

**ORDINANCE NO. 2013-4048**

**AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, AMENDING CHAPTER 19.5 – PARKS AND RECREATION OF THE CODE OF ORDINANCES, PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARANSAS PASS, TEXAS:

**SECTION 1:** That Chapter 19.5 - Parks and Recreation; of the Code of Ordinances of the City of Aransas Pass is hereby amended to read as setforth in **“Exhibit A”** attached hereto and referred to and incorporated herein for all purposes as if copied herein verbatim.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** That this ordinance shall become effective immediately after the date of its publication as required by the city charter.

**PASSED AND APPROVED** this the 21<sup>st</sup> day of October, 2013.

CITY OF ARANSAS PASS, TEXAS

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BY: ADAN CHAPA, MAYOR

ATTEST:

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Yvonne Stonebraker, City Secretary

Approved as to Legal Form:

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Allen S. Lawrence, Jr, City Attorney

## **“EXHIBIT A”**

### **CHAPTER 19.5 PARKS AND RECREATION**

#### **Chapter 19.5 PARKS AND RECREATION [11](#)**

Sec. 19.5-1. Hours of operation of parks and other city-owned property.

Sec. 19.5-2. Organized activities.

Sec. 19.5-3. Regulations of mineral exploration and excavation.

Sec. 19.5-4. Prohibited—Overnight camping.

Sec. 19.5-5. Same—Glass containers.

Sec. 19.5-6. Same—Open fires.

Sec. 19.5-7. Same—Peddling and soliciting; exception.

Sec. 19.5-8. Same—Swimming; exception.

Sec. 19.5-9. Same—Stopping and standing of vehicles in unauthorized areas.

Sec. 19.5-10. Same—Hunting.

Sec. 19.5-11. Same—Littering.

Sec. 19.5-12. Same—Stopping and standing of marine vessels in certain areas.

Sec. 19.5-13. Duties to dispose of catch.

Sec. 19.5-14. Prohibited—Removal of vegetation, shrubs and trees.

Sec. 19.5-15. Same—Damaging of facilities.

Sec. 19.5-16. Same—Alcoholic beverages.

Sec. 19.5-17. Penalties for violations.

Sec. 19.5-18. Aquatics center—Fee schedule, hours.

Sec. 19.5-19. Camping Permit --- Fee schedule.

#### **Sec. 19.5-1. Hours of operation of parks and other city-owned property.**

- (a) It shall be unlawful for any person or persons, save and except those exempt from as hereinafter set forth, to use, occupy or be in or upon city-owned property or city parks between the hours of 9:00 p.m. and 6:00 a.m.
- (b) Excepted from subsection (a) shall be:
- (1) Use of public restrooms, public fishing piers and boat ramps if open.
  - (2) Community or other organized activities authorized by the city.
  - (3) Camping within such public areas as may be hereinafter designated by the city for a period of not more than seventy-two (72) hours.

(Ord. No. 3395, § 2, 7-17-89)

#### **Sec. 19.5-2. Organized activities.**

For the purpose of carrying out the provisions of subsection [19.5-1\(b\)\(2\)](#) hereinabove, applications for the use of city parks or other city properties shall be submitted to the city manager upon such forms as may be promulgated by the city and which shall be available in the office of the city secretary. Upon receipt of applications, the city manager shall have full power and authority to act on behalf of the city in determining whether such requests should be granted or denied.

(Ord. No. 3395, § 2, 7-17-89)

#### **Sec. 19.5-3. Regulations of mineral exploration and excavation.**

- (a) The following operations are prohibited on and in the public parks of the city:
- (1) Drilling, mining, exploring, refining, testing for or producing in any fashion whatsoever oil, natural gas or other minerals;
  - (2) Mining, digging, stripping in any way for the purpose of trying to locate or to produce minerals of any kind, including, but not limited to, lignite and other coal substances as well as gravel and other similar substances;
  - (3) Any type of mineral exploration or extraction of any type whatsoever.
- (b) The above-mentioned operations may be permitted in a subsurface manner and with the express approval of the city council through the process specified in [Chapter 19](#), "Oil, Gas and Mineral Production," of the Code of Ordinances of the city.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-4. Prohibited—Overnight camping.**

- (a) It shall be unlawful for any person or persons to camp overnight on any public parkland, recreation facility, or any of the publicly assessable flatlands located east of the Dale Miller Bridge and along or off of Highway 361.
- (b) Excepted from subsection (a) shall be:
  - (1) Community or other organized activities authorized by the city.
  - (2) Camping within such public areas as may be hereinafter designated by the city for a period of not more than seventy-two (72) hours.
  - (3) Camping with an approved permit issued by the City of Aransas Pass Building Official and after meeting all required stipulations established by the City in the interest of public health and safety.

**Sec. 19.5-5. Same—Glass containers.**

No glass containers of any type may be possessed in any public park or recreation facility.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-6. Same—Open fires.**

Fires shall be permitted only in fire receptacles provided or approved by the city; such areas will be used only for cooking purposes.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-7. Same—Peddling and soliciting; exception.**

- (a) No person shall peddle or solicit any merchandise on any public park or recreation facility.
- (b) Exceptions to subsection (a) above:
  - (1) Such person is authorized to peddle or solicit after permission is granted from the council or city manager in writing.
  - (2) Such person is distributing religious writings or materials.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-8. Same—Swimming; exception.**

- (a) It shall be unlawful for any person to swim at any park or recreation facility under the control of the city.
- (b) Exceptions to subsection (a) above:
  - (1) Such area is an authorized swimming area (the area will be posted with signs indicating it is an authorized swimming area).
  - (2) Persons are engaged in wade-fishing in shallow water areas only.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-9. Same—Stopping and standing of vehicles in unauthorized areas.**

It shall be unlawful for any person operating a motor vehicle to stop or stand such vehicle in other than authorized parking facilities. Designated handicapped parking spaces are for the use of handicapped persons only.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-10. Same—Hunting.**

It shall be unlawful for any person to engage in any type of hunting activities or target practice of any type in any public park or recreation facility.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-11. Same—Littering.**

No person shall throw or allow to be thrown on any public park or recreation property any scraps, refuse or debris of any sort except in provided garbage receptacles.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-12. Same—Stopping and standing of marine vessels in certain areas.**

- (a) It shall be unlawful for any operator of a marine vessel to moor such vessel on any public fishing pier or park bulkheading.
- (b) Marine vessels shall not remain at any public boat ramp for a period longer than four (4) hours.
- (c) Marine vessels (commercial or recreational) while trailered shall not remain on park property for a period longer than four (4) hours.
- (d) No work is allowed on marine vessels within any park facility except under emergency circumstances; such repairs will take no longer than two (2) hours.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-13. Duties to dispose of catch.**

It shall be the duty of any person catching or capturing fish, crab or shrimp to make such disposition of the catch or capture in such a manner that the same will not be found upon any public place.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-14. Prohibited—Removal of vegetation, shrubs and trees.**

It shall be unlawful for any person to remove or destroy any form of shrubs, trees or vegetation from any public parklands.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-15. Same—Damaging of facilities.**

It shall be unlawful for any person to destroy, dismantle or deface any property, provided by the city for the use of any person, within any public park or recreational facility.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-16. Same—Alcoholic beverages.**

- (a) Subject to the exception hereinafter set forth, consumption of an alcoholic beverage or possession of an unsealed alcoholic beverage container in any public park or recreational facility is prohibited.
- (b) Upon application with the city manager by civic or other recognized community organizations, the foregoing prohibition may be waived upon a showing of good cause.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-17. Penalties for violations.**

Any person who shall violate any of the provisions of this chapter shall, for violation, be guilty of a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) per violation.

(Ord. No. 3395, § 2, 7-17-89)

**Sec. 19.5-18. Aquatics center—Fee schedule, hours.**

- (a) Fees for use of the Aransas Pass Aquatics Center as set forth in Exhibit A are hereby adopted. Such rates shall be reviewed by the city council not less than annually.
- (b) The daily hours for use of the aquatics center shall be during such hours as may be designated by the city manager in conjunction with staff of the aquatics center.

EXHIBIT A  
ARANSAS PASS AQUATICS CENTER FEES

Daily Entry Fees

Adult (17 and over) .....\$4.00

Child (under 17) .....3.00

Seniors (55 and over) .....3.00

Military (active duty) .....3.00

Annual Passes (10/1—9/30)

Individual

Adult (17 and over) .....	100.00
Child (under 17) .....	75.00
Seniors (55 and over) .....	75.00
Military (active duty) .....	75.00
Family (4 members) .....	200.00
Each additional member .....	50.00
Rentals (Two Hours) for One Specific Facility	
Monday thru Thursday, maximum persons 50 .....	100.00
Monday thru Thursday, maximum persons 100 .....	150.00
Friday thru Sunday, maximum persons 50 .....	150.00
Friday thru Sunday, maximum persons 100 .....	200.00
Each additional pool .....	50.00
Each additional hour .....	50.00
(Ord. No. 3775, §§ 1, 2, 8-19-02)	

**Sec. 19.5-19. Camping Permit—Fee schedule.**

- (a) In order to obtain a permit for camping, one must meet all the requirements and health and safety standards established by the Building Official's office. Possession of a city issued camping permit does not constitute exclusive ownership or privacy over the land used for camping; and said camp site may be inspected for compliance with the established requirements and health standards.
- (b) Fees for obtaining a camping permit are contained within Exhibit A and may be reviewed by City Council annually as needed.

Over 3 days and up to 7 days Fee --- \$7.00;  
7 days to 30 days, Fee --- \$30.00;

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FOOTNOTE(S):

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**Editor's note—** Former Ch. 19.5, §§ 19.5-1—19.5-3, which originated from Ord. No. 3084, adopted Jan. 3, 1983, was repealed by § 1 of Ord. No. 3395, adopted July 17, 1989; § 2 of such ordinance added a new Ch. 19.5, pertaining to similar subject matter, as herein set out in §§ 19.5-1—19.5-17. [\(Back\)](#)

**Cross reference—** Alcoholic beverages prohibited by specific sign on public property, § 3-6(2); curfew for minors, § 18-4 et seq.; discharging of firearms prohibited in public places, § 18-9; design standards of parks and playgrounds, § 24-12. [\(Back\)](#)