

HAYS COUNTY PARKS REGULATION ORDINANCE  
NO. 18023



ORDINANCE OF THE HAYS COUNTY COMMISSISONERS' COURT ESTABLISHING  
RULES AND REGULATIONS RELATING TO ACTIVITIES AT HAYS COUNTY PARKS  
PURSUANT TO CHAPTER 311 OF THE TEXAS LOCAL GOVERNMENT CODE;  
ESTABLISHING PENALTIES; PROVIDING AN EFFECTIVE DATE.

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**Whereas**, Chapter 331 of the Texas Local Government Code authorizes county governments to operate and maintain public parks and further provides that parks shall be open for the use of the public under rules prescribed by the governing body; and

**Whereas**, the Hays County Commissioners'; Court has taken previous action to implement rules governing conduct at Dudley Johnson Park and hereby intends to reaffirm those rules and implement additional rules to ensure the public's safe use and enjoyment of this park and any county park acquired in the future; and

**Whereas**, the Hays County Commissioners' Court hereby declares that establishing clear rules governing conduct at Hays County parks will best protect the public and encourage park visitors to act responsibly;

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS' COURT OF HAYS COUNTY, TEXAS:** that the following provisions be adopted this the 10<sup>th</sup> day of August, 1999.

**SECTION 1. GENERAL PROVISIONS**

**Section 1.1 Title.** This ordinance shall be known as the "Hays County Parks Regulations Ordinance".

**Section 1.2 Intent.** It is the intent of the Commissioners' Court of Hays County to establish these rules regulating activity at any county park in order to protect the public health, safety and welfare of all county residents and park visitors.

**Section 1.3 Authority.** The Commissioners' Court is authorized to enact this ordinance pursuant to Chapter 331 of the Texas Local Government Code.

**Section 1.4 Variances.** It is within the discretion of the Hays County Commissioners' Court to grant a variance to any of the rules contained in this ordinance. The variance shall be granted by court order at any regular meeting of the Hays County Commissioners' Court.

**SECTION 2. HOURS OF OPERATION**

**Section 2.1 Hours of Operation.** Hays County park(s) shall be open to the public from ~~7:00 a.m. until 10:00 p.m.~~ 9:00 a.m. until 9:00 p.m. for Summer Hours and 9:00 a.m. until 6:00 p.m. for Winter Hours (these hours will change in accordance with the time changes for Central Time Zone). [Amended 12/12/00 #19168] No overnight camping shall be allowed without special permission granted by the Hays County Commissioners' Court.

**Section 2.2 Unlawful Entry.** A person commits an offense if he enters or remains on Hays County park property during hours other than those set out in this section, without effective consent, and he:

- a) had notice that the entry was forbidden; or,
- b) received notice to depart but failed to do so

### **SECTION 3. ENFORCEMENT OF RULES AND REGULATIONS**

**Section 3.1 Commissioners' Court.** The Commissioners' Court, as the governing body of Hays County, shall have and shall exercise the power to establish rules and regulations and ultimately control all activities at any Hays County park. The Commissioners' Court shall have the discretion to appoint or hire any personnel necessary to operate and maintain any Hays County park.

**Section 3.2 Hays County Sheriff's Department.** The Hays County Sheriff's Department is charged with the responsibility of supervising and maintaining law and order in any Hays County park in order to protect the peace, health, safety and general welfare of the public.

### **SECTION 4. PROHIBITED ACTIVITIES**

**Section 4.1. Glass Containers Prohibited.** It shall be unlawful for any person to bring any glass container into a county park or possess any glass container in a county park. It shall be unlawful for any person to possess any glass container in or on the waters of any waterways in any Hays County park.

**Section 4.2 Watercraft Prohibited.**

- a) It shall be unlawful for any person to operate a gasoline motorized watercraft on any waterway in a Hays County park
- b) It shall be unlawful for any person to operate a boat or watercraft towing a skier on a waterway in a Hays County park
- c) It shall be unlawful for any person to ski or to be towed by a boat or watercraft for the purpose of skiing on a waterway in a Hays County park.

**Section 4.3 Discharge of Firearms Prohibited.** It shall be unlawful for any person to possess or discharge a firearm in a Hays County park. The following persons are exempted from this section: a) those individuals defined as "peace officers" under the Texas Code of Criminal Procedure; b) those individuals who have received a concealed weapon permit through the Texas Department of Public Safety.

**Section 4.4 Alcohol Prohibited.** It shall be unlawful for any person to possess or consume any alcoholic beverage in a Hays County park.

**Section 4.5 Litter Prohibited.** It shall be unlawful for any person to dispose of trash, junk, garbage, refuse, unsightly matter, or other solid waste in a Hays County park in any area other than a receptacle that is designed for the collection of litter.

**Section 4.6 Campfires and Fireworks Prohibited.** It shall be unlawful for any person to construct and ignite an uncontrolled campfire or to ignite any product intended as a firework in a Hays County park. Park patrons may be allowed to start campfires in any designated receptacle such as a built-in barbecue pit or other receptacle designed for such purpose.

**Section 4.7 Parking Prohibited.** It shall be unlawful for any person to park in an area of a Hays County park that has been designated a "no parking" area. Areas where parking is prohibited shall be clearly designated with either a posted sign or by yellow paint accompanied with the words "no parking".

**Section 4.8 Diving Prohibited.** It shall be unlawful for any person to dive into any waterway in a Hays County park in an area that is clearly marked "no diving". This section is not intended to prohibit scuba diving and snorkeling.

**Section 4.9 Disorderly Conduct Prohibited.** It shall be unlawful for any person to engage in disruptive, destructive, or violent behavior which endangers property or the health, safety, or lives of persons or animals in a Hays County park.

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**Section 4.10 Camping Prohibited.** It shall be unlawful for any person(s) to camp in a Hays County park unless permission has been granted by the Hays County Commissioners' Court.

**Section 4.11 Soliciting Prohibited.** It shall be unlawful for any person to solicit funds or offer to sell, donate or peddle any goods, wares, merchandise, liquid or edibles or render any service for hire or distribute written material in any Hays County park.

**SECTION 5. PENALTIES**

Each violation of this ordinance shall constitute a Class C misdemeanor and, upon conviction, shall be punishable by a fine of not more than \$500,000.

**SECTION 6. SEVERABILITY**

If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given effect without the valid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 7. EFFECTIVE DATE**

This ordinance shall be in full force and effect from and after the date of passage by a majority of the Hays County Commissioners' Court.

**ADOPTED THIS THE 10<sup>TH</sup> DAY OF AUGUST, 1999**

Jim Powers, County Judge

Debbie Gonzales Ingalsbe, Commissioner Pct. 1

Susie Carter, Commissioner Pct. 2

William "Bill" Burnett, Commissioner Pct. 3

Russ G. Molenaar, Commissioner Pct. 4

**ATTEST:**

Lee Carlisle, Hays County Clerk

**THE STATE OF TEXAS  
COUNTY OF HAYS**



I, Lee Carlisle, County Clerk and Ex-Officio Clerk of the Commissioners' Court of Hays County, Texas, do hereby certify that the foregoing contains a true and correct copy of the **HAYS COUNTY PARKS REGULATION ORDINANCE**.

Given under my hand and seal of office at San Marcos, Texas this the \_\_\_\_\_ day of \_\_\_\_\_, 2001.

**LEE CARLISLE, COUNTY CLERK AND EXOFFICIO CLERK OF THE  
HAYS COUNTY COMMISSIONERS' COURT**

BY \_\_\_\_\_ Deputy



**19163      AWARD PADFOOT ROLLER BID #2001-B06 (BID OPTION #3) TO COOPER EQUIPMENT**

Bids were received from Waukesha-Pearce (Austin), Anderson Machinery (Austin), Closner Equipment (San Antonio), Cooper Equipment (San Antonio), Holt Company of TX (Austin), and RDO Equipment (Manor). County Auditor Bill Herzog advised that the cost to the county for this equipment is actually \$60,675 (bid total was \$91,975.00 plus \$2,700.00 warranty minus \$34,000 trade-in). Equipment can be repurchased by bidder for \$32,000 after five years. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to award padfoot roller bid #2001-B06 (Bid Option #3) to Cooper Equipment. All voting "Aye".

**19164      WOODLAND ESTATES, SECTION 2B [00-4-070] \* APPROVE FINAL PLAT [T1-47]**

Environmental Health Director Allen Walther gave staff recommendation for approval of final plat and acceptance of road construction and drainage improvements. No fiscal security was posted for construction and the streets remain private, therefore requiring no maintenance security. A motion was made by Commissioner Molenaar, seconded by Commissioner Ingalsbe to approve final plat of "Woodland Estates Section 2B" and accept road construction and drainage improvements. All voting "Aye".

**19168      AUTHORIZE THE RE-OPENING OF DUDLEY JOHNSON PARK AND AMEND THE HAYS COUNTY PARKS REGULATION ORDINANCE CHANGING THE HOURS OF OPERATION [T1-103]**

Parks Administrator Jerry Pinnix advised that Dudley Johnson Park is ready to re-open. He requested changing the hours of operation from 7AM – 10PM year around to 9AM-9PM for summer hours and 9AM-6PM for winter hours (in accordance with the time changes for Central Time Zone). The Sheriff's Dept. will provide security and open and close the park. Mr. Pinnix stated that the Parks Advisory Board is in support of the re-opening and the change in hours of operation (a letter of support was submitted signed by Carolyn Scheffer Vogel, Chair of the Hays County Parks Advisory Board). A motion was made by Judge Powers, seconded by Commissioner Carter to authorize the re-opening of Dudley Johnson Park and amend the Hays County Parks Regulation Ordinance Section 2.1 changing the hours of operation as proposed to coincide with Central Time Zone for summer and winter hours. All voting "Aye".

**SECTION 2. HOURS OF OPERATION**

***Section 2.1 Hours of Operation.*** Hays County park(s) shall be open to the public from ~~7:00 a.m. until 10:00 p.m.~~ 9:00 a.m. until 9:00 p.m. for Summer Hours and 9:00 a.m. until 6:00 p.m. for Winter Hours (these hours will change in accordance with the time changes for Central Time Zone).