

**STATE OF TEXAS  
KENDALL COUNTY**

**KENDALL COUNTY ORDER NO. 06-25-2012**

**AN ORDER ADOPTING RULES AND REGULATIONS CONCERNING  
THE USE OF COUNTY OWNED PROPERTY AND FACILITIES AT  
JOSHUA SPRINGS PARK AND PRESERVE**

**WHEREAS**, the Commissioners Court of Kendall County desires to make available to the public for allowable purposes County owned land and facilities at Joshua Springs Park and Preserve, including the Ring Mountain Center, large pavilion, small pavilions, picnic tables and other areas at the park; and

**WHEREAS**, the Commissioners Court recognizes that all County owned property is public property, and as such, the citizens have certain rights to use such property provided that the use is lawful, does not constitute a nuisance, does not interfere with the use and enjoyment of the property by others or with the conduct of County business; and

**WHEREAS**, rules and regulations are necessary to insure personal safety, public safety, and protection of County owned property and to protect and preserve natural resources; and

**WHEREAS**, in order to recoup expenses, it is necessary that fees and charges be imposed for use of County owned land and facilities when the use is not related to the conduct of county business.

**NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF  
KENDALL COUNTY, TEXAS:**

**Section I. Rules and Regulations. The following rules and regulations are adopted by the Commissioners Court concerning Joshua Springs Park and Preserve (hereinafter "the park"):**

1. The park is open during the posted hours for public use. Special events may be conducted in specific areas of the park, in which event; the public may be excluded from the affected area. Adults are responsible for the conduct of any minor in their charge. Park visitors are expected to conduct themselves in such a manner as to be lawful and not distract or interfere with the use and enjoyment of the park by others. Visitors shall be suitably dressed. No lewd, obscene, obnoxious, loud, or disruptive conduct will be permitted. Visitors to the park shall remain in designated areas. Persons found in prohibited areas of the park will be removed from the park. Any person who violates the rules of conduct is subject to arrest (if the conduct involved is in violation of any state penal statute), imposition of a fine, and/or removal from the park.
2. No hunting or trapping shall be allowed at the park unless specifically approved by the Commissioners Court.
3. No person shall display or discharge weapons or firearms of any kind in the park unless specifically approved by the Commissioners Court or by law enforcement personnel in the lawful conduct of law enforcement activities.

4. No fireworks, incendiary devices or other combustibles shall be allowed at the park unless specifically approved by the Commissioners Court for special events; provided that matches, lighters or electrical igniters may be allowed to ignite permitted charcoal in designated grills or pits during periods of authorized use. No open fires will be allowed unless specifically approved by the Commissioners Court for special events.
5. State fishing laws shall apply at the park, except that trot lines, throw lines, or set lines shall not be allowed. Fishing shall be allowed only in the designated area and only at approved times. Fishing is allowed from the shore only.
6. No motorized water craft shall be allowed at the park unless such is used by law enforcement, emergency services, or park maintenance personnel in the lawful conduct of County business. Non-motorized water craft consisting of paddle boats, canoes, kayaks and row boats of suitable size will be allowed in designated areas of the park at designated times. Water craft are allowed on the upper lake area only.
7. Any boats or water craft allowed at the park shall be operated and equipped in accordance with the Texas Water Safety Act.
8. Swimming and/or wading is prohibited in the park. Diving and/or jumping from the shoreline or roads adjacent to water areas or from water craft is prohibited. There are no lifeguards stationed at the park. Visitors should use extreme caution when on or in the vicinity of the lakes, ponds and streams at the park. The use of approved personal flotation devices is required for anyone occupying a water craft on water in the park and for children under the age of 8 years in the vicinity of the water areas. Personal flotation devices are recommended for any visitor in the vicinity of the water areas at the park who is not a proficient swimmer.
9. Model aircraft, remote controlled aircraft and remote controlled motorized vehicles are only allowed in designated areas of the park, subject to restrictions applicable to such areas.
10. Motor vehicles shall only be allowed in authorized areas of the park, generally the access roads to and from park areas and designated parking areas. No off-road motorized vehicles, including but not limited to all terrain vehicles, motor bikes, or motorcycles shall be allowed at the park unless specifically permitted by the Commissioners Court for special events; provided that street legal motorcycles, scooters, or motor bikes may be used for access to and from the park subject to the same conditions and constraints applicable to motor vehicles.
11. Any vehicle or other property that remains in the park after closing is subject to being impounded, towed, removed and/or stored, with all charges being the responsibility of the owner. Abandoned and unclaimed property will be disposed of by Kendall County in accordance with applicable law.
12. Skates, skateboards, scooters and other similar self-propelled devices are prohibited in the park; provided that bicycles may be used for access to and

from the park, subject to the same conditions and constraints applicable to motor vehicles.

13. Metal detectors shall not be allowed in the park.
14. Glass containers are prohibited in the park. All beverages shall be contained in metal or plastic containers.
15. No garbage, trash, or waste materials shall be littered or dumped at the park. Visitors are responsible for cleaning up after themselves and placing all waste materials in approved trash containers at the park or removing such waste materials from the park.
16. No overnight camping is allowed unless specific permission is granted by the Commissioners Court or its designated representative. Tents, umbrellas, canopies, and/or awnings may be erected in authorized areas for day use. There are no facilities for motor homes, campers, or trailers at the park. Such vehicles will be permitted at the park subject to the same conditions and constraints applicable to motor vehicles.
17. The public display of alcoholic beverages is prohibited in the park. Alcoholic beverages may be brought into the park and consumed by adults over the age of 21 years in compliance with state laws regulating the time and manner of possession and consumption and subject to additional restrictions and limitations established by the Commissioners Court. Otherwise, the possession and/or consumption of alcoholic beverages is prohibited in the park. Any person who displays symptoms of being intoxicated at the park is subject to arrest and removal from the park.
18. No soliciting shall be allowed at the park unless approved by the Commissioners Court or its designated representative for special events conducted at the park. No person shall sell, rent, lease or offer to sell, rent, or lease any item or service at the park, unless specific permission is granted by the Commissioners Court to permit the sale, rent, lease, or offer to sell, rent, or lease certain items or services for special events.
19. It shall be unlawful for any unauthorized person to damage, destroy, disturb or remove from the park, any natural resource, including timber, shrub, other vegetation, rock, sand, gravel, caliche or other similar substance, material or geologic feature. Plants may not be brought into the park without specific permission of the Commissioners Court or its designated representative. The cutting and/or gathering of firewood in the park is prohibited unless specific permission to do so is granted by the Commissioners Court or its designated representative for special events.
20. It shall be unlawful for any unauthorized person to deface, mark, carve, paint, injure, damage, or destroy any natural resource or artificial improvement in the park, including trees, fences, rocks, or buildings. It shall be unlawful for any unauthorized person to move, alter, or deface any barrier, fence, traffic control device, or sign located in the park.

21. Archaeological, paleontological and/or historical features of any kind or character located in, on, or under the ground in the park shall not be disturbed, damaged, destroyed or removed from the park by any unauthorized person.
22. Absent special permission by the Commissioners Court or its designated representative, the only animals in the park shall be horses for recreational use in designated areas and for equestrian activities, livestock for scheduled livestock events, service dogs, and non-vicious dogs in permitted areas. All animals taken into the park shall be on a leash, rope, or otherwise under restraint by a responsible individual at all times. The person bringing an animal on to park grounds is responsible for cleaning up after the animal.
23. It shall be unlawful for any unauthorized person to frighten, annoy, injure, or kill or attempt to frighten, annoy, injure, or kill any wild or native animal or bird in the park.
24. Smoking of tobacco products is allowed in designated areas only.
25. General hours for park operation are as set by the Commissioners Court. Park hours may be extended or curtailed by the Commissioners Court or its designated representative.

**Section 2. Entrance Fees.** The Commissioners Court shall set the fees for entrance to the park, provided that no fee for general usage shall be charged to residents of the County. Kendall County residents and employees may be required to present proof of residency or employment upon entering the park.

**Section 3. Rental Procedures, Fees, Charges and Requirements.** Rental procedures, fees, charges and requirements have been established by the Commissioners Court based on the current status of the park. As the park becomes further developed, these procedures, fees, charges and requirements may be amended in the discretion of the Court in order to provide the maximum benefit of park facilities to the residents of Kendall County and to recover expenses incurred by the County in the operation of the park. Information concerning rental procedures, fees, charges and requirements currently in effect may be obtained from the Parks Department

**A. Areas Available for Use.**

1. **Specified Areas of Park Grounds, not including picnic tables, pavilions, or buildings** – Events conducted on park grounds, but not involving any buildings, pavilions, picnic tables, etc. Activities such as field trips, outdoor training activities, outdoor recreational activities that do not interfere with use of other areas of the park by the public.
2. **Picnic Tables** – Available for use on a first come basis. Persons may not “save” picnic tables for use by another person or group of persons.
3. **Small Pavilions** – Available for rental in accordance with the procedures and requirements approved by the Commissioners Court and in accordance with the rate schedule approved by the Commissioners Court. When these pavilions are reserved for use, signs will be placed on the pavilions and general public

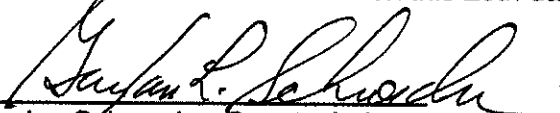
use will not be allowed. When the pavilions are not reserved, they are available for use on a first come basis.

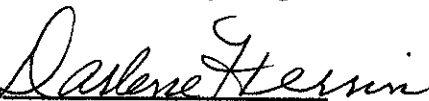
4. **Large Pavilion** – Available for rental in accordance with the procedures and requirements approved by the Commissioners Court and in accordance with the fee schedule approved by the Commissioners Court. When not reserved, areas of the large pavilion are available for use on a first come basis.
  5. **Ring Mountain Center** – Available for rental in accordance with the procedures and requirements approved by the Commissioners Court and in accordance with the fee schedule approved by the Commissioners Court.
- B. **Security Requirements.** The Parks Department shall determine whether a proposed use of park premises requires the presence of additional park personnel and/or licensed peace officers. In such instances, the person or organization using the premises shall be required to pay, in addition to other fees and charges, the cost of such personnel at rates determined by the Commissioners Court.
- C. **Food Service.** Any use of the park that involves the preparation and/or serving of food to any group other than a private gathering may require permits from the County Health Sanitarian. Before the conduct of such events, the provider shall contact the County Health Sanitarian and comply with all applicable laws and County orders.
- D. **Sale of Alcoholic Beverages.** The sale of alcoholic beverages is prohibited in the park unless specific permission is granted by the Commissioners Court and appropriate permits are obtained from the Texas Alcoholic Beverage Commission.
- E. **Administration.** The County Parks Department is responsible for enforcement and administration of this Order. The Parks Department shall adopt and publish forms and procedures concerning applications for use of the park premises, reservations and scheduling, collections of fees and charges, arrangements for set-ups and decorations, provision of services, access to premises and cleanup and policing of areas following use.

**Section 4. Penalty Clause:** Violation of any provision of this Order is a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation. Any violation that continues for more than one day shall be considered a separate offense and punishment shall be assessed accordingly.

**Section 5. Severability Clause:** If any part of this Order should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.

APPROVED and EFFECTIVE on this 25th day of June 2012.

  
Gaylan Schroeder, County Judge

ATTEST:   
Darlene Herrin, County Clerk