

TOWN OF LITTLE ELM, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF LITTLE ELM, TEXAS, AMENDING CURRENT ARTICLES I AND II OF CHAPTER 74, "PARKS AND RECREATION," OF THE CODE OF ORDINANCES AND CREATING A NEW ARTICLE II, "TOWN OF LITTLE ELM PARKS," WHICH, AMONG OTHER REGULATIONS, ESTABLISHES RULES AND REGULATIONS FOR PUBLIC USE OF LEWISVILLE LAKE AND THE U.S. ARMY CORPS OF ENGINEERS PROPERTY AND OTHER TOWN PARKS WITHIN THE CORPORATE TOWN LIMITS OF LITTLE ELM WITH RESPECT TO THE OPERATION AND PARKING OF VEHICLES, BOATING, BOAT LAUNCHING, CAMPING, FIRES, CONTROL OF ANIMALS, EXPLOSIVES, FIREARMS, OTHER WEAPONS AND FIREWORKS, ABANDONMENT OF PERSONAL PROPERTY, ADVERTISEMENTS, UNAUTHORIZED STRUCTURES, SANITATION AND WRITTEN PERMISSION; PROVIDING DEFINITIONS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE, PROVIDING A PENALTY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, The Town of Little Elm, Texas ("**Town**") is a Home Rule Municipality located in Denton County, Texas, created in accordance with the provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas, and organized and existing by virtue of the Constitution and laws of the State of Texas and by its Home Rule Charter; and

WHEREAS, the Town possesses all the rights, powers, and authorities possessed by all home rule municipalities to regulate park and recreation services; and

WHEREAS, the United States government has declared that Lewisville Lake is open to the general public for limited use for recreational purposes; and

WHEREAS, the Town Council of the Town of Little Elm ("**Town Council**") deems it essential to the public health, safety and welfare of its residents and the public generally, as well as necessary in order to preserve such area as a public park, to prescribe rules and regulations for the use of that portion of the Lewisville Lake and United States Army Corps of Engineers ("**Corp**") property that lies within the corporate limits of the Town; and

WHEREAS, the Town has determined the need to adopt certain rules and regulations promulgated by the Corps to regulate the use of Corp-administered lands at and near Lewisville Lake and to provide for local enforcement of such rules and regulations regarding the use of such Corp-administered property.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LITTLE ELM, TEXAS:

SECTION 1.

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

SECTION 2.

This Ordinance shall apply to all parks and other recreation areas with the Town or the Town's extraterritorial jurisdiction ("**ETJ**") that are owned (on behalf of the United States of America) or administered by the Corps, including Lewisville Lake and the area surrounding Lewisville Lake owned (on behalf of the United States of America) or administered by the Corps and any Corps property within the corporate Town limits or ETJ, as well as to all other Town parks located within the Town limits or ETJ.

SECTION 3.

Sections 74-1 and 74-2 of Article I, "In General," of Chapter 74, "Parks and Recreation," of the Town of Little Elm's Code of Ordinance are hereby repealed in their entirety and shall be replaced with the notation "Reserved," such that Sections 74-1 through 74-20 shall be reserved for future use in Article I of Chapter 74 of the Code of Ordinances.

SECTION 4.

Sections 74-21 through 74-24 of Article II, "Town of Little Elm Parks," of Chapter 74, "Parks and Recreation," of the Town of Little Elm's Code of Ordinance are hereby repealed in their entirety and shall be replaced with the following Sections 74-21 through 74-44 of the Code of Ordinances, which shall read as follows:

Sec.74-21. Definitions.

For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF OF POLICE shall mean the Chief of Police of the Town of Little Elm, Texas, or his designee.

DISTRICT COMMANDER shall mean the District Commander of the United States Army Corps of Engineers, or his designee.

LAKE LEWISVILLE AREA shall mean Lake Lewisville and the area surrounding Lake Lewisville which is owned by the United States of America and which is within the corporate limits of the Town or the Town's extraterritorial jurisdiction.

PARKS AND RECREATION DIRECTOR shall mean the Parks and Recreation Director for the Town of Little Elm, or the Parks and Recreation Director's designated representative.

PROJECT WATERS OR LANDS shall mean Lewisville Lake and the area surrounding Lewisville Lake which is owned by the Federal Government and which lies within the corporate Town Limits or the extraterritorial jurisdiction of the Town of Little Elm.

POSTED RULES AND RESTRICTIONS shall mean any and all restrictions, rules and regulations promulgated by the Town of Little Elm and/or the United States Army Corps of Engineers which govern the use of Lake Lewisville or the project lands.

TOWN shall mean the Town of Little Elm, Texas.

TOWN PARK shall mean a park, reservation, playground, recreation center or any area in the town owned, leased, or used by the town, and devoted to active or passive recreation, including all planted medians, parkways, triangles and circles maintained by the Town.

Sec. 74-22. Adoption of Rules, Regulations and Standards.

(a) Texas Water Safety Act. The Town hereby adopts and incorporates by reference, the rules, regulations and standards of Texas Transportation Code, Parks and Wildlife Code, Ch. 31, the Texas Water Safety Act, as amended.

(b) Public Use of Lake Lewisville Area. The Town hereby adopts and incorporates by reference the "Rules and Regulations Governing Public Use of Corps of Engineers Water Resources Development Projects," as set forth in 36 CFR 327, as amended.

(c) Park patrons must adhere to all posted restrictions/rules.

Sec. 74-23. Authorization.

(a) The Mayor of the Town shall have the authorization to sign a contract with the U.S. Army Corp of Engineers for the Town to have care and control of Little Elm Park.

(b) The Little Elm Park contract will be for a 25 year period, and may be renewed by action of the Town Council.

(c) The Mayor of the Town shall have the authorization to sign a contract with the U.S. Army Corp of Engineers for the Town to have care and control of Cottonwood Park.

(d) The Cottonwood Park contract will be for a 25 year period, and may be renewed by action of the Town Council.

Commented [GW1]: Replaces 74-21

Sec. 74-24. Vehicles.

(a) This section pertains to all vehicles, including, but not limited to, automobiles, trucks, motorcycles, mini-bikes, snowmobiles, dune buggies, all-terrain vehicles, and trailers, campers, bicycles, or any other such equipment.

(b) Vehicles shall not be parked in violation of posted restrictions and regulations, or 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 so parked are subject to removal and impoundment at the owner's expense.

(c) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the District Commander or Town of Little Elm Parks and Recreation Director. Taking any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, curb or traffic control barrier is prohibited.

Commented [GW2]: Added language

Commented [GW3]: Added word

Commented [GW4]: This section provides LEPD the ability to enforce motor vehicles/ATV, Motorcycles etc. operating on Corps Property

(d) Vehicles shall be operated in accordance with posted restrictions and regulations.

(e) No person shall operate any vehicle in a careless, negligent or reckless manner so as to endanger any person, property or environmental feature.

(f) At designated recreation areas, vehicles shall be used only to enter or leave the area or individual sites or facilities unless otherwise posted.

(g) Except as authorized by the District Commander, no person shall operate any motorized vehicle without a proper and effective exhaust muffler as defined by state and local laws, 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. 74-25. Use and Possession of Alcohol.

(a) It is unlawful for any person to knowingly or willfully sell, possess or consume any alcoholic beverage during any of the following:

(1) Registered youth sports organization field activities, including but not limited to practice, games and tournaments.

Commented [GW5]: Added word

(2) On any playing area of any athletic field while field is being used for athletics.

(3) Any outdoor area adjacent to the areas listed in subsections as designated by signs located within the park.

Commented [GW6]: Replaces 74-24

(b) The possession and/or consumption of alcoholic beverages on any portion of the project land or waters, or the entire project, may be prohibited when designated and posted by the District Commander, Town of Little Elm Parks and Recreation Director, or Chief of Police.

Commented [GW7]: Added language

Sec. 74-26. Glass Containers Prohibited in Certain Areas.

The possession of glass containers is prohibited in all Town Parks, on any beach, playground, volleyball court, athletic or sports fields, spectator areas, amphitheaters or any other areas as prohibited and where posted unless approved by the Town of Little Elm Parks and Recreation Director.

Commented [GW8]: Replaces 74-1. Allows for approved use of glass containers during Town events in common areas of parks where glass containers are provided by the Town and are considered acceptable (Brew and Que).

Sec. 74-27. Registration Required for Use of Facilities.

(a) Groups, leagues or other organizations must be registered and permitted with the Town of Little Elm Parks and Recreation Department before using any playing field or other area of any athletic field or facility within any town park or park within town jurisdiction.

(b) Vending or soliciting of any kind is prohibited unless approved and permitted through the Town of Little Elm Parks and Recreation Department.

Commented [GW9]: Replaces 74-22

Sec. 74-28. Special Events.

(a) Special events including, but not limited to, boat regattas, fishing tournaments, music festivals, dramatic presentations, parades, races or other special recreation events are prohibited unless a permit is obtained and approved by the Parks and Recreation Director, or proper permitting has been obtained. All areas permitted shall be restored to the pre-event condition.

(b) The Chief of Police and/or the Town of Little Elm Parks and Recreation Director 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. 74-29. Vessels.

(a) This section pertains to all vessels or watercraft, including, but not limited to, powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water or ice, whether in motion or at rest.

(b) The placement and/or operation of any vessel or watercraft for a fee or profit upon project waters or lands is prohibited except as authorized by permit, lease, license, or concession contract with the Department of the Army. The permit shall be kept on the vessel or watercraft at all times while in operation on or at project waters or lands.

(c) Vessels or other watercraft may be operated on the project waters, except in prohibited or restricted areas, in accordance with posted regulations and restrictions, including buoys. All vessels or watercraft so required by applicable Federal, state and local laws shall display an appropriate registration on board whenever the vessel is on project waters.

(d) No person shall operate any vessel or other watercraft in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature.

(e) All vessels, when on project waters, shall have safety equipment, including personal flotation devices, on board in compliance with U.S. Coast Guard boating safety requirements and in compliance with boating safety laws issued and enforced by the state of Texas. Owners or operators of vessels not in compliance with this section may be requested to remove the vessel immediately from project waters until such time as items of non-compliance are corrected.

(f) Unless otherwise permitted by Federal, state or local law, 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.

(g) Water skis, parasails, ski-kites and similar devices are permitted in non-restricted areas except that they may not be used in a careless, negligent, or reckless manner so as to endanger any person, property or environmental feature.

(h) Vessels shall not be attached or anchored to structures such as locks, dams, buoys or other structures unless authorized by the District Commander. All vessels when not in actual use shall be removed from project lands and waters unless securely moored or stored at designated areas approved by the District Commander. The placing of floating or stationary mooring facilities on, adjacent to, or interfering with a buoy, channel marker or other navigational aid is prohibited.

(i) The use at a project of any vessel not constructed or maintained in compliance with the standards and requirements established by the Federal Safe Boating Act of 1971 (Pub. L. 92-75, 85 Stat. 213), or promulgated pursuant to such act, is prohibited.

(j) Except as authorized by the District Commander, no person shall operate any vessel or watercraft without a proper and effective exhaust muffler as defined by state and local laws, 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. 74-30. Use of Boat Ramp and Trailer Parking Areas.

(a) Use of the Town of Little Elm boat ramp and vehicle/trailer parking lots and areas designated for such parking is prohibited unless users have purchased a parking/launch pass in accordance with the Town of Little Elm boat ramp user fee schedule.

(b) Vehicles without trailers are prohibited from utilizing and parking in double spaces that are intended solely for use by vehicles towing a trailer.

(c) All vehicles launching or loading any type of watercraft must pay launch fees in accordance with the Town of Little Elm boat ramp user fee schedule.

Commented [GW10]: This section now provides for an offense and will allow LEPD to enforce violations boat ramp parking and launching requirements.

Sec. 74-31. Swimming.

(a) Swimming, wading, snorkeling or scuba diving at one's own risk is permitted, except at launching sites, designated mooring points and public docks, or other areas so designated by the District Commander or by the Town of Little Elm Parks and Recreation Director.

Commented [GW11]: Added language

(b) An international diver down, or inland diving flag, must be displayed during underwater activities.

(c) Diving, jumping or swinging from trees, bridges or other structures which cross or are adjacent to project waters is prohibited.

Sec. 74-32. Camping.

(a) Camping is permitted only at sites and/or areas designated by the District Commander or Town of Little Elm Parks and Recreation Director. A permit is required, per tent, for all camping in designated campsite areas in the Town. Permits fees are located in the Parks and Recreation Fee Schedule. A permit can be denied or revoked at any time by the Town of Little Elm Parks and Recreation Director.

Commented [GW12]: Added language

(b) Camping at one or more campsites at any one water resource project within the Town for a period longer than 4 days during any 30-consecutive-day period is prohibited without the written permission of Town of Little Elm Parks and Recreation Director. Motorized vehicles are not permitted in the designated campsite areas unless approved by the Town of Little Elm Parks and Recreation Director.

Commented [GW13]: Added language

Commented [GW14]: Added language

(c) The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance at a campsite without daily occupancy for the purpose of reserving that campsite for future occupancy is prohibited.

(d) The digging or leveling of any ground or the construction of any structure without written permission of the District Commander is prohibited.

(e) Occupying or placement of any camping equipment at a campsite which is posted or otherwise marked or indicated as “reserved” without an authorized reservation for that site is prohibited.

(f) 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. 74-33. Hunting, Fishing, and Trapping.

(a) Hunting is permitted except in areas and during periods where prohibited by the District Commander.

(b) Trapping is permitted except in areas and during periods where prohibited by the District Commander.

(c) Fishing is permitted except in swimming areas, on boat ramps, **courtesy docks** or other areas designated by the District Commander or Town of Little Elm Parks and Recreation Director.

Commented [GW15]: Added language

(d) Additional restrictions pertaining to these activities may be established and posted by the District Commander or Town of Little Elm Parks and Recreation Director.

(e) All applicable Federal, State and local laws regulating these activities apply on project lands and waters, and shall be regulated by authorized enforcement officials.

Sec. 74-34. Sanitation.

(a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited.

(b) It is a violation to bring onto a project any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the District Commander. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on project lands or into project waters is prohibited.

(d) Campers, picnickers, and all other persons using a water resources development project shall keep their sites free of trash and litter during the period of occupancy and shall remove all personal equipment and clean their sites upon departure.

(e) The discharge or placing of sewage, galley waste, garbage, refuse, or pollutants into the project waters from any vessel or watercraft is prohibited.

Sec. 74-35. Fires.

(a) Gasoline and other fuels, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the project without written permission of the District Commander or Town of Little Elm Parks and Recreation Director.

(b) Fires shall be confined to those areas designated by the District Commander or Town of Little Elm Parks and Recreation Director, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires are not permitted on the ground or in hand-made fire rings. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including, but not limited to, tires, plastic and other floatation materials or treated wood products is prohibited. The District Commander may prohibit open burning of any type for environmental considerations.

(c) The gathering of wood is prohibited without written permission of the Town of Little Elm Parks and Recreation Director. The cutting of standing wood, dead or alive is prohibited.

(d) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

Sec. 74-36. Control of Animals.

(a) No person shall bring or allow dogs, cats, or other pets into developed recreation areas or adjacent waters unless penned, caged, on a leash, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of project lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the District Commander. Abandonment of any animal on project lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) No person shall bring any animal or pet in or on any designated playground, swimming beach or volleyball court areas.

Commented [GW16]: Allows LEPD to enforce violations regarding animals in prohibited areas.

(c) Persons bringing or allowing pets in designated public use areas shall be responsible for proper removal and disposal of any waste produced by these animals.

(d) No person shall bring or allow horses, cattle, or other livestock in camping, picnicking, swimming or other recreation areas or on trails except in areas designated by the District Commander or the Town of Little Elm Parks and Recreation Director.

(e) Ranging, grazing, watering or allowing livestock on project lands and waters is prohibited except when authorized by lease, license or other written agreement with the District Commander.

(f) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.

(g) Any animal impounded under the provisions of this section may be confined at a location designated by the District Commander or the Town of Little Elm Animal Services Department, who may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(h) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from project lands and waters unless authorized by the District Commander, and are subject to removal in accordance with Federal, state and local laws.

Sec. 74-37. Restrictions.

(a) The District Commander or Town of Little Elm Parks and Recreation Director may establish and post a schedule of visiting hours and/or restrictions on the public use of a project or portion of a project. The District Commander or Town of Little Elm Parks and Recreation Director may close or restrict the use of a project or portion of a project when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas in accordance with the Town of Little Elm Noise Ordinance (Article III. Sec. 70-55) or those hours designated by the District Commander, Town of Little Elm Parks and Recreation Director, or Police Chief. Excessive noise during such times which unreasonably disturbs persons is prohibited.

Commented [GW17]: Written to coincide with current noise ordinance.

(c) Any act or conduct by any person which interferes with, impedes or disrupts the use of the project or impairs the safety of any person is prohibited. Individuals who are boisterous, rowdy, disorderly, or otherwise disturb the peace on project lands or waters may be requested to leave the project.

(d) The operation or use of any sound producing or motorized equipment, including but not limited to generators, vessels or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited unless authorized by the Town of Little Elm Parks and Recreation Director.

(e) Unless authorized by the District Commander, smoking is prohibited in Visitor Centers, enclosed park buildings and in areas posted to restrict smoking.

Sec. 74-38. Explosives, Firearms, other Weapons and Fireworks.

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

(1) In the possession of a Federal, state or local law enforcement officer;

(2) Being used for hunting or fishing as permitted under 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;

(3) Being used at authorized shooting ranges; or

(4) Permission has been received from the District Commander, Town of Little Elm Parks and Recreation Director, or Chief of Police.

Commented [GW18]: Allows for authorization of kid camps use of bows and arrows

(5) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander, Town of Little Elm Parks and Recreation Director or Chief of Police.

Commented [GW19]: Added language

Sec. 74-39. Public Property.

(a) Destruction, injury, defacement, removal or any alteration of public property including, but not limited to, developed facilities, natural formations, mineral deposits, historical and archaeological features, paleontological resources, boundary monumentation or markers and vegetative growth, is prohibited except when in accordance with written permission of the District Commander.

(b) Cutting or gathering of trees or parts of trees and/or the removal of wood from project lands is prohibited without written permission of the District Commander.

(c) Gathering of dead wood on the ground for use in designated recreation areas as firewood is permitted, unless prohibited and posted by the District Commander.

Sec. 74-40. Abandonment and Impoundment of Personal Property.

(a) Personal property of any kind shall not be abandoned, stored or left unattended upon project lands or waters. After a period of 48 hours, or at any time after a posted closure hour in a public use area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the Chief of Police, who may assess a reasonable impoundment fee. Such fee shall be paid before the impounded property is returned to its owner.

(b) Personal property placed on Federal lands or waters adjacent to a private residence, facility and/or developments of any private nature for more than 48 hours without permission of the District Commander shall be presumed to have been abandoned and, unless proven otherwise, such presumption will be sufficient to impound the property and/or issue a citation.

Sec. 74-41. Advertisement.

(a) Advertising and the distribution of printed matter is allowed within project land and waters provided that a permit to do so has been issued by the District Commander or the Town of Little Elm Parks and Recreation Director and provided that this activity is not solely commercial advertising.

(b) An application for such a permit shall set forth the name of the applicant, the name of the organization (if any), the date, time, duration, and location of the proposed advertising or the distribution of printed matter, the number of participants, and any other information required by the permit application form. Permit conditions and procedures are available from the District Commander or the Town of Little Elm Parks and Recreation Director.

(c) Vessels and vehicles with semi-permanent or permanent painted or 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.

(d) A copy of any permit obtained shall be provided to the Chief of Police.

Sec. 74-42. Unauthorized Structures.

(a) The construction, placement, or existence of any structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander, Town of Little Elm Parks and Recreation Director or Chief of Police. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of or damage

to, any private structures, whether authorized or not, placed on project lands or waters. Unauthorized structures are subject to summary removal or impoundment by the Chief of Police. Portable hunting stands, climbing devices, steps, or blinds that are not nailed or screwed into trees and are removed at the end of a day's hunt may be used.

(b) The set-up and/or use tents or similar items are prohibited in and around the swimming beach, volleyball courts and any other areas where prohibited or posted unless authorized by the Town of Little Elm Parks and Recreation Director.

Commented [GW20]: Added language to keep beaches clear

Sec. 74-43. Written Permission.

(a) A copy of any permit, lease, license or other appropriate written authorization by the District Commander when required by the provisions of this ordinance, upon issuance shall be provided to the Chief of Police.

(b) At all times while on project waters or lands, a copy of any permit, lease, license or other appropriate written authorization by the District Commander shall be carried by and in the possession of the person to whom it was issued and shall be made available for inspection by the Chief of Police.

Sec. 74-44. Jurisdiction.

- (a) The Chief of Police and/or Parks and Recreation Director is hereby authorized and directed to enforce all provisions of this Ordinance.
- (b) Jurisdiction for any violation of the provisions of this article shall be in the Little Elm Municipal Court unless otherwise provided by state law.

Sec. 74-45. Penalty and Enforcement.

- (a) Any person violating or failing to comply with any provision or requirement of this Ordinance 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 Ordinance.
- (c) The Chief of Police and/or the Parks and Recreation Director shall have the authority to enforce the provisions of this Ordinance and to eject from any park any person in violation of this Ordinance. The Chief of Police shall have the authority to issue citations in accordance.”

SECTION 5

This Ordinance shall be cumulative of all provisions of ordinances of the Town, 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 6

If any section, subsection, clause, phrase or provision of this Ordinance, 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, 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 7

Any person, firm, or corporation who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine as provided in the Code of Ordinances of the Town of Little Elm. Each day any such violation or violations exist shall constitute a separate offense and shall be punishable as such.

SECTION 8

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 Little Elm, Texas.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Little Elm, Texas, on this the 5th day of July, 2016.

David Hillock, Mayor

ATTEST:

Kathy Phillips, Town Secretary

APPROVED AS TO FORM:

Robert F. Brown, Town Attorney