

ORDINANCE NO. 900

**AN ORDINANCE AMENDING CHAPTER 1 OF THE LAKE WORTH CITY CODE (2004), AS AMENDED, BY AMENDING ARTICLE 1.600 "PARKS AND RECREATION" AND DELETING ARTICLE 1.900 "ATHLETIC FIELD USAGE REGULATIONS"; PROVIDING NEW FEES FOR RENTAL OF CITY PARK FACILITIES; PROVIDING ADDITIONAL REGULATION OF ACTIVITIES IN CITY PARKS; PROVIDING NEW HOURS OF OPERATIONS FOR CITY PARKS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Lake Worth, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council deems it necessary to amend the hours of operation of parks and regulations and fees associated with the use of park facilities and recreational fields.

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

**SECTION 1.**

Chapter 1 of the Code of Ordinances, City of Lake Worth, Texas, is hereby amended by amending Article 1.600, "Parks and Recreation," to read as follows:

**ARTICLE 1.600 PARKS AND RECREATION**

**Sec. 1.601 Definitions**

*City Manager.* The City Manager of the City of Lake Worth, or his or her designee.

*Park.* A park, reservation, playground, recreation center, recreational or playing field or any other area in the city owned or used by the city, and devoted to active or passive recreation, including all planted creeks and lakes maintained by the city, except the parkway strips between curbs and sidewalks along the several streets and highways of the city.

Parks Supervisor. The person designated by the City Manager to oversee the operation of parks in the City of Lake Worth, or his or her designee.

#### **Sec. 1.602 Park Curfew**

The Parks Supervisor shall post the hours during which the area is open to the public. Unless otherwise posted by the Parks Supervisor the parks shall be open to the public as follows: Lake Worth Park 5 a.m. to 11 p.m.; Keenum-Shelton Dog Park 7 a.m. to 11 p.m.; and all other parks 7 a.m. to 10 p.m.

It shall be unlawful for any person to enter or remain in any portion of a park during the hours of the day when such area is not open to the public. A person who violates this section shall be fined in accordance with the general penalty provision set forth in Section 1.109 of this code and may be physically removed from the area by a peace officer.

This section shall not apply to the following persons if in the park in the performance of their official duties: peace officers, physicians, ambulance operators or attendants, employees of the city, and employees of public utility companies.

#### **Sec. 1.603 Prohibited Acts**

It shall be unlawful for any person to commit any one (1) or more of the following acts in a park:

- (a) To intentionally harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect any animal or bird in any city park or recreational field or attempt to engage in any such conduct.
- (b) To ride, drive, tether or pasture any horse or other animal, except in designated areas.
- (c) To erect any structure, sign, bulletin board, post, pole or advertising device of any kind in or to attach any notice, bill, poster, sign, wire, rope, or cord to any tree, shrub, fence, railing, post or other structure in any park or recreation area.
- (d) To carry a firearm, except those persons who are duly licensed by the State of Texas to carry a concealed handgun.
- (e) To carry, (unless permitted under (d) above), or discharge firearms, fireworks, bb guns, airguns, bows and arrows, slingshots, blowgun, rockets or paint-ball guns.
- (f) To remain in any park after being advised by a Parks Department employee or peace officer that he is interfering with, disrupting or preventing the orderly conduct of any supervised or unsupervised play, educational program, or amusement program, and after having been asked to leave any park area located in or on any public property within the city.
- (g) To wash a vehicle in any park or recreation area, except in designated areas.

(h) To stop, stand or park any motorized vehicle or to permit any such motor vehicle to so stop, stand, or park within the confines of any park or recreation area, except such as may be necessary or incidental to park visits or such as may be due to accidental or temporary mechanical failure of such vehicle or such as may be occasioned by the order of any peace officer or person charged with supervision of any park or recreation area. If any motorized vehicle is found within the confines of any park or recreation area in violation of any prior provisions of this section and the identity of the operator of such vehicle can not be determined, the owner or person in whose name such vehicle is registered shall constitute prima facie evidence that the owner or person to whom the vehicle is registered is responsible for such violation.

(i) To ride, drive or park any motorcycle, automobile or other motorized vehicle upon, over or across any park, curb, sidewalk, grass, lawn, hike or jogging trail or park land except in designated areas or unless authorized by the Parks Supervisor. This provision is not applicable to City motor vehicles or emergency vehicles.

(j) To damage, move, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, 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.

(k) To swim, bathe, pollute, or wade in the water of any fountain, pond, lake or stream except in designated areas.

(l) To use or operate any motorboat, boat, or watercraft (except radio controlled boats) on any creek, pond, lake, or water within any park where the Parks Supervisor has designated by sign that such activity is prohibited.

(m) To fish within any park where the Parks Supervisor has designated by sign that such activity is prohibited. Where fishing is allowed, no trotlines, throw lines, fish traps, seines or nets shall be permitted.

(n) To make or kindle a fire, except in picnic stoves, braziers, fire pits or designated areas provided for that purpose; to leave the park without extinguishing a fire; to burn wood found in the park; or to throw hot coals in any trash receptacle.

(o) To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park.

(p) To place, abandon or leave garbage, cans, bottles, papers, or other refuse in any public park except in proper waste receptacles.

(q) To violate any park rules which are conspicuously posted at or near the main entrance to a park or park facility.

- (r) To use any city parks for overnight camping or lodging.

A person who violates any provision of this section is subject to penalty per Section 1.109 of this code and may be physically removed from the area by a peace officer.

No provision of this section shall apply if a person has written permission from the City Manager to perform any of the prohibited acts listed above. The written permission from the City Manager must be provided to any Parks Department employee or peace officer if requested while the person is performing a prohibited act in the park. This section shall not apply to the following persons in the performance of their official duties for the benefit of the health, safety, or welfare of the public: peace officers, employees of the city, and employees of public utility companies.

#### **Sec. 1.604 Alcoholic Beverages Prohibited in Parks**

(a) For the purposes of this section, "alcoholic beverage" shall be defined as: alcohol or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

(b) Except as permitted in subsection (e) below, it shall be unlawful for any person to bring into, consume or possess alcoholic beverages in any city park or park facility, or on any property owned or maintained by the city.

(c) The City Manager shall conspicuously post a sign in each city park stating substantially the following: "Possession or consumption of alcoholic beverages in this park is prohibited—up to \$500.00 fine for violation."

(d) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any provision of this section shall be fined in accordance with the general penalty provision set forth in Section 1.109 of this code.

(e) The city council may authorize the consumption of alcoholic beverages in a city park for special events.

#### **Sec. 1.605 Fee Schedule for use of City Park and City Park Facilities**

(a) The usage fees for recreational fields in city parks shall be those listed in Exhibit "A", attached hereto and made a part hereof by reference. The fees listed in Exhibit "A" are hourly fees unless expressly indicated otherwise.

(b) All reservations must be made pursuant to the City of Lake Worth Reservation and Usage Policy. Any violation of the City of Lake Worth Reservation and Usage Policy by the renter or any person utilizing the facilities in coordination with the reservation or rental shall be grounds for termination of the rental agreement, ejection from the park and/or loss of all rental fees and deposits.

(c) The Parks Supervisor is authorized to charge and collect fees for class trips, equipment, merchandise, police or supervisory service, and other programs, services, events and merchandise provided or offered by the department where no fee is established in the Code. The fee or charge shall be based on the costs of providing the event, service, equipment or goods.

**Sec. 1.606 Posting of Reservations/Notice**

(a) The Parks Supervisor shall post a sign advising the public as to when an area is closed to the public and has been reserved for an event, stating "Reserved Facility - Up to \$500.00 Fine for Unauthorized Entry".

(b) The Parks Supervisor is authorized to close a city park or recreational field for maintenance or to protect surfaces of a park or field and shall post a sign advising the public as to when a park or field is closed for either purpose, stating "Closed- Do Not Trespass-Up to \$500.00 Fine for Unauthorized Entry".

(c) It shall be offense for any person to unlawfully enter or remain in a park or upon a recreational field which has been designated as closed or reserved. This section shall not apply to peace officers, employees of the city, and employees of public utility companies in performance of their official duties for purposes of maintaining a field or park facility.

**SECTION 2.**

Article 1.900 "Athletic Field Usage Regulations" of Chapter 1 of the Code of Ordinances, City of Lake Worth, Texas, is hereby repealed.

**SECTION 3.**

This ordinance shall be cumulative of all provisions of ordinances of the City of Lake Worth, Texas, 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 4.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any 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 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 unconstitutional phrase, clause, sentence, paragraph, or section.

#### **SECTION 5.**

All rights and remedies of the City of Lake Worth are expressly saved as to any and all violations of the provisions of Chapter 1 of the Code of Ordinances of the City of Lake Worth, as amended, which 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 6.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

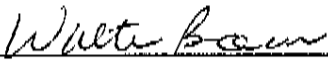
#### **SECTION 7.**

The City Secretary of the City of Lake Worth is hereby directed to publish in the official newspaper of the City of Lake Worth, the caption, penalty clause, publication clause, and effective date clause of this ordinance for two (2) days as authorized by Section 52.013 of the Local Government Code.

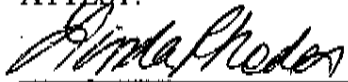
#### **SECTION 8.**

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 13<sup>th</sup> DAY OF JANUARY, 2009.

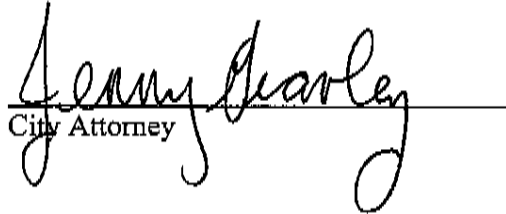
  
\_\_\_\_\_  
Walter Bowen, Mayor

ATTEST:



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Linda Rhodes, TRMC  
City Secretary

APPROVED AS TO FORM AND LEGALITY:

  
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City Attorney