# Chapter 50 – Parks and Open Space

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Chapter 50 - PARKS AND OPEN SPACE[1]

# ARTICLE I. - PROGRAMS AND PLANS

## DIVISION 1. - GENERALLY

### Sec. 50-1. - Purpose of article.

(a) It is the purpose of this article to preserve naturally significant and environmentally sensitive open space, to create a comprehensive open space system throughout the area, and to establish a county-wide trail system that links together public open space, that provides significant recreational and economic opportunities, and that promotes the use of alternative forms of transportation.

(b) Land that is incorporated into these systems shall be acquired or dedicated in perpetuity or through other suitable arrangements, shall be protected from encroachments or uses not compatible with this mission, and shall provide for fair, reasonable and continuous public access.

(Ord. No. 99-2136, § I, 11-9-1999)

### Secs. 50-2—50-10. - Reserved.

## DIVISION 2. - OPEN SPACE SYSTEM

### Sec. 50-11. - Open space plan.

The county shall maintain and regularly update a park and open space plan that will identify all naturally significant and environmentally sensitive areas in the county. This plan will then be used to assist the county in acquiring the property and in assembling a coordinated and comprehensive park system.

(Ord. No. 99-2136, § X, 11-9-1999)

### Sec. 50-12. - Criteria for inclusion.

To be considered for inclusion in the county's open space system, an area must be identified as a part of the current county park and open space plan and must possess at least one of the following characteristics:

(1) Be of area-wide significance in its scenery, geology, archeology, history, wildlife, plant community, or other open space values.

(2) Be large enough to accommodate an undisturbed, self-generating continuation of the resource or natural process that makes it desirable.

(3) Balance or complement an area-wide need and contribute to a well-distributed open space system throughout the county.

(4) Provide a link with or an extension of existing open space and parks.

(5) Lend itself to unstructured activities and minimum development. Host passive or minimal activities and promote nature appreciation or outdoor education.

[1] **State Law reference—** Parks and playgrounds, V.T.C.A., Local Government Code §§ 316.001 et seq., 331.001 et seq.; park boards, V.T.C.A., Local Government Code § 320.001 et seq.

(6) Be capable of hosting a renewal of the natural landscape or interpretative development of historic sites. Unauthorized buildings, fences, roads, other manmade objects or nuisance vegetation which detract from open space values must be removed.

(Ord. No. 99-2136, § XI, 11-9-1999)

Secs. 50-13—50-20. - Reserved.

## DIVISION 3. - TRAIL SYSTEM

Sec. 50-21. - Trail plan.

The county shall maintain and regularly update a trail plan which shall identify all potential connector trail corridors and internal trail locations. This plan will be used to assist the county in developing trails throughout its jurisdiction.

(Ord. No. 99-2136, § XIII, 11-9-1999)

Sec. 50-22. - Trail installation; purpose.

So as to facilitate the creation of a comprehensive open space system that is utilized by the public, the county will seek to install internal trails within every one of its preserves. So as to facilitate the creation of a county-wide trail system that generates economic benefits, promotes the use of alternative forms of transportation, and creates new recreational opportunities, it will seek to link neighborhoods, transportation facilities, employment centers, and public open space together with longer connector trails.

(Ord. No. 99-2136, § XII, 11-9-1999)

Sec. 50-23. - Types of trails.

(a) Internal trails will be located in the county's preserves and will be owned by the county. Depending upon the characteristics of the preserves in which they are located, they may either be of a natural or paved surface, and efforts will be made to try to have at least one segment be compatible with the Americans with Disabilities Act (ADA).

(b) The county will fund and develop all natural surface internal trails, and it will fund and develop all internal trails with widths of five feet as well as all ADA-compatible segments. Cities interested in having paved internal trails with greater widths may provide the additional funding needed to produce the desired width.

(c) The county will participate in the development and funding of connector trails, which, unless they are located within unincorporated areas, will be owned by the host city. These bicycle-pedestrian thoroughfares must be identified in the county's trail plan, link with at least one city, state or county park, be at least one mile long, and possess at least one of the following characteristics:

(1) Provide for an alternative form of transportation.

(2) Produce significant economic benefits.

(3) Highlight a unique natural feature.

(Ord. No. 99-2136, § XIV, 11-9-1999)

Sec. 50-24. - Trail amenities.

So that a county-wide trail system can be quickly established, the county's primary investment focus will be on providing funding for the actual development and construction of trails. As a result, the county will only consider providing funding for such amenities as trash cans, benches, lighting, drinking fountains, decorative paving, parking lots, signs and information kiosks within a municipality on noncounty property when the affected trail meets the criteria set forth for connector trails under section 50-23 and when:

(1) The amenity will significantly enhance or increase the utilization of the trail;

(2) The amenity will not create a significant safety hazard for the trail's patrons;

(3) The host city or some other suitable entity agrees to appropriately maintain the amenity; and

(4) The county's contribution does not exceed $10,000.00 and 50 percent of the total local contribution.

The entire length of any trail that receives county amenity assistance shall be considered to be a part of the county trail system for as long as the trail or the system exists and shall thus be signed in accordance with section 50-108.

(Ord. No. 99-2136, § XXII, 11-9-1999)

Secs. 50-25—50-40. - Reserved.

# ARTICLE II. - ADMINISTRATION[2]

## DIVISION 1. - OPEN SPACE BOARD

Sec. 50-41. - Provisions regarding board.

Provisions regarding the park and open space board are found in section 2-381 et seq. Such provisions include size and membership of the board, attendance requirements, chair and vice-chair, executive committee, required meetings, committee appointments, and duties.

Secs. 50-42—50-60. - Reserved.

## DIVISION 2. - STAFF[3]

Sec. 50-61. - Duties generally.

The staff responsibility for implementing and operating the county park and open space program in a timely manner is delineated as provided in this division.

(Ord. No. 99-2136, § IX, 11-9-1999)

Sec. 50-62. - Park and open space administrator.

The park and open space administrator shall:

(1) Comply with all relevant state, federal, municipal and county rules, laws and guidelines.

(2) Monitor expenditure of all program funds.

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[2] **State Law reference—** Park board, V.T.C.A., Local Government Code § 320.027.

[3] **State Law reference—** Park rangers, V.T.C.A., Local Government Code § 351.081 et seq.

(3) Assist in the review and compilation of the county park and open space plan and trail plan and develop projects that lead to the implementation of these plans.

(4) Provide general staff support to county park and open board, such as attending board and committee meetings, sending out meeting notices, preparing meeting minutes, and maintaining attendance records.

(5) Brief the commissioners court on all board recommendations.

(6) Develop and submit grant applications.

(7) Assist in the procurement of appraisals, signs, boundary surveys, and archaeological surveys with purchasing and public works.

(8) Coordinate acquisition/negotiation process with public works.

(9) Coordinate development projects with public works and purchasing.

(10) Brief the commissioners court and park and open space board on the acquisition status of specific properties.

(11) Coordinate the execution of use agreements and all necessary grant documents.

(12) Assist in the reviewing of any development proposals, conversions or easements.

(13) Review and approve special access permits.

(14) Coordinate park and trail dedication ceremonies.

(15) Prepare and forward all necessary materials, appraisals, documents and reports to the state.

(16) Prepare quarterly reports for the commissioners court and the state/federal government as required or needed.

(17) Inspect park sites for use agreement compliance and seek to enforce agreement when compliance is lacking.

(18) Inspect park sites for possible safety or hazard problems and for sign and maintenance compliance, and report any problems to management partner and when signs are needed.

(19) Assist in generating public awareness of and support for the county park and open space program.

(20) Monitor changes in applicable laws and regulations and report those major changes to the commissioners court and park and open space board.

(21) Recommend new park and open space policies, priorities, and procedures to the park and open space board and/or commissioners court when the need arises.

(22) Assist in the preparation of the park and open space program annual report.

(23) Coordinate activities between city, state and federal government agencies or organizations.

(24) Undertake those additional duties and projects specifically assigned by the commissioners court and/or the commissioners court administrator.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-63. - Public works department.

The public works department shall:

(1) Coordinate the procurement of appraisals, design and construction services, hydrology studies and boundary surveys.

(2) Review work of consultant engineers, contracted construction work, hydrology studies, surveys and appraisals.

(3) Conduct in-house appraisals.

(4) Obtain environmental permits and floodplain clearances when needed.

(5) Prepare design plans for such items as trails, bridges and parking lots, when needed.

(6) Negotiate acquisition price with property owners.

(7) Coordinate the procurement of sufficient title insurance.

(8) Coordinate property acquisition closings and the execution and filing of related documents.

(9) Assist in reviewing proposed easement, conversions, improvements, changes in use and development plans.

(10) Prepare needed maps and illustrations.

(11) Prepare architect's rendering of new signs.

(12) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the park and open space board and/or commissioners court when the need arises.

(13) Undertake those additional duties and projects assigned by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-64. - District attorney's office.

The district attorney's office shall:

(1) Review and advise staff, park and open space board and commissioners court on related deeds, documents, contracts and legal matters.

(2) Upon the request of the commissioners court, institute condemnation proceedings.

(3) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the commissioners court and/or park and open space board when the need arises.

(4) Undertake those additional duties and projects requested by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Sec. 50-65. - Agricultural extension service.

The agricultural extension service shall:

(1) Assist staff in evaluating and identifying the wildlife, vegetation and soil characteristics of proposed sites.

(2) Assist the park and open space administrator in developing and recommending new park and open space policies and procedures to the park and open space board and/or commissioners court when the need arises.

(3) Undertake those additional duties and projects requested by the commissioners court.

(Ord. No. 99-2136, app. B, 11-9-1999)

Secs. 50-66—50-100. - Reserved.

## ARTICLE III. - IN GENERAL

Sec. 50-101. - Naming preserves, parks, trails and other features.

(a) Names for county parks must contain the term "preserve." Both names for preserves and trails should generally refer to the geographic location of the park or trail or its major environmental characteristic. For example:

(1) Rowlett Creek Preserve;

(2) Spring Creek Forest Preserve;

(3) McCommas Bluff Preserve;

(4) Ten Mile Creek Trail.

Exceptions to this naming policy may be made when the property is of some historical significance or if acknowledgment of a major financial benefactor would be appropriate. Other features, such as ponds, meadows and special plantings, may also be named for a benefactor, or if the feature passes through a historically significant area, region or locale, or is in itself of a historical nature, it may also be named accordingly. Such special names must be approved by the court prior to placing a sign at the feature.

(b) In general, county preserves, parks, trails and other features within county property may not be named for a living person. All proposed names must be reviewed on a case-by-case basis by the park and open space board and approved by the commissioners court.

(Ord. No. 99-2136, § XX, 11-9-1999)

Sec. 50-102. - Development within county parks/preserves.

(a) Since the primary emphasis of this program is to preserve naturally significant open space, only limited development will be permitted within the county park and open space system. Improvements and amenities that the county may consider appropriate for its parks and preserves include trails, signage, parking lots, picnic pavilions, benches, informative/commemorative monuments, access ramps, boat ramps, fishing piers, observation decks, boardwalks, and information kiosks. All proposed development will be reviewed on a case-by-case basis and must be compatible with the local natural environment, be generally devoted to such unorganized outdoor pursuits as hiking, free play, nature study and picnicking, and demonstrate that it will help increase the utilization/accessibility of the preserve. Such development will also be undertaken only if the county's maintenance partner or some other suitable entity agrees to appropriately maintain the improvement/amenity. Additional consideration will also be given if the host city or some other entity offers to share in or to completely fund the development.

(b) More organized and less passive forms of development will only be considered when the host city is willing to provide the local funds needed to finance and appropriately maintain the development, and when the development does not detract from or endanger the park's natural qualities or its archaeological/cultural features and deposits.

(c) Any development proposed by an entity other than the county that requires an archeological/cultural resource survey shall have that survey funded from sources other than the county.

(Ord. No. 99-2136, § XXI, 11-9-1999)

Sec. 50-103. - Open space site and trail corridor prioritization.

The park sites and the trail corridors identified in the county's open space plan and trail plan should be prioritized by the park and open space board, and once these priorities are approved by the court, the sequence in which these sites and corridors are acquired or developed should generally reflect this prioritization unless encroaching development immediately threatens a site or if unique opportunities (i.e., extensive dedication, below market sales offer, etc.) exist.

(Ord. No. 99-2136, § XVIII, 11-9-1999)

### Sec. 50-104. - Land acquisition process.

(a) When seeking to acquire property utilizing only county funds, staff shall first brief the commissioners court on the desirability and estimated cost of the proposed acquisition. Should the court concur that this site is worth pursuing, then a survey of the property and an appraisal shall be conducted. Based upon the results of the survey and the appraisal, the commissioners court will then decide whether to begin negotiating for the property.

(b) When seeking to acquire property with grant funds, staff shall first brief the commissioners court on the desirability and the estimated cost of the proposed acquisition. Should the commissioners court concur that the site is worth pursuing, then a survey and an appraisal (or appraisals if more than one is required by the granting agency), will be conducted. Based upon the results of the survey and the appraisals, the commissioners court will decide whether a grant application should be submitted.

(Ord. No. 99-2136, § XIX, 11-9-1999)

### Sec. 50-105. - Unsuccessful grant applications.

If a grant application is unsuccessful, staff shall seek to discover why the application was not funded and then report back to the park and open space board and the commissioners court so that a decision can be made as to whether to revise and resubmit the application at a later date, proceed immediately with the proposed project using only county funds, or postpone the project.

(Ord. No. 99-2136, § XXIII, 11-9-1999)

### Sec. 50-106. - Use agreements for park/trail maintenance.

It is not the desire of the county to become responsible for the maintenance of parks and trails. Therefore, when a site is under consideration for park acquisition or trail development, either the city in which the site is located, a neighboring city that is located in close proximity to the site, another public entity, or a well-established private entity must express a written commitment to maintain the site when park acquisition is involved. Similarly, for instances involving trail development outside of a county preserve, the city in which the site is located must also formally commit to own the trail. The only exception to this policy of the county not providing maintenance will be when the site is in the county's unincorporated territory, when the annual maintenance costs will be very minimal, and/or when the site is unique and should be acquired before another maintenance partner can be secured.

(Ord. No. 99-2136, § XXIV, 11-9-1999)

### Sec. 50-107. - Conversion of park/preserve land to other uses.

In order to protect the county's investment in open space and trails, cities cannot, without the prior approval of the county, without satisfactorily compensating the county, and without complying with all applicable state and federal statutes, construct a road through or otherwise convert the use or nature of a trail or park to a different nonrecreational use.

(Ord. No. 99-2136, § XXV, 11-9-1999)

Sec. 50-108. - Signage.

(a) The county shall install and maintain at least one permanent identification sign on every county park site. At a minimum, these signs shall contain the name of the park, the county, the host city, and any other information required by the grantor, if any, or by law.

(b) All connector trails shall have at least one sign at each end that denotes that the trail is a part of the county trail system.

(c) Replacement signs required due to vandalism, weathering, fire, theft, or an act of God such as, but not limited to, flood, wind, and hail, will be the responsibility of the city that maintains a preserve or owns a connector trail.

(d) The city shall, within 90 days of notification by the county, replace any signs so lost or destroyed.

(Ord. No. 99-2136, § XXVI, 11-9-1999)

Sec. 50-109. - Third-party intermediaries.

Third-party intermediaries will only be used for acquisitions and/or improvements when the commissioners court has first approved such third-party involvement.

(Ord. No. 99-2136, § XXVIII, 11-9-1999)

Sec. 50-110. - Other applicable laws, policies and regulations.

The county park and open space program shall be operated in accordance with all applicable state, federal, county and municipal rules, laws, policies and procedures.

(Ord. No. 99-2136, § XXIV, 11-9-1999)

Secs. 50-111—50-200. - Reserved.

# ARTICLE IV. - PARKS AND PRESERVES[4]

## DIVISION 1. - GENERALLY

Sec. 50-201. - Special use activity regulations for county preserves.

When the county parks or preserves are located within an incorporated area and managed by a city, that city's rules and ordinances shall govern the use of such preserves. However, in no instance shall unauthorized motor vehicles, other than powered wheelchairs, be allowed onto county park/preserve property except within designated parking areas. For county parks and preserves that are managed by the county or other nonmunicipal entities and/or are located within the unincorporated portion of the county, the following additional regulations shall govern the use of these preserves and parks:

[4] **State Law reference—** County parks and other recreational and cultural resources, V.T.C.A., Local Government Code § 316.001 et seq.

(1) No signs, posters, handbills or notices shall be posted in or about county preserves without the prior written approval of the commissioners court administrator. Individuals responsible for posting signs, posters, handbills or notices shall be responsible for the removal of same by a date determined by the administrator. The administrator shall cause any unauthorized sign, poster, handbill or notice to be removed at the posting party's expense.

(2) County preserves are intended to be used by the general public for ordinary passive recreational purposes such as, but not limited to: hiking, biking, fishing, jogging, birdwatching and nature study. Any person or entity wishing to use buildings and/or grounds of a county preserve for any purpose other than its intended use or for exclusive/public restricted use or for use with paid admission, must file a written request describing the proposed special use to the administrator at least three days in advance of the proposed activity.

(3) All special use requests for activities lasting no more than three days will be reviewed by the administrator. Requests for activities lasting longer than three days will be reviewed by the commissioners court. Only those special use requests which receive the written approval of the county will be permitted to occur.

(4) Users whose special requests are approved by the county will be required to sign a use agreement prior to such use. This use agreement will specify, among other things:

a. That the user will compensate the county for any damages to the preserve arising out of such use and that unless the user is an accredited school or scouting troop that will be using the preserve for educational purposes, the user will provide a $100.00 potentially refundable deposit with the county to cover possible damages and trash collection;

b. That when the use is for commercial purposes, the user will obtain a $1,000,000.00 liability/personal injury policy payable to the county; and

c. The amount of any rental or lease fee which shall be determined by commissioners court and which shall be based on the following criteria:

1. Individuals, corporations or organizations desiring to rent a preserve for a function shall pay $250.00 per day or any part of a day;

2. No rental fee shall be charged when the user is an accredited school or scouting troop using the preserve for educational purposes; and

3. If a rental or lease fee is to be charged and the use of the preserve involves filming, additional fees of $500.00 per day shall be charged if the use is for a "for profit" production or $100.00 per day if the use is for a nonprofit production.

(5) Depending upon the proposed use, the county may also require on-site security for appropriate crowd control and for the enforcement of the provisions of this article.

(6) The county reserves the right to deny any request for use of a county preserve which, in its opinion, may disrupt or hamper normal activity, offend public visitors, or endanger the preserve's natural integrity.

(7) No alcoholic beverages or other intoxicants are allowed within a county preserve.

(8) No hunting is allowed within a county preserve. No firearms, sports bows, blow-guns, or weapons are allowed within a county preserve.

(9) No electric bicycles shall be allowed within a county preserve or on an unincorporated county trail.

(10) No horses are allowed within a county preserve beyond designated equestrian areas/trails.

(11) No swimming or wading and no boats, canoes or tubes are permitted in or on any lake, pond or creek within a county preserve, except for emergency vehicles.

(Ord. No. 99-2136, app. C, 11-9-1999)

Sec. 50-202. - Easements crossing preserves; restoration of preserve property.

When appropriate, easement contracts shall require the utility/entity seeking the easement to keep their easements free of trees and to reseed the easements with nature grass and/or wildflowers that are appropriate to the soil, slope and geology of the area when the land is disturbed by easement-related use. In addition, they will also require the utility/entity to notify the county, in advance, of when they will be entering and utilizing the easement. Any modifications to existing easements or requests for new easements must be approved by the commissioners court and by the granting entity, if applicable, if grant funds have been used to acquire the property.

(Ord. No. 99-2136, § XXVII, 11-9-1999)

Secs. 50-203—50-220. - Reserved.

## DIVISION 2. - ACCESS

Sec. 50-221. - Public access; admission fees; special access permits.

(a) County preserves shall generally be open to the public for their enjoyment without any admission fee. However, access to specific preserves may be limited by the county because of the environmentally sensitive nature of the preserves or because of public health and safety concerns.

(b) Special access permits may be issued for sites whose access is restricted because of a sensitive environment if the requesting party is affiliated with a state or federal agency, an institution of academic learning, or an organization whose mission is the study and/or inventory of such natural resources as flora, fauna, geology, palynology, paleontology, and prehistoric and historic cultural remains and if the requesting party requests access to the site to conduct related research in such a manner as to not threaten the site's sensitive environment. In providing such permits, the county shall also require that the requesting party provide it with a copy of any research report or inventory that is produced as a result of the field work that is conducted at the county's preserve.

(c) Admission fees can only be charged in accordance with state law and with the prior approval of the commissioners court. Requests to charge such fees must be made by the entity that maintains the preserve for which an admission fee is requested and will be reviewed on a case-by-case basis.

(Ord. No. 99-2136, § XV, 11-9-1999)

Secs. 50-222—50-240. - Reserved.

## DIVISION 3. - SPECIAL USE ACTIVITIES

Sec. 50-241. - Regulations.

Special use activities, which include, but are not limited to, the posting of signs, the exclusive use of a county preserve, or the use of a preserve in a manner that is different from which it was originally intended, and which will be conducted in a county preserve located within or managed by a municipality, shall be governed by these policies and by the ordinances and policies of the municipality in which it is located. Special use activities which will be conducted in a county preserve that is located within an unincorporated portion of the county shall be governed by these policies, especially those provisions contained in division 1 of this article.

(Ord. No. 99-2136, § XVI, 11-9-1999)

Sec. 50-242. - Income.

The county shall be notified of all income from the special use of a preserve located within and managed by a municipality. Such uses, which may include, but not be limited to, movie, television, or film use, and the fees charged for allowing such uses to occur must be approved in advance by the county. All such income is to be set aside by the city and county for future development and/or maintenance of the preserve.

(Ord. No. 99-2136, § XVII, 11-9-1999)

Secs. 50-243—50-260. - Reserved.

## DIVISION 4. - VOLUNTEERS

Sec. 50-261. - Definition.

(a) Volunteers (which do not include any individual that is required to provide community service under some type of court or criminal justice proceeding, but do include individuals working independently or as a member of a group, school, business, or organization that perform services on county park and open space property without receiving any compensation or any other item or thing of value in lieu of compensation) may be used to improve and enhance the county's park and open space properties when appropriate.

(b) The use of volunteers on county park and open space property that is maintained by the county or another party other than a municipality or a public school district shall be governed by the provisions contained within this division. The use of volunteers on county park and open space property that is maintained by a municipality or public school district shall be governed by that entity's policies, regulations, procedures, and ordinances, and if the proposed use of volunteers involves some physical alteration of the property through the installation of such amenities as signs and benches or the establishment of a trail, then the entity, if it wishes to proceed with the project, shall also submit the proposed project to the county for its review and approval.

(c) The services that a volunteer may provide under this division include, but are not limited to, maintaining trails, removing trash and debris, mowing, installing signs, conduction special studies and inventories, taking photographs, and producing maps, brochures, or other educational materials.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-262. - Volunteer eligibility.

To be eligible as a volunteer for the county's park and open space program, the individual (or group, school, business, or organization, whichever is applicable) must:

(1) Be at least 18 years of age unless directly supervised on-site by an adult that meets all of this sections applicable requirements.

(2) Submit a volunteer service application, which describes what service is being proposed, where, when, and how it would be conducted, what materials tools, and equipment will be used, by what individual(s) or group, and background and experience of that individual or group.

(3) Propose a service that would enhance the county's park and open space program and be compatible with all applicable county and city ordinances, policies and regulations.

(4) Shall pass an appropriate background check and with all other convictions being reviewed on a case by case basis, be free of any of the following convictions:

a. Murder (including capital murder);

b. Indecency with a child;

c. Aggravated kidnapping;

d. Aggravated sexual assault;

e. Aggravated robbery;

f. Sexual assault;

g. Commission of a felony offense with a deadly weapon;

h. Injury to a child, elderly, individual, or disabled person;

i. Use of a child in the commission of a felony offense; or

j. Any drug-related felony offense committed within the last ten years.

(5) Be capable of undertaking the proposed volunteer service and demonstrate that he/she possesses adequate experience in the proposed endeavor and any licensing, insurance coverage, or certification required by the state and or county.

(6) Abide by the terms of any volunteer service agreement that describes the service to be provided the obligations of the volunteer, and the requirements under which the service is to be provided.

(7) Release the county from any obligation to replace or repair any tools or equipment that the volunteer provides.

(8) Formally waive the county from any liability that may occur as a result of the volunteer's action, negligence or omission.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-263. - Volunteer application submission and approval process.

(a) Volunteer service applications shall be submitted to the county's park and open space administrator. Submitting a volunteer service application or being eligible to submit such an application does not obligate the county, which has the authority to approve or decline any volunteer proposal, to approve or utilize the potential volunteer.

(b) The administrator shall review that application, the background and experience of the applicant, and the appropriateness, schedule, and the location of the proposed service and make a recommendation to the county's director of planning and development who shall have the authority to approve or reject applications.

(c) In the event the director declines an application he shall notify the applicant of this determination in writing. The applicant may appeal this decision to the commissioners court if he submits a written request for such an appeal to the commissioners court administrator within ten days of having been informed of the director's decision to not approve the application.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-264. - Duties and responsibilities.

(a) Volunteers shall not represent themselves as spokespersons for or agents of the county.

(b) Volunteers, when working on county property, shall report any illegal or inappropriate activity to the local police department and/or the county sheriff; volunteer's shall not issue citations or warnings to people that they perceive as being involved in an illegal or inappropriate activity.

(c) Volunteers shall be responsible for providing all of the materials, tools, and equipment needed in order to provide their service. They are also responsible for managing any voluntary contributions of money, food, materials, equipment, and tools that they have obtained in conjunction with their service.

(d) Volunteers shall use such power tools/equipment as trimmers, chain saws, riding mowers, tractors, and bulldozers with appropriate safety equipment (goggles, gloves, helmets, etc.) and shall only operate such power tools/equipment at a safe distance from another person.

(e) Volunteers shall only conduct or provide those services for which they have been approved by the county; such services shall be conducted in an appropriate manner and in accordance with a previously approved schedule. Any deviation in these services or schedule must be approved in advance by the county.

(f) It is the responsibility of the volunteer to inform the administrator of any deviation from the approved schedule or plan for the services prior to actually undertaking the deviation. Volunteers shall not engage in rude or reckless behavior, conscious flagrant indifference to the rights or safety of others, gross negligence, criminal misconduct, or work under the influence of alcohol or other controlled substance. Volunteers shall also not violate any other county, city, state, or federal law, ordinance, policy, or regulation while providing services.

(g) Volunteers shall be responsible for cleaning up after themselves at the end of the day that they provide a service.

(h) Any person (or group, school, business or organization, whichever is applicable) that violates any portion of this section may immediately be terminated as a volunteer. Any person, group, etc. that is terminated as a volunteer will not be eligible for possible consideration as a future volunteer for a period of at least two years.

(Ord. No. 2002-557, 3-26-2002)

Sec. 50-265. - Oversight; monitoring; termination.

The park and open space administrator shall monitor the work of approved volunteers to see that they are providing services in accordance with their volunteer service application and these policies. The administrator shall maintain files on all volunteer service applications/agreements and shall report any problems with a volunteer to the director. The director shall take whatever termination action he deems necessary and to communicate any termination action in writing to the affected individual(s). Volunteers who have been terminated by the director may appeal this decision to the commissioners court if a written request is submitted to the commissioners court administrator within ten days of the having been informed of the termination decision.

(Ord. No. 2002-557, 3-26-2002)