDING UNITED STATES ARMY CORPS OF ENGINEERS PROPERTY RULES AND REGULATIONS BY PROVIDING AUTHORITY TO THE TOWN MANAGER, OR HIS DESIGNEE, TO PERFORM OR CAUSE TO BE PERFORMED CERTAIN ACTIONS; ADOPTING ALCOHOLIC BEVERAGE REGULATIONS; PROVIDING FOR THE ADOPTION OF ADMINISTRATIVE POLICIES FOR TWIN COVES PARK; REVISING REGULATIONS REGARDING VEHICLE PARKING; PROVIDING FOR SPECIAL EVENT REGULATIONS; ESTABLISHING WATERCRAFT REGULATIONS; ESTABLISHING GENERAL RESTRICTIONS; ESTABLISHING RECREATIONAL USE FEES; REVISING THE PENALTY PROVISION; AMENDING APPENDIX A "FEE SCHEDULE" OF THE CODE OF ORDINANCES OF THE TOWN OF FLOWER MOUND RELATIVE TO CODE SECTION NUMBER 54-179 REGARDING RECREATIONAL USE FEES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Town of Flower Mound is a home rule municipal corporation organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter adopted November 3, 1981; and

WHEREAS, the Town of Flower Mound has entered into a lease agreement with the United States Army Corps of Engineers ("Corps") for Corps-owned property adjacent to Grapevine Lake, known as Twin Coves Park, which provides the Town with the authority to adopt regulations and manage daily operations in Twin Coves Park; and

WHEREAS, the Town of Flower Mound and the Corps have entered into an Interlocal Agreement for the enforcement of federal, state and local regulations on property owned and controlled by the Corps in and around Grapevine Lake; and

WHEREAS, the Town of Flower Mound possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate park and recreation services and the fees for services provided by the Town; and

WHEREAS, the Town of Flower Mound has determined the need to amend the current regulations relating to Corps property in the Town, including Twin Coves Park, regarding the use of such Corps property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Ordinance, as if copied in their entirety.

SECTION 2

From and after the effective date of this Ordinance, Chapter 54, Article IV, entitled "United States Army Corps of Engineers Property Rules and Regulations," shall be amended to read as follows:

"ARTICLE IV. UNITED STATES ARMY CORPS OF ENGINEERS PROPERTY RULES AND REGULATIONS

Sec. 54-161. Scope of article provisions.

This article shall apply to the Grapevine Lake and the reservoir area, including the reservoir area property, and any other United States Army Corps of Engineers property within the corporate town limits.

Sec. 54-162. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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, as defined in V.T.C.A., Alcoholic Beverages Code § 1.04, as amended.

Chief of police means the chief of police of the Town of Flower Mound or his designated representative.

District engineer means the district engineer of the United States Army Corps of Engineers, or his designated representative.

Town manager means the town manager for the Town of Flower Mound, or his/her designated representative.

Posted restrictions means any and all restrictions, rules, and regulations promulgated by the United States Army Corps of Engineers which govern the use of Grapevine Lake, the reservoir area, or the reservoir area property.

Reservoir area means the following:

- (1) Grapevine Lake and Grapevine Dam which are owned by the federal government and/or are leased to the town and which are within the corporate limits of the town;
- (2) The area surrounding Grapevine Lake and below Grapevine Dam which is owned by the federal government and not leased by the town and which lies within the corporate limits of the town; and
- (3) Any reservoir area property located on or at the areas described in subsections (1) and (2) of this definition.
- (4) Such reservoir area shall include those lands that fall within the cooperative agreement.

Reservoir area property means any and all personal property facilities, or buildings which are owned by the federal government which are located in the reservoir area at Grapevine Lake.

Shore area means all of the area from the edge of the water of Grapevine Lake at the shoreline, to any point within the public water 50 feet off the shoreline.

Sec. 54-163. Adoption of rules, regulations, and standards.

- (a) Texas Water Safety Act. The Town Council hereby adopts and incorporates by reference, the rules, regulations, and standards of V.T.C.A., Parks and Wildlife Code ch. 31, the Texas Water Safety Act, as amended.
- (b) Inland Navigation Rules. The town council hereby adopts and incorporates by reference the rules, regulations, and standards of the Inland Navigation Rules of the Navigation and Navigable Waters provisions of 33 USC 34 and the 33 CFR Parts 1-124, as amended.
- (c) Public use of Corps of Engineers Water Resources Development Project. The Town Council hereby adopts and incorporates by reference the rules, regulations, and standards relative to the public use of Corps of Engineers Water Resources Development Project as set forth in 36 CFR 327, as amended.
- (d) The Town Council hereby authorizes the town manager to establish administrative rules and procedures for operations and use of Twin Coves Park located within the reservoir area.

Sec. 54-164. Conflict between rules and regulations.

In the event of a conflict between this article and the statute or rules adopted in section 54-163, the federal or state statute and rules, as they may be amended, shall control.

Sec. 54-165. Operation and parking of vehicles.

- (a) This section pertains to all vehicles including but not limited to automobiles, trucks, motorcycles, minibikes, trail bikes, snowmobiles, dune buggies, all terrain vehicles, bicycles, and trailers, campers, or any other such equipment.
- (b) Vehicles shall not be parked in violation of posted restrictions and regulations. In addition, vehicles shall not be parked in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles parked in violation of this article are subject to removal and impoundment at the owner's expense, in addition to any other remedies or enforcement options available to the town.
- (c) The operation of a vehicle off roadways is prohibited except at locations and times designated by the town manager.
- (d) The operation or placement of any vehicle through, around, or beyond a restrictive sign, barricade, fence, or traffic control device is prohibited.
- (e) Vehicles shall be operated only in accordance with posted regulations and in compliance with this Ordinance.
- (f) No person shall operate any vehicle in a careless, negligent, or reckless manner as to endanger Grapevine Lake, the reservoir area, or any environmental feature.
- (g) At developed areas, vehicles shall be used only for ingress and egress unless otherwise permitted by posted regulations.
- (h) Except as authorized by the town manager no person shall operate any motorized vehicle without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of the engine exhaust.
- (i) If any vehicle is found in violation of any provision of this section or of any state statute regulating the stopping, standing, or parking of a vehicle, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall constitute a prima facie presumption that the registered owner of such vehicle is the person who committed the violation. This

presumption is rebuttable and shall have the effects and consequences set forth in V.T.C.A., Penal Code § 2.05.

- (j) The State Department of Transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 54-166. Camping.

- (a) Camping is permitted only at sites and/or areas designated by the town manager.
- (b) Camping, at one or more campsites at the reservoir area for a period longer than 14 consecutive days is prohibited without the written permission of the town manager. Written permission is required to camp at any site in excess of 14 days during any 30-day period.
- (c) The placement of camping equipment on a campsite or intermittent personal appearance at a campsite for the purpose of reserving a designated campsite for future occupancy is prohibited without the written permission of the town manager.
- (d) The digging or leveling of any ground or the construction of any structure without written permission of the town manager is prohibited.
- (e) Campers shall keep their campsites free of trash and litter during the period of occupancy and shall clean their campsites and remove all personal equipment upon departure.

Sec. 54-167. Fires.

- (a) Gasoline and other fuels, except that which is contained in storage tanks or vehicles, vessels, camping equipment, or hand portable containers, shall not be carried onto or stored within Grapevine Lake or the reservoir area without written permission of the town manager.
- (b) Fires shall be confined to those areas designated by the town manager, and shall be confined to fireplaces, grills, or other facilities designed for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure.
- (c) The gathering of wood is prohibited without written permission of the town manager except for the gathering of dead material on the ground for use in recreation areas designated by the town manager.

Sec. 54-168. Control of animals.

- (a) No person shall bring or allow horses, cattle, or other livestock in camping, picnic, swimming, or other recreation areas except in areas designated by the town manager.
- (b) No person shall bring dogs, cats, or other pets into developed recreation areas unless penned, caged, or on a leash less than six feet in length, or otherwise under physical restraint at all times.
- (c) No animals or pets are permitted in designated swimming beach areas. Unclaimed or unattended animals are subject to immediate impoundment and removal by the chief of police in accordance with state and local laws.
- (d) Allowing unauthorized livestock to enter upon or to be upon Grapevine Lake or the reservoir area and failing or refusing to remove unauthorized livestock from Grapevine Lake or the reservoir area when requested by the chief of police shall be a violation of this section.

Sec. 54-169. Explosives, firearms, other weapons and fireworks.

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, cross bows, and explosives of any kind is prohibited unless:
 - (1) In the possession of a state or local law enforcement officer on official business.
 - (2) In the possession of a federal government employee with law enforcement authority and on official business as approved by the chief of police.
 - (3) Written permission has been received from the chief of police.
- (b) The possession or use of fireworks is prohibited unless written permission has been received from the chief of police.

Sec. 54-170. Abandonment of personal property.

Personal property of any kind shall not be abandoned or left unattended upon Grapevine Lake or the reservoir area. Abandoned or unattended personal property is subject to impoundment and sale by the chief of police in accordance with state and local laws.

Sec. 54-171. Advertisements.

Advertising by the use of billboards, signs, markers, audio devices, or any other means whatsoever including handbills, circulars, and posters is prohibited without written permission of the town manager, a copy of which written permission shall be provided to the chief of police. Vessels and vehicles with semi-permanent or permanent paint

installed signs are exempt as long as they are used for authorized recreational activities and comply with all other rules and regulations pertaining to vessels and vehicles.

Sec. 54-172. Unauthorized structures.

The construction, placing, or continued existence of any structure of any kind under, upon, in, or over Grapevine Lake or the reservoir area is prohibited without written permission of the district engineer and town manager, a copy of which shall be provided to the chief of police. The design, construction, placing, existence, or use of structures in violation of the terms of the written permission is prohibited.

Sec. 54-173. Sanitation.

- (a) Garbage, trash, rubbish, litter, or any other waste material or waste liquid generated at or on Grapevine Lake or the reservoir area and incidental to authorized recreational activities shall be either removed from Grapevine Lake and the reservoir area, or deposited in receptacles provided for the purpose. The improper disposal of such wastes in or on Grapevine Lake or the reservoir area is prohibited.
- (b) The use of refuse containers or other refuse facilities for dumping or disposal of household or commercial garbage, trash, rubbish, debris, sewage, dead animals, or litter of any kind brought onto Grapevine Lake or the reservoir area is prohibited.
- (c) It is a violation to bring onto Grapevine Lake or the reservoir area any material for the purpose of disposal without written permission of the town manager.

Sec. 54-174. Alcoholic beverage and glass container regulations.

- (a) Prohibited acts.
 - (1) It shall be unlawful for any person to use or possess any glass beverage container in any reservoir area, shore area or reservoir area property within the town.
 - (2) It shall be unlawful for any person to possess or consume any alcoholic beverage in any reservoir area, shore area or reservoir area property within the town.
- (b) Exceptions. The prohibitions in subsection (a) of this section shall not apply where:
 - (1) Any such glass beverage container is used or possessed within the immediate enclosed confines of any privately owned or operated business, lease space, or inside a motor vehicle.

- (2) Any such beverage is transported or carried in a closed container, such as a cooler, to a location where possession or consumption is permitted by this article or another town ordinance. For this exception to apply, during such transportation or carriage, the alcoholic beverage may not be in plain view.

Sec. 54-175. Swimming.

Swimming, diving, snorkeling, or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and other areas so designated by the town manager. Diving or jumping from bridges or other structures which are adjacent to or cross project waters is prohibited.

Sec. 54-176. Special Events.

- (a) Special events including, but not limited to, fishing tournaments, music festivals, dramatic presentations, parades, races or other special recreation events are prohibited unless a permit is obtained and approved by the Town of Flower Mound. All areas permitted shall be restored to the pre-event condition.
- (b) The chief of police and/or the town manager shall have the authority to revoke the permit and require the removal of any equipment upon failure to comply with the terms and conditions of the permit.

Sec. 54-177. Watercraft.

- (a) The placement and/or operation of any vessel or watercraft for a fee or profit upon Grapevine Lake or at the reservoir area is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the United States Army, which permit shall be kept on the vessel or watercraft at all times while in operation on or at Grapevine Lake or the reservoir area.
- (b) Vessels or other watercraft may be operated in Grapevine Lake, except in prohibited or restricted areas, in accordance with posted regulations and applicable federal, state, and local laws.
- (c) The operation of vessels or other watercraft in a careless, negligent, or reckless manner so as to endanger any property or person (including the operator and/or user(s) of the vessel or watercraft) is prohibited.
- (d) All vessels or other watercraft, when in use, shall have safety equipment on board in compliance with U.S. Coast Guard boating safety requirements.

- (e) Vessels or other watercraft while moored in commercial facilities, community or corporate docks, or at any fixed or permanent mooring point may only be used for overnight occupancy when such use is incidental to recreational boating. Vessels or other watercraft are not to be used as a place of habitation or residence.
- (f) Water skis and similar devices are permitted in nonrestricted areas, except that they may not be used in a careless, negligent, or reckless manner so as to endanger any property or person, including the user or operator of the towing vessel or other watercraft.
- (g) All vessels or other watercraft, when not in actual use, shall be removed from Grapevine Lake and the reservoir area unless securely moored at mooring facilities approved by the district engineer. The placing of floating or stationary mooring facilities to, or interfering with, a buoy, channel marker, or other navigational aid is prohibited.
- (h) The use at Grapevine Lake and the reservoir area of any vessel or other watercraft not constructed or maintained in compliance with the standards and requirements established by the National Safe Boating Act of 1971, and any amendments thereto, or promulgated pursuant to such act, is prohibited.
- (i) The discharge or placing of sewage, galley waste, garbage, refuse, metal cans, or pollutants into Grapevine Lake or upon the reservoir area from any vessel or other watercraft is prohibited.
- (j) Except as authorized by the district engineer, no person shall operate any vessel or other watercraft without a proper and effective exhaust muffler, or with an exhaust muffler cutout open, or in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust.

Sec. 54-178. General restrictions.

- (a) Quiet shall be maintained in all public use areas between the hours of 10 p.m. and 6 a.m., or those hours designated by the town manager. Excessive noise during such times which unreasonably disturbs persons is prohibited.
- (b) Any act or conduct by any person which interferes with, impedes, or disrupts the use of Grapevine Lake and the reservoir area, including the reservoir area property, or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace in or on Grapevine Lake and the reservoir area, including the reservoir area property, may be requested to leave the Grapevine Lake and the reservoir area, including the reservoir area property.

Sec. 54-179. Recreational use fees.

- (a) The Town of Flower Mound will collect fees for the use of boat ramps, picnic pavilions, park entrance, camping, or other activities and/or facilities as provided in Appendix A of this Code.
- (b) It shall be unlawful to fail to pay authorized recreation use fees as established herein, and is punishable as a violation of this article as set forth herein.

Sec. 54-179. Written permission.

Written permission of the district engineer, chief of police, or the town manager when required by the provisions of this article unless specifically stated otherwise by the terms and provisions of this article, shall be carried by and be in the possession of the person to whom it was issued and shall be made available for inspection by the chief of police at all times while at or on Grapevine Lake or the reservoir area.

Sec. 54-180. Enforcement and jurisdiction.

- (a) The chief of police and/or town manager is hereby authorized and directed to enforce all provisions of this article.
- (b) Jurisdiction for any violation of the provisions of this article shall be in the Municipal Court No. 1 of the town unless otherwise provided by state law.

Sec. 54-181. Penalty and enforcement.

- (a) Any person violating or failing to comply with any provision or requirement of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed \$2,000 for each offense relating to fire safety, zoning, or public health and sanitation, including dumping refuse, nor to exceed \$500.00 for each offense for all other violations, unless otherwise provided by state law. A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur.
- (b) Allegation and evidence of a culpable mental state is not required for the proof of an offense or conviction of an offense defined by this article.
- (c) The chief of police and/or the town manager shall have the authority to enforce the provisions of this article and shall have authority to issue citations or to eject from any park any person in violation of this article.”

SECTION 3

From and after the effective date of this Ordinance, Schedule A, “Fee Schedule,” is hereby amended by adding a new Section 54-179, and corresponding table, to read as follows:

“PARK FEES - Sec. 54-179 – Recreational Use Fees.	
Twin Coves Park	All Users
Day use fee	\$5.00 per vehicle

Annual pass (January 1 – December 31)	Residents: \$35.00 per year for one entry card \$25.00 for one-half year July 1 st through December 31 st .
	Non-resident \$50.00 per year for one access card
Additional access card	\$10.00 (only one additional access card per annual pass purchased)
Replacement access card	\$10.00
Camping fee	\$15.00 per day without electric
	\$20.00 per day for electric (30 Amp)
	\$25.00 per day for electric (30 Amp) and premium site
Late checkout (If not checked out by 2:00 p.m., users will be charged for another day)	Same full-day rate as charged previous day
Pavilion rental fee	\$35 Flat fee to include up to four hours.
	\$10 Each additional hour after the first four hours”

SECTION 4

This Ordinance shall be cumulative of all provisions of ordinances of the Town of Flower Mound, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 5

If any section, subsection, clause, phrase, or provision of this Ordinance and the Code, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, or provisions of this Ordinance and the Code, or the application thereof to any person or circumstances, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 6

Any person, firm, or corporation who violates any provision of this Ordinance as adopted by the Town Council of the Town of Flower Mound shall be deemed guilty of a

misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in Section 1-13 of the Code of Ordinances of the Town of Flower Mound. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 7

This Ordinance shall take effect and be in full force on and after its passage, and its publication as provided by the laws of the State of Texas and the Home Rule Charter of the Town of Flower Mound, Texas.

DULY PASSED, APPROVED, AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 7th DAY OF NOVEMBER, 2011.

Melissa D. Northern, MAYOR

ATTEST:

Theresa Scott, TOWN SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, TOWN ATTORNEY