

CHAPTER 32
PARKS AND WATER RESERVOIRS

ARTICLE I.
IN GENERAL.

- Sec. 32-1. Safety of patrons generally; limitation of activities by permit.
- Sec. 32-2. Speed limit; driving upon walks.
- Sec. 32-3. Injury to trees, shrubs, fences, etc.
- Sec. 32-4. Abusive, obscene, etc., language or acts.
- Sec. 32-5. Use of commercial vehicles, etc.
- Sec. 32-6. Dogs at large.
- Sec. 32-6.1 Off-leash sites for dogs.
- Sec. 32-7. Protection of fish, animals, and fowl.
- Sec. 32-8. Driving and parking vehicles.
- Sec. 32-9. Schedules for operating facilities.
- Sec. 32-9.1. Hours of closure for public parks and park amenities.
- Sec. 32-10. Sale of services or goods on park property.
- Sec. 32-11. Promulgation and posting of rules and regulations.
- Sec. 32-11.1. Public shooting ranges.
- Sec. 32-11.2. Hang-gliders, para-sails, para-kites, parachutes, and similar devices prohibited; defense.
- Sec. 32-11.3. Possession of alcoholic beverages in parks.
- Sec. 32-11.4. Noises interfering with enjoyment of public park and recreation areas.

ARTICLE II.
FAIR PARK AND STATE FAIR GROUNDS.

Division 1. Generally.

- Sec. 32-11.5. Fair park boundaries.
- Sec. 32-12. "State fair area" defined.
- Sec. 32-13. Purpose of article.
- Sec. 32-14. Applicability of building code.
- Sec. 32-15. Regulations pertaining to structures used one month or less.
- Sec. 32-16. Rides, elevators, hoists, etc.
- Sec. 32-17. Temporary waste lines.
- Sec. 32-18. Electrical wiring.
- Sec. 32-19. Use, storage, etc., of liquefied petroleum gases.
- Sec. 32-20. Authority of building inspector and fire marshal.

Division 2. Fair Park Parking Area and Fair Park Parking Licenses.

- Sec. 32-21. Definitions.
- Sec. 32-22. Fair Park parking license required.
- Sec. 32-23. License application.
- Sec. 32-24. Investigation of application.
- Sec. 32-25. Issuance of license; expiration.
- Sec. 32-26. License fee.
- Sec. 32-27. License revocation; appeal.
- Sec. 32-28. Supervising attendant; display of license.
- Sec. 32-28.1. Fair Park parking area - Maximum parking fee.
- Sec. 32-28.2. Posting of parking fees required.
- Sec. 32-28.3. Posting signs to prohibit parking on certain property near Fair Park.

**ARTICLE III.
MARSALIS PARK ZOO.**

- Sec. 32-29. Hours of opening and closing - Established; exceptions.
- Sec. 32-30. Same - Notice of closing hours.
- Sec. 32-31. Same - Remaining in zoo after closing hours.

**ARTICLE IV.
WHITE ROCK LAKE AND BACHMAN LAKE RESERVOIRS.**

Division 1. Generally.

- Sec. 32-32. Jurisdiction of park board subject to primary right of waterworks department.
- Sec. 32-33. Authority of city police on reservoir property.
- Sec. 32-34. Powers and duties of superintendent of White Rock Lake generally.
- Sec. 32-35. Disturbing trees and shrubs; gathering pecans.
- Sec. 32-36. Commercial vehicles prohibited; speed limit of vehicles.
- Sec. 32-37. Seining for minnows.
- Sec. 32-38. Taking fish from hatchery.
- Sec. 32-39. Swimming.

Division 2. Operation of Boats.

- Sec. 32-40. Equipment prohibited on the water.
- Sec. 32-41. Sanitary requirements generally.
- Sec. 32-42. Prohibition of boats to suppress epidemic.
- Sec. 32-43. Use of boat under influence of intoxicants; forfeiture of license for violation of section.
- Sec. 32-44. Special recreational events.
- Sec. 32-45. Manner of operation generally.
- Sec. 32-46. Passenger capacity.
- Sec. 32-47. Life preservers; lights; mufflers; speed.
- Sec. 32-48. Seaworthiness generally; impounding loose boats.
- Sec. 32-49. Sirens.
- Sec. 32-50. Catching fish for sale.
- Sec. 32-51. Designation of area for anchoring sailboats.
- Sec. 32-52. Inspection and approval prerequisite to issuance of licenses.
- Sec. 32-53. Impoundment for lack of license; redemption.
- Sec. 32-54. Disposition of impounded boats for normal sales to redeem.

**ARTICLE V.
ELM FORK.**

- Sec. 32-55. Polluting waters.
- Sec. 32-56. Creating filth.
- Sec. 32-57. Activities prohibited by two preceding sections deemed nuisances.
- Sec. 32-58. Authority of director of public health and chief of police.
- Sec. 32-59. Power and authority of city; guards.
- Sec. 32-60. Penalty; civil actions.

**ARTICLE VI.
LAKE RAY HUBBARD.**

- Sec. 32-61. Temporary scope.
- Sec. 32-62. Definitions.
- Sec. 32-63. Construction prohibited.
- Sec. 32-64. Solicitation prohibited.
- Sec. 32-65. Restricted areas.
- Sec. 32-66. Trespassing prohibited in certain areas.

- Sec. 32-67. Destruction of city property.
- Sec. 32-68. Use of firearms and other discharge devices prohibited.
- Sec. 32-69. Discarding of waste prohibited.
- Sec. 32-70. Gasoline or oil storage.
- Sec. 32-71. Advertisements.
- Sec. 32-72. Prohibited uses.
- Sec. 32-73. Diversion of water prohibited.
- Sec. 32-74. Abandonment of personal property.
- Sec. 32-75. Fishing prohibited in certain areas.
- Sec. 32-76. Commercial fishing prohibited.
- Sec. 32-77. Hunting prohibited.
- Sec. 32-78. Camping prohibited in certain areas.
- Sec. 32-79. Picnicking in designated areas.
- Sec. 32-80. Recreational programs.
- Sec. 32-81. Vehicle control
- Sec. 32-82. Local additions to the Texas Water Safety Act.
- Sec. 32-83. Authority to enforce.

ARTICLE I. IN GENERAL.

SEC. 32-1. SAFETY OF PATRONS GENERALLY; LIMITATION OF ACTIVITIES BY PERMIT.

It shall be unlawful for any individual or group of individuals to participate in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The park board may designate particular locations within park areas for specific activities and when deemed necessary, it may limit the conduct of such activities by the issuance of special permits upon application, which permits will set out the particular conditions under which such activity is permitted. Overnight camping is prohibited on any park property except by special permit issued by the park board or its representatives for such activity on specific occasions. (Ord. 8019)

SEC. 32-2. SPEED LIMIT; DRIVING UPON WALKS.

It shall be unlawful for any person to ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon horseback, or upon any bicycle, motorcycle, or any other vehicle whatsoever, upon any drive or street in any park of the city, or to ride or drive any wheel or animal upon any walk in such park, or to climb any tree, fence or building. (Ord. 8019)

SEC. 32-3. INJURY TO TREES, SHRUBS, FENCES, ETC.

It shall be unlawful for any person to cut, break, deface or in any way injure the trees, shrubs, plants, grass, turf, fountains, seats, fences, structures, improvements, ornaments or monuments or property, within or upon any of the public parks. (Ord. 8019)

SEC. 32-4. ABUSIVE, OBSCENE, ETC., LANGUAGE OR ACTS.

No person shall use or speak any threatening, abusive, insulting or indecent language in any of the public parks, and no person shall commit, in any such parks any obscene, lewd or indecent act or create any nuisance. (Ord. 8019)

SEC. 32-5. USE OF COMMERCIAL VEHICLES, ETC.

All vehicles used for the purpose of transporting freight and merchandise, or brick, stone or gravel, and all those commonly known as floats, moving wagons, express or delivery wagons are prohibited from entering upon or being driven through any of the public parks of the city. (Ord. 8019)

SEC. 32-6. DOGS AT LARGE.

(a) An owner, harbinger, or person having the care, custody, or control of a dog commits an offense if he causes or permits the dog to go into or upon the grounds of any public park within the city, unless the dog is led by some person and retained in custody by a leash.

(b) It is a defense to prosecution under Subsection (a) that the dog was in an off-leash site established under Section 32-6.1 of this chapter. (Ord. Nos. 8019; 24482)

SEC. 32-6.1. OFF-LEASH SITES FOR DOGS.

(a) In this section:

(1) OFF-LEASH SITE means an enclosed area designated by the park board in which dogs are allowed to run at large without being secured by a leash or other restraint.

(2) DANGEROUS DOG has the meaning given that term in Section 822.041 of the Texas Health and Safety Code, as amended.

(b) The park board is authorized to establish off-leash sites for dogs within designated areas of the city's parks and recreational areas. Signs designating an area as an off-leash site must be conspicuously posted at each entrance to the site.

(c) The park board may promulgate regulations, not inconsistent with this section, that govern off-leash sites for dogs. Such regulations must be conspicuously posted at each entrance to an off-leash site. The regulations must include, but are not limited to, the following:

(1) No person may bring into an off-leash site:

(A) a dangerous dog;

(B) a female dog in heat;

(C) more than three dogs at one time; or

(D) a dog that is not wearing tags showing that it is currently registered and vaccinated in compliance with Chapter 7 of this code.

(2) Any person who brings a dog into an off-leash site shall:

(A) carry materials and implements for removing and disposing of dog excreta and remove all excreta deposited by the dog in the off-leash site, in compliance with Section 7-21.2 of this code;

(B) lead the dog on a leash and retain the dog in custody when entering and exiting an off-leash site;

(C) keep the dog under visual and voice control at all times while in the off-leash site;

(D) fill any hole that the dog digs in the off-leash site; and

(E) remove the dog from the off-leash site at the first sign of aggression by the dog.

(3) Any person who brings a child under 12 years of age into an off-leash site shall keep the child under strict supervision.

(d) A person commits an offense, punishable by a fine of up to \$2,000, if he fails to comply with any regulation:

(1) set forth in Subsection (c) of this section; or

(2) promulgated by the park board pursuant to Subsection (c) and posted at the off-leash site.

(e) Use of an off-leash site by any dog constitutes:

(1) implied consent of the owner, harbinger, or person having care, custody, or control of the dog to comply with all conditions and regulations stated in this section or promulgated by the park board and posted at the off-leash site; and

(2) a waiver of liability to the city by the owner, harbinger, or person having care, custody, or control of the dog, and an agreement and undertaking to protect, indemnify, defend, and hold the city harmless, for any injury or damage caused by the dog during any time that the dog is in the off-leash site. (Ord. 24482)

SEC. 32-7. PROTECTION OF FISH, ANIMALS, AND FOWL.

Wherever the city owns or keeps any fish, animals or fowl on public exhibition in any of the public parks or grounds of the city, it shall be unlawful for any person in any manner to injure, annoy or interfere with any such animal, fish or fowl, or to injure or interfere with, in any manner, any of the enclosures in which any animal, fish or fowl may be kept. The term "annoy" or "interfere with" shall include any attempt on the part of the person, save and except the duly authorized keeper thereof, or person in charge thereof, to feed or offer any foodstuff or other substance to any such animal, fish or fowl. Whenever any fish, fowl or animals are kept on exhibition, it shall be the duty of the public to obey all rules provided by the park board or other authority for the exhibition of any such animal, fish or fowl. (Ord. 8019)

SEC. 32-8. DRIVING AND PARKING OF VEHICLES.

(a) A person commits an offense if, in any park or recreation area in the city, he knowingly:

(1) drives a motor vehicle; or

(2) stops, stands, or parks a motor vehicle; or

- (3) parks a motor vehicle so as to obstruct entrance to or exit from a roadway, parking area, or trail established for public motor vehicle use; or
- (4) fails to park the entire motor vehicle within the limit lines of a designated parking stall, where such lines have been provided.
- (b) It is a defense to prosecution under Subsection (a) that the driving, stopping, standing, or parking:
 - (1) was along a roadway, trail, or parking area established for public motor vehicle use;
 - (2) was due to temporary mechanical failure of the vehicle;
 - (3) was ordered by a police or park officer of the city or a person charged with supervision of a park or recreation area within the city; or
 - (4) was performed by an employee of the city while in the course of his official duties.
- (c) If a motor vehicle is parked or left in violation of this section and the owner or operator of the vehicle cannot be found, police or park officers of the city may remove or impound the vehicle, or the vehicle may be removed in accordance with Chapter 28 of this code.
- (d) The park board is authorized to establish time limits for the parking of motor vehicles within designated parking areas of the city's parks and recreational areas. (Ord. Nos. 8019; 16503)

SEC. 32-9. SCHEDULES FOR OPERATING FACILITIES.

Whenever, in the opinion of the park board it is desirable or necessary to establish operating hours during which buildings, structures, facilities, athletic areas or other improvements on park areas shall be operated, the park board is authorized to establish such hours of operation by resolution and when such hours so designated are posted on the entrances to such buildings, facilities, etc., the same shall be deemed as the official hours of operation. (Ord. 8019)

SEC. 32-9.1. HOURS OF CLOSURE FOR PUBLIC PARKS AND PARK AMENITIES.

- (a) Except as provided in Subsection (b), all public parks and park amenities are closed to the public each day from 11:00 p.m. until 5:00 a.m.
- (b) Park amenities for which the park board has established and posted the hours of operation under Section 32-9 of this chapter are closed to the public at any time other than the established and posted hours of operation.
- (c) A person commits an offense if he is on the premises of a public park or park amenity during hours in which the park or park amenity is closed.
- (d) It is a defense to prosecution under Subsection (c) that the person was:
 - (1) driving a vehicle on an interior park roadway that provides direct access to the person's residence;
 - (2) attending a special event, activity, or program that was being conducted in a public park or park amenity during hours of closure with written permission of the park board, the director of park and recreation, or a designated representative; or
 - (3) entering or leaving, or engaged in legal boating on or fishing from the bank or water surface of, any of the following:
 - (A) Lake Ray Hubbard;
 - (B) Mountain Creek Lake;
 - (C) White Rock Lake;
 - (D) Lemmon Lake;
 - (E) Blue Lake;
 - (F) a body of water located within the Trinity River Greenbelt;
 - (G) that part of Joe Pool Lake within the city's jurisdiction; or
 - (H) Bachman Lake.
- (e) For the purpose of this section:
 - (1) PARK AMENITY means any building, structure, facility, athletic area, or other improvement that is located within a public park.
 - (2) PUBLIC PARK means land owned or managed by the city, whether located inside or outside the city limits, that is planned, developed, or used for active or passive recreational use by the public. "Public park" includes an interior park roadway, other than a dedicated street, and excludes any sidewalk adjacent to the outside perimeter of a park. (Ord. Nos. 20680; 20964; 22073; 22404; 22851; 27993)

SEC. 32-10. SALE OF SERVICES OR GOODS ON PARK PROPERTY.

- (a) A person commits an offense if the person sells, distributes, or offers for sale any services or goods, including but not limited to food, drinks, confections, or merchandise, in a city park or another area under the control of the park and recreation board.
- (b) It is a defense to prosecution under Subsection (a) of this section that the person:

- (1) was selling, distributing, or offering for sale the services or goods by authority of a written contract or permit with the city, through the park and recreation department, to operate a concession in that area;
- (2) was selling, distributing, or offering for sale the services or goods in connection with the transaction of official government business;
- (3) was selling, distributing, or offering for sale only an item or items containing primarily noncommercial speech, including but not limited to newspapers, books, magazines, audio and video compact discs (CDs), or digital versatile discs (DVDs), and the selling, distributing, or offering for sale was not being conducted:
 - (A) from a machine;
 - (B) at a time when the area was closed to the public;
 - (C) in an area used for storage;
 - (D) in an area under the control or management of another person or private entity pursuant to a written agreement with the city;
 - (E) inside any building, including but not limited to a recreational center;
 - (F) in a parking lot that serves a city park or another area under the control of the park and recreation board; or
 - (G) in a way that obstructed a public street or sidewalk;
- (4) was selling, distributing, or offering for sale only periodicals from a coin-operated machine by authority of a license to operate the machine in that area, unless such sale, distribution, or offering for sale was prohibited in the area by another city ordinance or a city contract;
- (5) was selling or offering for sale the services of a vehicle for hire that was being operated by that person;
- (6) did not receive remuneration from the person being given the services or goods; did not use any type of vehicle or stand, any part of which touched the ground, when distributing the services or goods; and did not interfere with traffic flow on a public street or sidewalk when distributing the services or goods; or
- (7) was selling, distributing, offering for sale, or delivering the services or goods to a person qualifying for any defense described in Paragraphs (1) through (6) of this subsection.

(c) In addition to any enforcement action by a peace officer or the director of the park and recreation department, or an authorized representative, for a violation of this section, any person who is a victim of an act prohibited under this section, or who witnesses a violation of this section, may file a complaint with the city attorney. Evidence to support a conviction for a violation of this section may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. Nos. 8019; 28241)

SEC. 32-11. PROMULGATION AND POSTING OF RULES AND REGULATIONS.

The park board shall adopt such rules and regulations as it deems best for the management of the public parks and where such rules have been adopted for a specific park area and posted within the specific park so regulated, any person found guilty of violating such rules is guilty of an offense. (Ord. Nos. 8019; 19963)

SEC. 32-11.1. PUBLIC SHOOTING RANGES.

Public shooting ranges may be constructed and operated in parks owned by the city in accordance with the following provisions:

- (a) Such public shooting ranges shall at all times be subject to the control of the park board and shall be in accordance with the rules and regulations adopted and promulgated by the park board.
- (b) It shall be unlawful for any person to have in his possession or to consume or be under the influence of any intoxicating beverage while on any such public shooting range.
- (c) It shall be unlawful for any person to shoot any type of weapon named in Section 31-11 on such a public shooting range, unless such range is open for the purpose of shooting and under the immediate supervision of qualified personnel present on such range.
- (d) In event any such public shooting range is leased to a private operator, such lease agreement shall contain a provision whereby the concessionaire shall agree to save and hold the city and its park board whole and harmless from any and all claims of every character whatsoever that may be made against it by reason of the maintenance and operations of such concession, and such concessionaire shall at the time of the execution of this contract, furnish a public liability or indemnity policy of insurance for the benefit of the city and its park board and concessionaire herein jointly, and the certificate of his public liability insurance, with insurance coverage, shall not be less than \$250,000 per person, \$500,000 per accident and \$50,000 property damage, and the certificate shall include the city and the park board among the insured. (Ord. 10921)

SEC. 32-11.2. HANG-GLIDERS, PARA-SAILS, PARA-KITES, PARACHUTES, AND SIMILAR DEVICES PROHIBITED; DEFENSE.

(a) A person commits an offense if, within or above any park or recreation area under the management responsibility of the park board, he operates a hang-glider, para-sail, para-kite, parachute, or similar device capable of supporting the weight of a person above ground or water level.

(b) It is a defense to prosecution under Subsection (a) that the person has obtained written permission from the park board, or a designated representative, authorizing a special event. (Ord. 18745)

SEC. 32-11.3. POSSESSION OF ALCOHOLIC BEVERAGES IN PARKS.

(a) A person commits an offense if he consumes or possesses an alcoholic beverage:

- (1) while in a public park; or
- (2) while on a public street, sidewalk, or parking area adjacent to a public park.

(b) It is a defense to prosecution under Subsection (a) that:

(1) the person was on the premises of:

- (A) Fair Park;
- (B) Old City Park;
- (C) Reunion Park;
- (D) the DeGolyer Estate, Camp Estate, or other area of the Arboretum designated by the park and recreation board for the possession and consumption of an alcoholic beverage;
- (E) Betty Marcus Park, when attending a city-approved activity at the Meyerson Concert Hall;
- (F) an area in Samuel Farm designated by the park and recreation board for the possession and consumption of an alcoholic beverage;

(G) the following park facilities, when pursuant to written permission of the director of the park and recreation department and in compliance with park facility reservation policies established by the park and recreation board:

- (i) Arlington Hall;
 - (ii) Dreyfuss Club;
 - (iii) Winfrey Point; or
 - (iv) Big Thickett;
- (H) a municipal golf course; or
- (I) a park facility or other park property or part of a park property for which:
- (i) a valid license issued by the Texas Alcoholic Beverage Commission existed; or
 - (ii) a lease or rental agreement had been granted by the city that allowed the possession and consumption of an alcoholic beverage;

(2) the person was on the waters of a lake or water reservoir under the jurisdiction of the park and recreation board where the private launching and mooring of boats was permitted;

(3) the person was on premises where a special event, activity, or program was being conducted with written permission of the park and recreation board and the director of the park and recreation department and possession and consumption of an alcoholic beverage was allowed under the terms of the permission; or

(4) the container of alcoholic beverage possessed by the person had an unbroken seal or other evidence of having never been opened.

(c) For the purpose of this section, ALCOHOLIC BEVERAGE is used as defined in the Texas Alcoholic Beverage Code. (Ord. Nos. 16881; 20336; 20699; 20963; 22850)

SEC. 32-11.4. NOISES INTERFERING WITH ENJOYMENT OF PUBLIC PARK AND RECREATION AREAS.

(a) A person commits an offense if he knowingly makes or causes to be made any loud and raucous noise in any public park and recreation area in the city.

(b) It is a defense to prosecution under Subsection (a) that the person:

- (1) is a city employee acting within the scope of his official duties; or
- (2) first obtained the written permission of the director of the park and recreation department of the city authorizing a special event.

(c) The following enumerated acts are presumed to create loud and raucous noises for purposes of this section:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, as required by state law.

(2) The use of any mechanical loudspeaker or sound amplifier for the purpose of attracting the attention of other persons by the creation of noise.

(3) The playing of any radio, television, tape machine, musical instrument, or other machine or device for the production or

reproduction of sound at such a volume that the sound produced is audible at a distance in excess of 150 feet.

(4) The operation of any automobile, motorcycle, bus, or other vehicle or mechanical device in such a manner so as to produce a sound that is audible at a distance in excess of 150 feet. (Ord. 17090)

ARTICLE II. FAIR PARK AND STATE FAIR GROUNDS.

Division 1. Generally. (Ord. 29102)

SEC. 32-11.5. FAIR PARK BOUNDARIES.

(a) For purposes of this chapter, the boundaries of Fair Park shall be as follows:

BEGINNING at the intersection of the southeast right-of-way of Parry Avenue and the T. & P. Railroad;

THENCE eastward along the south boundary of the T. & P. Railroad right-of-way to the beginning of a curve bearing to the right having a radius of 459.12 feet;

THENCE southeastward along said curve to the northwest right-of-way of Pennsylvania Avenue;

THENCE southwestward along the northwest right-of-way of Pennsylvania Avenue to its intersection with the northwesterly prolongation of the southwest right-of-way of Gaisford Street;

THENCE southeastward along the northwesterly prolongation and southwest right-of-way of Gaisford Street to the intersection with the northwest right-of-way of Fitzhugh Avenue;

THENCE southwestward along the northwest right-of-way of Fitzhugh Avenue to the northeast right-of-way of Robert B. Cullum Boulevard;

THENCE northwestward along the northeast right-of-way of Robert B. Cullum Boulevard to the intersection with the southeast right-of-way of Parry Avenue;

THENCE northeastward along the southeast right-of-way of Parry Avenue to the place of beginning.

(b) Before the Fair Park boundaries established in Subsection (a) may be expanded, a public hearing before the city council shall be held to allow the proponents and opponents of the expansion to present their views.

(c) Written notice of the public hearing required by Subsection (b) must be sent to all owners of real property lying within 500 feet of the boundaries of the proposed area of expansion. The measurement of the 500 feet includes streets and alleys. The notice must be given, not less than 10 days before the date set for the public hearing, by depositing the notice in the United States mail with postage paid and properly addressed to each property owner as evidenced by the last approved city tax roll. (Ord. 19541)

SEC. 32-12. "STATE FAIR AREA" DEFINED.

"State Fair area", as used in this article, shall mean the area in Fair Park bounded by the Texas & Pacific Railroad right of way, Pennsylvania Avenue, to Lagow, Lagow to Birmingham, Birmingham to Cross, Cross to Pennsylvania, Pennsylvania to First Avenue, First Avenue to Grand Avenue, Grand Avenue to Second Avenue, Second Avenue to Parry Avenue with the sites of the Health and Science Museum, Aquarium, State of Texas and Swimming Pool buildings excluded. It shall not include that portion of Fair Park known as the Civic Center, which is bounded by Pennsylvania Avenue, Second Avenue, Grand Avenue and First Avenue. (Code 1941, Art. 96-2; Ord. 8021)

SEC. 32-13. PURPOSE OF ARTICLE.

The purpose and intent of this article is to provide certain rules and regulations governing design, construction, equipment, use and operation of temporary buildings, establishments, concessions and exhibits within the grounds of the state fair. The provisions of this article shall include buildings and structures to be occupied and used only during the period of the state fair which, because of the character of material used, nature of fabrication and design, have a life expectancy of not more than five years. The provisions of this article shall apply only to the State Fair area as defined in this article and shall never be construed as modifying the regulations of any chapter of this code with reference to other areas within the city. (Code 1941, Art. 96-1)

SEC. 32-14. APPLICABILITY OF BUILDING CODE.

All buildings and structures erected or constructed within or moved into the state fair area shall comply with the city Building Code, except that:

(a) Buildings and structures of not more than two stories in height erected and constructed for use as temporary buildings, as defined in Section 32-13 and which are classified under the Building Code as groups F, G, I and J occupancies, shall not be required to set back from the site property lines and may be built adjoining other buildings; provided, that all exterior walls shall be of one hour fire resistive construction; and provided further, that the aggregate or total ground area of all buildings and structures constructed in any one group shall not exceed 10,000 square feet for one story buildings or structures and 5,000 square feet for two story buildings or structures, unless provided with an absolute fire separation or 15 foot clear space between such groups. In lieu of the Building Code requirements which are not applicable, a 2 1/2 gallon fire extinguisher of an approved type shall be provided for each 2,000 square feet of floor area or fraction thereof and all drapes, curtains, decorations and similar flammable material shall be sprayed or dipped in flame retardant solution as required by the fire marshal.

(b) Partitions in the interior of buildings shall be constructed of one-half inch sheet rock on both sides of wood studs or equal or better fire resistive construction and shall maintain fire extinguishers as provided in Subsection (a) of this section and flame retardant proofing shall be done as provided in Subsection (a).

(c) The requirements of the Building Code with respect to the number of toilets may be waived by the health officer of the city when the waiving of this requirement does not conflict with this Code or other ordinances of the city dealing with health. (Code 1941, Art. 96-3)

SEC. 32-15. REGULATIONS PERTAINING TO STRUCTURES USED ONE MONTH OR LESS.

The following regulations shall apply to buildings and other structures for temporary use for any period of one month or less:

(a) Tents, stands, awnings and canopies may be used individually in any size in the area known as the midway area or may be grouped together; provided, that any tent, stand or groups of tents and stands having 3,000 square feet in total ground area shall be separated from all other tents, stands, buildings and structures by not less than 15 feet of open space, clear of all combustible material and provided that flame proofing is carried out as provided in Section 32-14, except that portions of awnings, tents or other heavy canvas over 10 feet above grade need not be flameproofed unless required by the fire marshal. If any additional decoration or flammable material is used therein, this material shall be flameproofed regardless of height.

(b) In areas other than the midway area, tents, stands, awnings and canopies exceeding 1,000 square feet in total ground area shall be provided with separations as described in Subsection (a) above and shall conform to the requirements for flame proofing. (Code 1941, Art. 96-4)

SEC. 32-16. RIDES, ELEVATORS, HOISTS, ETC.

Rides, elevators, hoists or any mechanical device provided for and accessible to the public shall not begin operation until authorized by the building inspector and shall stop operation at any time the building inspector gives notice in writing that he wishes to inspect or test the same or he considers that the same may not be safe for use. The method of making tests and the determination of safety shall be left to the discretion of the building inspector. All tests shall be reasonable. (Code 1941, Art. 96-5)

SEC. 32-17. TEMPORARY WASTE LINES.

Grease traps may be omitted from temporary waste lines where these waste lines are required by the health officer and where they shall not be used for a period of more than 30 days. Requirements for separate laterals for each such temporary use shall be so interpreted that a number of these temporary uses may be jointly served by one lateral and be considered as one occupancy under the jurisdiction of the state fair and it shall be the responsibility of the state fair to keep this lateral open and free from obstruction. (Code 1941, Art. 96-6)

SEC. 32-18. ELECTRICAL WIRING.

All electrical wiring shall conform to the National Electrical Code, current edition, except as specified below:

(a) Festoon wiring shall be allowed where not accessible to the public and when not less than eight feet high when indoors and when not less than 10 feet high when outdoors; provided, that where vehicles or structures are or may come under such wiring, the wiring shall be five feet higher than the highest part of such vehicle or structure, including counters; provided further, that no combustible drapes, paper or other decoration is allowed within two feet of such festoon wiring; provided further, that there are no electrical conductors, terminals or contacts that are not properly insulated for 300 volts; and provided further, that such festoon wiring is for temporary use not to exceed 30 days.

(b) All wiring installed permanently in buildings owned by the city shall be installed in compliance with the National Electrical Code and in rigid metal conduit or in metal wireways or busways of equal strength and rigidity of each respective installation.

(c) All wiring installed in buildings owned by the city for temporary use not to exceed 30 days shall be installed in compliance with the National Electrical Code and shall be armored cable, nonmetallic sheathed cable, electrical metallic tubing, rigid metal conduit or equivalent metal wireway or busway and shall be installed with proper fittings, outlets and devices for such use.

(d) Extension or flexible cords shall not be used if in a worn or otherwise unsafe condition and when used shall be on the Type S hard service cord as listed in Table 19 of the National Electrical Code and shall not exceed 25 feet in length except that portable fixtures and devices bearing the label of approval of Underwriters' Laboratories, Inc., may be used with cords not to exceed six feet in length when cord is the cord regularly supplied with such device, and when used in places that are dry and not hazardous and when not subject to hard wear. (Code 1941, Art. 96-7)

SEC. 32-19. USE, STORAGE, ETC., OF LIQUEFIED PETROLEUM GASES.

Liquefied petroleum gases shall not be stored, retained or used within the grounds and buildings of the state fair area except that liquefied petroleum gases in interstate commerce commission bottles not to exceed a 50 pound total may be used for temporary installations not to exceed 30 days by special permission of the fire marshal when such containers are placed and located outside other structures in a special housing designed and approved for that purpose and arranged so that it will not be accessible to unauthorized persons. Gasoline, kerosene and liquefied petroleum gases shall not be used for cooking, heating or lighting purposes within the state fair area. (Code 1941, Art. 96-8)

SEC. 32-20. AUTHORITY OF BUILDING INSPECTOR AND FIRE MARSHAL.

The building inspector and the fire marshal of the city and their authorized deputies in line of duty shall have the right of entry into any building, structure, concession, exhibit, show or ride at any time upon presentation of their credentials and in consideration of the special rules and regulations contained in this article shall have the authority and right to condemn and cause to be removed any construction, use, occupancy or anything which in their opinion may constitute a hazard to the safety of life or property or such as would be a probable fire hazard. (Code 1941, Art. 96-9)

Division 2. Fair Park Parking Area and Fair Park Parking Licenses.

SEC. 32-21. DEFINITIONS.

In this division:

(1) DESIGNATED SPECIAL EVENT means an event conducted at Fair Park during which the city council has by resolution authorized the parking of motor vehicles for compensation in the Fair Park parking area in accordance with this division.

(2) DIRECTOR means the director of the department designated by the city manager to enforce and administer this division, or the director's authorized representative.

(3) FAIR PARK PARKING AREA means the area contained within the following boundaries and includes the widths of all streets and rights-of-way referenced:

BEGINNING at the intersection of the southeast right-of-way line of R. L. Thornton Freeway (Interstate Highway 30) with Peak Street;

THENCE southeastward along Peak Street to Stonewall Street;

THENCE eastward along Stonewall Street to McKenzie Street;

THENCE southeastward along McKenzie Street to Herndon Street;

THENCE southward along Herndon Street to the southwest line of the Dallas Area Rapid Transit Authority ("DART") right-of-way;

THENCE eastward along the southwest line of the DART right-of-way to Metropolitan Street;

THENCE southwestward along Metropolitan Street to the northeast line of the DART right-of-way;

THENCE northwestward along the northeast line of the DART right-of-way to Martin Luther King, Jr. Boulevard;

THENCE southwestward along Martin Luther King, Jr. Boulevard to Malcolm X Boulevard;

THENCE northwestward along Malcolm X Boulevard to Grand Avenue;

THENCE northeastward along Grand Avenue to the northeast line of the DART right-of-way;

THENCE northwestward along the northeast line of the DART right-of-way to the southeast line of R. L. Thornton Freeway;

THENCE northeastward along R. L. Thornton Freeway to the point of beginning.

(4) FAIR PARK PARKING LICENSE means written authority issued under this division that allows a person to park a motor vehicle for compensation within the Fair Park parking area during the state fair of Texas or any other designated special event.

(5) STATE FAIR OF TEXAS means the annual fall fair held at Fair Park. (Ord. Nos. 22067; 29102)

SEC 32-22. FAIR PARK PARKING LICENSE REQUIRED.

A person commits an offense if he, either for himself or as an agent or representative of another, engages in the business of parking motor vehicles for compensation within the Fair Park parking area during the state fair of Texas or any designated special event without having a valid Fair Park parking license. (Ord. Nos. 4037; 22067; 29102)

SEC. 32-23. LICENSE APPLICATION.

Every person desiring a Fair Park parking license shall file an application with the director on a form provided for that purpose. The application must include:

- (1) the trade name, address, and telephone number of the business, if any;
- (2) the name, address, and telephone number of the applicant;
- (3) whether the applicant is an owner, member, or employee of the business;
- (4) the name, address, and telephone number of the owner of the property on which motor vehicles will be parked for compensation, if the property owner is different from the applicant;
- (5) the address of the property on which motor vehicles will be parked for compensation and the extent of the area on which the business is to operate;
- (6) proof of ownership of the property on which motor vehicles will be parked for compensation, or, if the applicant is not the property owner, a current notarized statement from the owner authorizing the operation of the business on the property;
- (7) an agreement to indemnify the city and its officers and employees against all claims of damage or injury to persons or property, whether public or private, arising out of the parking of motor vehicles by the applicant, or by the applicant's agents or representatives, for compensation within the Fair Park parking area;
- (8) the signature of the applicant (if the applicant is a corporation, the signature of a duly authorized officer and, if the applicant is a partnership, the signature of one of the partners); and
- (9) any other information the director considers necessary to the enforcement and implementation of this division. (Ord. Nos. 4037; 16703; 22067; 29102)

SEC. 32-24. INVESTIGATION OF APPLICATION.

Upon the filing of a properly filled out application for a Fair Park parking license, the director shall make or cause to be made such investigation as is deemed necessary to determine the fitness of the applicant for a license. (Ord. Nos. 4037; 4124; 21037; 22067; 29102)

SEC. 32-25. ISSUANCE OF LICENSE; EXPIRATION.

- (a) Upon approving the license application and receiving payment of the license fee required by this division, the director shall issue a Fair Park parking license to the applicant.
- (b) The issuance of a license under this division permits premises to be used as a parking area only during the period of the state fair of Texas and any designated special event, although the premises are not zoned for such use under the Dallas Development Code. Within the area bounded by Fitzhugh Avenue, the T. and P. Railroad, Metropolitan Avenue, and R. B. Cullum Boulevard, parking must be limited to driveways and vacant lots.
- (c) No license may be issued under this division during an event in progress unless the director received the license application at least five business days before the day the event began.
- (d) The issuance of any license under this division does not grant or confer any vested right to the licensee or operator, but is subject to revocation or cancellation as provided in this division.
- (e) A Fair Park parking license expires May 31 of each year and may be renewed by making application in accordance with Section 32-23 . A licensee shall apply for renewal at least 30 days before the expiration of the license. (Ord. Nos. 4037; 4124; 16703; 22067; 29102)

SEC. 32-26. LICENSE FEE.

The annual fee for a Fair Park parking license is \$25. No refund of a license fee will be made. (Ord. Nos. 4037; 16703; 18411; 22067; 29102)

SEC. 32-27. LICENSE REVOCATION; APPEAL.

In addition to any other penalties, the director may revoke a Fair Park parking license if the director determines that a licensee has violated any provision of this division. A licensee may appeal the revocation of a license to the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. Nos. 4037; 16703; 18200; 22067; 29102)

SEC. 32-28. SUPERVISING ATTENDANT; DISPLAY OF LICENSE.

(a) A supervising attendant shall remain on the licensed premises at all times during which a motor vehicle is parked or remains parked on the premises for compensation.

(b) A person issued a Fair Park parking license under this division shall ensure that the laminated license is displayed in a conspicuous manner on the clothing of the supervising attendant at all times the supervising attendant is on duty at the licensed premises. (Ord. Nos. 22067; 29102)

SEC. 32-28.1. FAIR PARK PARKING AREA - MAXIMUM PARKING FEE.

A person commits an offense if, during the state fair of Texas or any designated special event, he charges a customer a fee for parking a motor vehicle within the Fair Park parking area that is more than 150 percent of the fee that is charged for parking a motor vehicle within the fair grounds. (Ord. Nos. 4037; 4124; 12701; 14684; 16703; 22067; 29102)

SEC. 32-28.2. POSTING OF PARKING FEES REQUIRED.

(a) A person who engages in the business of parking motor vehicles for compensation in the Fair Park parking area during the state fair of Texas or any designated special event shall post a sign in a conspicuous place on the premises that indicates, in letters at least five inches high, the fee charged for parking a motor vehicle on the premises.

(b) A person commits an offense if he charges a fee for parking a motor vehicle in the Fair Park parking area that is higher than the fee indicated on the sign posted on the premises. (Ord. Nos. 16710; 22067; 29102)

SEC. 32-28.3. POSTING SIGNS TO PROHIBIT PARKING ON CERTAIN PROPERTY NEAR FAIR PARK.

(a) Any person who owns or rents property that is located within the Fair Park parking area or within the following boundaries (including the widths of all streets and rights-of-way referenced) in the vicinity of Fair Park is authorized to post signs to prohibit the parking of motor vehicles on that property:

BEGINNING at the intersection of the northeast right-of-way line of Peak Street with R. L. Thornton Freeway (Interstate Highway 30);

THENCE northeastward along R. L. Thornton Freeway to Carroll Avenue;

THENCE southeastward along Carroll Avenue to Haskell Avenue;

THENCE eastward along Haskell Avenue to Fitzhugh Avenue;

THENCE southeastward along Fitzhugh Avenue to Fitzhugh Avenue/Crosstown Expressway;

THENCE southward along Fitzhugh Avenue/ Crosstown Expressway to the southwest line of the Dallas Area Rapid Transit Authority ("DART") right-of-way;

THENCE westward along the southwest line of the DART right-of-way to Herndon Street;

THENCE northward along Herndon Street to McKenzie Street;

THENCE northwestward along McKenzie Street to Haskell Avenue;

THENCE westward along Haskell Avenue to Stonewall Street;

THENCE northwestward along Stonewall Street to Peak Street;

THENCE northwestward along Peak Street to the point of beginning.

(b) Signs that are posted in accordance with Subsection (a) must be placed in a conspicuous place on the property. The words on the sign used to prohibit parking must be in letters not less than five inches high and must be visible and legible from the public street or accessway to the property.

(c) A person commits an offense if he parks a vehicle on any property located within the Fair Park parking area or the boundaries described in Subsection (a), when the property has a sign posted on it that prohibits parking as set forth in Subsection (b). It is a defense to prosecution under this subsection that the vehicle was parked with the express consent of the owner or occupant of the property, and no compensation was received for the parking of the vehicle.

(d) Any vehicle that is found unattended or unoccupied upon any property in violation of this section is a nuisance, and the fact that the vehicle is unattended or unoccupied by any person is prima facie evidence that the vehicle owner unlawfully parked the vehicle.

(e) Whenever any police officer finds a vehicle parked or standing upon property in violation of this section, the officer is authorized

to require the driver or other person in charge of the vehicle to move the vehicle from the property. Any police officer who finds a vehicle parked and unattended or unoccupied in violation of this section is authorized to remove the vehicle from the property to a vehicle storage facility designated by the police chief. (Ord. Nos. 12707; 21037; 29102)

ARTICLE III. MARSALIS PARK ZOO.

SEC. 32-29. HOURS OF OPENING AND CLOSING - ESTABLISHED; EXCEPTIONS.

The Marsalis Park Zoo shall open at 7:00 a.m. each day of the week and shall be closed each day of the week at 9:00 p.m.; excepting, however, the two below listed tracts consisting of the picnic area in Tract No. 1 and the ride concession area and animal shelter in Tract No. 2, as hereinafter described, shall not be subject to this section:

TRACT NO. 1.

Beginning at a point in the west line of South Marsalis Avenue 175 feet south of the center line of Opera Street; thence southward along the property line a distance of 100 feet; thence south 42 degrees west a distance of 480 feet to a point near the southwest corner of the picnic shelter; thence north 38 degrees west a distance of 450 feet to a point in the center of a park drive; thence north 52 degrees east a distance of 180 feet to a point in the south border line of an automobile parking area; thence southeastward following the curb border line of the auto parking area a distance of 680 feet to the place of beginning. Said tract designated herein includes all of the area usually occupied for picnic purposes.

TRACT NO. 2.

Beginning at a point in the north property line of Clarendon Avenue 50 feet east of the east line of the building occupied as an animal shelter; thence westward with the north property line of Clarendon Avenue a distance of 850 feet; thence northward a distance of 80 feet to the upper south bank of Cedar Creek; thence eastward following the meanders of the upper south bank of Cedar Creek a distance of 880 feet; thence southward a distance of 165 feet to the place of beginning. (Ord. 6230)

SEC. 32-30. SAME - NOTICE OF CLOSING HOURS.

Signs advising the public that the Marsalis Park Zoo is closed at 9:00 p.m. each day shall be place at all street entrances to the zoo prior to 9:00 p.m. each day. (Ord. 6230)

SEC. 32-31. SAME - REMAINING IN ZOO AFTER CLOSING HOURS.

No person shall enter or remain in Marsalis Park Zoo, except as provided in Section 32-29, after 9:00 p.m. of any day without authority of the park board of the city. (Ord. 6230)

ARTICLE IV. WHITE ROCK LAKE AND BACHMAN LAKE RESERVOIRS.

Division 1. Generally.

SEC. 32-32. JURISDICTION OF PARK BOARD SUBJECT TO PRIMARY RIGHT OF WATERWORKS DEPARTMENT.

The jurisdiction of the park board over the White Rock Lake property and the Bachman's Dam property shall be subject to the primary right of the city waterworks department to utilize it for waterworks purposes and the park board shall in no way interfere with the exercise of the right in the event that it becomes expedient and necessary to again devote those properties for the use of waterworks purposes. Any building on the respective sites owned and operated by the water department shall continue to be at the disposal of the waterworks department at all times. (Ord. 8018)

SEC. 32-33. AUTHORITY OF CITY POLICE ON RESERVOIR PROPERTY.

Any police officer of the city shall have authority to arrest any person on any property owned and used by the city for reservoir purposes for violation of any of the provisions of this article. (Ord. 8018)

SEC. 32-34. POWERS AND DUTIES OF SUPERINTENDENT OF WHITE ROCK LAKE GENERALLY.

The superintendent of White Rock Lake, subject to the control and direction of the park board and the director of parks, shall have full charge and control of the waters of the reservoirs and grounds of White Rock Lake, and it shall be his duty at all times to command and preserve the peace and patrol such waters and grounds or to cause the same to be done for the purpose of enforcing obedience and strict compliance upon the part of any person with the terms, provisions and conditions of this article and all other provisions of this code, laws, ordinances, rules and regulations of the city relating to the waters of White Rock Reservoir and the grounds adjacent thereto, and to make arrest upon the violation of any provision of this code or other ordinance of the city. (Ord. 8018)

SEC. 32-35. DISTURBING TREES AND SHRUBS; GATHERING PECANS.

It shall be unlawful for any person to disturb any of the shrubbery or trees and particularly the pecan trees growing upon the lands adjacent to White Rock and included within the White Rock Lake Reservoir and Bachman Lake Reservoir. It shall be unlawful for any person to thrash, throw sticks into or otherwise disturb pecan trees and it shall be unlawful for any person to gather pecans from the trees growing upon such premises; except, that persons may pick up from the ground pecans that have fallen thereon. (Ord. 8018)

SEC. 32-36. COMMERCIAL VEHICLES PROHIBITED; SPEED LIMIT OF VEHICLES.

No commercial vehicles or trucks shall be permitted to go upon or travel over the driveways and roads located on the grounds of White Rock and Bachman Lakes that are constructed and maintained as part of the facilities of the grounds in their use as a public park. No motor driven vehicle or automobile shall travel at a greater rate of speed than the speed limits posted on standard traffic signs in or upon such driveways maintained in the use of such park grounds. (Ord. 8018)

SEC. 32-37. SEINING FOR MINNOWS.

It shall be unlawful for any person to seine for minnows or use a seine for any purpose within the waters of White Rock Lake or Bachman Dam. (Ord. 8018)

SEC. 32-38. TAKING FISH FROM HATCHERY.

It shall be unlawful for any person to fish, seine, catch or take from the fish hatchery belonging to the city and located immediately below the White Rock Lake dam, any fish or minnows, excepting, however, that the city, acting through the officers and employees in charge of such fish hatchery, may take fish therefrom for the purpose of supplying any waters belonging to or under the control of the city. No fish shall be taken from such fish hatchery for the benefit or use of any private person, individual or corporation. (Ord. 8018)

SEC. 32-39. SWIMMING.

It shall be unlawful for any person to swim or bathe in the waters of White Rock and Bachman Lakes. (Ord. 8018)

Division 2. Operation of Boats.

SEC. 32-40. EQUIPMENT PROHIBITED ON THE WATER.

- (a) A person commits an offense if he takes a surfboard, a sailboard, water skis, or other similar device on the waters of White Rock Lake or Bachman Lake.
- (b) A person commits an offense if he operates a boat by means of a motor having a commercial-power rating in excess of 10.5 H.P. on the waters of White Rock Lake or Bachman Lake.
- (c) It is a defense to prosecution under Subsection (a) or (b) that the person was participating in a special recreational event authorized in writing by the park and recreation board.
- (d) It is a defense to prosecution under Subsection (b) that the person was a city employee operating a motor boat in the scope of his employment. (Ord. Nos. 8018; 15195)

SEC. 32-41. SANITARY REQUIREMENTS GENERALLY.

All persons using and operating a boat in the waters of the reservoirs shall do so in such a manner as to not create an unsanitary condition in or about such waters, and not to pollute such water or make them unwholesome or unfit for use. It shall be unlawful for any person to swim or wash any article of any character in the waters of the city reservoirs known as White Rock Lake and Bachman Lake, or throw or place or deposit any trash, urine, excrement or filth of any kind in waters of such reservoirs, or to deposit or throw any substance of any kind in such waters which will pollute or is likely to pollute the waters of such reservoirs, and all such persons shall obey all sanitary regulations and provisions contained in this code regulating the use of such waters and ground. (Ord. 8018)

SEC. 32-42. PROHIBITION OF BOATS TO SUPPRESS EPIDEMIC.

The city council shall at all times have full power and authority to prohibit the use and operation of any and all boats in the waters of the reservoirs should it become necessary, in the opinion of the city council, to do so for the purpose of suppressing and arresting any epidemic or any contagious or infectious disease or whenever, in the opinion of the city council, the use and operation of boats in such waters should be discontinued for any reason whatever. Subject to such control and supervision, the reservoirs shall be controlled and maintained for recreational purposes by the park board. (Ord. 8018)

SEC. 32-43. USE OF BOAT UNDER INFLUENCE OF INTOXICANTS; FORFEITURE OF LICENSE FOR VIOLATION OF SECTION.

It shall be unlawful for any person to go upon the waters of White Rock Lake and Bachman Lake or to ride in or on or operate a boat upon such waters while under the influence of liquor or intoxicating beverages of any character. Upon the conviction of any person for operating a boat upon such waters while intoxicated, such person shall forfeit his license to operate such boat and such person shall not again receive such license except upon an order of the park board. (Ord. 8018)

SEC. 32-44. SPECIAL RECREATIONAL EVENTS.

On certain occasions and for the purpose of recreational and sports events at White Rock Lake or Bachman Lake, the park and recreation board may authorize the use of water equipment and motorboats that are otherwise prohibited by Section 32-40. This special use shall be under the supervision of the director of the park and recreation department. (Ord. Nos. 8018; 15195)

SEC. 32-45. MANNER OF OPERATION GENERALLY.

Every person using or operating a boat of any character or description upon the waters of the reservoirs shall use and operate the same in careful and prudent manner, so as not to collide or come in contact with any other boat being used or operated in such waters, and so as to avoid accident and injury to any person or damage to property. Failure to use and operate any boat in such waters in a careful and prudent manner and so as to avoid accident and injury to persons or damage to property is an offense. (Ord. Nos. 8018; 19963)

SEC. 32-46. PASSENGER CAPACITY.

The passenger capacity of each boat used and operated in the waters of the reservoirs shall be fixed by the superintendent of White Rock and indicated by the number impressed upon the license plate by such superintendent, and no person using or operating a boat in such waters shall carry more passengers in any boat than the maximum number fixed for such boat by the superintendent of White Rock. (Ord. 8018)

SEC. 32-47. LIFE PRESERVERS; LIGHTS; MUFFLERS; SPEED.

Every boat of every kind, character and description used and operated in the waters of the reservoirs shall, at all times, carry approved life preservers for each passenger thereof. It shall be the duty of every owner and operator of every boat of every kind and character for hire on such lake to provide a life preserver for every person and passenger using and operating such boat.

All motorboats or boats propelled by motors in the waters of White Rock must be equipped with lights according to United States government regulations. All rowboats, sailboats or other watercraft must have a light on some part thereof. The lights on such boats must be operated after sunset so that the same are visible for a distance of one-half mile.

Boating is prohibited from sundown to sunup on Bachman Lake. All motorboats must be equipped with mufflers on the exhausts.

The park board shall have authorization to establish safety zones and speed limits by the placing of buoys wherever deemed advisable for the safety of all water participants and it shall hereafter be unlawful for a speed boat or motorboat to go or travel within the designated areas plainly marked by buoys or shore lines and at a speed greater than five miles per hour. Motorboats or speed boats in coming to the docks or landing places must slow down to five miles per hour. (Ord. 8018)

SEC. 32-48. SEAWORTHINESS GENERALLY; IMPOUNDING LOOSE BOATS.

It shall be unlawful for any person to place, keep and use any watercraft of any description on the waters of the reservoirs if such craft is not seaworthy. If any such craft is, in the opinion of the officer enforcing the terms of this article, unseaworthy, he may bar the use of such unseaworthy craft until the same is reconditioned.

All boats, of every kind and description, that are not anchored or are loose shall be impounded in accordance with the provisions of this article. The owner or owners of such boat in retrieving same from the possession of the impounding officer shall pay a fee of \$3 therefor. If such boat is not redeemed or retrieved within two weeks after such impounding, it shall be sold under the provisions of this article. (Ord. 8018)

SEC. 32-49. SIRENS.

It shall be unlawful for any person or persons to equip a motorboat with a siren and to use such siren on the waters of White Rock Lake. (Ord. 8018)

SEC. 32-50. CATCHING FISH FOR SALE.

No person shall use or operate a boat of any kind or description in the waters of the reservoirs for the purpose of catching and taking fish or game for market or sale. This shall not apply to persons authorized by contract by the park board to remove rough fish under the supervision of the superintendent of White Rock Lake when such persons are licensed by the state fish and game commission to remove rough fish. (Ord. 8018)

SEC. 32-51. DESIGNATION OF AREA FOR ANCHORING SAILBOATS.

All sailboats on White Rock Lake, in the city, shall be anchored only at the following location, or part thereof, on the shore of White Rock Lake:

Beginning at the Garland Highway and following the meanderings of the lake for a distance of 3.5 miles to the south point. The south point as designated herein is .7 mile from the north point; and the north point, as designated and referred to herein, is 1.2 miles from the highway. The area herein referred to between the south and north points is commonly referred to and known as Big Thicket Bay.

It shall hereafter be unlawful for a sailboat to be anchored on White Rock Lake, or any part of the lake, other than the designated area referred to as Big Thicket Bay as more fully designated in this section. (Ord. 8018)

SEC. 32-52. INSPECTION AND APPROVAL PREREQUISITE TO ISSUANCE OF LICENSES.

It shall be the duty of the superintendent of White Rock or his authorized assistant to inspect all boats and watercraft of every kind and description before the same are permitted to be placed upon or in the waters of the reservoirs, and to approve or disapprove the construction, mechanism and state of repair of each boat before the same is placed in such waters, and if for any reason such officer should be of the opinion that any boat is unsafe and unworthy or dangerous to life, he shall so state in writing to the owner or person in charge of same; but if he should be of the opinion that such boat is safe and worthy to be placed in such waters, he shall also so state in writing to the owner or person in charge thereof, and every person applying for a license to use and operate a boat in such waters shall first present a written statement by the superintendent of White Rock approving the boat such person proposes to use and operate in such waters; provided, however, that in any case where such officer disapproves any boat he shall fully state in writing his disapproval, giving his reasons in full therefor, and the owner or person in charge of such boat shall have the right to submit such matter to the park board, whose decision shall in all cases be final. (Ord. 8018)

SEC. 32-53. IMPOUNDMENT FOR LACK OF LICENSE; REDEMPTION.

It shall be the duty of the superintendent of White Rock to impound all boats on White Rock and Bachman that are on such lakes without the metal plates provided for in this article displayed in the manner provided for in this article. The superintendent of White

Rock and those acting under his directions shall hold every boat impounded in accordance with this article for two weeks after the same is impounded. The owner of such boat at any time during such two weeks may redeem the same by the payment of a fee of \$3 to the superintendent of White Rock; provided, that the owner shall secure and affix to such boat before removing same from the possession of the superintendent of White Rock the metal plate for the current license fee as provided for this article. (Ord. 8018)

SEC. 32-54. DISPOSITION OF IMPOUNDED BOATS FOR NORMAL SALES TO REDEEM.

If the owner shall not redeem a boat impounded in accordance with this article within two weeks from the date of its being impounded, the superintendent of White Rock shall cause the impounded boat to be sold at public auction at White Rock Reservoir, at the White Rock Service Center. Such sale shall follow a notice thereof made in the manner now required for notices of sales of personal property to be sold under execution, and the sale shall be conducted in the same manner and after the required notice as sales of personal property are conducted when sold under execution and in the manner required by state statutes. The superintendent of White Rock, in the event that no one bids upon the boat a sufficient amount to cover the cost of sale, together with all other accrued charges against such boat, shall, for and on behalf of the city, bid in such boat for such amount as will cover the cost of sale and the other sums due the city upon same. A bill of sale, in all cases, shall be executed by the city to the purchaser. In the event that the city purchases the boat the same shall be sold in the same manner as other personal property belonging to the city for a sufficient amount to pay all sums expended by the city on such boat. Any sale of such a boat by the city, after purchase by the city, shall be subject to the approval of the park board and to the execution of a bill of sale by the proper authorities.

If the owner of an impounded boat shall desire to redeem the same after the expiration of two weeks as set out above, but before the final sale is made, he may do so by payment of the impounding fee of \$3, the securing of a license for the then current year, and the payment of all costs of sale incurred up to that time and by affixing to the boat the metal plate required by the terms of this article. The city shall not be liable for any damages in connection with the sale of any boat over and beyond such surplus as may be left on hand from the sale of same after the application of the proceeds of the sale in the manner provided in this section. (Ord. 8018)

ARTICLE V. ELM FORK.

SEC. 32-55. POLLUTING WATERS.

It shall be unlawful for any person to pollute any of the waters of Elm Fork impounded by reason of the dams maintained by the city, viz., Carrollton, California, Elm Fork and Grape Vine Dams. It shall be unlawful for any person to use in any manner such water or create a condition that may likely pollute the waters or so as to cause the waters to become unwholesome for domestic use by the inhabitants of the city or so as to affect the health or life of the inhabitants of the city. (Code 1941, Art. 157-1)

SEC. 32-56. CREATING FILTH.

It shall be unlawful to cause in any manner any filth to be created in or about the waters of Elm Fork, or to do any act in or about the waters or along the banks of the waters or on the watersheds of the waters that is likely to pollute the waters or render them unwholesome for domestic use or that is likely to affect the water so as to endanger the lives and health of the inhabitants of the city. (Code 1941, Art. 157-2)

SEC. 32-57. ACTIVITIES PROHIBITED BY TWO PRECEDING SECTIONS DEEMED NUISANCES.

Any of the acts or practices set out in the two preceding sections shall be deemed to be nuisances as affecting the health and lives of the inhabitants of the city. (Code 1941, Art. 157-3)

SEC. 32-58. AUTHORITY OF DIRECTOR OF PUBLIC HEALTH AND CHIEF OF POLICE.

The director of public health and the chief of police are hereby authorized to exercise full police authority over the waters of Elm Fork and to enforce the terms and provisions of this article. (Code 1941, Art. 157-4)

SEC. 32-59. POWER AND AUTHORITY OF CITY; GUARDS.

The full power and authority of the city is hereby extended over the territory and waters of Elm Fork for the purposes contemplated

by this article. The city, through its department of public health and the police department and in behalf of the preservation of the public health, may order portions of the waters not to be trespassed upon by any person. It shall be deemed a trespass on the part of any person to swim, bathe or otherwise use the waters contrary to the terms of this article. The city may place guards for the purpose of guarding the waters against pollution and for the purpose of carrying out the terms of this article. (Code 1941, Art. 157-8)

SEC. 32-60. PENALTY; CIVIL ACTIONS.

Any person violating any of the terms of this article is guilty of an offense. Such penalty may be enforced in any court having jurisdiction thereof against any violation of this article and may also be enforced in the municipal court. In addition to such penalty, the right shall exist, in behalf of the public health of the city, for the director of public health or the chief of police or any person whose health may be affected thereby to bring any cause of action in any competent court by way of injunction or otherwise against any person violating any of the terms of this article. (Code 1941, Art. 157-7; Ord. 19963)

ARTICLE VI. LAKE RAY HUBBARD.

SEC. 32-61. TEMPORARY SCOPE.

The temporary use of the land area adjacent to Lake Ray Hubbard for recreational purposes is supplemental to the purpose of the lake as a water supply reservoir. Nothing in this article is intended to bring the area within the scope of Chapter 26 of the Texas Parks and Wildlife Code; provided, that Elgin B. Robertson Park, an area of 257 acres located in Dallas and Rockwall Counties on a peninsula between the East Fork and Muddy Creek arms of Lake Ray Hubbard, was purchased for park and recreational purposes and forms a part of the City of Dallas Park System. (Ord. Nos. 15071; 21176)

SEC. 32-62. DEFINITIONS.

In this article:

- (1) CITY means the city of Dallas, Texas.
- (2) DIRECTOR means the director of the department of water utilities of the city of Dallas or an authorized representative.
- (3) LAKE means the waters of Lake Ray Hubbard as illustrated in Exhibit A.
- (4) LAKE SHORE means the land owned by the city surrounding the lake, as illustrated in Exhibit A and located within the city.
- (5) MOTOR VEHICLE means any vehicle that is self-propelled.
- (6) PERSON means any individual assumed name entity, partnership, joint-venture, association, or corporation. (Ord. Nos. 15071; 21176)

SEC. 32-63. CONSTRUCTION PROHIBITED.

No person shall build, use, or maintain any structure upon or alter the lake shore without first obtaining express written authority from the director. (Ord. Nos. 15071; 21176)

SEC. 32-64. SOLICITATION PROHIBITED.

No person shall engage in or solicit any business on the lake or lake shore without first obtaining express written authority from the director. (Ord. Nos. 15071; 21176)

SEC. 32-65. RESTRICTED AREAS.

(a) No person shall enter or use any of the following described land or facilities located at the lake or lake shore without first obtaining express written authority from the director:

- (1) land below contour elevation 435.5 mean sea level as established by the United States Geological Survey;
- (2) land within 2,500 feet of the Forney pump station facility;
- (3) intake works, spillway, or service roads on Forney Dam, bridge structures, or access channels to boat docks owned and operated by the city;
- (4) maintenance shop, equipment buildings, or equipment quarters operated by the department of water utilities;
- (5) Forney pump station facility and intake works;

- (6) the lake within 1,000 feet of the overflow section of the spillway, extending in an arc to 1,000 feet from the end of each non-overflow section;
 - (7) the lake within 1,000 feet of the Forney pump station intake works;
 - (8) the lake within 1,000 feet of any other public water supply intake;
 - (9) the stilling basin south of the Forney Dam spillway;
 - (10) all land within 300 feet on either side of the centerline of the river channel between the Forney Dam stilling basin and U.S. 80; or
 - (11) any other restricted area designated by signs or floating buoys marked "Restricted Area - Keep Out".
- (b) This section shall not apply to a city employee in the performance of an official duty. (Ord. Nos. 15071; 18823; 21176)

SEC. 32-66. TRESPASSING PROHIBITED IN CERTAIN AREAS.

No person shall trespass on, fish from, or anchor a boat to the land surrounding Forney Dam or the Dallas Power and Light Company embankment. (Ord. Nos. 15071; 21176)

SEC. 32-67. DESTRUCTION OF CITY PROPERTY.

No person other than a city employee in the performance of an official duty shall destroy, damage, deface, or remove shrubbery, trees, or other vegetation, rock, minerals, or any other personal or real property of the city located at the lake or lake shore. (Ord. Nos. 15071; 21176)

SEC. 32-68. USE OF FIREARMS AND OTHER DISCHARGE DEVICES PROHIBITED.

No person shall carry, possess, or discharge any firearm, rifle, shotgun, automatic rifle, revolver, pistol, or other weapon designed for the purpose of firing or discharging a shell or cartridge, or any explosive as defined in Chapter 16 of this code or launch an arrow or like projectile from a cross bow, long bow, blow gun or like launching device upon the lake or lake shore. This section does not apply to a law enforcement peace officer when acting in the performance of an official duty. (Ord. Nos. 15071; 21176)

SEC. 32-69. DISCARDING OF WASTE PROHIBITED.

No person shall discard any type of wastewater, trash, brush, or garbage, as defined in this code, at the lake or lake shore, other than in garbage containers supplied by a municipality. (Ord. Nos. 15071; 21176)

SEC. 32-70. GASOLINE OR OIL STORAGE.

No person shall store at the lake or lake shore any gasoline, oil, or other inflammable or combustible liquid, as defined in the code, without first obtaining written authority from the director. No person shall discard at the lake or lake shore any gasoline, oil, or other petroleum products. (Ord. Nos. 15071; 21176)

SEC. 32-71. ADVERTISEMENTS.

No person shall post or display any private notice or advertisement at the lake or lake shore without express written authority of the director. (Ord. Nos. 15071; 21176)

SEC. 32-72. PROHIBITED USES.

- (a) No person shall anchor or operate a boat as a primary residence at the lake.
- (b) No person shall use the lake or lake shore as a landing area for aircraft. (Ord. Nos. 15071; 21176)

SEC. 32-73. DIVERSION OF WATER PROHIBITED.

No person shall divert water from the lake without prior written authority from the director and then only in compliance with the terms of such authority. (Ord. Nos. 15071; 21176)

SEC. 32-74. ABANDONMENT OF PERSONAL PROPERTY.

(a) No person shall abandon or leave unattended personal property at the lake or lake shore. The city assumes no responsibility for any personal property at the lake or lake shore.

(b) If property is abandoned or unattended in places other than authorized in writing by the director, or under an existing regulation, for a period in excess of 48 hours, the property may be impounded by the city. If personal property is not reclaimed and an impoundment charge, if any, is not paid within 90 days, the personal property may be sold, destroyed, converted to city use, or otherwise disposed of by the city. (Ord. Nos. 15071; 21176)

SEC. 32-75. FISHING PROHIBITED IN CERTAIN AREAS.

No person shall fish in the following water areas located at the lake:

- (1) from any highway bridge structure or approach; or
- (2) in any restricted area marked "Restricted Area - Keep Out" or any other area appropriately designated with a sign as a "No Fishing Area". (Ord. Nos. 15071; 21176)

SEC. 32-76. COMMERCIAL FISHING PROHIBITED.

No person shall engage in the business of catching or taking fish or game from the lake for the purpose of sale. This section shall not apply to any person authorized by contract with the city to catch or take fish under the supervision of the director when the person is licensed by the Texas Park and Wild Life Department to remove fish. (Ord. Nos. 15071; 21176)

SEC. 32-77. HUNTING PROHIBITED.

Except for the following, no person shall intentionally hunt, capture, kill, maim, wound, or poison any bird, mammal, or reptile at the lake or lake shore:

- (1) city employees acting in their employment and carrying out the policy of the city;
- (2) independent contractors and their employees under contract with the city, state, or federal government to perform such acts; and
- (3) state or federal employees acting in their employment and carrying out the policy of state or federal government. (Ord. Nos. 15071; 21176)

SEC. 32-78. CAMPING PROHIBITED IN CERTAIN AREAS.

- (a) No person shall camp at the lake or lake shore except in areas appropriately designated by signs or markings.
- (b) No person shall camp at the lake or lake shore for a period in excess of seven consecutive days without first obtaining express written authority from the director.
- (c) No person shall park a house trailer or recreational vehicle at the lake or lake shore in any area not designated by the signs or markings as public camp grounds. No person shall leave or park a house trailer or recreational vehicle for any period in excess of two consecutive days without first obtaining express written authority from the director. (Ord. Nos. 15071; 21176)

SEC. 32-79. PICNICKING IN DESIGNATED AREAS.

No person shall picnic at the lake or lake shore in an area where picnicking is prohibited by appropriately designated signs or markings. (Ord. Nos. 15071; 21176)

SEC. 32-80. RECREATIONAL PROGRAMS.

(a) No person shall conduct any special event or recreation program such as but not limited to a water carnival, fishing rodeo, boat regatta, speed race, festival, trade show, or outdoor presentation at the lake or lake shore without a permit or written authorization from the director.

(b) No person shall conduct any special event or recreation program at the lake or lake shore in violation of any term or condition specified in the permit or written authorization. (Ord. Nos. 15071; 21176)

SEC. 32-81. VEHICLE CONTROL.

- (a) No person shall operate a motor vehicle at the lake shore other than on a roadway, parking area, or trail established for public motor vehicle use. This section shall not apply to a city employee operating a vehicle in the performance of an official duty.
- (b) No person shall operate a motor vehicle at the lake shore in excess of the posted speed limits. (Ord. Nos. 15071; 21176)

SEC. 32-82. LOCAL ADDITIONS TO THE TEXAS WATER SAFETY ACT.

- (a) No person shall moor or attach any boat to, or move, remove, displace, tamper with, damage, or destroy, any buoy, beacon, light marker, stake, flag, or other aid to safe operation placed upon the public waters of the state by, or by others under the authority of, the United States or State of Texas. No person shall moor or attach any vessel to a public boat launching ramp except in connection with the launching or retrieving of a boat from the water.
- (b) The operator of a vessel shall not permit the vessel to come within 750 feet of the intake structure or within any restricted area marked by floating markers and signs, except when specifically authorized by the director.
- (c) A "Slow-No Wake" zone is established within 300 feet of the dam, all jetties and the entire shoreline of the lake, and any other area that may be designated by authorized or appropriate buoys, markers, or posted signs. No person shall cause a wake within a "Slow-No Wake" zone.
- (d) No person shall moor or operate any vessel for more than seven days without mooring in an authorized facility, unless the person has written authorization from the director. (Ord. Nos. 15071; 20161; 21176)

SEC. 32-83. AUTHORITY TO ENFORCE.

Authority to enforce this article is delegated to the department of water utilities acting by and through the director and the police department. (Ord. Nos. 15071; 19312; 21176)

