



## **ORDINANCE NO. R 17-11**

### **PARK FACILITIES ORDINANCE**

**AN ORDINANCE OF THE CITY OF NOLANVILLE, TEXAS, RELATING TO THE MANAGEMENT, OPERATIONS, USES, AND REGULATION OF CITY PARK FACILITIES; PROHIBITING SPECIFIED ACTIVITIES; PROVIDING FOR PARK USE RULES; PROVIDING FOR USE PERMITS AND APPEAL OF DENIALS THEREOF; PROVIDING FOR A PROCESS TO APPROVE THE NAMING OF PARK FACILITIES; PROVIDING FOR A FINE NOT TO EXCEED \$500.00 FOR VIOLATIONS OF THIS ORDINANCE, AND A FINE NOT TO EXCEED \$2,000.00 FOR VIOLATIONS OF ANY REGULATIONS ADOPTED HEREIN OR HEREBY THAT GOVERN FIRE SAFETY OR PUBLIC HEALTH AND SANITATION; MAKING FINDINGS OF FACT; PROVIDING FOR REPEALER AND SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE; AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS,** the City of Nolanville is a Home Rule City in the State of Texas; and

**WHEREAS,** pursuant to Texas Local Government Code Section 51.012, the City of Nolanville has general authority to adopt an ordinance not inconsistent with state law, that is necessary for the government, interest, welfare, or good order of the municipality; and

**WHEREAS,** the City is authorized by Chapter 331 of the Local Government Code: to improve land for park purposes; to operate and maintain parks; to control and manage the same; to sell or lease concessions or privileges for the establishment of concerns consistent with the operation of a public park, the proceeds of which may only be used for the improvement and operation of the park or site for which the concession or privilege is granted, and also for the support, maintenance, and upkeep of other municipal parks; and

**WHEREAS,** Chapter 331 further authorizes the City to prescribe rules for the parks,

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

#### **SECTION 1. Findings of Fact**

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

## **SECTION 2.     Interpretation and Application**

As concerns interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Where this ordinance imposes a greater restriction than is imposed or required by other provision of rules or regulations or ordinance, the provisions of this ordinance shall control with regard to its subject matter.

## **SECTION 3.     Applicability; Definition of Park**

- A. This ordinance shall be in full force and effect in the corporate limits of the City of Nolanville, Texas. Territory annexed to the corporate limits of the City of Nolanville, Texas subsequent to the effective date of this ordinance shall immediately be subject to the provisions of this ordinance.
- B. "Park" means any park, playground, splash pad, sports complex, recreational area or community center, together with any parking lots and adjoining facilities owned, operated and used, maintained and controlled by the City of Nolanville.

## **SECTION 4.     Prohibited Activities**

It is an offense to engage in any of the following prohibited activities, except when, where and in the manner in which it may otherwise specifically be permitted by the City. Appropriate notices of prohibited activities shall be posted online in the City's website, shall be made available to any park use applicant, and shall otherwise be posted or publicized by the City:

- A. Willfully mark, deface, disfigure, tamper with, displace or remove any structure, equipment, facility, property or appurtenance whatsoever, either real or personal, located in any of the parks;
- B. Dig or remove any sand, soil, rock, stones, trees, shrubs, plants, down timber or other wood or material, or make any excavation by tool, equipment, blasting or other means;
- C. Attach any rope, wire or other contrivance to any tree or plant, fence, pole, structure, or building;
- D. Dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area;
- E. Stake into the ground any device relating to the erection or use of equipment, signage, or other use not allowed by permit, except open-sided canopies erected for day use;
- F. Litter;
- G. Cook or build a fire at other than in designated areas;
- H. Failing to completely extinguished any fire previous to leaving the premises;
- I. Use amplified sound equipment other than portable radio, car tape decks, radios or stereo receivers, unless the person has obtained a special event permit from the City; or play portable radios, car tape decks, radios or stereo receivers at a volume that disturbs a person of normal sensibilities;

- J. Swim in or enter into any stream or body of water other than a swimming pool;
- K. Wash or perform any maintenance or repairs on motor vehicles except in emergency situations;
- L. Engage in any commercial activity or any activity for the purpose of earning money or raising funds, unless authorized by a permit from the City;
- M. Bring into or upon the premises of any City park, or possess while therein, any glass drinking container of any kind;
- N. Consume or possess any alcoholic beverage, except such beverages as are dispensed by an authorized person pursuant to a City special event permit, and then only within the specified perimeter;
- O. Use tobacco products of any kind, because of the dangers of second-hand smoke, the environmental impact of discarded nonbiodegradable cigarette butts, the accumulation of cigarettes as litter, the attractive nuisance that discarded cigarettes are for children, and the fire danger that discarded cigarettes represent;
- P. Take any pet (specifically, dog, cat or other domesticated animal), wild animal, or any other animals into a park, unless the pet is on a leash or in a designated off leash area. Animals are not permitted on splash pads; an exception to this provision shall apply to service animals only.
- Q. Possess or discharge any bow-and-arrow, pellet gun, BB gun, slingshot, illegal knife or, except as may be permitted under State law, any firearm.
- R. Park a vehicle except if lawfully in a designated parking area and in compliance with the posted directions, or when under the instructions of any authorized attendant who may be present;
- S. During any time between dusk and dawn: camping; having a tent or any other temporary shelter; leaving in a park any moveable structure or vehicle used, to be used, or that reasonably could be used as a temporary shelter, including but not limited to house trailer, camp trailer, or camp wagon.
- T. Wheeled vehicles, with the exception of strollers, walkers and wheelchairs, are not permitted off of designated road or parking.
- U. Any activity prohibited by rules and regulations prescribed by the Director of Public Works as approved by the City Council.
- V. Splash Pad Rules:

All persons using the Splash pad do so at their own risk

Children under 12 years of age must be accompanied and supervised by an adult

18 years or older:

- Running, undue roughness, horseplay and other undue disturbances are prohibited
- Splash Pads are designed for recreation purposes and not for bathing.

- Please refrain from using soaps, detergents or shampoos
- Infants must wear swim diapers or rubber pants without diapers. Cutoffs and street shoes are prohibited
- Wheeled vehicles, with the exception of strollers, walkers and wheelchairs, are not permitted in the Splash Pad area
- No animals, with the exception of service animals, are permitted in the Splash Pad area
- Radios, tape players or other acoustical devices are only permitted when used in conjunction with headsets
- Pool toys and floats are prohibited
- No glass containers of any kind are permitted
- Food and drinks are prohibited while in the Splash Pad area
- The use of profane language will not be tolerated
- Persons should be healthy and free of diarrhea or open wounds before utilizing the Splash Pad.

#### **V. Basketball Court & Sport Field Rules**

- Courts and fields are open during established park hours
- No dogs, bicycles, skateboards or skates allowed on courts
- No food or glass containers allowed on courts
- No climbing or hanging on sports equipment
- Please respect your neighbors. No loud or obscene language
- Players must wear athletic shoes at all times
- Players must adhere to the "first-come, first-served" rule
- Play time limited to 45 minutes when others are waiting
- Organized or league games must be authorized by Nolanville Public Works

#### **W. Dog Park Rules**

- The off-leash dog area is for dogs, their handlers and those accompanying them
- Dog owners must clean and dispose of pet waste, per ordinance
- Off-leash areas are for socialized dogs, and aggressive dogs must be removed immediately
- Dogs should be constantly supervised
- Gates should always remain closed

- Limit 3 dogs per person per visit
- Off-leash pets should be spayed/neutered
- Dog must be licensed, vaccinated and wearing identification at all times
- Dogs should be leashed prior to entering and upon leaving
- Handlers are responsible for any injuries caused by the dogs under their care
- No food or glass containers allowed for pet or owner within off-leash area

#### **SECTION 5.     Park Hours**

- A. All public parks located within the City of Nolanville that are owned and operated by the City shall be open for public use, daily between dawn and dusk.
- B. It shall be unlawful for any person to be present in a City park between dusk and dawn without a special use permit.
- C. Anyone found in a park between dusk and dawn without a Park Use Permit, may be cited or arrested for Criminal Trespass, or any other applicable law, statute or ordinance, if they refuse to vacate the park as directed.
- D. The City reserves the right to close any park or cancel any or all activities therein by order of the Mayor, the City Manager, the Chief of Police, or the Director of Public Works, when deemed necessary to preserve life and property, and for public safety purposes.

#### **SECTION 6.     Park Use Rules**

The Director of Public Works is authorized to prescribe rules and regulations for park, which before going into effect shall be submitted to the City Manager for presentation to the City Council for consideration and approval.

#### **SECTION 7.     Authorized Use**

All park facilities are open to the general public except as follows:

- A. Sports Fields. Baseball/softball and soccer fields are open to the general public, except those times reserved by obtaining a Park Use Permit.
- B. Pavilions. Pavilions are open to the general public for use except during those times they have been reserved by a Park Use Permit. No person or group may reserve a Pavilion more than (2) two consecutive days and for not more than two (2) days within a ninety (90) day period.
- C. Concession stands at a park are for use only by organizations approved by the City or through an approved special use permit.

## **SECTION 8.     Park Use Permits**

- A. No person, group or organization shall be entitled to exclusive use of any park or recreational facility, or part thereof, owned or operated by the City of Nolanville, unless such person, group or organization shall first obtain a Park Use Permit for such exclusive use from the City Manager, City Clerk, the Director of Public Works, or a designated representative.
- B. It shall be unlawful for any person not having a proper City permit, to refuse to leave any park or part thereof, after being asked to leave by a person having, and exhibiting a valid Park Use Permit for the park or area thereof.
- C. Any person, group or organization applying for a Park Use Permit shall be entitled to the issuance of such permit, unless the Director of Public Works, or his designated representative shall affirmatively find the following:
  - 1) The park is proposed to be used for an unlawful purpose;
  - 2) The time, place, or manner of proposed use of the facility is likely to cause a substantial disturbance to persons occupying property in the vicinity of the facility, including noise, pollution or other public nuisances, or is likely to generate excessive parking needs that spill over to neighboring residential streets;
  - 3) The proposed time, place or manner is likely to result in damage to City property;
  - 4) The application for the permit is made such that there is not sufficient time to make the above determination, or
  - 5) The applicant failed to clean the facility to the satisfaction of the Director of Public Works, or his designated representative, after the prior use of a park facility, regardless of whether such prior use was under a permit provided herein or not, and the applicant was advised of such prior failure within a reasonable time after such use and given an opportunity to challenge the finding.

## **SECTION 9.     Fees**

Any person, group or organization applying for a Park Use Permit may contact City Hall to file an application and pay applicable fee as required by the Fee Schedule.

## **SECTION 10.   Appeal**

Any person aggrieved by the refusal of a permit may appeal such refusal to the City Council by filing a written appeal with the City Manager within five (5) days of the refusal. The City Council shall hold a hearing on such appeal not later than within two (2) regularly scheduled meetings of the City Council after the appeal has been filed. The decision of the City Council shall be final.

## **SECTION 11. Penalties and Remedies**

- A. Any person, group, or organization violating any of the provisions of this ordinance shall be subject to summary ejection from the park in which the violation occurs by either a member of the staff of the Public Works department of the City of Nolanville, a police officer of the City of Nolanville, or their designees.
- B. Any person who shall be convicted of a violation of this ordinance shall be guilty of a Class C misdemeanor offense and shall be liable for a fine not to exceed \$500.00, provided that violations of any regulations adopted herein governing fire safety or public health and sanitation may be punishable by a fine not to exceed \$2,000.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all other remedies provided herein.
- C. Restitution. Any person responsible for damage to a park shall be required to make restitution.
- D. The above provisions shall not be deemed to preclude recourse to any other remedy available at law or in equity to the City to ensure enforcement of this ordinance or prevent any violation thereof.
- E. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all other remedies provided herein.

## **SECTION 12. NAMING PROCESS**

The process to name parks shall be as follows:

- A. Nominations. Whenever the City proposes to name or rename a park facility proper notice of such proposed naming or renaming shall be publicized. Such notice will advise of the subject park facility, solicit suggestions and a brief explanation for any suggested name, and state the procedure to make such suggestions and the deadline for submissions. Any person may submit in writing suggested names for the subject park facility to the City Secretary.
- B. Review. After the deadline for submissions, the City Secretary shall forward all suggestions to the City's Citizen Advisory Committee for review at its next scheduled meeting, the Citizen Advisory Committee shall provide the City Secretary of a short list of recommended names, which the City Secretary shall submit to City Council.
- C. Public Hearing. Following submission of the short list to City Council a public hearing shall be scheduled, noticed and held. City Council shall then consider the recommended names and approve one of them, provided that a super-majority of the entire City Council may select any other name.

## **SECTION 13. Amendment and Repeal of Conflicting Ordinance Provisions**

All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

**SECTION 14. Severability**

It is hereby declared that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 of this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 15. Open Meetings**

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

**SECTION 16. Effective Date**

This ordinance shall take effect immediately from and after its passage and publication in accordance with the applicable provisions of the Tex. Loc. Gov't. Code and the City Charter.

**SECTION 17. Publication**

The City Secretary of the City of Nolanville is hereby ordered and directed to cause this ordinance to be published as required by state law.

**PASSED AND APPROVED this the 2<sup>nd</sup> day of November, 2017, by a vote of 5 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the City of Nolanville, Texas.**

**APPROVED:**



**Christina Rosenthal, Mayor**

**ATTEST:**



**Crystal Briggs, City Secretary**