

ORDINANCE NO. 1953

AN ORDINANCE AMENDING CHAPTER 54, "PARKS, RECREATIONAL AND CULTURAL FACILITIES", ARTICLE II, "ADMINISTRATION", DIVISION 1. "GENERALLY", SECTION 54-32, "HOURS OF OPERATION; POSTING OF SIGNS"; ARTICLE III, "PARKS AND RECREATION AREAS", DIVISION 3, "REGULATIONS", SECTION 54-106, "PARKING VEHICLES"; SECTION 54-107, "USE OF ROADWAYS AND PATHS"; AND ADDING A SECTION 54-115, "PROHIBITED ACTIVITIES"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND AN EFFECTIVE DATE.

WHEREAS, the City of Euless has previously adopted a Parks Ordinance with amendments thereto, and Rules and Regulations governing the use of public parks; and

WHEREAS, this City desires to amend regulations as they relate to hours of operation, vehicle parking, use of roadways and paths and prohibited activities;

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

SECTION 1.

THAT Section 54-32 "Hours of operation; posting of signs", of DIVISION 1 "GENERALLY", of Article II "ADMINISTRATION", of Chapter 54 "PARKS, RECREATIONAL AND CULTURAL FACILITIES" of the Code of Ordinances of the City of Euless, Texas, as amended, is hereby amended to read as follows:

Sec. 54-32. - Hours of operation; posting of signs.

All parks will henceforth have hours of operation during which the public may use said park; those hours will be from 5:00 a.m. to 11:00 p.m. unless otherwise posted at a park or facility. It shall be unlawful for any person or persons to use, loiter, congregate, trespass or assemble in a park at times other than during the hours of operation, unless the use is for an event or sporting activity which is supervised and approved by the director of parks and community services, or his designee. The city manager may authorize hours of park use, different from those stated above, if the city manager deems it in the public interest. City employees and law enforcement officers, utility company employees and their contractors working within dedicated easements, or persons as otherwise designated by the city manager, may enter the aforesaid park at any time in the course of their employment.

SECTION 2.

THAT Section 54-106 "Parking vehicles", of DIVISION 3 "REGULATIONS", of Article III "PARKS AND RECREATION AREAS", of Chapter 54 "PARKS, RECREATIONAL AND CULTURAL FACILITIES" of the Code of Ordinances of the City of Euless, Texas, as amended, is hereby amended to read as follows:

Sec. 54-106. - Parking vehicles.

- (a) It shall be unlawful to park a motor vehicle, other than a city vehicle, within a park facility at any place not designated as a parking area. Motor vehicles in violation of this section may be issued a citation and/or towed and stored at the owner or operator's expense in accordance with state law. Exceptions may be granted by the director of parks and community services, or his designee, in specific instances where the number of dedicated spaces is not adequate to support certain events and/or programs sponsored by the City.

- (b) Overnight parking. A person commits an offense by parking a motor vehicle within a park facility overnight except by special permit issued by the director of parks and community services, or his designee, for designated park areas. Motor vehicles in violation of this subsection may be issued a citation and/or towed and stored at the owner or operator's expense in accordance with state law.

- (c) The parking of any truck tractor, trailer designed to be pulled by a truck tractor, tractor-trailer combinations or any vehicle rated at one and a half tons or greater capacity is specifically prohibited at park facilities, with the exception of city vehicles, vehicles operated by a public utility or contractor thereof who are operating within an approved utility easement, or vehicles involved in the maintenance or operations of the park or events in the park with the approval of the director of parks and community services or his designee. Refer also to Section 82-89, City of Euless Code of Ordinances.

SECTION 3.

THAT Section 54-107 "Use of roadways and paths", of DIVISION 3 "REGULATIONS", of Article III "PARKS AND RECREATION AREAS", of Chapter 54 "PARKS, RECREATIONAL AND CULTURAL FACILITIES" of the Code of Ordinances of the City of Euless, Texas, as amended, is hereby amended to read as follows:

Sec. 54-107. - Use of roadways and paths.

It shall be unlawful to operate, drive, or ride any motor vehicle within a park facility on a surface other than a publicly dedicated road, street, or parking lot. This provision is not applicable to city motor vehicles, emergency vehicles, or motor vehicles that have received a city permit authorizing their operation.

SECTION 4.

THAT Chapter 54 "PARKS, RECREATIONAL AND CULTURAL FACILITIES", Article III "PARKS AND RECREATION AREAS", DIVISION 3 "REGULATIONS", of the Code of Ordinances of the City of Euless, Texas, as amended, is hereby amended by adding Section 54-115 "Prohibited activities" to read as follows:

Sec. 54-115. - Prohibited activities.

The following actions are prohibited in all parks and recreational facilities of the city:

- (a) *Weapons.* The possession or use of a firearm, pellet gun, air soft gun, paintball gun, bows and arrows, slingshots or any device capable of projecting any object which would or could create injury to another or wildlife or is otherwise considered a potential danger to the public; provided however, such prohibition shall not apply to the carrying of handguns by duly licensed peace officers or holders of valid concealed handgun permits or by special permit or prior written approval by the director of parks and community services and chief of police.
- (b) *Fireworks.* Possession of fireworks is prohibited in the city per the adopted fire code as amended.
- (c) *Unauthorized entry onto reserved facilities/scheduled activities.* Entry, occupancy or use of a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved or during the scheduled activity after the person has been given notice to leave. Reserved facilities and areas, and scheduled activities, include but are not limited to: indoor and outdoor facilities, meeting rooms, gathering areas, pavilions, gazebos, camps, classes, athletic fields and their support/adjacent areas and facilities.
- (d) *Restroom use.* Refer to Texas Penal Code Title 5, Chapter 21.07 as well as Title 9, Chapter 42.01.
- (e) *Controlled access.* Entry into any controlled access portion of a park or park facility or any area specially designated as a restricted

access area of any park facility, except by authorized city personnel.

- (f) *Environmental disturbance.* Intentionally removing, damaging, defacing, cutting, scarring, marking, transplanting, breaking, picking, or in any way injuring, damaging, or defacing any plants, trees, shrubbery, vegetation, rock minerals, soil, turf, grass, and/or other personal or public property within or upon any parks, parkways, greenbelts, or other recreational areas. It shall further be unlawful to plant or remove any type of plant in any park, pathway, greenbelt, or other recreational area or facility without prior approval of the parks and community services director, or his designee.
- (g) *Fires.* The starting of a fire except in enclosed fireplaces or grills provided for this purpose, except with written permission from the fire chief, or his authorized agent and/or representative, and the parks and community services director, or his designee, in designated park areas. Privately owned charcoal grills are not permitted on grass areas or on picnic tables located in parks. It shall be unlawful to leave a park area without extinguishing a fire.
- (h) *Golfing.* The hitting of golf balls of any type in a park facility, except in areas specifically designated for this purpose.
- (i) *Erecting structures.* Erecting any structure, sign, bulletin board, post, pole or advertising device of any kind whatever in any park or playground, or attaching any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any park or playground; provided, however, the director of parks and community services may permit, by written authorization, the erection of temporary decorations and/or structures on occasions of public celebrations or holidays or approved special event.
- (j) *Animals.* Teasing, annoying, molesting, catching, injuring or killing, or throwing any stone, object or missile of any kind at, or striking with any stick, object or weapon any animal, bird, fowl or fish in any park or playground. Dogs or other animals are not permitted inside park facility buildings, playground areas, athletic fields, or at any city sponsored event where signs are visibly posted stating such. Any person accompanying a dog or other animal shall immediately clean up any feces left by such animal. A person commits an offense if the owner or person that accompanies an animal fails to have in his or her possession, materials that can be used to immediately remove and dispose of any feces the animal produces. Animals that are trained to assist the handicapped are permitted in all park and recreation facilities.

- (k) *Use of parks and playgrounds.* Any individual or group of individuals participating in any activity on any park or playground area when such activity will create a danger to the public or may be considered a public nuisance.
- (l) *Sale of merchandise.* Selling or offering for sale any food, drinks, confections, merchandise or services in any park or playground unless such person has a written agreement or a permit issued by the city permitting the sale of such items in such park or playground.
- (m) *Swimming and boating activities.* Swimming or operating or riding in any boat, canoe, kayak, any type of water craft or flotation device, in or upon any pond, lake or other body of water within any city park or playground or other city-owned property. This prohibition shall not apply to any public or private swimming pool within the city.
- (n) *Hunting.* Hunting, trapping, killing, removing or releasing any animal in any park, greenbelt, open space or property managed by the Parks and Community Services Department. This provision does not apply to city employees while performing official city business.
- (o) *Discharging of Pool Water.* Draining swimming pool back wash into a park or adjacent property. All swimming pool back wash and drainage shall be disposed of into the city sanitary sewer system through lines and equipment installed in accordance with the city plumbing code.
- (p) *Dumping in parks.* Disposing of trash, tree limbs, brush, grass clippings, plants and any debris or material into a park or into any publicly controlled and/or maintained property.
- (q) *Alcohol.* Selling, bringing into, possessing or consuming an alcoholic beverage in any park of the city except upon special permit granted by the city council upon application, which permit, if granted, may contain terms and conditions applicable thereto.
- (r) *Use of skateboards/in-line skates/scooters.* Using skateboards, in-line skates and scooters except in designated locations and in accordance with posted rules.
- (s) *Use of tennis courts.* City owned tennis courts shall be used only for playing tennis and not for any other purpose, such as skateboarding, rollerblading, roller skating, kickball, cricket, football, or handball.

SECTION 5.

CUMULATIVE CLAUSE. This ordinance shall be cumulative of all provisions of ordinances and the Code of the City of Euless, Texas, governing parks except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6.

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7.

PENALTY CLAUSE. Any person, firm or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with Chapter 1, Section 1-12, Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 8.

SAVINGS CLAUSE. All rights and remedies of the City of Euless are expressly saved as to any and all violations of the provisions of the City Code or any other ordinances regulating parks that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

PUBLICATION. The City Secretary of the City of Euless is hereby directed to publish the caption, penalty clause and effective date clause in the official newspaper of the City of Euless, as required by Section 12 of Article II of the Charter of the City of Euless.

SECTION 10.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND APPROVED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on the ___ day of _____ 2012, by a vote of _____ ayes, _____ nays and _____ abstentions.

APPROVED:

Mary Lib Saleh, Mayor

ATTEST:

Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

Wayne K. Olson, City Attorney