

ORDINANCE #06-06-13

AN ORDINANCE OF THE CITY OF SANGER, TEXAS, IS HEREBY AMENDING CHAPTER I OF THE CODE OF ORDINANCES BY ADDING AN ARTICLE TO BE NUMBERED ARTICLE 1.1100 PARK AND RECREATION REGULATIONS; PROVIDING DEFINITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANGER, TEXAS:

Section 1. That Chapter 1 of the Code of Ordinances, City of Sanger, Texas, is hereby amended by adding an Article, to be numbered Article 1.1100, which said Article shall read as follows:

ARTICLE 1.1100 PARK AND RECREATION REGULATIONS

Section 2. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning.

City park and recreation area(s) means all of the territory within the boundaries of such areas, and includes the portions of such areas used for the parking of vehicles.

Enter or entry means intrusion of the entire body.

Notice means an oral or written communication by the city manager; the director of parks and recreation department or any authorized parks and recreation department personnel, or the chief of police or any police officer.

League. A group of athletic teams organized to promote mutual interests and to compete chiefly among themselves.

Athletic field/facility means a field or combination of fields designated by the Parks & Recreation Department to facilitate games and/or practice activities.

Tournament. A sporting event made up of a series of games, rounds, or contests between multiple teams.

Special event. Any event, activity or program that operates wholly or partially within the city which may require the use of or assistance from the parks and recreation department, police department, fire department, or any other public service department.

Facilities. Properties and/or improvements owned, leased or otherwise controlled by the parks and recreation department which includes, but is not limited to, recreation centers, swimming pools, tennis center clubhouse, golf course clubhouse, outdoor learning center,

senior citizens center, museums, community centers, tennis courts, basketball courts, golf courses, recreation fields, picnic areas, open air pavilions, and amphitheaters.

Sec. 1.1101 General Authority.

- (a) The city shall have and shall exercise the power to control all activities and hours of access by the public into all city parks and recreation areas in order to protect and maintain the public health, safety and welfare. Opening and closing hours of each city park and recreation area shall be posted. The city parks and recreation areas shall be under the direct supervision of the director of the parks and recreation or his designee ("director").
- (b) The city's police department is charged with the responsibility of supervising and maintaining law and order in all of the city park and recreation areas in order to protect and maintain the peace, health, safety, and welfare of the public. In order to carry out this provision, the police department, and any of its officers, shall have the authority to make any lawful arrests for violation of any state or local law.

Sec. 1.1102 Hours of operation.

- (a) All city parks and recreation areas shall be open daily to the public between 6:00 am and 10:00 p.m. Each city park and recreation area shall be closed to the public from 10:00 p.m. to 6:00 a.m. and also as otherwise closed by orders of the director for the purpose of rehabilitation, cleaning, general supervision, or to protect the health, safety, and welfare of the public.
- (b) It shall be unlawful for any person to enter, loiter, or remain within any city park and recreation area between the hours of 10:00 p.m. and dawn, except as provided for in this section, which exceptions shall constitute an affirmative defense to violations of this section. The provisions of this section shall not apply to:
 - (1) Persons whose presence is authorized pursuant to a written city permit or agreement.
 - (2) Persons participating in or attending events, activities, or programs previously approved or scheduled by the parks and recreation department and remaining in the locale until the event, activity, or program has concluded;
or
 - (3) Persons possessing a permit to camp in those areas duly designated for such activities by the director.
- (c) Motor vehicles found in a city park and recreation area between the hours of 10:00 p.m. and 6:00 a.m. shall be subject to removal and impoundment in accordance to Chapter 8 Article 8.100, Sec. 8.106. provided however, that this provision shall not apply to motor vehicles in the possession of persons whose presence is allowed under one of the exceptions in subsection (c) above.

Sec. 1.1103 Responsibility for minor children.

- (a) It is unlawful to permit a child or ward to violate any of the rules and regulations specified by this chapter when such child or ward is under the age of 17.
- (b) To fail, as a parent or other adult who has assumed parental or supervisory control over a child, to adequately supervise a child to prevent the child from engaging in any unlawful act within a city park. As used in this subsection, a "child" is any person under the age of seventeen (17) years. It shall be a defense to prosecution under this subsection that the parent was not physically present in the park at the time of the offense. In the prosecution of an offense under this subsection, no allegation or proof of intent is necessary, and it is the intent of the governing body of the city that this shall be a strict liability offense.

Sec 1.1104 Minors, camping.

- (a) It shall be unlawful for a person under the age of 17 to remain within any city park and recreation area during closing hours, except as follows:
 - (1) The person is accompanied by a parent or legal guardian;
 - (2) The person furnishes to the director a written consent of their parent or legal guardian, which shall include the parent or legal guardians full name, residence, telephone number and date;
 - (3) The person is part of a group which is supervised during those hours by at least one responsible adult for each 15 persons under the age of 17; or
 - (4) Married couples.

Sec. 1.1105 Miscellaneous provisions.

- (a) All refuse, trash or other material created through the use of the parks shall not be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where provided, and if not provided all such rubbish, trash or waste shall be carried away from the park by the person responsible for its presence and properly deposited elsewhere.
- (b) It shall be unlawful within any city park and recreation area for a person to:
 - (1) Pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, or destroy any tree, shrub, plant, vine, flower, moss or vegetation, or portion thereof including, leaf, mold, foliage, berries, fruit, grass, turf, humus, cones, dead or downed wood, except by prior written approval issued by the director for scientific, educational or maintenance purposes;

- (2) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings; bridges; tables; benches; fireplaces; railings; paving or paving material; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal;
- (3) Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid or solid, which will or may result in the pollution of the waters;
- (4) Bring in the park to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rock, rubbish, waste, wood, garbage, refuse or other household or commercial trash, containers, equipment or appliances. Bring in or dump, deposit or leave any noxious, hazardous or flammable materials or substances, either solid or liquid, on park property.
- (5) Light, build or maintain a fire except in clearly designated fire rings, pits or grills. However, fires are strictly prohibited where extreme fire hazard conditions exist and such conditions have been posted. Notwithstanding the previous regulations, portable camp stoves may be used in designated campsites or picnic areas;
- (6) Hit a golf ball in a park except in areas designated by the parks and recreation department;
- (7) Take any fish or other aquatic life from park water areas. Fishing is catch and release only. All nets and seines are prohibited;
- (8) Use water balloons, piñatas, and cascarones (all prohibited);
- (9) Climb trees;
- (10) Gamble;
- (11) Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefore and in compliance with such regulations as are set forth in this chapter or may be hereafter adopted;
- (12) Cause and maintain noise and sound levels of groups, individuals, radios, or any sound equipment at a level considered to be a nuisance as deemed by the director or any other city employee;
- (13) Use or speak any threatening, abusive, insulting or indecent language in any of the public parks; and no person shall commit in any such parks any obscene, lewd or indecent act or create any nuisance;
- (14) Disturb in any manner any picnic, meeting, service, concert, exercise or exhibition;
- (15) Distribute, post, place or erect any advertising handbill, circular, billing notice, paper or other advertising device without prior permission of the city;

- (16) Hitch, fasten, lead, drive or let loose any animal, reptile or fowl of any kind, except in designated areas;
- (17) Ride or drive any horse or other animal, except in designated areas;
- (18) Possess any fireworks, explosives or similar devices or substance capable of explosions, or to discharge, ignite, set off any such device or substance, except with written permission of the director; Shooting exceptions, starting pistol Chapter 8, Sec. 8.402 (3) starting pistol;
- (19) Engage in any commercial venture including offering to sell any goods, wares, merchandise or food, or render any service for hire or to solicit funds or donations of any item; or to distribute written material without the written permission of the director;
- (20) Appear in a state of nudity;
- (21) Operate or use a metal detector without the written permission of the director;
- (22) Smoke or use tobacco products (Chapter 8, Article 8.8 Sec.8.809 of the Code of Ordinances);
- (23) Possess or consume any alcoholic beverage on any park or athletic field in the city, including all areas or structures within the boundaries of any park or athletic field within the city Chapter 8, Article 8.2;
- (24) Possess any glass container within any city park or athletic field in the city, including all areas or structures within the boundaries of any park or athletic field within the city;
- (25) Sell or offer for sale any food, drinks, confections, merchandise or services unless and for a duration of time approved by the city;
- (26) Practice, carry on, conduct or solicit for any trade, occupation, business or profession or to circulate any petition of whatsoever kind or character without approval of the city;
- (27) Use the restrooms and washrooms designated for the opposite sex if over the age of six years;
- (28) Use any remote-controlled or radio-controlled airplane or other aeronautical device, unless without the approval of the Director of Parks and Recreation.

Sec. 1.1106 Special events, uses, programs.

- (a) The director is authorized to require and issue permits for the reservation and temporary use of the city park and recreation areas. Permits shall be granted unless the intended use would result in a scheduling conflict; traffic congestion; damage to property or landscaping; could threaten the public's or city park and recreation area user's health, safety or welfare; or be inconsistent with the protection and preservation of wildlife. The director shall be authorized to establish written guidelines not inconsistent with the terms of this Code for the reservation and use of all city park and recreation areas and for the issuance of camping permits. Permits issued shall be conditioned on compliance with state laws, this chapter, other applicable requirements set forth in this Code and such guidelines as may be established and promulgated under this chapter. The granting of such permits shall not constitute a waiver, exception, or defense to the violation of any other applicable law or ordinance.

- (b) It shall be unlawful for any person to conduct or to participate in any organized assembly or public participation event except pursuant to a permit issued by the director.
- (c) Any club, organization or business holding a special event, tournament, or program shall provide the City of Sanger with a copy of liability insurance for 1 million dollars listing the City of Sanger as additionally insured.
- (d) No fees may be waived without the consent and approval of the City Council.
- (e) It shall be unlawful for any person to enter into or remain in an area or facility for which a public use limit has been established when such action will have the effect of exceeding the established limitations.
- (f) Park reservations must be made at least 48 hours prior to the event. Special events must be made 60 days prior to the event.

Sec. 1.1107 Animals.

- (a) It shall be unlawful within any city park and recreation area for a person to:
 - (b) Bring into or possess a pet or other domesticated animal, unless the animal is properly secured by a leash not exceeding ten feet in length, or confined to a vehicle or camping structure, or to permit said animal to enter into or remain within a city park and recreation area unless so secured;
 - (c) Permit any pet or domesticated animal to remain unattended or to create a disturbance or hazard;
 - (d) Permit any pet or domesticated animal, except those trained to assist a person with a disability, to enter into or remain in any building or enclosure designated for public use including a cabin, lodge room, restroom, shelter, dining hall, amphitheater or administration building;
 - (e) Permit any pet or domesticated animal to enter the water of a designated swimming area or to permit said animal, except those trained to assist a person with a disability, within the land or beach area adjacent to the water of a designated swimming area;
 - (f) Bring into, permit to range or release into a park and recreation area a wild animal, pet, fowl or livestock;
 - (g) Possess a noisy, vicious or dangerous animal, or one which is disturbing to other persons;
 - (1) Ride, drive, lead or keep a saddle horse, except in designated areas;

- (2) Ride a saddle horse in a manner that is dangerous to a person or another animal;
- (3) Allow a saddle horse to stand unattended or insecurely tied; or
- (4) Hitch a saddle horse to a tree, shrub or structure in any manner that may cause damage.

Sec. 1.1107 Wildlife.

(a) It shall be unlawful within any city park and recreation area for a person to:

- (1) Harm, harass, disturb, trap, hunt, confine, catch, possess or remove any wildlife, or portions of wildlife except by permit issued by the director;
- (2) Release any fish into the waters except as authorized by the director (not including fish caught within a city park).

Section 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. It is hereby declared to be the intention of the City council that the sections paragraphs, sentences, clauses, phrases and words of the Ordinance are severable and, if any word, phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining portions of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional word, phrase, clause, sentence, paragraph, or section.

Section 5. Any person, firm, or corporation who shall violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be fined in accordance with the general penalty provision found in Section 1.109 of this Code.

Section 6. This ordinance will take effect immediately from and after its passage, and the publication of the caption, as the law and Charter in such cases provide.

PASSED AND APPROVED this 3 day of June 2013 by the City Council of the City of Sanger, Texas.

APPROVED:


Thomas E. Muir, Mayor

ATTEST:


Tami Taber, City Secretary

