

ORDINANCE NO. 235

AN ORDINANCE AMENDING VARIOUS ORDINANCES AND ORDAINING THE PROVISIONS OF CERTAIN RESOLUTIONS PERTAINING TO THE USE OF TOWN-OWNED PUBLIC FACILITIES; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the owner of and provides access to certain public facilities within the Town including Town Hall, parks, two boat ramps, and a swimming pool;

WHEREAS, the Town has, over the years, adopted various ordinances and certain resolutions regulating the use of such facilities and imposing fees in certain cases for such use; and

WHEREAS, the Town desires to bring together those ordinances and ordain the provisions of certain resolutions into the form of an enforceable ordinance, all in a combined, centralized ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENCHANTED OAKS, TEXAS:

Section 1

Sec. 1.01 Definitions

In this Ordinance:

Authorized access means a physical key, an encoded card, or a password/access code issued by the Town.

Enchanted Isle means the unincorporated residential community that occupies the peninsular area on the border of the Town, accessed through the Town by Cedarwood Lane.

Immediate family means an individual who, on a continuous basis, lives in the same household and shares the common resources of life with a resident or non-resident owner.

Minor means any person under 17 years of age.

Non-resident owner means a person other than a resident who owns or lawfully occupies a residential lot located within the Town or Enchanted Isle. For purposes of this ordinance, a person who owns

or lawfully occupies a residential lot located within Enchanted Isle is considered a "non-resident owner" and entitled to the privileges provided in this ordinance if an agreement between the Town and the Enchanted Isle homeowners association is in current effect regarding the joint use of the affected public facility by the owners of property in Enchanted Isle.

Parent means a person who is:

(A) A natural or adoptive parent or a person who has been appointed or assumed the role of a natural or adoptive parent; or

(B) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public facility means those properties and facilities owned by the Town and generally accessible to the public including Town Hall, Town-owned parks, the Town's boat ramps and dock facilities, the Town's swimming pool, the Town's trailer parking facility, and the Town's waste management area.

Resident means and includes a person who maintains a home within the Town as the person's primary and fixed place of domicile, whether as an owner or as a lawful occupant.

Sec. 1.02 General regulations applicable to all public facilities.

(A) Other than open parks, playgrounds, and sports facilities and subject to the limitations provided below, public facilities are funded by and intended for use by residents and non-resident owners, their immediate families, invitees, and guests.

(B) It shall be unlawful for any person to:

(1) Willfully damage furniture, equipment, fence, gate or fixtures of any public facility;

(2) Litter or otherwise dispose of any matter except by properly placing the matter in a trash container or removing it from the area.

(3) Possess glass containers of any kind in a fenced outdoor public facility with the exception of those contained in a vehicle or boat and those properly disposed of in the waste management

area.

(4) Leave a gate or barrier unclosed after entry or exit.

(5) Engage in any behavior including, without limitation, the playing of amplified sound, in a manner that unreasonably interferes with the use or enjoyment of the public facility by others or engage in behavior that is unsafe to any person, including the actor.

(6) Willfully allow unauthorized persons to use a public facility.

(7) Be present in a public facility after posted hours of operation or when the public facility has been closed by official action.

(8) Willfully disobey any posted rule pertaining to the public facility.

(9) Engage in any commercial activity at a public facility except as authorized by the Town.

(10) Bring an animal within the fenced area of the Town pool.

(11) Enter or use a Town boat ramp, the public pool, the trailer parking facility or the Town waste management area unless such person has authorized access.

Sec. 1.03 Boat Ramps

(A) The Town boat ramps are closed from 10:00 pm until 5:00 am except for recovery of watercraft.

(B) Town boat ramps are available for use exclusively by residents and non-resident owners by obtaining authorized access and paying the appropriate fee in the amount set by the Town Council. In general, authorized access to the boat ramps is intended to be year to year but may be shortened by the Town Council as necessary to maintain the integrity of use by residents and non-resident owners, for general security, or to incorporate new locking technology in which event a new key or other authorized access must be obtained, and a new fee paid. A replacement fee in the amount set by the Town Council is due if the key or other authorized

access is lost or damaged.

Sec. 1.04 Parks

Unfenced parks are open for use only during daylight hours.

Sec. 1.05 Public Pool

(A) The pool is open from 8:00 am to 9:00 am Monday through Friday for adults only; from 9:00 am to 9:00 pm, Monday through Friday for all users, and from 8:00 am to 9:00 pm Saturday and Sunday for all users. All such open times are for the period of Memorial Day weekend through Labor Day weekend, inclusive. The pool is not open for use at any other time and, during open season, may be closed without notice by the Town for maintenance or repairs, special events sponsored by the Town or in emergencies.

(B) Users of the pool assume all risks of such use. A child under twelve years of age must be accompanied by a parent or other person who is eighteen years of age or older and who is authorized to supervise the child.

(C) In general, the public pool is available for use exclusively by residents and non-resident owners by obtaining authorized access and paying the appropriate fee in the amount set by the Town Council. Authorized access to the pool is seasonal only and a new user fee is due each year. A replacement fee in the amount set by the Town Council is due if the key or other authorized access is lost or damaged.

Sec. 1.06 Town Hall

(A) Town Hall is the seat of municipal government for the Town of Enchanted Oaks and its use in such connection is paramount. Accordingly, the use of Town Hall under the provisions of this ordinance, a facility use agreement, or otherwise, may be terminated without notice at any time when the use of Town Hall for its governmental purposes is necessary.

(B) Subject to the foregoing, Town Hall contains a voluntarily stocked library available to residents and non-resident owners during normal office hours. Town Hall is also used by Town-recognized groups such as the Enchanted Oaks Ladies Club. Provided that Town Hall is not otherwise in use for Town or Town-recognized

events and subject to scheduling, Town Hall may be offered for use by residents on a first-come basis. The Town reserves the right to offer or refuse to offer the use of Town Hall for any lawful reason. A user shall sign a facility use agreement with the Town and shall pay the appropriate use fee, as set by the Town Council.

(C) Town Hall and Town-owned buildings are designated and posted non-smoking facilities.

Sec 1.07 Trailer parking facility [reserved]

Sec. 1.08 Revocation of privileges to use certain public facilities

(A) The Town may revoke authorized access to a public facility if it is determined that reasonable cause exists to believe that:

(1) A person to whom authorized access was granted obtained it through false pretenses;

(2) A person to whom authorized access was granted has repeatedly failed to comply with any of the provisions of this ordinance; or

(3) A person to whom authorized access was granted has repeatedly failed to comply with any posted rule governing the public facility or has knowingly allowed or suffered the commission of the violations.

(B) The Town Secretary shall provide notice of revocation by personal service, certified mail, courier-receipted commercial delivery or email sent to the address provided in the application for authorized access. The affected person may appeal the revocation to the Mayor or a designated representative of the Mayor by filing a written notice of appeal with the Town Secretary within ten days of delivery of notice of the revocation. The Mayor (or the designated representative) shall render a decision on the appeal within fifteen days of the date of the hearing. The decision of the Mayor or the designated representative is final. A revocation shall remain in effect for a period of twelve months, during which time the affected person may not be issued another authorized access for the public facility to which the revocation applies.

Section 2

That Ordinance Nos. 103, 130, 135A, 135B, 137, 137A and Resolution Nos. 2005, 2008, and 2051a are hereby repealed; any other ordinance or resolutions of the Town in conflict with any provision of this Ordinance is hereby repealed; all other ordinances shall be and remain in full force and effect save and except as amended by this Ordinance.

Section 3

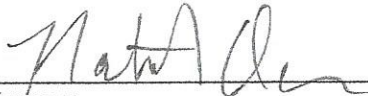
That the terms and provisions of this Ordinance are severable.

Section 4

That this Ordinance shall be and become effective immediately upon and after its passage and approval.

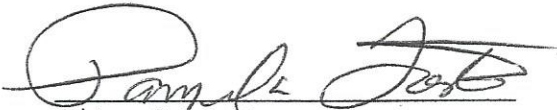
PASSED AND APPROVED this the 8 day of November, 2022.

TOWN OF ENCHANTED OAKS, TEXAS



Mayor

ATTEST:



City Secretary

PUBLISHED: 11-10-2022