

ORDINANCE NO. 2016

**AN ORDINANCE AMENDING CHAPTER 58 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES, ARTICLE III PARK AND RECREATIONAL AREAS, SECTION 58-152 TO ESTABLISH VOIGT POOL MANDATORY RULES AND PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Hollywood Park, a general law Type A city, and its City Council have the intent to protect the public health, safety, and welfare of its citizens; and

**WHEREAS**, municipalities may, under their police powers, enact reasonable regulations to promote the health, safety and welfare of citizens; and

**WHEREAS**, Texas Local Government Code Section 51.001(1) provides that the governing body of a municipality may adopt, publish, amend, or repeal an ordinance, rule or policy regulation that is for the good government, peace, or order of the municipality; and

**WHEREAS**, Texas Local Government Code Section 51.012 provides that the municipality may adopt an ordinance, act, law, or regulation, not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality as a body politic; and

**WHEREAS**, the City Council for the Town of Hollywood Park finds that imposing mandatory rules at the Voigt Pool are necessary to ensure the health, safety and welfare of the public; and

**WHEREAS**, the City Council for the Town of Hollywood Park finds that imposing mandatory rules at the Voigt Pool will promote good government, peace, and order in the Town of Hollywood Park; and

**WHEREAS**, the City Council for the Town of Hollywood Park finds that imposing rules and at the Voigt Pool are necessary to ensure good order of the Town and will enhance all occupants' use and enjoyment of the Voigt Pool.

I.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS** that Chapter 58, Article III Park and Recreational Areas, Section 58-152 of the Code of Ordinances is hereby amended by adding Section 58-152 as follows:

Chapter 58 – Streets, Sidewalks, and Other Public Places  
Article III. – Park and Recreational Areas

Section 58-152 – Voigt Pool: Mandatory Rules; Penalty

- (a) All patrons, guests, and occupants of the Voigt Pool shall:
- (1) Provide their first name, last name, and home address to City designated personnel when entering the Voigt Pool area which shall be entered into a daily log;
  - (2) Wear, on their wrist, an active City issued pool wristband upon entering the Voigt Pool area and shall keep the wristband on their wrist at all times they are present in the swimming area, except that:
    - a. Small children may place the band on their ankle instead of their wrist; or

- b. If a patron, guest, or occupant has a physical disability which prevents the wearing of wrist band on their wrist, such person must obtain written permission from the Public Works Director to utilize the swimming area without such wrist band prior to entering the swimming pool area; or
  - c. If a person is a City employee or authorized representative of the City and is performing their assigned duties or responsibilities at the pool, such person need not wear a wrist band,
- (3) Not smoke or vape in the swimming pool area.
  - (4) Obey any water safety instruction given by a lifeguard supervising the swimming pool area;
  - (5) Not possess or consume any alcoholic beverage in the swimming pool area; and
  - (6) Not possess or consume any food or drink while present in the water of the swimming pool.
- (b) "Swimming Pool Area" shall be defined as any area within the fenced-in area of the Voigt Pool.
  - (c) Any person who violates any provision of this section shall, upon conviction, be punished according to the general penalties listed in section 1-15. The City may also seek enforcement through any administrative or civil means permitted by law.
  - (d) The code compliance officer or code enforcement office of the City shall be the abatement officer or purposes of enforcing these pool rules. The City's Public Works Director shall be the appellate officer.
  - (e) The City's Public Works Director is authorized to adopt such supplemental pool rules, in writing, as are deemed appropriate and necessary for the safe, fair, and orderly operation of the Voigt Pool. Such supplemental rules must be posted on the City's website prior to being effective.

## **II. CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of the Town of Hollywood Park except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

## **III. SEVERABILITY**

It is hereby declared to be the intent of the City Council of the Town of Hollywood Park that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the Town Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

## **IV. PROPER NOTICE AND MEETING**

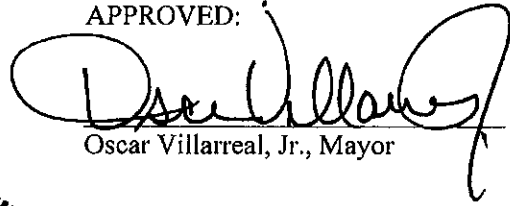
It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government

## **V. EFFECTIVE DATE**

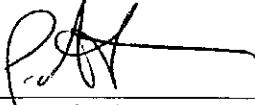
This ordinance shall be effective upon passage and publication as required by state and local law.

**Passed** by the City Council of the Town of Hollywood Park this the 16<sup>th</sup> day of November, 2021.

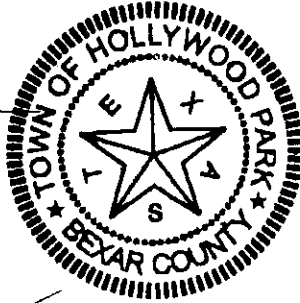
APPROVED:

  
Oscar Villarreal, Jr., Mayor

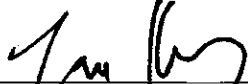
Attest:



Patrick Aten, City Secretary



Approved as to Form:



Ryan Henry, City Attorney