

ORDINANCE NO. 2014-10

AN ORDINANCE OF THE CITY OF UVALDE, TEXAS AMENDING TITLE 12, CHAPTER 12.24, PARKS, CITY CODE OF ORDINANCES; ESTABLISHING FEES, CHARGES AND/OR PERMITS FOR USE OF PAVILIONS AT CITY PARKS AND ELECTRICITY; PROVIDING FOR REGULATIONS RELATED TO TEMPORARY AMUSEMENT RIDES IN THE PARKS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING A PENALTY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Uvalde has two parks with pavilions that it wishes to authorize small groups to use; and

WHEREAS, the City Council further has studied and determined that there are costs related to electricity that should be borne by those groups who use the park facilities; and

WHEREAS, the City has been requested to allow temporary amusement rides and desires to set out definitions and minimum regulations pertaining to permits, location of such rides, and/or insurance that must be carried by the companies providing such temporary amusement rides.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UVALDE, TEXAS, THAT:

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Addition of Section 12.24.020 (D) and (E). Title 12, Chapter 12.24, Parks, City of Uvalde Code of Ordinances, is hereby amended by adding Section 12.24.020 (D) and (E) to read as follows:

12.24.020 Fees and regulations for certain events at city parks.

- A. The following fees for certain events at city parks are necessary to cover city expenses resulting from the events. The fees are applicable to events sponsored for fund raising purposes by local nonprofit organizations and to events sponsored by political candidates and/or political organizations.
- B. The fees to be paid to the city for each event are the following:

Items	Fee
Setup and take-down of ¹	\$200.00
Cleanup ¹	\$22.50
Police security ²	\$22.50 per hour, per police officer

¹ The cleanup fee may be refunded by the city if:

a. The organization provides proof of its nonprofit status to the city manager;

b. The city manager may determine, at his or her sole option to reimburse the seventy-five dollar (\$75.00) cleanup fee to the one who paid the cleanup fee if the city manager finds that: (i) no damages to the city property occurred during the use; and (ii) the premises do not require post-use maintenance or cleanup.

² Police security mandatory for events where alcoholic beverages are consumed, as may be determined by the city manager.

C. The city will require compliance with the following requirements:

1. Furnish additional security, for any event, as may be determined and at the sole option of the city manager.
2. If authorized by the city council to sell beer, display state license to sell beer, and sign stating no one under twenty-one (21) years of age will be served. Provide a certificate of liability insurance for the sale of beer. No more than two canned beers at one time in a cup.

D. Small groups may reserve the pavilions at Memorial Park and El Jardin de los Heroes for Twenty-five Dollars (\$25.00) per day.

E. There will be a charge of Ten Dollars (\$10.00) per hour for use of electricity.

Section 3. **Addition of Section 12.24.030.** Title 12, Chapter 12.24, Parks, City of Uvalde Code of Ordinances, is hereby amended by adding Section 12.24.030, Regulations of Temporary Amusement Rides to read as follows:

12.24.030 Regulation of Temporary Amusement Rides

A. Definitions

Temporary amusement rides for the purpose of this chapter, shall be construed to include and mean the operation, leasing or renting of amusement rides which can be, or are, moved from location to location including inflatables and trackless trains.

B. A person desiring to operate a Temporary Amusement Ride within Memorial Park or El Jardin de Los Heroes must apply for an Itinerant Vendor's Permit from the City of Uvalde.

C. All Temporary Amusement Ride companies shall carry a minimum of \$1,500,000.00 general liability insurance. The city must be listed as an additional insured on a primary and noncontributory basis.

D. Temporary amusement rides are allowed in Memorial Park south of the Hwy. 90 bridge only. Trackless trains and other mobile amusements must yield to pedestrian traffic in the park.

Section 4. Amendment of Code of Ordinances. The City Code is hereby amended as set forth in this Ordinance, and all prior ordinances of the City dealing with or applicable to parkland are hereby amended to the extent of any conflict herewith, and all ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this Ordinance and any other code or ordinance of the City, the terms and provisions of this Ordinance shall govern.

Section 5. Penalty Clause. Any person who shall violate any of the provisions of this ordinance, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum set out in Section 1.12.010 of this Code. Each day the violation exists shall constitute a separate offense. Proof of a culpable mental state shall not be required to establish a violation of this ordinance. Such penalty shall be in addition to all the other remedies provided herein.

Section 6. Savings Clause. All rights and remedies of the City of Uvalde are expressly saved as to any and all violations of the provisions of any ordinances affecting parkland which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

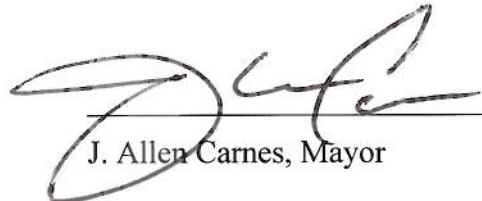
Section 7. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Tex. Loc. Gov't. Code and the City Charter.

Section 8. Severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation into this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act.


PASSED AND APPROVED on this the 13 day of May, 2014.

The City of Uvalde, Texas



J. Allen Carnes, Mayor

ATTEST:



Susan Conley, City Secretary