

# EXHIBIT A

## Chapter 95 Parks and Recreation ARTICLE I. PARK REGULATIONS

### § 95.01. SHORT TITLE.

This article shall be known, and may be cited, as the Public Parks Ordinance of the City of Pflugerville, Texas.

### § 95.02. DEFINITIONS.

For the purpose of this article, the following definitions shall apply:

CITY MANAGER. The City Manager of the City of Pflugerville or designee.

DIRECTOR. The Director of the City of Pflugerville Parks and Recreation Department or designee.

DRONE. An unmanned aircraft system (UAS) or unmanned aerial vehicle (UAV) operated by remote control or autonomous navigation.

ANIMAL RESTRAINT. The securing of an animal by a leash or a lead.

CAMP. The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home, or trailer for the apparent purpose of overnight occupancy or sleeping.

LITTER. Any rubbish, refuse, trash, or garbage, including, but not limited to, loose paper, cans, bottles, sacks, boxes, cloths, ashes, manure, or waste materials.

PARK. Any public park, playground, trail, greenbelt, recreation facility, building, parking area, or other property owned, leased, or operated by the City as part of its parks and recreation system.

PARK ATTENDANT OR PARK RANGER. Any City employee or authorized agent assigned to perform duties within a park.

TRAIL. Any public path that is operated or maintained by the City as a part of its park and recreation system.

VEHICLE. Any motor-driven device or conveyance, including automobiles, motorcycles, scooters, or similar devices, excluding mobility devices used by persons with disabilities or City and emergency vehicles.

E-BIKE. A two-wheeled electric bicycle equipped with fully operable pedals including Class 1, Class 2, and Class 3 electric bicycles, as those terms are defined in the Texas Transportation Code.

WEAPON. A bow and arrow, or any firearm, pistol, or gun capable of projecting lead, or any other instrument in which the propelling force is gunpowder, a spring, or air, or that is capable of being used for the purpose of hunting.

### **§ 95.03. ENFORCEMENT OF PARK REGULATIONS.**

It shall be the duty of the city manager to enforce the provisions of this subchapter.

### **§ 95.04. PARK HOURS.**

- (A) A park shall be open from dawn until 10:00 p.m., unless otherwise posted or permitted.
- (B) A trail shall be open twenty-four (24) hours per day for walking, hiking, jogging, and bicycling.
- (C) The director or a peace officer may temporarily close any park or portion thereof for safety, maintenance, weather conditions, or special events.
- (D) It is an affirmative defense to prosecution under this section that the person was attending a permitted or City-sponsored event.

### **§ 95.05. PROHIBITED ACTS.**

Except to the extent that the City grants a special permit pursuant to §95.06, allowing conduct otherwise prohibited herein, it shall be unlawful for any person in a park to:

- (A) Drive a vehicle on any area, except the paved park roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas for the purpose of loading or unloading freight or in the construction, maintenance, or repair of the parks;
- (B) Disturb in any manner any event, activity, picnic, meeting, service, concert, exercise, or exhibition;
- (C) Deposit, discharge, leave, abandon, or cause the deposit, discharge, or abandonment of paper, glass, metal, litter, rubbish, waste, garbage, refuse, trash, or any event- or party-related materials, including but not limited to decorations, packaging, food waste, balloons, confetti, piñata debris, or similar items, on any park lawn, driveway, path, fountain, pond, stream, or other park property, except in receptacles provided for that purpose;
- (D) Discharge or use any form of weapon for the purpose of hunting, molesting, harming, frightening, killing, trapping, pursuing, chasing, or teasing any person, animal, wildlife, reptile, or bird;
- (E) Camp or stay overnight;

- (F) Engage in commercial activity, solicit funds, or offer goods or services for sale without written authorization from the director;
- (G) Distribute, post, place, or erect any advertising, handbill, circular, bill, notice, paper, sign, or other advertising device without written authorization from the director;
- (H) Practice, carry on, conduct, or solicit for any trade, occupation, business, or profession without written authorization from the director. This prohibition shall include the rental of equipment, tools, vehicles, or watercraft or meet customers to complete such rental transactions unless such person has a written authorization from the director;
- (I) Bring into or possess glass containers in a park;
- (J) Use or be in a park when it is not open to the public;
- (K) Use a trail for purposes other than walking, hiking, jogging, or bicycling;
- (L) Operate or use any type of vehicle on any trail, sidewalk, or park area not dedicated for such use. This section does not apply to the operation of vehicles used by the City or its agents;
- (M) Operate an e-bike on a sidewalk or trail at a speed greater than 12 miles per hour, or in a manner that is unsafe for conditions of other park users;
- (N) Fail to keep an animal under a restraint or fail to exercise proper care and control of an animal to prevent it from becoming a public nuisance or allow any of the prohibited conduct specified in Chapter 90 of this code;
- (O) Fail or refuse to remove and properly dispose of solid animal waste of a person's animal brought into a park. It is a defense to prosecution if the solid animal waste is from a guide or law enforcement dog;
- (P) Create or cause to be created a fire within a park, unless the fire is made within a grill and where not otherwise prohibited by the director, for example, during a burn ban;
- (Q) Practice golf or the throwing of balls or objects in undesignated areas;
- (R) Operate a drone or kite in a manner that endangers persons or property;
- (S) Climb a structure not intended for climbing; or
- (T) Operate a vehicle except in designated areas, roads, and parking areas.

**§ 95.06. SPECIAL PERMIT.**

The city manager may for good cause:

- (A) Grant a special permit allowing conduct otherwise prohibited by this article; and
- (B) Impose such terms and conditions on the permit holder as are deemed necessary and desirable.

**§ 95.07. RESERVATION FEES.**

Use fees and deposits for the reservation of any portion of a park shall be established by resolution of the City Council.

**§ 95.08. VIOLATIONS.**

- (A) This chapter shall be enforced by the Police Department, Park Rangers, and Park Attendants.
- (B) Any person found to be knowingly violating the provisions of this subchapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine not less than \$1.00 nor more than \$500.00. Each day of such violation may constitute a separate offense. The penalty shall be cumulative and not exclusive of any other rights or remedies the City may have.
- (C) It shall be deemed a defense to a charge that this article has been violated, that the alleged violator:
  - (1) Has been granted a special permit pursuant to §95.06 to engage in the conduct for which the alleged violator has been charged; or
  - (2) Is an officer, employee, or agent of
    - (a) the City, who is acting in his or her authorized capacity for the City; or
    - (b) A contractor who is acting under authorization of the City.

**§ 95.30. PROTECTION OF LAKE PFLUGERVILLE.**

- (A) Public Use. Except as provided hereafter, Lake Pflugerville (the “lake”) shall be open for public use between 6:00 a.m. and 9:00 p.m.; provided, however, the trail surrounding the lake shall remain open 24 hours per day.
- (B) Closure. The city manager may close the lake and/or the trail surrounding the lake at any time due to an emergency or other cause. Where closure occurs, the city manager or director shall post notice of such closure on signage at the entrance to and at various locations around the lake.

(C) Prohibited Activities. No person shall:

- (1) Operate a watercraft which uses or is equipped with or includes an internal combustion engine on the lake. Non-motorized watercraft propelled solely by human or wind power is permitted. This prohibition shall not apply to watercraft operated by the City or a county, state, or federal agency, or by anyone expressly authorized by the director.
- (2) Allow an equine animal to enter the park or trails surrounding the lake.
- (3) Throw, deposit, place, or drop any litter or materials, including glass containers, into the lake or on the trail surrounding the lake.
- (4) Swim in the lake in the area between the buoys near the intake structure and the dam. Swimming is only allowed between the beach and designated buoys.
- (5) Light, make, or sustain a fire anywhere other than a grill installed by the city and where a burn ban is not in effect.
- (6) Operate a motorized vehicle on the trail abutting or adjacent to the lake unless the vehicle is being used for law enforcement, emergency response, or by the City or its agent for trail maintenance purposes.
- (7) Bathe, urinate, or defecate in the lake or on the trail surrounding the lake.
- (8) Camp in the park or on the trail surrounding the lake.
- (9) Consume or possess any alcoholic or intoxicating beverage on the lake or park or trail surrounding the lake unless authorized in writing by the City Manager pursuant to a special event permit per §95.06 or a license agreement.
- (10) Operate any public address system or other amplified sound system in a park or trail without first receiving written authorization from the director.
- (11) Install, place, or use a tent, temporary shelter, or similar structure so that no less than ten feet (10 ft.) in width exists between that structure and any other similar structure or any permanent or immovable object. Tents, temporary shelters, and similar structures must be adequately secured at all times to prevent displacement, collapse, or movement caused by wind. Such structures shall be secured by means appropriate to the surface and location, which may include weights, sandbags, water-filled containers, or similar anchoring systems designed to ensure the structure remains firmly in place. No person may secure a structure by driving stakes, spikes, or similar implements into grassy or otherwise landscaped areas. Tents, temporary shelters, or similar structures must be positioned so that a clear and unobstructed accessway at least ten feet (10 ft.) in width is always maintained.
- (12) Erect, place, or store any tent, equipment, vehicle, or personal property in a manner that blocks, obstructs, or reduces the required accessway.