

Chapter 19

PARKS AND RECREATION

Art. I. In General, §§ 19-1--19-25

Art. II. Park Rules, §§ 19-26--19-40

Art. III. Tree Care, §§ 19-41--19-44

ARTICLE I. IN GENERAL

Sec. 19-1. Penalty.

Unless stated otherwise, violations of this chapter shall be punished as provided in section 1-8.

Sec. 19-2. Unauthorized vehicles on municipal golf course; penalty.

It shall be unlawful for any person to drive a vehicle, other than city owned and/or operated vehicles, on the city municipal golf course without special permission to do so from the city. (Code 1963, Ch. 7, art. 12, § 15 [Ord. No. 69-53, §§ 1,2, 10-27-69])

Secs. 19-3--19-25. Reserved.

ARTICLE II. PARK RULES

Sec. 19-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels, either of which is more than fourteen (14) inches in diameter.

Park shall mean a park, playground, baseball field, beach, hike and bike trail or recreation center within the city, if owned or used by the city.

Superintendent shall mean the person immediately in charge of any park area and its activities, to whom all park attendants of such area are responsible.

Vehicle shall mean any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. This term shall include any trailer in tow of any size, kind or description. This term shall not include baby carriages and vehicles in the service of the city. (Code 1963, Ch. 11, art. 5, § 1 [Ord. No. 79-23, § 1, 5-22-79]; Ord. No. 08-106, § 1, 12-16-08)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

***State law reference**--General authority relative to parks, V.T.C.A., Local Government Code § 331.001 et seq.

Sec. 19-27. Penalty.

Unless stated otherwise, violations of this article shall be punished as provided in section 1-8.

Sec. 19-28. Injury to park property.

It shall be unlawful for any person in a park to:

- (1) Dig or remove any sand, soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means.
- (2) Attach any rope, wire or other contrivance to any tree or plant.
- (3) Dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(Code 1963, Ch. 11, art. 5, § 2 [Ord. No. 79-23, § 2, 5-22-79])

Sec. 19-29. Littering.

It shall be unlawful for any person in a park to dump, deposit or leave on any park grounds, bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash, except in the containers provided. It shall be unlawful for any person to place such refuse or trash in any waters in or contiguous to any park. (Code 1963, Ch. 11, art. 5, § 3 [Ord. No. 79-23, § 3, 5-22-79])

Sec. 19-30. Traffic.

It shall be unlawful for any person in a park to:

- (1) Violate any of the traffic laws of the state or any of the traffic ordinances of the city. Such statutes and ordinances shall apply in parks without regard to whether the violation occurs on a public street, if the violation, by its nature, could be committed in a place other than a public street.
- (2) Fail to obey all traffic officers, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of this section and such supplementary regulations as may be issued by the city council.
- (3) Fail to obey any traffic-control device indicating speed, direction of travel, caution, stopping, standing, parking or other instructions designed to promote traffic-control safety.
- (4) Drive or operate a motor vehicle at a speed in excess of the speed limit posted.
- (5) Drive any vehicle on any area except the paved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the superintendent.
- (6) Park a vehicle in other than an established or designated parking area, in accordance with the posted direction or under the instructions of any attendant who may be present.
- (7) Ride a bicycle on any part of a park other than a paved vehicle road or path designated for that purpose. However, a bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trails or any other paved areas reserved for pedestrian use.
- (8) Ride a bicycle other than as near to the right side of the roadway as practicable. It shall be

unlawful for persons to ride bicycles on a roadway in any configuration other than single file. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns and pass to the right of any vehicle they may be meeting.

- (9) Carry more persons on a bicycle at one (1) time than the number for which it is designated and equipped.

(Code 1963, Ch. 11, art. 5, § 4 [Ord. No. 79-23, § 4, 5-22-79])

Sec. 19-31. Recreational activities.

It shall be unlawful for any person in a park to:

- (1) Cook or build a fire at other than designated areas;
- (2) Use amplified sound equipment other than portable radios, car tape decks, radios or stereo receivers unless the person has obtained a permit from the parks and recreation department, or play portable radios, car tape decks, radios or stereo receivers at a volume calculated to disturb other persons of normal sensibilities in the park;
- (3) Swim in any stream or body of water other than a swimming pool;
- (4) Wash or perform any routine maintenance or repairs on motor vehicles except in emergency situations;
- (5) Cut or remove any wood from a park area;
- (6) Engage in any commercial activity or any activity for the purpose of earning money unless authorized by permit from the city;
- (7) Possess glass containers of any kind;
- (8)
 - (a) Bring, take, carry, or transport any animal to any public event, any sporting field such as, but not limited to, baseball, softball or soccer field, recreational centers, city sponsored outdoor concerts, or any organized sporting or recreational event that is held on a playing field. It is not a defense that the animal was restrained by a leash, chain, rope, cage, or any other means.
 - (b) Paragraph (a) above shall not apply to dogs or any other animals that are used as assistance animals.
 - (c) Animals are allowed in city parks that do not have a sporting or recreational field if the animal is under the complete control of the owner or caretaker by means of a leash, cord, chain, or other means;
- (9) Possess or discharge pellet guns, BB guns or firearms of any kind;
- (10) Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, paper, cans, bottles, garbage and other refuse is placed in a trash receptacle, if provided. If no such trash receptacles are available, it shall be unlawful to fail to carry away trash and refuse from the park area to be properly disposed of elsewhere by the picnicker;
- (11) Camp in any area of a park other than those designated as camp areas, which camp areas shall be provided by the superintendent and used by groups of persons under adequate supervision. It shall be unlawful for any person to set up tents, shacks or any other temporary shelter with the purpose of camping overnight, or leave in a park any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp wagon or the like unless such person has obtained a permit for overnight camping from the parks and recreation department;
- (12) Ride a horse except on designated bridle paths; where such riding is permitted, it shall be unlawful to ride other than a thoroughly broken and properly trained horse or to allow such horse to graze or otherwise go unattended.

(13) Possess or consume any alcoholic beverage.
(Code 1963, Ch. 11, art. 5, § 5 [Ord. No. 79-23, § 5, 5-22-79; Ord. No. 81-16, 5-12-81]; Ord. No. 00-84, § I, 11-14-00; Ord. No. 04-98, § I, 12-14-04)

Sec. 19-32. Closing hours.

All public parks located within the city that are owned by the city shall be closed between the hours of 11:00 p.m. and 5:00 a.m. Anyone found in or around the parks between those hours may be cited by the proper law enforcement officers. This section shall not apply to city-sanctioned recreational functions that begin before or extend into hours when the park is closed. (Code 1963, Ch. 11, art. 5, § 6 [Ord. No. 79-23, § 6, 5-22-79]; Ord. No. 08-106, § 1, 12-16-08)

Sec. 19-33. Pools.

All city pools will close at 8:00 p.m. unless a permit for a function is issued by the parks and recreation department. (Code 1963, Ch. 11, art. 5, § 7 [Ord. No. 79-23, § 7, 5-22-79])

Sec. 19-34. Baseball diamonds.

All baseball diamonds shall be under control of the city and shall not be used unless a permit is obtained from the parks and recreation department. (Code 1963, Ch. 11, art. 5, § 8 [Ord. No. 79-23, § 8, 5-22-79])

Sec. 19-35. Covered pavilions.

Covered pavilions may be reserved for use by groups by obtaining a permit from the parks and recreation department. It shall be unlawful for any person not having a permit to refuse to leave a pavilion after being asked to leave by a person having a permit. (Code 1963, Ch. 11, art. 5, § 9 [Ord. No. 79-23, § 9, 5-22-79])

Sec. 19-36. Park closing; denial of permit, appeal.

(a) The city reserves the right to close any park or cancel all activities therein by order of the director of community services or the chief of police or their designees.

(b) The city also reserves the right to refuse to issue permits for any activities requiring a permit. 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 within ten (10) days of its filing, and the decision of the council shall be final.

(Code 1963, Ch. 11, art. 5, § 10 [Ord. No. 79-23, § 10, 5-22-79])

Secs. 19-37--19-40. Reserved.

ARTICLE VII. TREE CARE

Sec. 19-41. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meaning

ascribed to them in this section, except where the context clearly indicates a different meaning. Words not specifically defined shall have the meanings given in Webster's Ninth New Collegiate Dictionary, as revised.

Public trees shall mean any trees, shrubs, bushes and all woody vegetation on city parks or city-owned property and right-of-ways.

Park trees shall mean any trees, shrubs, brushes and all woody vegetation in city parks, and in all areas owned by the city and to which the public has access.
(Ord. No. 07-026, § I, 3-13-07; Ord. No. 08-100, § I, 12-9-08)

Sec. 19-42. Establishment of a tree care advisory board.

A. *Board membership.* The city council hereby creates an advisory board known as the "tree advisory board," hereinafter referred to as the "board." The board shall consist of seven members approved by the city council. Members of the tree board will serve without compensation.

B. *Term of office.* Board members shall be appointed for three year staggered terms, except for the term of the initial board. To create staggered terms, the initial members shall be appointed as follows: three members shall be appointed for a term of one year, two members shall be appointed for a term of two years, and two members shall be appointed for a term of three years. Thereafter, all appointments shall be for three years.

C. *Meetings.* The board shall meet a minimum of four times each year. The director or the chair of the tree board may schedule additional meetings as needed.

D. *Officers.* The board shall annually select one of the members to serve as chair, and may appoint a second member to serve as vice-chair.

E. *Duties.* The duties of the tree board shall include:

1. Coordinating and promoting Arbor Day activities;
2. Developing and updating a five-year plan to plant trees on city property;
3. Developing public awareness and education programs relating to trees;
4. Reviewing parks and recreation department concerns relating to tree care;
5. Submitting an annual report of its activities to the city council;
6. Submitting the annual application to renew the tree city USA designation; and
7. Other duties that may be assigned by the city council.

(Ord. No. 07-026, § I, 3-13-07; Ord. No. 08-100, § I, 12-9-08)

Sec. 19-43. Care of public trees.

A. The parks and recreation director and/or his designees shall have the responsibility to plant, prune, maintain and remove trees and woody plants on all city streets, rights-of-ways, and/or city parks. The parks director and/or his designee in appropriate cases, and upon consultation with a property owner, may remove or prune a tree on private property which threatens the safety of those who may use a city street or city park. (Also see chapter 28-241 for further information on obstructions within the right-of-way.)

B. The parks and recreation director and/or his designee may recommend the removal of any tree or part thereof that threatens the safety of any person or by which by reason of its location or nature threatens any electric line, telephone line, gas line or any municipal water or sewer line or any public improvement, or any tree which is affected by any injurious fungus, insect or other pest disease. (Also see chapter 25-201 for further information on impeding full-use of the right-of-way.)

C. No person shall remove, destroy, or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the parks and recreation director.

D. It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope sign or any other object to any city tree, plant or shrub without the written permission from the director.

(Ord. No. 07-026, § I, 3-13-07; Ord. No. 08-100, § I, 12-9-08)

Sec. 19-44. Penalty for violations.

Any violation of this ordinance shall be guilty of a Class C misdemeanor punishable by a fine of not less than one hundred dollars (\$100.00), nor more than two thousand dollars (\$2,000.00). Each day the violation continues shall be considered a separate offense. (Ord. No. 07-026, § I, 3-13-07; Ord. No. 08-100, § I, 12-9-08)