

**CITY OF MEADOWLAKES
ORDINANCE 2011-04
3/8/2011**

AN ORDINANCE OF THE CITY OF MEADOWLAKES, TEXAS, TO AMEND THE CODE OF ORDINANCES (the code) ADOPTED APRIL 13, 2010, PROVIDING FOR ADDITION OF THE PROPERTY OWNER'S ASSOCIATION'S (POA) PARK/PLAYGROUND HOURS AND CODE CORRECTION AND UPDATE WITHIN BUILDING REGULATIONS CHAPTER 150.

WHEREAS, the current code of ordinances does not reference the POA's park/playground hours, rules and regulations and violations relating to after hour usage have been reported; and,

WHEREAS, the ability for the Ordinance Officer and Burnet County Sheriff Deputies to discharge their duties in enforcement requires an update of language to include the POA park hours, rules and regulation as posted at the park and playground;

WHEREAS, the City Council finds that the regulation of parks within the City, including private parks, protects the public health, safety, and welfare; and,

WHEREAS, an update of language is required within §150.15 of the Code to enforce the Code's original intent of fence and structure height limits.

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

Section 1. Findings. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Amendment. The City of Meadowlakes Code of Ordinances is hereby amended by amending Chapter 150 and 130 of the Meadowlakes code as outlined and instructed in attached Exhibit "A".

Section 3. Penalty. Any person, firm or corporation violating any provision of this ordinance shall be fined not less than One Dollar (\$1.00) nor more than Five Hundred Dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Proof of a culpable mental state shall not be required to establish a violation of this ordinance.

Section 4. Effective Date. This ordinance shall take effect immediately from and after its passage.

Section 5. Open Meetings. It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED this the 8th day of March, 2011.

ATTEST

SIGNED:

/s/ Linda A. Wendling
Linda Wendling (City Secretary)

/s/ Don Williams
Don Williams (Mayor)

EXHIBIT "A"

(1.) Amend Chapter 150, §150.15 by adding the word "LANDSCAPING" to the section description as outlined in bold, italics, underlined writing below:

§ 150.15 DWELLINGS; FENCES; DECKS; TREE HOUSES; PLAYSETS; LANDSCAPING.

(2.) Amend Chapter 150, §150.15 (A) (1) and (B) (1) by deleting any language that is struck through and underlined and adding the bold, italics, underlined writing as referenced below with all other language remaining unchanged:

(A) (1) A person commits an offense if such person initiates, without an approved permit, any project as defined herein as a project that requires a pre-approved permit. Any person desiring to construct, reconstruct, enlarge, convert or alter a dwelling or other permitted improvement, including but not limited to the addition of fences, swimming pools, spas, hot tubs, arbors, RCP's (residential children's playsets), decks (defined as wooden platforms), **any landscaping utilizing man-made materials and that exceeds six (6) feet in height (or four (4) feet in height if lot is located adjacent to the golf course)** or porches in the city shall first submit to the Chairperson of the City Building Committee three sets of plans (one of which, if stamped, is required to be a "red-stamped" original) for the work. The format, quality and completeness of the plan drawings and specification sheets must be acceptable to the Building Committee. All plans will require the signature of the Building Committee Chairman and three or more members of the Building Committee for approval. The signature of the builder is also required on the plans. The applicant shall, within 30 days of approval of the plans, secure from the city a building permit. Failure to secure same within this period shall void the Building Committee approval. A building permit will automatically be terminated six months from the date of issue if construction has not been started. The Building Committee will meet as required to review and approve building plans, approve applications for building permits and will perform a final inspection prior to issuing a certificate of occupancy. The entire project must be completed with a certificate of occupancy issued no later than one year from the issuance of the original building permit. The Building Committee is authorized and empowered to require as many inspections as it deems proper and may also set the inspection schedules.

(2) The Building Committee (or designee) is granted both the authority and responsibility to halt construction activity at a site for occurrences where construction is not being performed per adopted building code(s) and/or construction is not being performed consistent with the construction plans (including updates) previously approved by the Building Committee, or in violation of an ordinance. Execution of the halt directive (in the form of posting a "red tag" at the site) shall be done as soon as practical after the non-conformance is observed. A person commits an offense if such person fails to immediately stop all construction activities after posting of a "red tag" at the site.

(B) (1) It shall be an offense for a person to install a fence, wall, lattice, deck **or landscaping utilizing man-made material, if it exceeds six (6) feet in height,** or plant a shrubbery hedge on any lot nearer to the street or streets adjoining such lot than is permitted for placement of the main residence on such lot except for screening of utility outcroppings permitted in § 150.22. It shall be an offense for a person to construct a fence, **wall, lattice, deck, or landscaping utilizing man-made material** or allow a hedge to exceed six feet in height, except if such ~~fence or hedge~~ **fence, wall, lattice, deck, or landscaping utilizing man-made material** borders the golf course, it shall be unlawful

for same to exceed four feet in height, extending at the four foot height along the side lot line to the rear twenty-five feet setback line.

(3) Add a new section to Chapter 130 by adding section 130.16 with the section description as listed below including the new section language as listed in italics, bold underline:

§130.16 Park Regulations

(A) The following is a current listing of parks within the City. Notwithstanding this list, all parks and playgrounds within the City, public or privately owned, are subject to the regulations set forth in this section, regardless of whether they are listed below:

(1) Lakeside Park, which is the park located on Meadowlakes Drive.

(2) The playground located on Mahan.

(B) The Lakeside Park does not have a lifeguard on duty; therefore, boating and swimming is at one's own risk.

(C) Littering/Damage:

It shall be unlawful for any person to litter in the parks/playground. Garbage and waste may be disposed of only in available trash receptacles. In areas where there are no trash receptacles, all users of the park/playground, shall collect and remove their garbage and waste from the park land or playground for lawful disposal. It shall be unlawful for any person to knowingly or intentionally damage any of the facilities in the park/playground.

(D) Park Hours:

Except for boat launch and retrieval, there shall be no person, vehicle, equipment or activity within any park within the city limits between the hours of 30 minutes after sunset until 30 minutes before sunrise. There shall be no overnight camping within the park or playground within the city limits.

(E) Usage:

(1) All city and POA posted signs are for patronage safety. Any person within the park/playground shall abide by all posted caution signs, rules and regulations.

(2) There shall be no erection of tents by campers or for campers upon any park/playground property within the city limits.

(3) There shall be no overnight parking of any portable building, any camping unit of any type, or any motor vehicle, including but not limited to trailers, boats, RV's and similar equipment and vehicles within any park/playground area within the city limits.

(4) It shall be unlawful for any person exercising ownership, care, custody, or control of any animal to allow such animal to run at large upon any park/playground. (Reference Chapter 90)

(5) It shall be unlawful for any person to possess glass beverage containers in any park/playground. To the extent possible, aluminum containers shall be used and such containers shall be recycled.

(6) It shall be unlawful for any person or persons to consume alcoholic beverages of any kind in any park/playground.

(7) It shall be unlawful for any person or persons to possess firearms and/or fireworks of any kind in any park/playground. (Reference §130.12 and §130.13). It shall also be unlawful for any person or persons to build an open fire within the park/playground (Reference §130.11)

(8) It shall be unlawful for any person or persons to use abusive or offensive language and/or to produce excessive and unreasonably loud noise and/or music. (Reference §130.06)

(9) It shall be unlawful for any person, persons or business to conduct advertising or selling of any concession, product and/or service within a park/playground.

(F) Reservations:

Nothing herein shall prohibit the holding of picnics, barbecues, family reunions or using the park pavilion in any lawful manner.

(G) The only exception to the provisions of this section shall be with the pre-approved, written consent of the entity that owns or controls the park or playground.

(H) The penalty set forth in § 10.99 applies to any person(s) found in violation of this section.

(4) Re-index code language where necessary.