

ORDINANCE # 2023.12.19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAYPEARL, ELLIS COUNTY, TEXAS, ADOPTING A PARK AND RECREATION ORDINANCE; PROVIDING FOR PUBLICATION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Maypearl, Texas is a Type A general-law municipality located in Ellis County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the Council finds there is an essential need for public access to open, outdoor areas where people may exercise, play team sports, gather with friends, attend community events, and other outdoor activities; and

WHEREAS, the Council finds that establishing and enforcing rules and regulations specifically for the City's parks and public spaces will ensure they are safe, well-maintained, and free from any public nuisance activity; and

WHEREAS, the City Council finds that enacting park rules and regulations is necessary and proper for the purpose of the promotion and protection of the public health and safety of its citizens and inhabitants.

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

SECTION 1. RECITALS. The recitals contained in the preamble of this ordinance are incorporated herein and made a part hereof for all purposes.

SECTION 2. SHORT TITLE. This ordinance shall be commonly known and cited as the “Park and Recreation Ordinance.”

SECTION 3. PURPOSE. The creation and use of public parks and open space promotes a strong sense of community among residents and visitors to the city. To promote community participation with the team sports, community events, and other recreational gatherings that happen at the city public parks and open spaces, it is important for them to be safe, clean, well-maintained and useful to everyone who visits them. This article provides the rules and regulations needed to achieve this goal subject to any licensing agreement in effect.

SECTION 4. 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:

Director means the person so designated and in charge of the parks and recreation department or any subdivision thereof, including those in charge of any park area and its activities.

Park means a park, reservation, playground, recreation center, walking trail, or any other area in the city owned or used by the city, and devoted to active or passive recreation, including all planted expressways, parkways, sidewalks, triangles, and traffic circles maintained by the city.

Vehicle means any conveyance employing wheels, track-laying devices, runners, fans, or propellers, whether motor-powered, animal-drawn, or self-propelled. The term shall include trailers of any size, kind, or description. Exception is made for baby carriages and vehicles in the service of the city.

SECTION 5. ENFORCEMENT.

(a) Officials. The Director, park attendants designated by the Director, and police department shall, in connection with their duties imposed by law, diligently enforce the provisions of this article.

(b) Ejection. The Director, park attendants designated by the Director, and any member of police department shall have the authority to eject from the park any person acting in violation of this article.

(c) Seizure of property. The Director, park attendants designated by the Director, or any member of police department shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this article.

SECTION 6. PROMULGATION AND POSTING. The Director shall recommend to the city council such rules and regulations deemed best for the management of the public parks, and where such rules have been adopted for a specific park area and posted within the specific park so regulated, any person found guilty of violating such rules shall be guilty of a misdemeanor.

SECTION 7. UNLAWFUL ACTS.

(a) General Park Rules. It shall be unlawful for any person to knowingly do any of the acts specified in this section in or upon any city park or park facility, except as may be otherwise provided by written lease, license, or permit granted by the City:

- (1) To hitch, fasten, lead, drive, or let loose any animal, reptile, or fowl of any kind, provided that it shall be a defense that the animal is a dog being led by a leash, cord, or chain not more than six feet long connected to the collar on the dog and the other end of which is being held by the person.
- (2) To ride or drive any horse or other animal, except in designated areas.
- (3) To operate any motorcycle, dirt bike, all-terrain vehicle, automobile, or other motorized vehicle or mode of transportation in any park except on streets or roads legally designated for such use. Bicycles, mini motorbikes, skateboards, electric scooters, hover boards, and Segways are allowed to be used in Wilemon Park or on any sidewalk, hiking or jogging trail, paved area, or any bike trail in a city park or otherwise designated areas, or pursuant to a written agreement with the City.

- (4) Bicycles, mini motorbikes, skateboards, electric scooters, hover boards, and Segways are prohibited from use on the sidewalks of Main Street.
- (5) To make or cause to be made, or allow any loud, disturbing, unnecessary and/or raucous noise in any city park or at the city square which is offensive to the ordinary sensibilities of any individual or interferes with the public peace and comfort.
- (6) To discharge any firearms, firecrackers, rockets, torpedoes, or any other fireworks, air guns, BB guns, bows and arrows, slingshots, paint-ball guns, or any device which would or could project any object which would or could create a fire hazard or any hazard or danger to the public.
- (7) To hit golf balls of any type except in designated areas.
- (8) To damage, move, alter, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, equipment, or other structure, apparatus or property, or to pluck, pull up, cut, take, or remove any shrub, bush, plant or flower, or to mark or write upon, paint, or deface in any manner, any building, monument, fence, bench, equipment or other structure.
- (9) To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.
- (10) To swim, bathe, wade in, or pollute the water of any fountain, pond, lake or stream.
- (11) To make or kindle a fire except in picnic stoves, barbeque grills, or other cooking devices raised off the ground, or in designated areas provided for that purpose.
- (12) To use or possess glass containers of any kind.
- (13) To wash dishes or to empty salt water or other waste liquids elsewhere other than in sinks provided for such purposes.
- (14) To place, abandon, or leave garbage, cans, bottles, papers, or other refuse except in proper waste receptacles.
- (15) To participate or engage in any activity in any park area when such activity will create a danger to the public or may be considered a public nuisance.
- (16) To camp overnight.
- (17) To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition, or to enter onto or into a closed area or facility, or a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved, closed or during the scheduled activity and remain or return after the person has been given notice to leave.
- (18) To distribute, post, place, or erect any commercial advertising, handbill, circular, bill, notice, paper, or other advertising device.
- (19) To sell or offer for sale any food, drinks, confections, merchandise or services, except pursuant to a permit issued by, or pursuant to a written agreement with the City.
- (20) To practice, carry on, conduct, or solicit for any trade, occupation, business or profession, except pursuant to a permit issued by, or pursuant to a written agreement with the City.

- (21) To remain, stay or loiter in any park between the hours of 10:00 p.m. and 6:00 a.m. of the following day, or remain, stay or loiter in any park except during the posted hours of operation, if posted as open other than 6:00 a.m. to 10:00 p.m. of the same day without written permission from the City.
- (22) To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park.
- (23) To allow an animal to defecate in the park without immediate removal and disposal of such feces in proper waste receptacles.
- (24) To abandon, place, remove or injure any animal including any living creature, domestic or wild, including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, fowls, and livestock, except fishing in designated areas. Fishing by adults is restricted to catch and release.
- (25) Use of mechanical loudspeakers or amplified music, sound or voices, except pursuant to a permit issued by, or pursuant to a written agreement with the City.
- (26) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the Director or which conflicts with a scheduled activity or event authorized by the Director.

SECTION 8. USE OF COMMERCIAL VEHICLES. All vehicles used for the purpose of transporting freight and merchandise, or brick, stone or gravel, and all those commonly known as floats, moving wagons, express or delivery wagons are prohibited from entering upon or being driven through any of the public parks of the city, except by special permission of the Director subject to appropriate conditions and safeguards.

SECTION 9. PARKING VEHICLES.

(a) No vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within any park area unless signs permit. Parking is to be done in areas set aside for this purpose only; in areas having no parking set aside, all parking will take place outside of the boundary or curb line, where existing.

(b) It shall be unlawful for any person to park, stand or store a motor vehicle in any city park between the hours of 10:00 p.m. and 6:00 a.m. of the following day, or to park or stand a motor vehicle in any city park, except during the posted hours of operation, if posted as open other than 6:00 a.m. to 10:00 p.m. of the same day.

SECTION 10. CITY SPONSORED OR PERMITTED EVENTS. City sponsored or permitted events or use of park and park facilities may be exempted from the requirements contained in this ordinance upon written approval by the Director.

SECTION 11. PARK FACILITIES.

(a) Use of park facilities, including, but not limited to, fields, tennis courts, and pavilions, for tournaments, camps, organized sporting events, and games must be prescheduled with and approved by the Director or his/her designee.

(b) The Director shall have the authority to issue special permits, grant exceptions, or waivers to any of the terms in this ordinance for authorized events and activities.

(c) No person shall advertise an event, meeting or activity or the time, permitted hours, or usage of an event, meeting, or activity to be held or conducted in a park facility unless such event, meeting or activity and advertisement of such event, meeting, or activity and the time, permitted hours, or usage have been approved by the Director.

SECTION 12. SMOKING PROHIBITED. No person shall knowingly or intentionally be in possession of a burning tobacco product, or otherwise smoke tobacco in any building, gazebo, portable/temporary restroom facility (e.g., porta-potty), concession stand, tent or any enclosed structure where people are presently congregating at any city park. For purposes of this section, the term “smoke” shall mean and includes the carrying, possessing or holding of a pipe, cigarette, tobacco product, electronic cigarette or e-cigarette or liquid nicotine of any kind which is burning or emitting vapor.

SECTION 13. SPORTS FIELDS; CONCESSION STAND. A permit is required to reserve and use any of sports field or concession stand at any park. Permits will be considered on a first-come, first-served basis. The Director reserves the right to deny any permit for failure to submit game/practice schedules when requested, failure to pay any required fee, prior violations of park rules and regulations, etc.

SECTION 14. PARK PAVILIONS. A permit is required to reserve and use any park pavilion for events. Permits will be considered on a first-come, first-served basis. The Director reserves the right to deny any permit for failure to submit required paperwork as requested, failure to pay any required fee, prior violations of the city square/city park rules and regulations, etc.

SECTION 15. PARK VIDEO SURVEILLANCE. All city parks, recreation areas, and/or walking/biking trails may be equipped with video surveillance equipment 24 hours a day.

SECTION 16. DAMAGES AND COST OF SERVICES. The person, group, organization, or entity reserving the use of a park facility shall be responsible for all damages to city property and for the cost of any park maintenance services, emergency or public safety services including police and fire, provided to, at or dispatched to the park facility as a result of such person’s, group’s or the organization’s misuse, improper, or unlawful use of the park facility.

SECTION 17. PENALTY. Whenever in this article an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this article the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is otherwise provided, the violation shall be punished by a fine not exceeding \$500.00. Each day a violation of this Code or of any ordinance continues shall constitute a separate offense.

SECTION 18. PUBLICATION. The City Secretary is hereby directed to record this Ordinance in the Office of the City Secretary and publish the caption of said Ordinance as required by Section 52.011(a) of the Texas Local Government Code.


SECTION 19. REPEALING CLAUSE. That all provisions of the Maypearl Code of Ordinances or resolutions in conflict with the provisions of this ordinance be, and the same are hereby,

repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 20. SEVERABILITY CLAUSE. Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid.

SECTION 21. EFFECTIVE DATE. This ordinance shall become effective from and after its passage and approval and after publication as may be required by law.

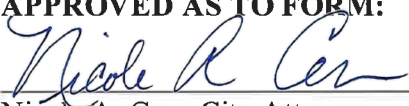
APPROVED AND ADOPTED BY the City Council of the City of Maypearl, Texas, on this the 19 day of DECEMBER 2023.

By: 

Chance Lynch, Mayor
City of Maypearl, Texas

ATTEST:


Danell Winter, City Secretary
City of Maypearl, Texas

APPROVED AS TO FORM:


Nicole A. Corr, City Attorney