

Ordinance No. 2016- 25

An ordinance replacing Chapter 17 of the City Code to update parks and recreation rules and regulations, repealing all conflicting ordinances, providing for enforcement, publication, codification, and savings, and declaring an effective date.

Whereas this revision and update of this ordinance includes:

- General clean-up of ordinance's use of listing parks, non-parkland and sports facilities as defining areas. The proposal replaces the lists with the term "parks and recreation facilities".
- Combined sections of the ordinance dealing with the consumption of alcoholic beverages in Riverside Park and other parks within the city.
- Deleted the regulation of mineral exploration and excavation on parks facilities. (The city has the ability to determine if these practices will or will not be allowed on property owned by the city.)
- Added a section banning metal detecting in any park facility.
- Deleted Section 17-11, Tree Ordinance. This section was adopted in 1999 as a condition of receiving a "Tree City USA" designation. The City no longer participates in Tree City USA and these regulations are unnecessary. Enforceable regulations pertaining to trees are addressed in the Subdivision and Development Ordinance (Chapter 21).;

Now therefore, be it ordained by the City Council of the City of Victoria, Texas:

1. That Chapter 17 of the Victoria City Code is hereby entirely replaced in the form of Exhibit "A," attached hereto and incorporated herein for all purposes.
2. All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.
3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.
4. The City Secretary shall publish the caption or a descriptive title of this Ordinance one time within 10 days after final passage of the Ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, § 10 of the City Charter.
5. It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.
6. If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.
7. The provisions of this Ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

Passed, First Reading, this the 15th day of November, 2016

Ayes: 6

Nays: 0

Abstentions: 0

Passed, Second and Third Reading, this the 6th day of December, 2016

Ayes: 6


Nays: 0

Abstentions: 0

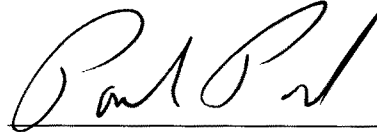
Approved and adopted, this the 6th day of December, 2016



Attest:

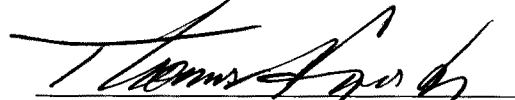

Scarlet Swoboda, City Secretary

Distribution: Legal Department
City Secretary's Office



Paul Polasek, Mayor of the
City of Victoria, Texas

Approved as to Legal Form:


Thomas A. Gwosdz, City Attorney

Copies Sent: December 7, 2016

Exhibit “A”

Chapter 17 - PARKS AND RECREATION

Sec. 17-1. - Loitering; camping; etc.

It is an offense for any person to remain within any park, parkway or playground within the city between the hours of 11:00 p.m. and 6:00 a.m.

It is an affirmative defense to prosecution under this section that the person had in his or her possession at the time of the offense a valid written permit authorizing such activity signed by the Director of Parks and Recreation or his designee.

Sec. 17-2. - Operation of vehicles.

It is an offense for any person other than a person acting on behalf of the City to operate, drive, ride, park or propel any bicycle, electric bicycle, motorbike, minibike, motor assisted scooter, motorcycle, moped, pocket bike, minimotorbike, or motor vehicle (as defined in Texas Transportation Code, Title 7, Chapter 551) on any City property except on public streets or paved areas marked for parking or designated in a writing as parking areas on a document filed with the City Secretary. Excepted from the provision of this section is electric personal assistive mobility devices in addition to the operation of a golf cart specifically on the grounds known as Riverside Golf Course and bicycles on the Hike & Bike Trail System.

It is an affirmative defense to prosecution under this section that the person had in his or her possession at the time of the offense a valid written permit authorizing such activity signed by the Director of Parks and Recreation or his designee.

Sec. 17-3. -. Horseback riding

It is an offense for any person to ride, lead or guide a horse in a public park or public playground except in the areas of Riverside Park known as Fox's Bend, the Athey area and the Hill area (nature trail), designated by signs posted by the Director of Parks and Recreation along the perimeter permitting horseback riding and related activities. This prohibition shall not apply to special organized events involving horses approved in advance by the parks director. Such approval shall be for a stated period of time and location. This prohibition shall not apply to animal-drawn touring vehicles operating under a permit issued under Chapter 23 of this code.

It is an affirmative defense to prosecution under this section that the person had in his or her possession at the time of the offense a valid written permit authorizing such activity signed by the Director of Parks and Recreation or his designee.

Sec. 17-4. - Recreational vehicle park.

- A. It is an offense for any person to park a vehicle in, or otherwise make use of, a parking space or services within the city recreational vehicle park area in Riverside Park in violation of this section without paying.
- B. Any person making use of the recreational vehicle park area shall:
 - 1. Pay in advance of use the fees prescribed for such use by separate ordinance as set by the city council from time to time. Such fees shall be paid either daily at the fee collection box located in the park area, or by other arrangement made in advance with the director of parks and recreation. Payment of the fee shall authorize use of a parking space only until 2:00 p.m. of the day following the night for which payment was made.
 - 2. Not park any vehicle within the recreational vehicle park for longer than the maximum number of consecutive days established in regulations promulgated by the director of parks and recreation.
 - 3. Park no more than one (1) recreational vehicle in each parking space.

4. Not use a recreational vehicle that does not have self-contained sanitary facilities within the park area.
- C. The director of parks and recreation is authorized to promulgate regulations to be approved by the City Manager, regarding use of the park area, copies of which shall be posted at a visible location within the park area, and filed with the city secretary's office. Such regulations shall establish a maximum number of consecutive days for use of the park by any recreational vehicle and shall provide that the maximum number of consecutive days shall be posted prominently within the recreational vehicle park area at a location visible from the fee collection box. Such regulations may provide that longer periods of stay may be authorized in advance by the director of parks and recreation. The director of parks and recreation or any police officer may order any person violating any such regulation to immediately leave the park area.

Sec. 17-5. - Glass beverage containers prohibited in parks, sports facilities and non-park areas.

- A. It shall be unlawful for any person to use, display, or dispose of any glass beverage container within any parks and recreation facility.

Sec. 17-6. - Alcoholic beverages prohibited within northern section of Riverside Park.

- A. It is an offense for any person to consume, or possess an open container of, any alcoholic beverage within any city parks and recreation facility except:
 1. The southern section of Riverside Park as indicated on the map on file for public inspection in the office of the city secretary and the office of the department of parks and recreation. This area excludes the Rose Garden, park administration, park maintenance, the children's park, the Challenged Athletes ballfields, the baseball/softball practice fields and associated parking and greenbelt areas.
 2. The Adult Softball Complex, as indicated on the map on file for public inspection in the office of the City Secretary and the office of the department of parks and recreation.
- B. The Director of Parks and Recreation or his designee may grant permits for consumption and possession of open containers of alcoholic beverages within any of these parks and other non-park areas for certain events upon receipt of a request twenty-four (24) hours in advance of the event. The requestor must provide an approximate number of people expected to attend the event. The Director of Parks and Recreation shall grant such permits so long as the size of the park or non-park area is adequate to accommodate the event. In cases of multiple permit requests, permits shall be granted on a first come, first served basis.

It is an affirmative defense to prosecution under this Section 17-6 that the person was in possession of a valid written permit authorizing such possession and consumption signed by the Director of Parks and Recreation or his designee.

Sec. 17-7. - Digging holes and metal detectors prohibited.

It is an offense for any person to operate or use a metal detector in any park facility within the public parks of the city.

Sec. 17-8. - Hunting prohibited within parks.

- A. It is an offense for any person to hunt, trap, kill, or injure any mammals or birds within any city park, except in accordance with written permission of the director of parks and recreation:
- B. The director of parks and recreation may grant written permission to any person to hunt or trap animals in any city park to reduce overpopulation or eliminate diseased or dangerous animals.