

**Joint Workshop with Bastrop, TX City Council
and Parks Advisory Board**
Bastrop City Hall City Council Chambers
1311 Chestnut Street
Bastrop, TX 78602
(512) 332-8800

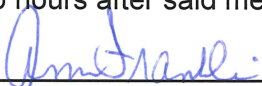


Special Workshop Agenda – January 18, 2018 at 6:30 P.M.

City of Bastrop City Council meetings are available to all persons regardless of disability. If you require special assistance, please contact the City Secretary at (512) 332-8800 or write 1311 Chestnut Street, 78602, or by calling through a T.D.D. (Telecommunication Device for the Deaf) to Relay Texas at 1-800-735-2989 at least 48 hours in advance of the meeting.

1. Call to Order
 - a. City of Bastrop City Council – Mayor Schroeder
 - b. Bastrop Parks Board and Tree Advisory Board– Josh Gordon
2. **WORK SESSION**
 - 2A. Receive and participate in information regarding the Bastrop Parks Board and Tree Advisory Board.
 - 2B. Discuss Council's Identified Focus Areas and List of Priorities as it relates to developing a dedicated funding source for the City of Bastrop Parks system
3. **ADJOURNMENT**
 - a. City of Bastrop City Council – Mayor Schroeder
 - b. Parks Board and Tree Advisory Board Josh Gordon.

I, the undersigned authority, do hereby certify that this Notice of Meeting as posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance to the City of Bastrop City Hall, a place of convenient and readily accessible to the general public, as well as to the City's website, www.cityofbastrop.org and said Notice was posted on the following date and time: Friday, January 12, 2018 at 5:00 p.m. and remained posted for at least two hours after said meeting was convened.



Ann Franklin, City Secretary



STAFF REPORT

MEETING DATE: January 18, 2018

AGENDA ITEM: 2A

TITLE:

Receive presentation and participate in information regarding the Bastrop Parks Board and Tree Advisory Committee

STAFF REPRESENTATIVE:

Trey Job, Managing Director of Public Works & Leisure Services

BACKGROUND/HISTORY:

The City of Bastrop Parks Board and Tree Advisory Committee 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. It has always been the duty of the board to poll the community and make recommendations to the Council to aid with developing the guiding principles and policies.

POLICY EXPLANATION:

The City of Bastrop Parks Board and Tree advisory committee is established and granted authority in Chapter 1, General provisions, Article 1.10-Parks, and Article 1.13-Public Tree Care.

FUNDING SOURCE:

N/A

RECOMMENDATION:

Receive presentation and participate in information regarding the Bastrop Parks Board and Tree Advisory Committee

ATTACHMENTS:

- January 18, 2018 Joint City of Bastrop City Council and, Parks Board Focus areas, Topics for discussion power point.
- Attachment "A": Chapter 1 General provisions Article 1.10-Parks, and Article 1.13-Public Tree Care.



Joint Council Workshop
January 18, 2018

PARKS & RECREATION





PURPOSE:

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.

Duty:

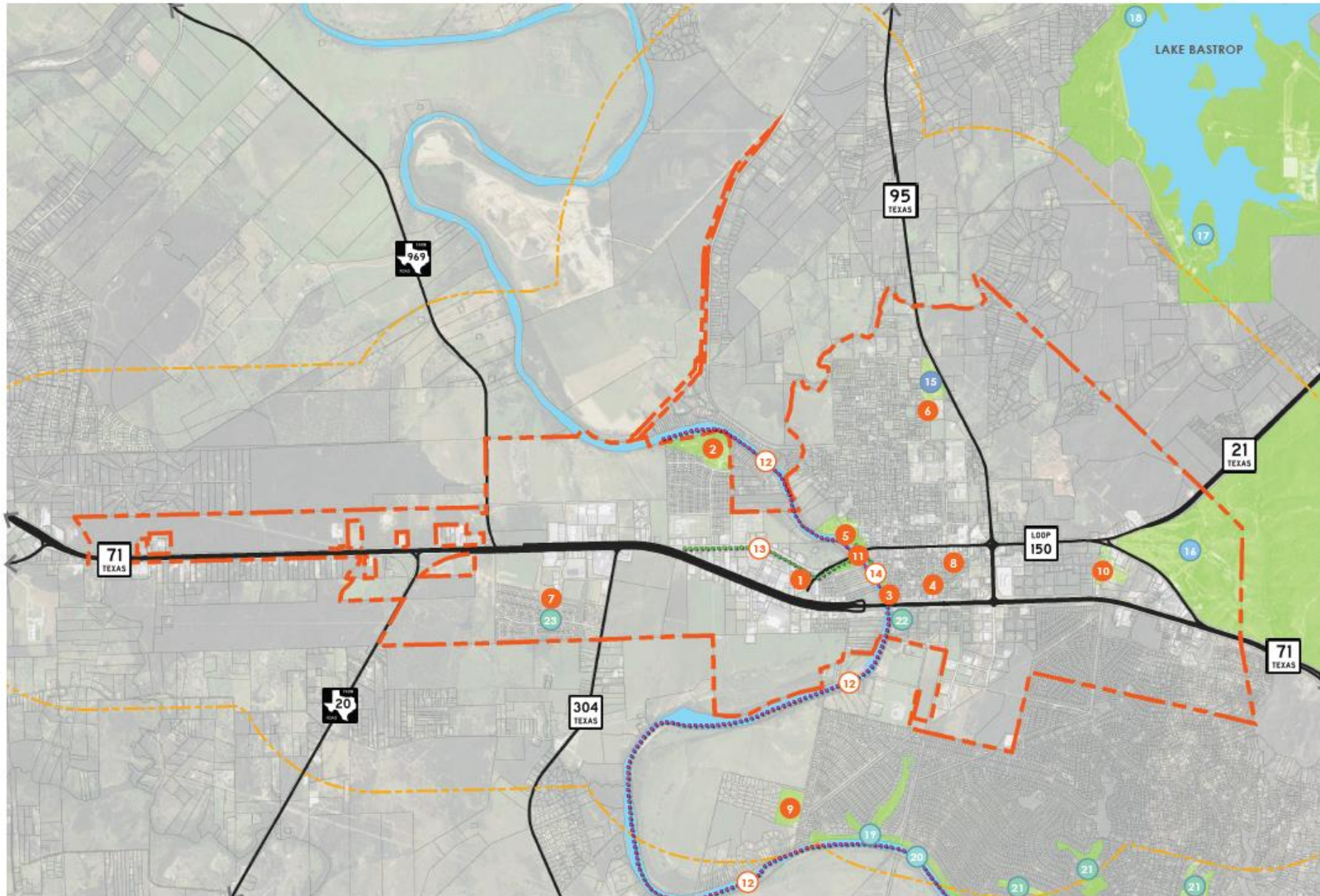
The Parks Board members are tasked with polling the community and developing guiding principles and policies that can be recommended to City Council for approval.

The Parks Board meetings serve as a place for the board to interact with the citizenry and to be an active part of the community in providing quality services that connect the community through people, parks, and programs.



BASTROP'S PARKS, OPEN SPACE, AND RECREATIONAL ASSETS

MAP 7-A:



LEGEND:

- CITY LIMITS
- STATUTORY ETJ
- MULTI-USE TRAIL
- PADDLING TRAIL
- PARK LAND

CITY-OWNED PARKS

- BASTROP BARK PARK
- BOB BRYANT PARK
- FERRY PARK
- FIREMAN'S PARK
- FISHERMAN'S PARK
- HILL STREET PARK
- HUNTER'S CROSSING PARK
- KERR COMMUNITY PARK
- LOVERS LANE FIELDS
- MAYFEST PARK
- OLD IRON BRIDGE

CITY-OWNED TRAILS

- EL CAMINO REAL PADDLING TRAIL¹
- EL CAMINO REAL TRAIL
- JUNE HILL PAPE RIVERWALK TRAIL

CITY-LEASED PARKS¹

- RUSTY REYNOLDS PARK

STATE-OWNED PARKS

- BASTROP STATE PARK

PRIVATE/QUASI-PUBLIC PARKS²

- LAKE BASTROP SOUTH SHORE PARK
- LAKE BASTROP NORTH SHORE PARK
- COLORADO RIVER REFUGE
- LOST PINES NATURE TRAILS

PRIVATE PARKS

- PINE FOREST GOLF CLUB
- PAUL C. BELL FIELD
- HUNTER'S CROSSING POOL

Notes: ¹City-leased parks are owned by private entities, but leased by the City for recreational uses. ²Private/Quasi-Public Parks are owned by private entities, but open to the public for fee-based use. ³Part of TPWD operated Texas Paddling Trails network, but City owns and maintains 2 boat launches along trail.



Parks Board members also serve on the Public Tree Advisory Board, which is tasked with the promotion of healthy trees on public property and developing public awareness and educational programs



Accomplishments & Future Goals

- Because of the Board members' dual role on the Public Tree Advisory Board, the City of Bastrop has been honored with the title of Tree City U.S.A. for seven (7) consecutive years.
- Assisted the Bastrop Art in Public Places Board with the planning and designing of the Cultural Arts Walk.
- Completed the 2015 City of Bastrop Parks & Open Space Master Plan update.

Future Goals

- Receive public input and develop a design for a new wheeled sports plaza to be located in Fisherman's Park.
- Develop updated policies that will reflect the priorities of the Bastrop community and the City Council.
- Begin working on a business plan that will result in a dedicated funding source for the parks system.
- Explore a bike share program for FY 19 as an alternate means of transportation.



2018 Work Plan Items

- Revise Special Events Ordinance and Procedures to meet the City's Financial Policy requirement of fees covering cost of service.
- Complete trail to Bastrop State Park and partner with TxDOT to ensure safe pedestrian crossing at SH95 & LP150. (FY 2018 – FY 2020)
- Expand Park & Recreational trail opportunities
- Talk about your experience at the annual Boards, Commissions, and Volunteer Fair to educate citizens on the City's volunteer opportunities.
- Develop a plan for private initiative to program and operate the City's rodeo arena.
- Conduct a design study for a wheeled sports plaza in Fishermen Park.



City of Bastrop

Our Vision

Bastrop - a welcoming community with a compassion for our diversity, a tapestry of people, arts, and structures; preserving our history and character while embracing progress around our unique environment.

Our Mission

To continuously strive to provide efficient and proactive services that enhance our quality of life and achieve our vision



City of Bastrop Focus Areas

Fiscal Responsibility	Economic Vitality	Communication
Prepare and manage budget; fiduciary responsibility.	Create sustainability by leveraging tourism; infrastructure renewal and investment; enhancing public/private partnerships; efficient planning & development processes; and fostering an inclusive & diverse environment that encourages entrepreneurial ventures.	Support and enhance open 2-way communication between the City and its residents and businesses.
Uniquely Bastrop	Organizational Excellence	Multi-Modal Mobility
Maintain and enhance our historic community feel by leveraging the unique combination of community, cultural and recreational assets that make Bastrop a special place to live and work.	Organizational governance; progressive operational efficiency; employee and citizen volunteer recognition.	Improved mobility for all modes of transit; manage traffic congestion.
Community Safety	Unique Environment	Manage Growth
Keep citizens, businesses, and visitors safe.	Continue beautification and natural areas, green spaces, parks, river, and landscaping.	Plan for and manage growth, development, and redevelopment to maintain Bastrop's unique feel and character.



How can the Parks Board Help?



ARTICLE 1.10 - PARKS

Sec. 1.10.001 - Parks Board.

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

- (1) There is hereby created a Parks Board of the city to be composed of eight (8) regular members and one (1) special member, for a total of nine (9) voting members. In addition, in their discretion, the Parks Board may 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 at the time of the youth member's selection, but not to exceed three (3) consecutive years. The regular and special voting members of the Board shall be appointed by the Mayor and confirmed by the City Council and shall serve without compensation by the city for terms of three (3) years. 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) The special member position on 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.
- (3) A minimum of six (6) of the regular members on the Board will be persons who reside within the city limits, however two (2) of the regular members may be a person who resides outside of the city limits but within the BISD's jurisdiction.

(b) *Terms of members.* Each seat on the Board will be assigned a "place." Board members' terms of service shall be "staggered," so that the entire membership of the Board will not be subject to replacement at any single point in time. To the extent possible, staggering shall be done so that the Board membership is divided into thirds. Initial staggering of the membership will be accomplished by having all appointees/members who are serving as of the first annual meeting following approval and passage of this section (held in July), "draw lots" to determine which "place" will have what number of service in the transition period (e.g., one-third ($\frac{1}{3}$) of the places will draw for one-year terms, one-third ($\frac{1}{3}$) of the places will draw for two-year terms, and the remaining one-third ($\frac{1}{3}$) of the places will draw for three-year terms.) After the first July meeting, staggering of membership, by place, will begin.

(c) *Vacancies.* In the event of a vacancy, an individual appointed to fill the vacancy will serve only the remaining term of the individual who is being replaced by the appointee, so that the staggering of terms shall remain intact.

(d) *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)

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 parks 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) Fireman's Park softball field;
- (H) Hunter's Crossing Park multipurpose field;
- (I) Concession stand at splash pad; and
- (J) Rusty Reynolds Little League 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 spate 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 for reservations, times, and field designations. All organized youth sports leagues shall submit their schedules to the Parks 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.
 - (6) *Tennis courts and basketball courts.* Tennis 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 Parks Department, or its designee.
 - (7) *Permit.* On receipt of an application to reserve an area in a City park, the parks 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 Parks 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 parks 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 ($\frac{1}{2}$) of the reservation deposit and fee if notice of cancellation is received by the Parks 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 Parks Department, will be charged against the deposit.
 - (E) In the event a field is closed by the Parks 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 Parks 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.
- (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 Parks 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 Parks 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 Parks 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 Parks 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 Parks 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 Parks Department of any specialty item a patron wishes to have at an event to confirm if insurance will be necessary.
- (8) Sale of food and drink in City parks. The sale of food and drink concessions in the City, including at the concession stand, is 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.
- (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 and the City Council, as applicable, in advance of the use.
- (2) Jumping, 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).
- (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) It is an offense and a violation of this subsection for any person, child or adult to enter, wade, swim, or engage in any aquatic activity in any portion of the Colorado River in the City parks.
- (2) Exception: The public shall be allowed to enter the water while in the process of embarking or disembarking any boat, canoe or any other flotation device upon waters of 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.

- (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 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 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)

Sec. 1.10.003 - Commercial use of parks.

(a) *Definitions:*

- (1) *Commercial 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 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.
 - (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. 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 Parks 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 Parks Department. Fees and security deposits shall be made only by cash or check. 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 Parks 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 Parks 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 Parks 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 Parks 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.
- (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 which names the City, and its officers, employees, volunteers and officials as additionally insured. Proof of insurance must be received by the Parks 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)

ARTICLE 1.13 - PUBLIC TREE CARE

Sec. 1.13.001 - Created and established.

There is hereby created and established a public tree care article to provide the City with legal authority over the care of all trees, plants and shrubs located within City-owned and controlled property,

public rights-of-way, parks and other public places, which will aid in the establishment of a municipal landscape program and will enhance the public health, safety and beauty of the City.

Sec. 1.13.002 - Authority.

The City Manager shall have oversight authority and responsibility for the implementation of the public tree care article.

Sec. 1.13.003 - Care of public trees and private trees creating hazard to public safety, health and welfare.

- (a) The Public Works Director shall administer the operational aspects of this article, including for example, responsibility for tasks such as planting, pruning, maintaining and removing trees, plants and shrubs within the public right-of-way of all City streets, alleys, avenues, lanes, squares, parks, and public grounds owned or controlled by the City, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such City-owned or controlled public grounds.
- (b) The Public Works Director, in compliance with the City Council's approved policy, process and procedures for such work, including obtaining permission and a release to access and perform work from the owner of property upon which hazardous trees are located, may remove or prune a tree on private property which threatens the safety, health and welfare of members of the public who may use a City street, sidewalk, park or public right-of-way. Additionally, in accord with the City Council's approved policy, process and procedures for such work, the Public Works Director shall have the right to prune or remove a tree or shrub that obstructs the view of any traffic sign, street light, or security light, when it is determined that the tree or shrub in its existing condition creates a safety hazard for those that may use the City's streets or rights-of way.
- (c) No person shall remove, prune, destroy, or cause the removal, pruning or destruction of a tree, shrub or plant located on City property, including those located in any City park, without first having obtained written permission for such removal, pruning or destruction from the Public Works Director, or his/her designee.
- (d) It shall be unlawful for any individual, organization or entity to attach any cable, wire, rope sign or any other object to any tree, plant or shrub located on City property, including those in City parks, without written permission from the Public Works Director, or his/her designee.

(Ord. No. 2010-31, 11-9-10)

Sec. 1.13.004 - Establishment of a Public Tree Advisory Board.

- (a) *Membership.* The Public Tree Advisory Board shall be composed of the then seated members of the City's Parks Board. Additional duties of Parks Board members, pertaining specifically to this public tree care article, include the following. All provisions related to membership service, including appointment by place, filling vacancies, residency requirements, attendance and terms of service are the same as those applicable to the City's Parks Board.
- (b) *Duties.*
 - (1) Promote the protection of healthy trees on public property;
 - (2) Coordinate and promote Arbor Day activities;
 - (3) Develop public awareness and education programs relating to trees in the City community;
 - (4) Review City department and public concerns relating to tree care on the City's public property;
 - (5) Consult with the state forest service for advice on protection of existing native or established trees and/or the planting of new native trees;

- (6) Submit an annual application to renew the Tree City USA designation, with the permission of the City Council; and
- (7) Other duties that may be assigned by the City Council.

(Ord. No. 2010-31, 11-9-10; Ord. No. 2012-13, pt. 4(N), 6-26-12)