

## ORDINANCE NO. 350

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA AMENDING THE CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 2 PARK RULES, SECTION 1.09.032 AND 1.09.033; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City Council of the City of Bandera, Texas (the "City"), has previously adopted regulations to provide for the regulation of parks and recreation and the charging of fees within the parks; and

WHEREAS, the City Council of the City has evaluated the effectiveness of the regulations and deems it necessary to amend the City's Code of Ordinances by revising Chapter 1, Article 1.09, Parks and Recreation to provide greater flexibility to the City Council in evaluating and adjusting the fees charged for pavilion rental; and

WHEREAS, the City Council finds that amending the City's Code of Ordinances as described herein will further promote the public health, safety, and general welfare of the City.

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

### I. CODE AMENDMENT

The City of Bandera Code of Ordinances, Chapter 1, Article 1.09, Parks and Recreation, Division 2 Park Rules, Sections 1.09.032 and 1.09.033 regulating fees and pavilion rental are hereby amended as set forth in the attached Exhibit A, which is fully incorporated herein by reference.

### II. REPEALER

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

### III. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the

valid judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### IV. PROPER NOTICE AND MEETING

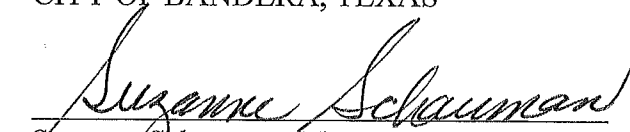
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code, as amended.

#### V. EFFECTIVE DATE


This ordinance shall become effective immediately upon its passage and publication.

**PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 5<sup>th</sup> DAY of APRIL, 2018.**

CITY OF BANDERA, TEXAS

  
Suzanne Schauman, Mayor

ATTEST:

  
Jill Shelton, City Secretary

## EXHIBIT A

CITY OF BANDERA CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 2 PARK RULES, SECTION 1.09.032 AND 1.09.033 ARE HEREBY AMENDED AS FOLLOWS:

### REVISED:

#### Sec. 1.09.032 Fees

- (a) Fees for using the park shall be established and reviewed periodically by the city administrator and approved by the council.
- (b) Upon presenting a student identification card issued by a Bandera Independent School District (BISD) school, or proof of enrollments in a BISD school, BISD students shall be entitled to gain access to the park free of charge.
- (c) Disabled veterans will gain access to the park free of charge.
- (d) Persons accompanying a person granted access to the park under subsections (b) or (c) are not entitled to free admission to the park, except as provided by subsection (c).
- (e) Rental of the pavilion is available for the rate established in the fee schedule adopted by City Council and on file with the City Secretary. Pavilion rental does not include the park entrance fee, which is required for entry during certain months of the year.

### DELETE AND RESERVE:

#### ~~Sec. 1.09.033 Pavilion rental~~

~~Rental of the pavilion is available for \$25.00 for 8 hours with no designation of number of people. Pavilion rental does not include the park fee and which is required for entry. (Ordinance 318 adopted 8/20/15)~~