

ORDINANCE NO. 2025-54

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS, AMENDING THE CITY OF BASTROP CODE OF ORDINANCES, CHAPTER 1 ARTICLE 1.10 PARK RULES, TO REFLECT VARIOUS UPDATES TO LANGUAGE, PERMIT REQUIREMENTS AND RELATED PROCESSES; AS ATTACHED IN EXHIBIT A; PROVIDING A SEVERABILITY CLAUSE; REPEALING CONFLICTING PROVISIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bastrop, Texas, a Home Rule municipality incorporated and operating under the Laws of the State of Texas, seeks to establish clear and effective Park Rules for its parks system that both protect public assets and enhance the experience of all residents and visitors; and

WHEREAS, the Park Rules are the guiding documents for operations in the city parks; and

WHEREAS, the Park Rules have been reviewed by staff and received a recommendation for approval from the Parks & Recreation Board at the April 15, 2025, Special Meeting; and

WHEREAS, the Bastrop City Council has determined that the changes recommended by the Parks & Recreation Board are in the best interest of the City and its citizens and should be adopted; and

WHEREAS, the City finds that this Ordinance was passed and approved at a meeting of the City Council of the City of Bastrop held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members was present and voting.

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

Section 1. Findings of Fact. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment. Chapter 1 Article 1.10 is hereby amended as set forth with underlines being additions and ~~strikethroughs~~ being deletions as reflected in Exhibit A.

- Section 3.** Enactment. Chapter 1, Section 1.10 of the City of Bastrop Code of Ordinances is hereby amended so to read in accordance with Exhibit A, which is attached hereto and incorporated into this Ordinance for all intents and purposes.
- Section 4.** Codification. The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.
- Section 5.** Severability. If any clause or provision of this Ordinance shall be deemed to be unenforceable for any reason, such unenforceable clause or provision shall be severed from the remaining portion of the Ordinance, which shall continue to have full force and effect.
- Section 6.** Repeal. This Ordinance shall be and is hereby cumulative of all other ordinances of the City of Bastrop, Texas, and this Ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, in such other Ordinances, are hereby repealed.
- Section 7.** Effective Date. This Ordinance shall take effect immediately after its final passage and any publication in accordance with the requirements of the City of Bastrop and the laws of the State of Texas.

[Signature page to follow]

READ AND APPROVED on First Reading on the 10th day of June 2025.

READ AND ADOPTED on Second Reading on the 24th day of June 2025.


APPROVED:

by: 
Ishmael Harris, Mayor

ATTEST:


Michael Muscarello, City Secretary

APPROVED AS TO FORM:


City Attorney
Denton Navarro Rocha Bernal & Zech, P.C.



ARTICLE 1.10 PARKS

Sec. 1.10.001 Parks board.

(a) *Created; composition; compensation; appointment.*

- (1) There is hereby created a ~~par~~arks and Recreation Board of the city, which shall be referred to as the Parks and Recreation Board. Any references in the City Code to the ~~Parks Board~~Parks and Recreation Board shall mean the Parks and Recreation Board. The rules for appointment of members, the number of members comprising the Board, the length of member terms, board residency requirements, and the rules for filling board vacancies are set forth in this chapter of the City Code, section 1.04.002. In their discretion, the ~~Parks Board~~Parks and Recreation Board may also identify and name one minor, who resides within the BISD jurisdiction, to serve on the Board as an ex officio, nonvoting youth member of the Board. The youth member shall be enrolled in grades 9-12 and serve a term in length identified by the ~~Parks Board~~Parks and Recreation Board at the time of the youth member's selection. The members shall be known to be interested in public parks and public recreation and the proper use of the leisure time of the people of the city.
- (2) One member of the Board shall be held by the superintendent of the city's state park, or his/her designee, who may reside either within the city limits or in any other area within the BISD's jurisdiction.

(b) *Attendance.* Attendance requirements for the board members are set forth in this code, section 1.02.002(b), et seq.

(Ord. No. 2012-13, pt. 4(L), 6-26-12; Ord. No. 2014-3, 4-8-14; Ord. No. 2016-06, pt. 1, 3-22-16; Ord. No. 2019-44, § 2(Exh. A), 11-26-19; Ord. No. 2024-07, § 2(Att. A), 3-12-24)

Sec. 1.10.002 Park rules.

(a) *Overnight camping; hours when closed.* There shall be no person, vehicle, equipment or activity within any publicly owned park or playground within the city limits from 10:00 p.m. to 6:00 a.m. each day, unless an exception to this rule is provided, in writing.

(b) *Reserved areas.*

- (1) Unless controlled by a separate lease agreement, the following areas of the city's public parks may be reserved and a permit obtained either for commercial or noncommercial purposes a minimum of three (3) business days in advance (excluding holidays) of the use on application to the ~~par~~arks and Recreation Department.
 - (A) Multipurpose fields in Fisherman's Park and Bob Bryant Park;
 - (B) Pavilions in Fisherman's Park and Bob Bryant Park (with associated BBQ's);
 - (C) Pavilion in Kerr Park;
 - (D) Pavilion in Hunter's Crossing Park;
 - (E) Mayfest Park;
 - (F) Mayfest Park rodeo arena;
 - (G) Mayfest Concession Stand;

- (~~HG~~) Fireman's Park softball field;
- (~~IH~~) Hunter's Crossing Park multipurpose field;
- (~~JH~~) Concession stand at splash pad; and
- (~~KJ~~) ~~Rusty Reynolds Little League Fields~~ Rusty Reynolds Fields.

In the event of a conflict between the city ordinance and a lease agreement, the terms of the lease agreement shall control.

- (2) *Multipurpose fields (noncommercial use)*. The noncommercial reservation policies of the multipurpose fields in Fisherman's Park, Hunter's Crossing Park and Bob Bryant Park are as stated below. For purposes of this section and determining whether a fee and reservation is required, a patron shall include all individuals attending the event including, as applicable to the event, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents. An area may not be reserved more than three (3) times in one month for a noncommercial use. See section 1.10.003 below for information related to commercial uses of the multipurpose fields and section A1.10.002 of the fee schedule in appendix A for additional information related to fees.

Patrons	Fee	Deposit	Reservation
0—14	None	None	None
15—45	None	Required	Required
46+	Required	Required	Required

- (3) *Pavilions (noncommercial use and commercial use)*. For reservation of city pavilions a fee and a deposit is required. See section A1.10.002 of the fee schedule in appendix A for additional information related to the applicable commercial and noncommercial uses and fees.
- (4) *Concessions stand*. The concession stand at the splash pad located in Fisherman Park shall be available for use by individuals under the age of 17 and for a period of no longer than fourteen (14) consecutive days. Parent or guardian adult supervision is required for use of the concession stand. For reservation of the city concession stand a deposit is required. All other concession stand will be handled through a spatecounty permit. All individuals who reserve the concession stands shall comply with chapter 4 of this Code and shall be responsible for payment of all applicable vendor and permitting fees. Use of the concession stand will be on a first come, first served basis. See section A1.10.002 of the fee schedule in appendix A for additional information related to commercial and noncommercial uses and fees.
- (5) *Youth sports leagues*.
- (A) Commercially sponsored and/or organized youth league sports play (ages 17 and under) that require a registration fee for participation shall contact the ~~parks department~~ Parks and Recreation Department for reservations, times, and field designations. All organized youth sports leagues shall submit their schedules to the ~~parks department~~ Parks and Recreation Department as soon as possible, but in no event later than thirty (30) days before the first scheduled practice to ensure that a field is available for use at the desired times and locations. Unless otherwise controlled by the terms of a lease agreement, no area of a park is specifically designated or reserved for one organization or youth team and areas will be provided on a first come, first served basis.
- (B) No fee is required for a youth league that does not collect registration "fees" or "dues" to reserve an area. However, after the conclusion of an event, the area that was reserved shall be clean and free of trash and debris. In the event an area is not properly cleaned, the entity reserving the area may be prohibited from future use of city parks.

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- (6) *Tennis/Pickleball courts and basketball courts.* Tennis/Pickleball courts and basketball courts located in city parks shall be used for their intended purposes, only. Activities other than the intended use of the courts will require approval by the ~~arks department~~Parks and Recreation Department, or its designee.
- (7) *Permit.* On receipt of an application to reserve an area in a city park, the ~~arks department~~Parks and Recreation Department, or its designee, will review the application to determine the applicable fee, deposit, and necessary insurance, if any. On approval and payment of same, the city will provide the applicant with a permit stating that the applicant has successfully reserved the area on the requested date.
- (8) *Refunds of deposits and fees.* Reservations must be made a minimum of three (3) business days in advance (excluding holidays) of the use. A reservation is not valid, and a permit will not be issued, until all fees, deposits, and proof of insurance, if necessary, are paid in full to the ~~arks department~~Parks and Recreation Department. Deposits and fees paid in accord with this section may be refunded under the following conditions:
- (A) Full refund of the reservation deposit and fee if the ~~arks department~~Parks and Recreation Department is notified, in writing, of the cancellation not less than seven (7) days prior to the date of use of the reserved area.
 - (B) Refund of one-half (½) of the reservation deposit and fee if notice of cancellation is received by the ~~arks department~~Parks and Recreation Department, in writing, between seven (7) days and twenty-four (24) hours prior to the date of use of the reserved area.
 - (C) The reservation deposit and fee will not be refunded if the event is cancelled less than twenty-four (24) hours before the day of the event.
 - (D) The reservation deposit will be returned to the individual or group reserving the area after the event so long as the area being reserved is clean and free of trash and debris at the conclusion of the event. Any damage, cleaning or maintenance required, in the sole discretion of the city and/or the ~~arks department~~Parks and Recreation Department, will be charged against the deposit.
 - (E) In the event a field is closed by the ~~arks department~~Parks and Recreation Department (or other applicable city personnel) due to inclement weather or necessary construction or maintenance which causes an event to be cancelled, the reservation deposit and fee will be returned or applied to the "rain date," if an alternative date is sought.
 - (F) Exceptions to the deposits and refunds are allowed only on written approval of the city manager.
- (9) *Tables.* Tables in city-owned parks may not be reserved and are available on a first come, first served basis.
- (10) *Reserved signs.* The ~~arks department~~Parks and Recreation Department will be responsible for posting reserved signs at the reserved areas by 8:00 a.m. the day of the event. Reserved signs must include the name of the party and the time and date of the reservation.
- (c) *Control of park and recreation areas.*
- (1) The city shall have and shall exercise the power to control all activities, hours of visitation, and days and times in city parks in order to properly protect the citizens of this community. City parks and recreation areas shall be under the direct operation and control of the city manager or his/her designee. In accord herewith, the city manager, or his/her designee, shall be permitted to close the park or field in the event of inclement weather, field conditions, or necessary maintenance or construction which, in his/her sole discretion, renders the field's no playable or is a risk to person or property.

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- (2) City park and recreation areas shall be open to the public during the hours from 6:00 a.m. to 10:00 p.m. each day, with the exception of the splash pad which shall be open between 10:00 a.m. and 8:00 p.m. Monday-Sunday beginning the second week of April and ending on Labor Day. Any area of a city park, including the splash pad may be closed by orders of the City Manager, or his/her designee, or the park's department, for the purposes of rehabilitation, cleaning, maintenance or general supervision, or upon reservation or general danger to the public. The City Manager shall have the authority to vary the splash pad hours and days of operation on request by the ~~parcs department~~Parks and Recreation Department.
- (3) Permission to use city parks from 10:00 p.m. to 6:00 a.m. may be granted by the City Council or the City Manager, as directed by city ordinance, at the discretion of the City Manager, or his/her designee, and in consideration of the requested use of the park. To request that a park be opened after hours (i.e. 10:00 p.m. to 6:00 a.m.), the ~~parcs department~~Parks and Recreation Department must be contacted with sufficient time in advance of the event to determine if a special event application is required or if City Council approval is necessary.
- (4) The city's police department is charged with the responsibility of supervising and maintaining law and order in city parks. In order to carry out this provision, officers of the police department shall have the authority to make any arrests for violation of any state law or city ordinance. In addition thereto, it is declared that a person commits an offense if he/she enters or remains in a city park, recreation area, or other designated park area, during hours other than those set out hereinabove, without written approval of the City Manager or the City Council, and the person:
- (A) Had notice that the entry was forbidden; or
 - (B) Received notice to depart but failed to do so.
- (5) For purposes of this subsection, "entry" means the intrusion of the entire body and "notice" means an oral, written, or demonstrative communication by: (A) the City Manager or his/her authorized designee(s) or a city police officer; (B) fencing, gate or other enclosure obviously designed to exclude intruders during the closed hours; (C) signs posted to be reasonably likely to come to the attention of intruders. The director of public works and the park's superintendent are specifically authorized to control and regulate the use of the parks as the City Manager's designee.
- (6) For purposes of this article, streets and parking in city parks shall be treated the same as any other city streets, and shall be supervised and regulated by the police department in the same manner as all city streets. An individual sitting inside his/her vehicle shall be treated the same as any other individual in the park regardless of whether the vehicle is parked or is being driven.
- (7) Special items in city parks.
- (A) Due to the special risks associated with the use of the items listed below an application requesting a special permit to allow the use, and proof of insurance in the amount of \$1,000,000 which names the city, and its officers, employees, volunteers, and officials as additionally insured, must be submitted to the ~~parcs department~~Parks and Recreation Department a minimum of three (3) business days (excluding holidays) prior to an event:
 - (i) Moonwalks, bouncy castles, or other inflatable play areas;
 - (ii) Climbing walls; and
 - (iii) Any other item which, at the discretion of the ~~parcs department~~Parks and Recreation Department and/or the City Manager, poses a unique safety concern.
 - (B) To avoid the potential removal of an item from the park during an event, it is advisable to notify the ~~parcs department~~Parks and Recreation Department of any specialty item a patron wishes to have at an event to confirm if insurance will be necessary.

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- (8) Sale of food and drink in city parks. The sale of food and drink concessions in the city, ~~including~~ includes at the concession stand and in the parks, is allowed with permission from the Parks and Recreation Department in strictly prohibited without compliance with article 4.04 of this Code, including obtaining a vendor permit and certificate of health inspection, ~~as well as~~ any other applicable state and local permits and licensing and a fee of \$50 per day. These fees go toward the Park Designated Fund to be used for upgrades in the parks.
- (9) The refusal of any person to carry out the orders and provisions of this subsection shall be deemed a misdemeanor, punishable by a fine as provided for in section 1.01.009 of this Code.
- (d) *Prohibited activities.*
- (1) Horses and farm animals are strictly prohibited in city parks, unless permitted pursuant to a special events permit or approved by the ~~parks department~~ Parks and Recreation Department and the city council, as applicable, in advance of the use.
- (2) Jumping, and diving, ~~wading~~ into waterways. It is an offense and a violation of this subsection for any person to enter a river, stream or waterway by jumping, diving or doing any other dangerous act on or off any bank, bridge, street, highway, or appurtenance of publicly owned land, city park or public right-of-way. It shall likewise be illegal for any person to jump, dive or do any other dangerous act from trees, platforms, high banks, dams or other walkways to enter streams, rivers, or waterways along, over or a part of public property or public right-of-way, including in a city park.
- (3) Inflatable, plastic or other types of portable pools.
- (4) Slip-n-slides (exceptions may be made for individual "family" size slides, on approval by the city's ~~parks department~~ Parks and Recreation Department).
- (5) Sprinklers (hoses may be used for cleaning purposes only).
- (6) No feeding wildlife including waterfowl such as ducks or geese and all other indigenous species native to the city.
- (e) *Swimming or wading in Colorado River.*
- (1) The public may enter, wade, swim, or engage in any aquatic activity at their own risk and shall obey all posted signs. No lifeguards will be on duty on the banks of the Colorado River. Furthermore, the City of Bastrop does not assume any liability for any persons swimming in the Colorado River.
- (f) *Littering.* It shall be unlawful for any person to throw, deposit, place or drop loose paper, cans, bottles, sacks, boxes, cloth, waste materials, or any kind of rubbish on or alongside any roadway, body of water, playground or recreation area of all park land within the city limits.
- (g) *Operation of vehicles.*
- (1) *Prohibited areas.* It shall be unlawful for any person to drive any motor-driven vehicle into, along or across any grassy area of a city park which is owned, operated or maintained by the city except upon public roadways maintained by the city for the operation of such vehicles. No such vehicles shall be driven upon any hike-bike trail, footpath, or foot bridge spanning a creek or stream located therein. This subsection shall not apply to vehicles being used strictly for the purpose of loading and unloading freight therein or in the construction, maintenance or repair of said public parks, public playgrounds or public recreation areas which are owned or maintained by the city.
- (2) *Speed limit.* It shall be unlawful for any person to operate any vehicle on any street, drive, roadway, or surface within any city park property at a speed greater than twenty (20) miles per hour.

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- (3) *Parking.* No person shall park a vehicle upon any public roadway, city-owned or -maintained park lands, public playground or public recreation area which is owned, operated or maintained by the city for the principal purpose of:
- (A) Displaying such vehicle for sale;
 - (B) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
- (4) *Barricades authorized.* The ~~parks board~~**Parks and Recreation Board** is hereby authorized and directed to install barricades at the designated locations to prohibit vehicle traffic on designated streets.
- (h) *Alcoholic beverages.* Possession, use or consumption of any alcoholic beverage, as defined in the Texas Alcoholic Beverage Code, now or as amended, within the area of the city parks shall conform with the laws of the city and the state. For specific regulations related to the sale, possession and consumption of alcoholic beverages in Bastrop's public parks please refer to City Code, article 8.02, section 8.02.002, which provides additional information on this topic in addition to this general requirement to conform to all laws and codes.
- (i) *Destruction of trees and plants.* It shall be unlawful for any person to willfully pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, or destroy any tree, shrub, plant, vine, flower, moss, foliage, berries, fruit, grass, turf, humus, cones, or dead or downed wood, except by written approval issued by the ~~parks board~~**Parks and Recreation Board** for scientific or educational purposes.
- (j) *Glass containers.* It shall be considered a misdemeanor offense for anyone to exhibit, use, carry, or dispose of glass beverage containers in all city parks which have adjacent areas by rivers, lakes, and streams within the city limits.
- (k) *Weapons, firewood or dangerous items.* The use or display of any weapons, firearms, knives, firewood or any other dangerous item is prohibited without prior written consent of the parks board, unless otherwise permitted by applicable state law(s).

(1995 Code, § 1.1302; Ord. No. 2010-13, 6-8-10; Ord. No. 2013-18, pt. 1, 10-8-13; Ord. No. 2016-06, pt. 1, 3-22-16; Ord. No. 2016-07, pt. 1, 4-12-16; Ord. No. 2023-42, § 2(Att. A), 12-12-23)

Sec. 1.10.003 Commercial use of parks.

- (a) *Definitions:*
- (1) *Commercial/For Profit use.* A use which is undertaken for a business purpose and for which a fee is collected. This definition specifically includes organized adult and youth sports leagues, teams, or groups where "fees" or "dues" are collected in order to participate in an activity and nonmembers are prohibited from joining the activity.
 - (2) *Non-commercial/Non-Profit use.* A use which is undertaken for a recreational purpose with no intention to gain commercial advantage and/or monetary compensation. The participation of patrons are not required to pay "dues" or "fees" while participating in a organized program, such as sports leagues, teams, or groups. Organizations who have received non-profit status from the government.
 - (3) *General course/class.* A class that meets regularly for a certain specific period of time which is organized for the purpose of teaching individuals and/or their pets a hobby, skill, or for other enjoyment or exercise and for which the owner or operator is paid a fee or for which "dues" are collected, including dog (or other pet) training classes.
- (b) *Permit required.* Persons or entities shall not conduct the commercial sale or offer to sell any item nor render or offer to render any commercial service for hire, including coaching or organizing a commercial sports event, at any park or other location in the city without obtaining a reservation and a commercial use permit properly issued by the city's ~~parks department~~**Parks and Recreation Department**. Examples of activities or

services in city parks which may qualify as commercial uses include boot camps, yoga, dog training, organized adult sports leagues, fitness professionals, meditation groups, and running clubs.

(c) *Fees and deposits.*

- (1) The ~~parcs department~~Parks and Recreation Department reserves the right to increase any fees, deposits or insurance, or to require additional assurances in the event an activity poses a unique safety concern or would be detrimental to the park or the citizens of the city. See section A1.10.002 of the fee schedule in Appendix A of this Code for information regarding city fees and deposits for commercial uses.
- (2) All fees and reservations for commercial uses shall be made through the ~~parcs department~~Parks and Recreation Department. Fees and security deposits shall be made ~~only~~ by cash, ~~or check~~ or credit card with 3% charge. Once the applicable fee and deposit is paid, a permit to conduct the requested activity, class or course will be issued. A failure to comply with any of the terms set forth herein will subject the applicant to loss of the deposit.
- (3) Additional information regarding refunds of fees and deposits for commercial uses shall be as stated in section 1.10.002(b)(8).

(d) *Waitlist for commercial use and other restrictions.*

- (1) The ~~parcs department~~Parks and Recreation Department shall maintain a "waitlist" of individuals or entities who wish to use the city parks for a commercial use. The maximum amount of time an applicant may continuously reserve space in a city park for a commercial use, as shown on the permit received by the ~~parcs department~~Parks and Recreation Department, is ten (10) weeks per six (6) months. Once the ten (10) weeks has been utilized, and six (6) months have passed, the applicant may notify the ~~parcs department~~Parks and Recreation Department that he/she would like to be placed back on the waitlist to apply for an additional ten-week period. At the discretion of the ~~parcs department~~Parks and Recreation Department, if there is no other individuals on the wait list, an applicant may immediately renew their ten (10) weeks of commercial use.
- (2) The maximum number of patrons who may utilize Fisherman's Park at one time for a commercial use is five hundred (500). The maximum number of individuals who may utilize Bob Bryant Park for a commercial use at any one time is five hundred (500). The maximum number of individuals who may utilize Hunter's Crossing Park for a commercial use at any time is two hundred fifty (250). For purposes of calculating the restrictions set forth herein, a patron shall include all individuals attending the event including, as applicable, players, participants, guests, children, spectators, coaches, relatives, family, friends, and parents. Applicants may apply to increase the number of patrons at one time by applying and receiving for a special event permit.
- (3) The City Council shall have the right to vary the above restrictions in its discretion when in the best interest of the city and its citizens.

(e) *Location and time of certain activities restricted.*

- (1) Dog trainers who use the park for commercial use purposes are prohibited from using any area other than the Bark Park located on Grady Tuck Avenue to conduct training classes.
- (2) Unless otherwise stated herein, commercial use of a city park is restricted to the hours from 6:00 a.m. to 10:00 p.m. specific written permission must be secured from the parks board, for additional hours.

(f) *Insurance.* The individual or entity involved in a commercial use of the park shall provide proof of insurance to the city in the amount of ~~\$250,000~~ \$1,000,000.00, which names the city, and its officers, employees, volunteers and officials as additionally insured. Proof of insurance must be received by the ~~parcs department~~Parks and Recreation Department prior to the issuance of a commercial use permit.

(Ord. No. 2013-18, pt. 2, 10-8-13; Ord. No. 2016-06, pt. 1, 3-22-16)