

ORDINANCE NO. O2020-25

AN ORDINANCE OF THE CITY OF WEATHERFORD, TEXAS, AMENDING TITLE IX, CHAPTER 11, SECTION 9-11-1 OF THE CITY CODE OF WEATHERFORD TO: PROVIDE HOURS OF OPERATION FOR PARKS AND GREEN SPACES; TO AMEND FIREARM PROVISIONS CONSISTENT WITH APPLICABLE STATE LAW AND LOCAL ORDINANCE; TO PROVIDE FOR SPECIFIC ANIMAL CONTROL PROVISIONS WITHIN PARKS AND GREEN SPACES WITHIN THE CITY; TO PROHIBIT CAMPFIRE IN PARKS OR GREEN SPACES WITHOUT PRIOR WRITTEN APPROVAL OF THE DIRECTOR OF PARKS AND RECREATION; TO ESTABLISH PRIORITIES FOR THE USE OF PARKS AND GREEN SPACE RENTAL FACILITIES; TO AUTHORIZE THE ESTABLISHMENT OF SECURITY GATES AT PARKS AND GREEN SPACES; TO PROHIBIT OVERNIGHT PARKING OF VEHICLES IN PARKS OR GREEN SPACES; AMENDING TITLE IX, CHAPTER 11, SECTION 9-11-5 TO ESTABLISH UNIFORM PARK HOURS; AMENDING TITLE IX, CHAPTER 11, SECTION 9-11-8 TO INCLUDE ADOPTED REGULATIONS IN THE OFFENSE AND PENALTY PROVISIONS OF CHAPTER 11; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the General Plan on January 23, 2018, which included casting a new vision for Weatherford, that includes the Parks, Trails and Open Space Master Plan, and

WHEREAS, the City Council continues to promote those terms of the General Plan that improve the quality of life and safe and appropriate recreational opportunities in the City of Weatherford, and

WHEREAS, the following amendments to Title IX, Chapter 11 of the City Code of Weatherford provide additional regulations for City parks and green spaces determined to be necessary for the health and safety of all citizens utilizing parks and green spaces in the City;

WHEREAS, the following amendments to park and green space regulations further promote a safer and better quality experience for all citizens of Weatherford in parks and green spaces in the City,

WHEREAS, the City Council finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEATHERFORD, TEXAS

Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council further finds and determines that the rules, regulations, terms, conditions, provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life in the City

Amendments to Title IX, Chapter 11, of the City Code of Weatherford, Texas. The City Council hereby amends the following chapter, articles and sections of Title IX, Chapter 11 of the City Code of Weatherford to read as specifically set forth herein

Title IX, Chapter 11, Section 9-11-1 of the City Code of Weatherford is hereby repealed in its entirety and the following Section 9-11-1 is adopted to replace the repealed regulations of Section 9-11-1:

CHAPTER 11 – Public Parks

Sec 9-11-1 - General Regulations.

For purposes of this ordinance, the term “City park” shall include all City parks whether a Neighborhood Park, a Community Park, a Special Use Park; a Lake Front Park District; athletic fields or facilities of any type owned, leased or operated by the City of Weatherford, and an Open Space or Greenbelt area (including, but not limited to hike and bike trails) as set forth in the Weatherford General Plan as these parks or areas exist on the date of this ordinance or as they may hereafter be developed.

The following regulations shall apply to all City parks (as defined herein) within the city limits of Weatherford as same shall exist on the date of this ordinance or as may hereafter be developed:

- a. Park hours shall be as set forth in Section 9-11-5 below. No person shall enter into or remain in a park during hours designated for that park area as “Hours Closed” in Section 9-11-5.
- b. Concert activities shall have the prior written approval of the director of parks and recreation and persons or entities desiring to schedule a concert activity complete a special event application and furnish documentation of liability insurance in the amount required by the City for the conduct of the concert activity or event
- c. All individuals, corporations or businesses acting as a vendor soliciting for sale to the public any merchandise, food or produce shall have prior written approval of the director of parks and recreation and shall obtain all required city licenses or certificates as may be applicable to such merchandise, food or produce. Vendors shall be required to display required City licenses or certificates in the immediate area of their sales activity and/or upon request of City personnel.
- d. Alcoholic beverages are not allowed in any City park or greenbelt area unless a special event permit has been issued which approves the use of alcoholic beverages. Such special event permit shall only be issued with proof of the proper Texas Alcoholic Beverage Commission (TABC) permit and within TABC guidelines. For purposes of this ordinance, “alcoholic beverage” means alcohol or any beverage containing more than one-half of one percent of alcohol by volume that is capable of use for beverage purposes, either alone or when diluted
- e. Glass containers of any type are expressly prohibited in all City parks
- f. Notwithstanding any provision of Title XIV of the City Code of Weatherford to the contrary, all dogs must be on an appropriate leash – of six (6) feet length or less – at all times save and except dogs within the Patsy Hooks Dog Park
- g. Overnight camping is prohibited in any City park except in connection with organized and scheduled activities expressly approved in writing in advance by the director of parks and recreation or an agent of the director. For purposes of this ordinance, “overnight camping” means remaining in a City park or greenbelt area after or during hours that park or greenbelt area is closed.
- h. Campfires, including firepits, are expressly prohibited in any City park except in connection with organized and scheduled activities expressly approved in writing in advance by the director of parks and recreation or an agent of the director.
- i. Security gates may be established at any City park or greenbelt area entrance for the purpose of closing and securing the park or area as deemed necessary.

- j. Motorized vehicles are expressly restricted to designated streets, park roads and motor vehicle parking areas
- k. The maximum prima facie reasonable maximum prudent speed limit for all streets, roadways and park roads shall be 20 miles per hour. Signs shall be posted to advise of this speed limit.
- l. No motor vehicles, trailers, campers or other types of vehicles shall be permitted to remain overnight in any City park or greenbelt area. Vehicles remaining overnight in any City park or greenbelt area shall be subject to removal by towing. For purposes of this subsection, "remain overnight" means the vehicle remains in a City park or greenbelt area after or during hours that park or greenbelt area is closed.
- m. Hunting and/or discharge of a firearm is expressly prohibited in any City park or greenbelt area.
- n. In the event the City has entered into a "reservation agreement" for a park, green space, pavilion, amphitheater, athletic field, tennis court, basketball court or a city operated or owned building, the prior "reservation agreement" will have priority over public use during the period designated for that "reservation agreement". Members of the public will not disrupt or interfere with the previously reserved use of the area pursuant to a prior "reservation agreement".

Title IX, Chapter 11, Section 9-11-5 is hereby amended to read as follows:

Sec. 9-11-5. - Park hours.

- (a) The hours of operation for all City parks, facilities and greenbelt/open spaces and the hours during which such areas shall be closed for all public use are as follows:

Hours Open	6:00 a.m. to 10:00 p.m.	
Hours Closed	10:00 p.m. to 6:00 a.m.	

- (b) Permissible hours for use of a City park, facility or greenbelt / open space may only be altered by written authorization of the director of parks and recreation or the director's agent applied for and obtained in advance of the use. It is a defense to prosecution for violation of park hours that a person holds a duly issued written authorization or special event permit authorizing that person's presence in the City park, facility or greenbelt /open space during the particular period of time.

Title IX, Chapter 11, Section 9-11-8 is hereby amended to read as follows:

Sec 9-11-8 Offense and Penalty

- 1. A person commits an offense if he violates, disobeys or fails to comply with a term or provision of this chapter. An offense hereunder does not require proof of a culpable mental state. It is the intent of this chapter to impose strict liability for violation of or failure to comply with a provision of this chapter. Save and except as to applicable speed limits on park streets, roadways and park roads, signs shall not be required to be posted
- 2. Any person found to have violated any provision of this chapter or to have failed to comply with any provision of this chapter shall, upon conviction, be fined in an amount not to exceed to the sum of \$500 00. Each day that a violation continues shall constitute a separate offense

Resolution of Conflicting Ordinances. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, save and except the provisions of the Comprehensive Zoning Ordinance, the provisions of this ordinance shall control. Nothing adopted herein is intended to, in any way, nor shall any such provision be deemed to supersede or control over the provisions of the Comprehensive Zoning Ordinance.

Savings Clause. All rights and remedies of the City of Weatherford are expressly saved as to any and all provisions of any ordinance affecting fees of the City and to any and all violations of the provisions of any prior ordinance pertaining to certain alcohol regulations in city parks within the City which have accrued as of the effective date of this ordinance; and as to such accrued fees, collection activity, violations and any pending litigation, both civil and criminal, whether pending in court or not, under such prior ordinances, same shall not be affected by this ordinance but may be prosecuted and pursued until final disposition by the courts.

Effective Date. This ordinance shall take effect immediately from and after its passage and publication in accord with the provisions of the Texas Local Government Code. This ordinance shall, upon taking effect, be applicable in its entirety to any and all applications for licensure submitted or pending as of the effective date of this ordinance.


Severability. It is the express intent of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, sentence, paragraph or section should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance as the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision, and to this end the provisions of this ordinance are hereby declared to be severable.

Open Meetings. The City Council finds and determines that the meeting at which this ordinance is passed was open to the public as required by law and that public notice of the time, place and purpose of said meeting was duly given as required by the Texas Open Meetings Act.

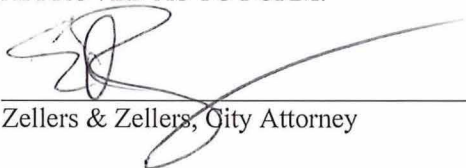
PASSED AND APPROVED BY A VOTE OF 5 AYES AND 0 NO ON THE 12th DAY OF May 2020.

ATTEST:


Malinda Nowell, TRMC, City Secretary

THE CITY OF WEATHERFORD, TEXAS

Paul Paschall, Mayor

APPROVED AS TO FORM:


Zellers & Zellers, City Attorney