

## Ordinance No. 1-59

FIRE ARMS, AIR GUNS & CANNON CRACKERS  
(Based on Art. 480, Penal Code, as Amended in 1951)

AN ORDINANCE PROHIBITING THE SHOOTING OF FIREARMS, AIR GUNS AND FIRE WORKS IN THE VILLAGE OF LAGUNA VISTA, TEXAS, AND PROVIDING A PENALTY FOR VIOLATIONS.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF LAGUNA VISTA, TEXAS:


SECTION 1. Any person who discharges any gun, pistol or firearm of any kind, or who discharges an air rifle or air pistol of any description, by whatever name known that by means of compressed air, compressed gas, springs, or any other means is capable of discharging shots, pellets, or any solid object, or discharges any fire works, or torpedo shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars (\$100.00).

PASSED AND APPROVED THIS the 9th day of February, 1959.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

**ORDINANCE NUMBER 2019-16**

**AN ORDINANCE REPEALING ORDINANCE NUMBER 2016-17 OF THE TOWN OF LAGUNA VISTA, TEXAS, ESTABLISHING RULES AND REGULATIONS PERTAINING TO THE CONDUCT IN THE PARKS & PLAYGROUNDS, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.**

**WHEREAS**, Ordinance 2016-17, adopted December 13, 2016 is in need of revision; and,

**WHEREAS**, the Town Council desires to update its rules and regulations related to park facilities; and,

**WHEREAS**, the increased use of Town parks and playgrounds requires the periodic review and revision of rules and regulations.

**NOW, THEREFORE BE IT ORDAINED BY the Town Council of the Town of Laguna Vista, Texas:**

**SECTION 1 - DEFINITION**

**"Park"** shall refer to Roloff Park, Sports Park, and the Trail Park, all of which are the property of the Town of Laguna Vista, Texas, and are designated as a park or playground.

**SECTION 2 - PARK OPERATION POLICY**

a) Except for unusual or unforeseen emergencies, parks shall be open to the public every day of the year between the sunrise and sundown. It shall be unlawful and a violation of this ordinance for any person to enter any park between sundown and sunrise of the next morning. These time limits shall not apply to Roloff Park which shall be open to the public from sunrise until 10:00 o'clock p.m. from October 1 through April 30, and from sunrise until 11:00 o'clock p.m. from May 1 through September 30.

b) Any section or part of any park may be declared closed to the public by the City Manager or his/her representative at any time in case of emergency or disaster.

**SECTION 3 - ENFORCEMENT**

a) The parks owned and operated by the Town shall be under the jurisdiction of the Laguna Vista Police Department, and all rules and regulations concerning such parks shall be enforced by the Police Department.

b) If any person violates or fails to comply with any provision of this Ordinance, after having been advised by an authorized law enforcement agent of the Town to cease such violation or failure, such person may be required to leave the public park or may be arrested.

#### **SECTION 4 - SIGNS**

- a) Signs and banners are permitted to be placed in a park during such times that a related function is in progress.
- b) Signs shall be promptly removed from park upon the expiration of function.
- c) Signs shall be placed so that there is no damage to park property and so that park safety is maintained.
- d) The City Manager is authorized to resolve any dispute regarding signs and their placement.

#### **SECTION 5 - VEHICLES PROHIBITED**

- a) It shall be unlawful to operate or use any type of motorized vehicle, including but not limited to, automobiles, motorcycles, motorbikes, mini-bikes and motor scooters, in any park except upon a duly designated roadway. Motorized wheelchairs or any motorized equipment required for use by handicapped people are allowed.
- b) Vehicles used to provide maintenance, police, fire and emergency medical services are allowed in any park area while used for such purposes.
- c) It shall be unlawful to park a motor vehicle anywhere on park property except in a designated parking area.
- d) It shall be unlawful to wash any vehicle on park property.

#### **SECTION 6 - PROHIBITED ACTS**

- a) It shall be unlawful for any person who owns or is responsible for any dog, cat or domestic animal to allow such animal to run at large in or upon the grounds of any public park or playground. Pets shall be leashed and secured at all times.
- b) It shall be unlawful for any person who owns or is responsible for any dog, cat or domestic animal to fail to pick up and properly dispose of animal waste deposited upon park property by such animal.
- c) It shall be unlawful for any person to take into, dump on, dispose on, or leave upon any park property any rubbish, refuse, unsightly matter, brush or waste, except for trash which is generated during the use of the park by park visitors and which is disposed of properly in receptacles provided for park use purposes.
- d) It shall be unlawful to willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, table, bench, fireplace, BBQ pit, railing, paving or paving

material, waterline or other public utilities or parts or appurtenances thereof, signs, public notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other public structures or equipment placed on park property by authorized representatives of the Town of Laguna Vista.

e) It shall be unlawful to willfully damage, cut, injure, carve into, plant, transplant or remove any tree or plant or to remove the flowers or seeds of any tree or plant on park property, except for the purpose of maintenance and/or repair by the Town.

f) It shall be unlawful to disturb or remove any soil, rock, stones, trees, shrubs, plants or other material from, or to make any excavation by hand tool, power equipment, blasting or other means or agency on any park property, except for the purpose of maintenance and/or repair by the Town.

g) It shall be unlawful to throw, discharge or otherwise place or cause to be placed into the water of any fountain on park property, any substance or matter, liquid or solid, which will or may result in the pollution of the water.

h) It shall be unlawful to light, ignite or maintain any fire, campfire or ground fire in any park, except in designated and permanently installed BBQ pits.

i) It shall be unlawful to discharge in any park an air gun, archery weapon, paintball gun or marker, commonly used for the purpose of hunting, sports or recreation.

j) It shall be unlawful to discharge or cause to be discharged any firecracker, fireworks, torpedo, rocket, explosive or other device capable of causing or generating an explosion.

k) It shall be unlawful to cause, create, or contribute to noise at any park which can be heard beyond the person's immediate individual picnic or use site by using any electronic or mechanical device or equipment between sundown and sunrise of the next morning.

l) It shall be unlawful to possess, use, or consume, without a permit in any park, any alcoholic beverage as defined in the State Alcoholic Beverage Code, with the exception of Town sponsored events where alcoholic beverages are sold or otherwise provided. At any Town sponsored event where alcohol is sold or otherwise provided, only alcoholic beverages sold or otherwise provided by the Town, or an entity contracting with the Town, may be possessed, used or consumed.

m) It shall be unlawful for any intoxicated person to enter or remain in any park property.

n) It shall be unlawful for any person to stay or to set up any tent or camp overnight anywhere within any park.

o) It shall be unlawful for any person to be nude in any park.

- p) It shall be unlawful for any person to post or affix any printed or written material, sample or item within any park.
- q) It shall be unlawful for any person to enter any park areas posted: "Closed to the Public".
- r) It shall be unlawful to willfully interfere with, disrupt or prevent the orderly conduct of any supervised play or amusement program being conducted by the Town.
- s) It shall be unlawful to use the parking lot at the Trail Park between sundown and the sunrise of the next morning.
- t) It shall be unlawful to smoke cigars or cigarettes of any kind at the Trail Park at any time.
- u) It shall be unlawful for any person to intentionally or knowingly use abusive, indecent, profane or vulgar language while on any park or in any public place, where the language by its very utterance tends to incite an immediate breach of the peace.

#### **SECTION 7 - PARK & FACILITY MODIFICATIONS**

- a) Modifications of any parks and facilities owned by the Town will be performed only by the Town. No modifications, alterations, additions, changes or deletions, temporary or otherwise, may be made to any park or facility in a park unless written approval has been obtained from the Town of Laguna Vista. All permanent alterations, after approval and completion, will become property of the Town.

#### **SECTION 8 - PERMITS FOR RESTRICTED ACTIVITIES**

- a) Special permits for restricted activities in Town parks shall be obtained by submitting a written application to Town Hall for approval by the City Manager. Requests for special permits must be submitted, in writing, no later than two (2) weeks prior to the event.
- b) Special permits for activities such birthday parties or other one-time events at the basketball court or the two pavilions located at Roloff Park shall be obtained by submitting a written application to Town Hall for approval by the City Manager. Requests for special permits must be submitted, in writing, no later than two (2) weeks prior to the event. Priority will be given to Laguna Vista residents applying for a special permit. The basketball court and the two pavilions located at Roloff Park will be open to the public provided that no special permits have been issued for one-time events.
- c) Special fee permits requiring long term use of any park area with an organization for profit must be approved by the Town Council.
- d) Special permits for any event that involves the use, possession or consumption of alcohol will not be approved without onsite security. The security will be in

the form of off-duty Laguna Vista Police Officers at the current hourly rate for a minimum of 4 hours. In the event of scheduling conflicts, the Laguna Vista Police Department may enlist the help of off-duty officers from other agencies.

e) The number of off-duty officers required for an event is as follows:

1 – 25 expected attendees	(1 Officer)
25 – 50 expected attendees	(2 Officers)
50 – 75 expected attendees	(3 Officers)
75 – 100 expected attendees	(4 Officers)

f) Any person hosting or holding an event expecting more than 100 attendees will need to meet with the Chief of Police or his designee to determine the number of off-duty officers required for the event.

g) When an event exceeds the number of expected attendees by 25% or more, the police department may call in additional off-duty officers at the same current hourly rate with a four (4) hour minimum, to be paid by the holder of the special permit.

#### **SECTION 9 - PENALTY**

Any person who violates any provision of this Ordinance, or who shall fail to comply with its provisions or with any of the requirements thereof, shall be deemed guilty of a violation and upon conviction thereof shall be liable for a fine not to exceed the sum of five hundred dollars (\$500.00) per violation. Such penalty shall be in addition to all the other remedies provided herein and at law.

#### **SECTION 10 - REPEALER**

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, and in particular Ordinance Number 2016-17 is expressly repealed in its entirety by this Ordinance.

#### **SECTION 11 – EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by the Town Charter.

**FIRST READING - PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 14<sup>th</sup> day of May 2019.**

**SECOND READING – PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Laguna Vista, Texas at the regular meeting on the 11<sup>th</sup> day of June 2019.**



Attest:

  
Alma Deckard, City Secretary

  
Frank Davalos, Jr., Mayor Pro-Tem