

CITY OF GIDDINGS, TEXAS

ORDINANCE No. 706

AN ORDINANCE OF THE CITY OF GIDDINGS, TEXAS, AMENDING CHAPTER 1 -ARTICLE 1.10, ENTITLED “ PARKS AND RECREATION”, OF THE CODE OF ORDINANCES OF THE CITY OF GIDDINGS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY, REPEALING AND SAVINGS CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING OF ~~FR~~ PROPER NOTICE AND MEETINGS.

WHEREAS, the Parks and Recreation Ordinance has not been amended in several years and changes have occurred that cause an amendment to the Parks and Recreation Ordinance to be a benefit to the City; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of the Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Giddings, Texas that:

Article 1.10 PARKS AND RECREATION is hereby amended as follows:

CHAPTER 1 – ARTICLE 1.10

PARKS AND RECREATION

Sec. 1.10.001 Penalty be repealed.

DIVISION 3. PARK RULES

Sec. 1.10.061 Definitions.

For the purpose of this article the following terms shall have the following meanings unless the context indicates otherwise:

“Bicycle” shall mean to ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar non-motorized device.

“City” shall mean the duly incorporated municipality of the City of Giddings, Texas.

“Closed field or area” shall mean a field or area that has been closed for any use due to weather, maintenance or any other valid reason by the City Manager or his designee.

“Concession Stand” shall mean a place where patrons can purchase various snacks, drinks, and/or food items.

“E-Vapor Cigarettes” shall mean also known as smokeless cigarettes, e-cigarettes, or e-cigs, are an alternative method of consuming nicotine found in burning tobacco cigarettes. A vapor cigarette is a battery-powered device that heats liquid nicotine into a mist, or vapor, that the user inhales.

“Entertainment” shall mean any amusement or diversion provided, especially in a public performance, by an individual or a group of individuals.

“Exhibition” shall mean to show publicly for the purposes of competition or demonstration such things as works, art, objects of manufacture, or athletic skills.

“Game field” shall mean a field that has been designated by the City to be used only for the purpose of conducting league play or tournament play only.

“League play” shall mean an athletic even which is authorized, organized or scheduled with the assistance of the city parks department by a nonprofit organization.

“Organized Sports” shall mean participation in practice or competition of an activity that is associated with an organization that requests payment for the participation in their activities.

“Park” shall mean Simmang Northwest Park, Veteran’s Park (including the City Pool) and Whistle Stop Park.

“Person” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

“Scoot” shall mean to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power.

“Skate” shall mean to ride or propel a device commonly known as roller skates, roller blades, skateboard or similar non-motorized device.

“Supervisor” shall mean the supervisor of the Parks Department.

“Vendor” shall mean a person or persons that sells an item, including food.

“Walking or jogging trails” shall mean any paved or improved path, sidewalk or bridge designed to be used by individuals for walking, jogging or running.

“Youth” shall mean a person or persons who is/are twenty-one years or younger.

Sec. 1.10.062 Scope

The provisions of this division shall govern the use of city-owned parks. (1999 Code, sec. 93.01)

Sec. 1.10.063 Hours of use

The posted hours for use of the city parks shall be from 5:00 a.m. until 11:00 p.m. (Ordinance 583, sec. 2, adopted 8/1/05)

Sec. 1.10.064 Unlawful Acts

Within the limits of said parks, it shall be unlawful for any person or persons to do any of the acts hereinafter specified. Anyone who uses the park is charged with knowledge of the rules.

- a) To ride, drive, or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon any bicycle, motorcycle, automobile or any other vehicle whatsoever, upon any drive or street in any park of the city, or to ride or drive any such motorcycle, automobile, or other motorized vehicle upon any walk in such park, or to ride or drive any such motorcycle, automobile or other motorized vehicle upon the turf, grass or soil, except in designated areas.
- b) To carry or discharge any firearms, firecrackers, rockets, torpedoes or any other fireworks, air guns, BB guns, bows and arrows, slingshots; or hit golf balls, ~~is prohibited~~.
- c) To damage, cut, break, injure, deface, or disturb any tree, plant, shrub, rock, building, cage, pen, monument, fence, bench 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, or other structure.

- d) To cut or remove any turf, wood, grass, soil, rock, sand, gravel, or fertilizer.
- e) To swim, to bathe, wade in, or pollute the water of any fountain, pond, lake, or stream. Fishing is allowed from the pond's bank only at Simmang Northwest Park.
- f) To leave garbage, cans, bottles, papers, or other refuse anywhere other than in receptacles provided therefor.
- g) To participate or engage in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. Overnight camping is prohibited on any park property.
- h) To possess or consume any alcoholic beverage including liquor, wine, beer, or any other type, within any city park.
- i) Smoking, including e-vapor cigarettes in city parks.
- j) Chewing tobacco use. To use or consume any chewing tobacco products:

(A) While seated in or within twenty (20) feet of a bleacher provided for spectators at outdoor athletic events or activities.

(B) While on or within twenty (20) feet of an outdoor amphitheater seating area.

(C) Inside any building located on park land, including, but not limited to, restrooms, concessions, bathhouses, offices, meeting rooms, kitchens, storerooms, and equipment rooms.

(D) In baseball/softball field plaza areas.

(E) Inside the enclosure fence of a municipal pool.

(F) Inside the border of a playground.

Use or consumption of tobacco products is allowed in all other outdoor areas of a park facility unless otherwise prohibited.

- k) Fires are prohibited in the city parks, except in those facilities that are designed expressly for that purpose. Gathering of firewood is prohibited in city parks.
- l) Skateboarding and bicycling are not allowed on park tennis courts, basketball courts, pavilion areas or volleyball courts.
- m) Piñatas, moonwalks and other similar type of entertainment/play equipment are prohibited from city parks and any city park facilities. (Ordinance 618 adopted 11/5/07)
- n) All courts, fields, equipment and pavilions must be used for their intended purposes only. Open grassy areas that are not part of a field may be used for any lawful purposes.
- o) Except as set out below for league play, all parks, fields, courts and pavilions are available on a first come, first served basis unless a special lease agreement has been entered into with the City for exclusive use for a specified period.

Sec. 1.10.065 Pavilion Reservation for group activities – Simmang Northwest Park

(a) Reservations for the use of park facilities shall be made in person at city hall with the designated city staff. A refundable deposit is required to reserve the pavilion at Simmang Northwest Park as provided in [section A1.10.063](#) of the fee schedule in appendix A to this code. City park staff will inspect the pavilion as soon as practical following the reserved event and recommend to the city manager whether all or any part of the deposit shall be refunded. The city manager shall make his determination to refund the deposit based on the cleanliness of the pavilion at the time of the inspection.

(b) City-owned park facilities may be reserved for use by a group or groups if the reservation is made by an adult sponsor of the group. For the purpose of this section, an adult sponsor is defined as a person over the age of eighteen years.

(c) Park facilities shall not be damaged and must be adequately cleaned immediately following the activity for which the area was reserved. Adequate cleanup shall be determined by an employee or designated representative of the city. The adult sponsor reserving park facilities shall be responsible for the actual cost to any damages caused to park facilities, and for the city's actual cost to clean up the park facilities. In no event shall the city's charge to a party for failing to adequately clean up park facilities be less than the amount provided in [section A1.10.063](#) of the fee schedule in appendix A to this code.

Sec. 1.10.066 Requirements for organizations (organized sports/league play) using facilities

All groups or organizations desirous of establishing leagues and utilizing recreational facilities owned, leased, or controlled by the city for competitive or recreational league play must comply with the following requirements:

- a) Be a nonprofit organization serving and operating exclusively for amateur sports competition.
- b) Reservations must reserved through the city secretary and approved by the city manager; follow all of the parks policies and procedures.
- c) A copy of organization's board members, contact information, and schedules.
- d) Organizations reserving park facilities for organized league games or events shall provide the city secretary a copy of proof of insurance covering the anticipated activity. A certificate of insurance shall be on file with the city prior to use of the park facilities listing the city as an additional insured on the policy. Minimum amounts of insurance coverage shall be \$1,000,000.00 combined single limit per occurrence. **No practices and/or games may be played until an acceptable proof of insurance has been received by the city secretary.**

Baseball fields at Veterans Park are reserved for Lee County Little League use for the months of March through August. In the event of Little League tournaments, park hours will coincide with tournament rules. Soccer fields at Simmang Northwest Park are reserved for Lee County Youth Soccer from September thru October. _____ are reserved for Lee County Youth Football from August thru December. The swimming pool is reserved for Lee County Area Swimmers from February thru July and Giddings Buffalo Swim Team from October thru February.

Sec. 1.10.067 Closed Areas

The City is authorized to close any section or part of a park at any time and for any period or interval of time due to weather, maintenance or other public health or safety reason. It shall be unlawful for any person to go upon any section or area of a park which has been closed by the City.

Sec. 1.10.068 Game fields; designation

- a) The Parks Department is authorized to designate fields as game fields by posting a sign thereon stating:
"Game Field–Restricted to League Play Only"
- b) It shall be unlawful for any person to go upon a field which has been designated a game field except for the purpose of participating in approved league play.

Sec. 1.10.069 Closed fields; designation

- a) The director is authorized to designate any field as a closed field for purposes of maintenance or to protect the surface of the field from damage by posting a sign thereon stating:
"Closed Field–Do Not Trespass"
- b) It shall be unlawful for any person to go upon a field which has been designated as a closed field except for the purpose of authorized maintenance or repairs.

Sec. 1.10.070 Practice

Except with prior approval of the supervisor of the city parks department or designee, no practice is allowed on any game field or areas where games and practices have been canceled due to weather conditions. Each sports organization shall require in its bylaws that any team guilty of violating this provision shall forfeit one league game.

Sec. 1.10.071 Facility utilization agreement required

1. Organized sports/League play which desire to use any city park shall be required to execute a facility use agreement with the City which contains the duties and responsibilities of the parties. ("Attachment B")

Sec. 1.10.072 Concessions

- a) First choice of operating the concession stand, **during requested season play**, will be given to each league using the facility. If the User does not want to operate a concession stand, another individual, team or organization will be given the option with preference to non-profit service organizations, such as Lions Club, Chamber of Commerce, Boy Scouts, etc. TOBACCO or ALCOHOLIC products of any kind will not be sold in the concession stands. Organizations that use a concession stand are responsible for all concession costs and damages.
- b) The City will not be held responsible for damaged or theft to any equipment left within the facility.
- c) Cleaning of the concession stand at the end of the day and the season are the responsibility of the User.

Sec. 1.10.073 Parking of vehicles

Parking in the city parks shall be permitted in designated parking areas only.

Sec. 1.10.074 Private vendors

Private vendors shall not be permitted to operate in city parks without prior written authority from the city manager. This does not include use of the concession stand as set out above.

Sec. 1.10.075 Noise

Noise from vehicles and radios shall be kept within acceptable limits to not constitute a nuisance.

Sec. 1.10.076 Animals

In addition to any rules regarding animals in the city as found in chapter 2 of this code, animals within a city park shall be restrained at all times. Dogs shall be kept on a leash at all times and all dog waste must be cleaned up by the owner, placed in a sealed plastic bag, and placed into a trash receptacle.

(Ordinance 583, sec. 2, adopted 8/1/05)

Sec. 1.10.077 General penalty for violations of code; continuing violations

- a) Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).
- b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
- c) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.
- d) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- e) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- f) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.