

AN ORDINANCE REPEALING AND
ORDINANCE NO. O-2008-652;
AUTHORIZING THE USE OF PARKS AND
RECREATION AREAS OWNED AND
CONTROLLED BY THE CITY OF KIRBY;
REGULATING POSSESSION AND
CONSUMPTION OF ALCOHOLIC
BEVERAGES IN SUCH PARKS; STATING
THE POLICIES AND REGULATIONS
GOVERNING THE USE OF SUCH PARK,
ESTABLISHING A CURFEW FOR PARK
USAGE; AND PROVIDING A PENALTY FOR
VIOLATION OF THIS ORDINANCE

WHEREAS, the City Council of the City of Kirby, Texas, finds a need for guidelines concerning the use of public parks and recreational areas, the swimming pool, ball fields and picnic areas; and

WHEREAS, it is hereby declared to be the policy of the City of Kirby to provide, improve and maintain together with suitable recreational facilities therein, city parks, for the use and benefit of the public, and in connection therewith to fix and collect such reasonable charges as the governing body shall deem fit for the use of such facilities by members of the public; and

WHEREAS, there is a need to establish that no alcoholic beverages be permitted in or consumed within the pool area, except it may be consumed elsewhere in city parks or facilities during normal hours; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirby that:

SECTION 1. HOURS OF CLOSING

All City Parks will be closed between the hours of 11:00PM and 8:00AM with the exception of the John Sterling Building which must be vacated by 12:00AM. It shall be unlawful for any person or persons to occupy or use any parts of the parks or facilities therein during said closed hours. Provided however, it shall be unlawful for any person or persons to use the parks or facilities therein during said hours without prior written permission, said permission to be considered only for the following uses:

1. For large groups, special use activities, such as fairs, etc, when approved by the City Manager.
2. For special activities, i.e. scouting groups, when approved by the City Manager.
3. For other presently unforeseen special events, when approved by the City

Manager and only when such permission would not constitute a nuisance to residences adjacent to any park and recreational area.

SECTION 2. REGULATIONS AND FEES FOR OBTAINING RESERVATIONS

A. REGULATIONS:

1. Lease agreements will be made with a minimum of 72 hours notice by adults only and in person.
2. Renters will be responsible for the clean-up of the park area or facility used.
3. Reservation must be made with the City of Kirby if party exceeds 25 people under the large pavilion area at Friendship Park and Hugo Lentz Park.
4. City Administration will notify the Police Department and the Public Works Department of date, time, and type of reservation.
5. Gambling. The only games permitted are those which have merchandise prizes. (Absolutely no gambling permitted.)
6. Renters will be required to engage at their expense duly sworn peace officers (Arrangement for officers will be appointed by the Chief of Police or his/her designee **or other certified law enforcement personnel approved by the Chief of Police.**) to maintain order and help with parking. The number of peace officers required shall be in accordance with the **Fee Schedule.**
7. Rules, policies, and fees for utilization of the baseball/softball areas are outlined in Exhibit "A".
8. Any activity where alcoholic beverages are to be sold must have a permit from the Texas Alcohol and Beverage Commission (TABC) and said permit shall be visibly displayed at the location where the alcoholic beverages are sold. No alcoholic beverages will be sold to, consumed by or in the possession of minors.

B. FEES:

A deposit will be required from all renters at the time said agreement is granted. Said deposit will be refunded if the City Manager's office determines that the area is left in a clean and orderly manner. The amount of the deposit is as outlined in **the separate Fee Schedule listed under Public Notices.** A non-refundable usage fee will be charged **as noted in the Fee Schedule. The Fee Schedule, approved by City Council annually, can be viewed and/or requested at City Hall and the City of Kirby website.**

All fees must be paid up front in order to lock in a reservation. The City is not able to "hold" dates and times for renters. **All park and pool rentals must be paid for, without exception. This applies to the mayor, members of city council, city employees, and residents alike, unless it is a city event sanctioned and approved by city council.**

SECTION 3. In consideration of neighboring residents, volume from musical instruments or PA systems must be kept reasonable. All activity, music and PA systems must be turned off at 11:00PM and the park vacated by 12:00AM. Exceptions to this rule must be approved by the City Manager.

SECTION 4. No motorized vehicles, with the exception of maintenance or emergency vehicles, will be allowed in any part of the park, except in designated parking areas. Bicycles and skateboards are hereby prohibited from park pavilions and ballfields. Dirt motorcycles, four wheelers, go-carts and other recreational vehicles are prohibited in city parks; any exceptions to this rule must be approved by the City Manager.

SECTION 5. Horses and other livestock are hereby prohibited in the park, unless in conjunction with a special function approved by the City Manager. The City of Kirby has an animal control ordinance that will be enforced. Pets should be on a leash at all times. In addition, all pet owners will be responsible for clean-up of their pet.

SECTION 6. Each facility should be used only for the purpose it was intended, unless prior approval is granted by the City Manager. Ex. The ballfields should be used for ballgames and practices. The pavilion should be used for picnics, birthday parties and other similar uses.

SECTION 7. Glass containers are hereby prohibited from city parks and the swimming pool.

SECTION 8. *Littering*. No person shall litter in any city park. Littering as used in this ordinance means the discarding of garbage, paper, cans and other forms of refuse in any place other than officially designated refuse containers or disposal units.

SECTION 9. All groups under the age of 17 must have proper adult supervision in attendance at all times during the gathering at the discretion of officer on duty or the Chief of Police.

SECTION 10. Any person, firm, or corporation violating the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00).

SECTION 11. If for any reason any section, paragraph, subdivision, clause, phrase or provision of this or any other ordinance shall be held invalid, it shall not affect any valid provisions of this or any other ordinance of the City of Kirby to which these rules and regulations relate. This ordinance repeals Ordinance No. O-2014-749.

PASSED AND APPROVED for the first reading this the August 25, 2022.

PASSED AND APPROVED for the second reading this the September 8, 2022.

Kimberly Aldrich, Mayor

Patty Cox, TRMC
City Secretary

EXHIBIT "A"

REGULATIONS APPLICABLE FOR THE UTILIZATION OF THE BASEBALL/SOFTBALL AREAS IN FRIENDSHIP PARK

1. RESERVATION OF FIELDS:

Baseball/softball areas, hereafter referred to as ballfields, will be available to the public on a "first come" basis except as follows:

a. Two types of agreements may be entered into under these regulations:

- Annual – One year agreement approved by the City Council for use of the ballfields on specific days/times. **Financial reports must be submitted with the application or previous contract two months prior to being placed on the agenda for council approval.**
- Tournament – Agreement approved by the City Manager for the purpose of conducting a tournament on specific days/times, **not to be utilized for more than two (2) consecutive weekends.**

b. Organized leagues sponsored by organizations from Kirby will have first priority on the use of ballfields as outlined by schedules approved by and on file with the City Manager or the City Manager's designee.

c. Organizations desiring use of a field or fields will be required to submit game and practice schedules to the City Manager or the City Manager's designee for review and approval.

d. Whenever league schedules conflict (e.g. different local organizations request use of fields for the same time period), the City Manager or the City Manager's designee will contact the affected organizations and work out a mutual agreement.

e. Organizations or individuals without proper documentation may be asked to vacate the ballfields.

f. When fields are not reserved, they are open to the public except when City personnel are working or preparing to work on the fields.

g. Persons or organizations not holding field reservations must relinquish to reservation holders.

2. FIELD CHARGES FOR ORGANIZED LOCAL LEAGUES

Groups, leagues, individuals and organizations may make agreements in the form of

annual contracts with the city, to be approved by the City Council.

Groups, leagues, individuals and organizations will be assessed a single use fee per the Fee Schedule found under Public Notices. Tournament or single use shall be understood to be no more than two (2) consecutive weekends of use.

Groups, leagues, individuals and organizations must:

- provide necessary field equipment (i.e. home plate, pitching plate, chalk, chalker, etc.)
- Leagues provide daily conditioning of playing area (i.e. keep infield smooth and clean, etc).
- Leagues maintain parking area and field complex, to be cleaned after each day's use.

3. RESERVATION REQUEST PROCEDURES

All groups, leagues, individuals, or organizations wishing to use the fields for individual practice or play, league play, or tournament play, must submit a written request to the City Manager or the City Manager's designee outlining prescribed times listed within this ordinance. The following information must also be provided:

- a. Individual, group, organization, and type of agreement requested (Annual or Tournament).
- b. Name of League (if applicable).
- c. Name, address, phone numbers of all league representatives.
- d. Number of teams and players in league.
- e. Date of season or tournament.
- f. Number and type of games that will be played on each field.
- g. Number of fields required.
- h. Schedule of dates and time of games.
- i. Leagues must provide the City Manager or the City Manager's designee a copy of their liability insurance policy before an agreement will be considered.

4. PAYMENT PROCEDURES

Payment in full is due to the City of Kirby for Annual agreements upon approval by the City Council. Payment for Tournament agreements is due upon approval by the City Manager. The deadline for canceling Tournament reservations without forfeiture of the reservation fee is 48 hours prior to reserved day or time. Team or tournament representative must have a copy of the agreement "in hand" during reservation. If games are rained out, the fee will be refunded on a pro-rated basis for games that have not been played, provided that the City Manager or the City Manager's designee is notified the next business day.

5. ADVERTISING SIGNS

Local leagues may install commercial advertising signs on the outfield fence during the scheduled league season. However, signs must be secured in such a manner as not to endanger players or create a condition harmful to users of fields. In addition, when signs become damaged or unsuitable (as determined by the City Manager or the City Manager's designee) for their advertisement value because of weather or other conditions, they shall be replaced or removed. Signs must be removed from the fence at the end of each season.

Advertising that promotes the individual leagues (GNELL, Spartans, etc.) shall incur a charge to be determined, agreed upon, and voted by City Council.

The City of Kirby reserves the right to make use of any unused signage areas along the outfield fence to enhance park revenues that will aid in maintaining other areas of the park. Advertising fees for the league would be determined through the annual contract and approved by council.

Tournament groups (limited to one or two consecutive weekends) who have sponsorship will be allowed to post the sponsor signs during the duration of their event at no charge.

6. RESERVED RIGHTS

The City of Kirby reserves the right to adjust schedules submitted for approval to provide equal participation of and use of ballfields. (i.e., Reserving one field one night for an adult league, etc)

8. INSURANCE REQUIREMENTS

Insurance and Indemnification: As a condition precedent to the use of the permission granted, Renter agrees to indemnify and hold harmless City, its officials, employees, and agents from and against any and all costs, claims, and damages (including attorney's fees) that may be caused by the use of said property, and shall protect and indemnify City from any and all claims costs, expenses, judgments, and causes of action arising out of the use of said property, and shall defend any litigation arising in connection with such use at its own cost and expense. In addition, Renter agrees to obtain an insurance policy protecting City from any liability and to have City named as co-insured in said policy. Such policy shall be for not less than \$500,000.00 per person for bodily injuries and \$1,000,000.00 per

occurrence and \$50,000.00 for property damages and proof of payment of premium for said policy (or said policy) shall be delivered to and kept by the City Manager or the City Manager's designee and such insurance policy shall be maintained in full force so long as this agreement is in effect.

PARKS AND FACILITIES CLEANING GUIDELINES

Renters will be responsible for the following:

Litter: All paper products, food, etc. must be picked up and placed in a trash receptacle.

Tables, Chairs and Benches: Must be cleaned of litter and wiped off to rid them of spilled drinks and food.

Restrooms: All paper products must be placed in a trash receptacle.

Kitchen: Countertops and appliances must be wiped off to rid them of spillage.

Air/Heat: Must be turned off before vacating the building.

Keys: Must be returned to City Hall by 5:00PM the next business day.