

ORDINANCE NO. 2017-1460

AN ORDINANCE OF THE CITY COPPELL, TEXAS TO AMEND THE CODE OF ORDINANCES BY REPEALING CHAPTER 9, GENERAL REGULATIONS, ARTICLE 9-11 PARKS AND RECREATION CODE, IN ITS ENTIRETY AND REPLACING WITH A NEW ARTICLE 9-11 PARKS AND RECREATION CODE; PROVIDING AMENDED SECTION 9-11-3, GENERAL REGULATIONS; PROVIDING AMENDED SECTION 9-11-4, VEHICULAR REGULATIONS; PROVIDING AMENDED SECTION 9-11-5, ENFORCEMENT; PROVIDING AMENDED SECTION 9-11-8, SPECIAL PERMITS AND BY RESERVING SECTION 9-11-11 FOR FUTURE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coppel finds it will benefit to amend and update the City's Code of Ordinances; and

WHEREAS, the City of Coppel believes that as a result of new improvements that additional regulations are needed to improve safe use of the parks is in the best interests of the citizens and the integrity of the parks property; and

WHEREAS, the Park and Recreation Code is in need of updating and improving because of changes in State law and enhancements to the park improvement and property; and

WHEREAS, the Park Board and City staff have made a comprehensive review and recommended changes which have been reviewed by City Council; and

WHEREAS, the City Manager or his designee is further authorized to adopt and enforce appropriate health, safety and welfare to ensure safe use of the premises and general welfare of the areas adjacent thereto.

WHEREAS, the City has a previously adopted a new tree ordinance which is contained in Chapter 12, Division 2, Section 12-34-2-1, et seq., providing Section 9-11-11 is not contained and obsolete.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COPPELL, TEXAS:

SECTION 1. The City of Coppel Code of Ordinances, to repeal the current and replace with a new Chapter 9, General Regulations, Article 9-11 Parks and Recreation Code, by amending subsections; to hereinafter read as follows:

“CHAPTER 9 – GENERAL REGULATIONS

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ARTICLE 9-11. – PARKS AND RECREATION CODE

Sec. 9-11-1. - Name of Code.

This article shall be commonly known and cited as the "Parks and Recreation Code."

Sec. 9-11-2. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and words in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

Sec. 9-11-3. - General regulations.

Within the limits of any park, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:

- A. To hitch, fasten, lead, ride, drive, or let loose any horse or other animal, reptile, or fowl of any kind, provided that this shall not apply to dogs or cats when led by a chain, cord, or leash.
- B. To carry or discharge any firearm except as permitted by Chapter 46 of the Texas Penal Code.
- C. To carry or discharge any firecrackers, torpedoes, or any other fireworks, air guns, BB guns, paintball guns or slingshots.
- D. To operate any model airplane, helicopter drone or any other type of radio controlled device, rocket, or to discharge any bow and arrow, except in such areas as may be specifically designated for such purposes by the director of parks and recreation.
- E. To damage, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus, or property; or to mark or write upon, paint, or deface any building, monument, fence, bench, or other structure.
- F. To swim, bathe, wade in or pollute the water of any fountain, pond, lake, or stream.
- G. To make or kindle a fire, except in picnic stoves or fire pits in areas designated for that purpose.
- H. To wash dishes, empty salt water or otherwise discharge any noxious liquids or solids on any grounds or waterways, ponds, fountains, or streams.
- I. To leave garbage, cans, bottles, papers, or other refuse elsewhere than in refuse containers provided for such purpose.
- J. 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. The director of parks and recreation or a duly authorized representative of the director, may designate

particular locations within park areas for specific activities by issuing a special permit for specific user.

- K. Overnight camping on any park property, except by special permit issued by the parks and recreation director.
- L. To disrupt or disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.
- M. To distribute, post, place, or erect any advertising handbill, circular, bill, notice, paper, or other advertising device without special permit issued by the director of parks and recreation.
- N. To sell or offer for sale any food, drinks, confections, merchandise, or services, except a concession operated by the city, sports association under a licensing agreement, or a city authorized special event, unless authorized in writing by special permit by the director of parks and recreation or a duly authorized representative of the director.
- O. To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession, except as provided in Section 9-11-7 (G).
- P. To loiter or remain in any city park at a time when the park is closed. Signs indicating time for closure shall be posted at conspicuous places to give notice thereof, which shall be as follows:
 - 1. All city parks and athletic facilities, except as provided herein, shall be closed from thirty (30) minutes after sunset until thirty (30) minutes before sunrise the next day, unless such facilities are scheduled under a License and Use Agreement with the city or by a special permit issued by the director of parks and recreation or a duly authorized representative of the director. Lighted trails and/or otherwise posted areas shall be closed every day from 10:00 p.m. to 5:00 a.m. Athletic facilities, which are scheduled under such Agreements, may remain open until no later than 11:00 p.m., except as otherwise provided herein.
 - 2. The CORE and Wagon Wheel Tennis Center hours of operation shall be established by the park and recreation director and such hours shall be posted in accordance herewith.
- Q. No person, firm, corporation or business entity of any kind shall sell, store, possess or consume an alcoholic beverage in any city park except as permitted in article 6, section 6-16-4 of the Code of Ordinances.
- R. Use or operate any motorboat, boat or watercraft propelled by motor, on the waters of any lake, pond, or reservoir within any city park or other area designated as a city park.
- S. To drive or hit golf balls.
- T. To operate a motor assisted scooter, as defined in section 8-6-1 of this Code, with the exception to ADA compliant, personal mobility vehicles, anywhere within the limits of any park or the designated hike and bike trail system, except on paths set aside for the exclusive operation of bicycles.
- U. It shall be unlawful for any person to knowingly or intentionally climb or walk on any bridge railing, structural support or abutment. Likewise, it shall also be unlawful for

any person to knowingly or intentionally leap or jump from any bridge, structural support, abutment, or public right-of-way in the city.

Sec. 9-11-4. - Vehicular regulations.

Within the limits of any park, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:

- A. To drive a vehicle at a rate of speed faster than 15 miles per hour upon any drive or street in any park of the city unless otherwise posted on standard traffic signs.
- B. To exhibit any unnecessary acceleration of a vehicle such as to cause gravel to be thrown, tires to squeal, or the vehicle to spin in an unsafe or hazardous manner.
- C. To drive a vehicle over or across the curbs, sidewalks, grass, or lawn within any park area unless signs permit, except by special permit issued by the director of parks and recreation or a duly authorized representative of the director.
- D. For any vehicle used for the purpose of transporting freight and merchandise, or brick, stone, or gravel, and all those commonly known as express or delivery vans to enter upon or drive through any public park, except by special permit issued by the director.
- E. To park in areas other than those designated for this purpose. In areas designated as no parking areas, all parking will take place outside of the boundary or curb-line, where existing.
- F. Where parking stalls have been designated, all vehicles shall be parked within and between the lines designating a single vehicle parking space and not otherwise.
- G. Where parking lots or areas within parks have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line.
- H. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block, or hinder ingress or egress from the line.
- G. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic and the owner or operator of the vehicle cannot be found or refuses to remove such vehicles, police officers or other authorized representative of the city may move the vehicle so that traffic will not be impeded. No variation to the requirements of this paragraph shall be allowed, except by special permit issued by the director of parks and recreation.

Sec. 9-11-5. - Enforcement.

- A. *Officials.* The director of parks and recreation or a duly authorized representative of the director and any member of the police department shall, in conjunction with their duties imposed by law, diligently enforce the provisions of this article.

- B. *Ejectment*. The director of parks and recreation or a duly authorized representative of the director and any member of the police department shall have the authority to demand that any person acting in violation of this article leave the park. "Demand" as that term is used in this subsection, shall mean the giving of an order to the person in violation of this article, instructing that such person leave and depart from the premises of the park. It shall be unlawful for any person to remain within the park premises after receiving such an order. Such failure shall constitute criminal trespass.

Sec. 9-11-6. - Damage to park property.

If any person damages or defaces any real or personal property under the control or responsibility of the parks and recreation department, such violators shall be held responsible for the actual costs to repair or replace such damaged item or items.

Sec. 9-11-7. - Facility scheduling.

- A. Requests for reservations for any of the facilities in any of the parks must be made through the parks and recreation department. Such reservations must be requested no later than seven business days prior to the date for which the reservation is requested. Such requests must state the facility for which the reservation is requested, the time or times and date or dates for which the reservation is requested, the person or persons who intend to utilize such facilities, and the person or persons requesting such reservations. The director of parks and recreation or a duly authorized representative of the director should make every effort to act upon the request within two working days of receipt of such request.
- B. The director has the right to refuse or deny any request for reservation for reasonable cause. The director further has the right and obligation to cancel or suspend any such reservation previously issued if, in the opinion of the director, such cancellation or suspension is in the best interests of the citizens of Coppell and/or is necessary for the maintenance and control of facilities under the responsibility of the parks and recreation department.
- C. At the conclusion of the reservation of any facility, the facility must be left in a clean and orderly condition. All applicants agree, as a condition of receiving such reservation, to pay the cost of repairing any damage to park property incurred by the group using the facility as determined by the parks and recreation department.
- D. All non-athletic facilities, or athletic facilities not under a license or use agreement, that are not reserved are available for use by the general public on a first come, first served basis in accordance with this Section. A listing of reserved facilities, including the time of reservation and the part holding such reservation, will be maintained by the secretary of the parks and recreation department and will be available for inspection during regular working hours.
- E. Park pavilions. Park pavilions can be rented only by Coppell residents or for business functions sponsored by a business located or licensed within Coppell. Rentals will be granted for a pavilion between the hours of 7:00 a.m. and sunset. Rentals will only be accepted for a reasonable increment of time.

- F. Athletic facilities. Field assignments for games or practices at city park athletic facilities that have been licensed can only be made by a licensed association, group or other entity. Such requests must be made by and through such person in accordance with the guidelines of the licensed facility and use agreement. The person making the field assignment request may be required to produce a list of members, including their residence, for determination of eligibility. The field assignment for a playing athletic facility may be granted for a reasonable period of time during those times when the parks are open.
- G. The director of parks and recreation or a duly authorized representative of the director may grant a license; or permit, for use of facilities ~~of~~ for city sponsored community activities, events and for specific activities related to improving the fitness of the adult community.
- H. No fee shall be charged for reservation of park facilities or for the use of such facilities unless specifically authorized by the City Council of Coppel.
- I. The director of parks and recreation or a duly authorized representative of the director has the authority to cancel or suspend use of any athletic facility or passive park land if, in the opinion of the director of parks and recreation or a duly authorized representative of the director, such cancellation or suspension is in the best interest of the citizens and/or is necessary for the safety, maintenance and management of the facilities.
- J. Game fields and Passive Park Land designations.
1. The director of parks and recreation or a duly authorized representative of the director is authorized to post a sign designated as game fields or passive park land. *Passive Park Land Uses* mean common and customary uses of a park but does not include organized groups and/or team athletic activities.
 - a. Such signs shall state:

"Game Field - No unauthorized practice or games."

"Passive Park Land – Organized groups and/or team use prohibited"

It shall be unlawful for any person to conduct, sponsor or participate in any unauthorized game, tournament, practice or athletic event on any designated game field or passive park land.
- K. Closed fields or Closed Passive Park Land; designations.
1. The director of parks and recreation or a duly authorized representative of the director is authorized to post a sign on fields or passive park land designated as closed for purpose of maintenance or to protect the surface of the playing field or passive park land. Such sign shall state:

"Field Closed for Public Use."

"Turf Area Closed for Public Use"
 2. It shall be unlawful for any person to go upon any field or park land which has been designated as a closed except for the purpose of performing maintenance.

Sec. 9-11-8. - Special permits.

- A. Special permits as required by this article must be applied for no later than seven business days prior to the date for which the permit is requested. However, in no event shall a special permit be issued for provisions contained in subsections 9-11-3 (P), of this Code. Such requests must clearly, concisely, and accurately state the purpose for which the permit is requested, the time or times and dates for which the permit is requested, the person or persons who intend to utilize such permit, and the person or persons requesting such permit. The director of parks and recreation or a duly authorized representative of the director should make every effort to act upon such request within two working days of receipt of such request.
- B. The person or persons utilizing such permit must have the permit in their possession or, if possible, posted in a conspicuous location, and available for inspection by the director of parks and recreation or a duly authorized representative of the director, or any member of the police department.
- C. The director of parks and recreation or a duly authorized representative has the right to refuse or deny any request for special permit for reasonable cause and location, use, traffic flow and safety will be considerations for approval of request. Further, the director of parks and recreation or a duly authorized representative has the right and obligation to cancel or suspend any such special permit previously issued if such cancellation or suspension is in the best interests of the citizens of Coppell and/or is necessary for the maintenance and control of facilities under the responsibility of the parks and recreation department.

Sec. 9-11-9. - Procedures for naming park lands and facilities.

- A. The chairman of the park board shall name a committee that will be responsible for recommending a name for park lands and facilities to the park board.
- B. The committee shall be responsible for research, study and recommendation of a proposed name to the park board. Rationale for the selection of the recommended name shall be given in writing.
- C. The park board shall approve or disapprove the name recommended by the committee:
 - 1. If the committee's recommendation is disapproved by the park board, then the matter may be referred back to the committee for further action.
If approved, the recommended name will be forwarded to the city council for their consideration and approval.
- D. Park lands and facilities shall be named within 60 days after acquisition, construction completion, or at the earliest possible date.

Sec. 9-11-10. - Guidelines for naming park lands and facilities.

Park names should be familiar to the majority of citizens, easy to recall, unique and lasting. The following guidelines are listed in order of importance:

A. Park lands shall be named:

1. By outstanding and/or predominate physical characteristics of the land such as
 - a. Streams, rivers, lakes and creeks
 - b. Landmark significance
 - c. Historical significance
 - d. Street name identity
- In honor of a deceased community leader
3. In honor of a deceased national or state leader
4. Based on the activity, event, or function of the park

B. If a name is applied to park facilities such as recreational buildings, swimming pools, sports fields, and play structures, those shall be named either:

1. By identification with the park in which it lies; or
In honor of an individual or group when contributions of 50 percent or more of the total cost of the facilities are donated to the City of Coppel.

Sec. 9-11-11. – [Reserved for Future Use]

Sec. 9-11-12. - Roller skates, roller blades, in-line skates, skateboards, coasters, and bicycles.

- A. The use of roller skates, roller blades, in-line skates, skateboards, coasters, scooters, bicycles or similar device upon any sidewalk, pathway, park trail in the city is permitted, except as provided in this section.
- B. No person shall ride or use any roller skates, roller blades, in-line skates, skateboards, coasters, scooters or similar device upon any sidewalk, pathway, monument, amphitheater, stairway, handrail, wall, fountain, roadway and other structures as posted in the following:
 - (1) Anywhere in the Town Center Complex defined as the city-owned property area East of Town Center Blvd., West of Hartz Road, North of the YMCA property, and South of Parkway Blvd;
 - (2) Anywhere within MacArthur Park;
 - (3) Within 100 feet of Andrew Brown East pavilions/restrooms or buildings;
 - (4) Within 25 feet of Andrew Brown East Kid Country;
 - (5) Within 100 feet of The CORE;

- (6) Within 100 feet of the Wagon Wheel Park Soccer Complex concession stand;
- (7) Within 400 feet of the Wagon Wheel Park Baseball concession stand;
- (8) Within 100 feet of the Wagon Wheel Park Baseball field 6 concession stand;
- (9) Any area designated as a playground within any city park; for the purposes of this section, playground shall be defined as any publicly owned area for recreational use primarily by children.
- (10) Within 25 feet of Andrew Brown Park Central restroom/concession stand;
- (11) Anywhere at the Wagon Wheel Park Tennis Center;
- (12) Within 500 feet of the Andrew Brown West Park concession stands;
- (13) Within any city-owned parking lot or parking facility; or
- (14) Within 100 feet of the Old Town interactive splash pad.”

SECTION 3. That all provisions of the ordinances of the City of Coppell in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Coppell not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That 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 invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 5. An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense.

SECTION 7. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.”

DULY PASSED by the City Council of the City of Coppell, Texas, on the _____ day of _____, 2017.

CITY OF COPPELL, TEXAS

KAREN SELBO HUNT, MAYOR

ATTEST:

CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

ROBERT E. HAGER, CITY ATTORNEY