

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING CHAPTER 26 OF THE CITY CODE PERTAINING TO PARKS AND RECREATION; ESTABLISHING RULES FOR LAKE KYLE PARK; 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 of Kyle, Texas (the “City”) adopted Chapter 26 of the City Code pertaining to Parks and Recreation, and desires to amend Chapter 26 to adopt rules for Lake Kyle;

Whereas, the City received grant funds for the maintenance and operation of Lake Kyle Park for the purpose of preserving and managing parkland, open spaces, water quality and wildlife, promoting outdoor recreation, and educating the community on public land stewardship for current and future generations; and

Whereas, the adoption of this ordinance will promote the City’s purposes and obligations under the grant and will promote the public health, safety and quality of life;

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

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 26-91. Chapter 26, City of Kyle Code of Ordinances, is hereby amended by adding Section 26-91 to read as follows:

Sec 26-91. Lake Kyle Park Rules

The following rules and regulations shall apply to Lake Kyle Park and persons using the park or otherwise within the park shall comply with the following rules and regulations:

- (1) Lake Kyle Park is open to the public during posted hours, which hours shall be set by the Parks Director and are subject to seasonal changes. Lake Kyle Park is closed to the public when the main access gate from Lehman Rd is closed.

- (2) A person's presence in Lake Kyle Park when the park is closed constitutes criminal trespassing unless the person has obtained a permit to be present in the park while it is closed.
- (3) No outside pets or animals, except registered service animals, are permitted within the boundaries of Lake Kyle Park.
- (4) No smoking is permitted in Lake Kyle Park.
- (5) No alcohol is permitted in Lake Kyle Park.
- (6) No swimming is permitted in Lake Kyle Park.
- (7) No hunting is permitted in Lake Kyle Park without a hunting permit obtained from Parks Department and Texas Parks & Wildlife Department (TPWD) or US Fish & Wildlife.
- (8) No overnight parking or camping is permitted in Lake Kyle Park without first obtaining a permit from the Parks Department.
- (9) No personal watercraft, with or without motors, is permitted on Lake Kyle Park without first obtaining a permit from the Parks Department.
- (10) No fishing is permitted in Lake Kyle Park without first obtaining a valid Texas Parks & Wildlife Department freshwater fishing license, which license must be available for display to a City official or TPWD Official upon request. Exceptions and exemptions to this rule will be the same exceptions and exemptions permitted and allowed by Texas Parks & Wildlife Department.
- (11) All Texas Parks & Wildlife Department rules and regulations governing freshwater fishing, as amended from time to time, will be enforced in Lake Kyle Park.
- (12) Lake Kyle Park shall also be subject to the rules and regulations applicable to parks in general set forth in this Chapter, as they are amended from time to time.

Section 3. Amendment of Code of Ordinances. The City Code is hereby amended in as set forth in this Ordinance, and all prior ordinances of the City dealing with or applicable to parkland are hereby amended with regard to Lake Kyle 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 4. 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 of five hundred dollars (\$500.00). 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 5. Savings Clause. All rights and remedies of the City of Kyle 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 6. 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 7. 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 8. 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.

READ, CONSIDERED, PASSED AND APPROVED ON FIRST READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED AND APPROVED ON SECOND AND FINAL READING by the City Council of Kyle at a regular meeting on the _____ day of _____, 2011, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

APPROVED this _____ day of _____, 2011.

Lucy Johnson, Mayor

ATTEST:

Amelia Sanchez, City Secretary