

City of Bellaire

ORDINANCE NO. 25-107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLAIRE, TEXAS, AMENDING THE *CODE OF ORDINANCES OF THE CITY OF BELLAIRE, TEXAS*, BY REPEALING *SECTION 6-43, DOGS AND CATS PROHIBITED ON PARKS AND PLAYGROUNDS*, AND *SECTION 19-6, LIBRARY OPEN SPACE*, AND CONSOLIDATING REGULATIONS REGARDING THE USE OF CITY PARKS AND OPEN SPACES INTO *CHAPTER 27, ARTICLE V, OF THE CITY CODE*.

WHEREAS, the City Staff recommends consolidating certain regulations concerning the use of the City's parks and open spaces in *Chapter 27* of the *City Code*; and

WHEREAS, consolidating and amending such regulations will both streamline the regulations and improve the regulation of the City's parks and open spaces.

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

Section 1. **THAT** *Section 6-43, Dogs and cats prohibited on parks and playgrounds*, and *Section 19-6, Library open space*, are hereby repealed and *Chapter 27, Article V, Public Parks*, is hereby amended to read as set out in Appendix A, attached hereto. All other provisions of the *City Code*, not specifically amended hereby shall remain in full force and effect.

Section 2. **THAT** if any word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 3. **THAT** the City Council officially finds, determines, and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered, or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration, and action. The City Council ratifies, approves, and confirms such notices and the contents and posting thereof.

Section 4. **THAT** all ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 5. **THAT** this Ordinance shall be effective immediately upon its passage and adoption after publication as required by law.

PASSED, APPROVED, and ADOPTED this 17th day of November, 2025.

SIGNED:



Gus E. Pappas
Mayor

ATTEST:



Tracy L. Dutton, TRMC
City Clerk

APPROVED AS TO FORM:



Alan P. Petrov
City Attorney

Appendix A

(Language to be added shown by underline, language to be deleted shown by strike-out)

REPEAL Sec. 6-43 – Dogs and cats prohibited on parks and playgrounds.

~~Sec. 6-43. – Dogs and cats prohibited on parks and playgrounds.~~

~~Except in Lafayette Park where posted and so designated, no dog or cat is permitted at any time within any city parks or playgrounds, whether under control of the owner or not.~~

~~{Ord. No. 04-045, § 3(6-43), 7-12-2004}~~

REPEAL Sec. 19-6. – Library open space.

~~Sec. 19-6. – Library open space.~~

~~The public, open space directly adjacent to, and on the west side of, the Bellaire City Library building shall be designated as the "Library Open Space". The following rules and regulations shall apply to the Library Open Space:~~

~~(a) Curfew imposed.~~

- ~~(1) A curfew is hereby imposed within the Library Open Space, between the hours of 9:30 p.m. and 5:00 a.m. and during the hours of curfew, no person shall be permitted to occupy, assemble or travel through such Library Open Space. (2) Any person found in violation of the curfew as herein imposed shall be in violation of this Code shall be subject to immediate arrest by any peace officer of the City and a fine as prescribed in this Code for violations of the terms and provisions thereof.~~
- ~~(2) Dogs and cats prohibited. No dog or cat is permitted at any time within the Library Open Space, whether under control of the owner or not.~~
- ~~(3) Smoking prohibited. It shall be unlawful for any person to be in possession of a burning tobacco product or to smoke tobacco in the Library Open Space.~~
- ~~(4) Commercial use.~~
 - ~~1. Except as otherwise specifically authorized in this chapter, no person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, class, sports event, or other business for which any fee is charged or otherwise derived, within the Library Open Space without first obtaining the written consent of the city as provided in this subsection.~~
 - ~~2. Consent, for the purpose of this subsection (d) may be granted in writing by the director of the parks, recreation and facilities department upon the payment of uniform standard fees, and the agreement to abide by standard conditions and consent forms, if the right is nonexclusive and of six months' duration or less. Any other consent shall be effective only if granted by an express written contract which has been executed by the city manager pursuant to an ordinance of the city specifically authorizing the execution thereof.~~
 - ~~3. Standard fees and charges for concessions, rentals, vending licenses and permits, admissions, events and classes in the Library Open Space shall be the same as the park user fees established by the city manager pursuant to Section 27-98 of this Code.~~
 - ~~4. The director of the parks, recreation and facilities department, by regulation, shall establish uniform procedures relating to reservations, deposits, and the manner for paying user fees and shall develop a standard use agreement, hold harmless agreement, and user consent form for the use of the Library Open Space.~~
 - ~~5. The director of the parks, recreation and facilities department may waive park user fees for any city-sponsored or cosponsored function or event. For purposes of this subsection (d), the city manager is authorized to declare city sponsorship.~~

~~(5) City manager authority to establish rules. The city manager is hereby authorized to establish, and from time to time may amend, reasonable rules and regulations for the use of the Library Open Space provided that such rules and regulations are not inconsistent with provisions of this Code.~~
(Ord. No. 23-029, § 1(App. A), 5-1-2023)

AMEND Chapter 27 to rename Article V. -"Public Parks and Open Spaces."

REPEAL Sec. 27-95. – Curfew imposed and REPLACE it with Sec. 27-95. – Park and open space hours.

~~Sec. 27-95. – Curfew imposed.~~

- ~~(a) A curfew is hereby imposed within Horn Field and Evergreen, Bellaire, Mulberry, and Feld Parks in the City of Bellaire, Texas, between the hours of 11:00 p.m. and 5:00 a.m.~~
 - ~~(b) A curfew is hereby imposed within Evelyn's Park in the City of Bellaire, Texas, between the hours of midnight on Friday and 5:00 a.m. on Saturday, midnight on Saturday and 5:00 a.m. on Sunday, and 11:00 p.m. and 5:00 a.m. all other days.~~
 - ~~(c) A curfew is hereby imposed within Driscoll, Jacquet, Joe Gaither, Lafayette, Locust, Loftin, and Russ Pitman Parks within the City of Bellaire, Texas, between the hours of 9:30 p.m. and 5:00 a.m.~~
 - ~~(d) No curfew is imposed upon Paseo Park in the City of Bellaire, Texas, due to the sidewalk system providing a safe pedestrian route through that area.~~
 - ~~(e) During the hours of curfew, no person shall be permitted to occupy or travel through such public park within the City of Bellaire, Texas. Any assembly or other activities of any type shall be prohibited.~~
 - ~~(f) Any person found in violation of the curfew, excluding those performing services in Evelyn's Park as authorized by the City of Bellaire, Texas, as herein imposed shall be in violation of the Bellaire City Code of Ordinances and shall be subject to immediate arrest by any peace officer of the City of Bellaire, Texas, and a fine as prescribed in this Code for violations of the terms and provisions thereof.~~
- (Ord. No. 04-046, § 2(27-96), 7-12-2004; Ord. No. 17-003, § 1, 1-9-2017)

Sec. 27-95. – Park and open space hours.

- (a) City parks and open spaces shall be open to the public as follows:
 - (1) Bellaire-Zindler, Vic Driscoll, Evergreen, Feld, Horn, Loftin, Mulberry, and Paseo parks – from 5:00 a.m. to 11:00 p.m. daily.
 - (2) Joe Gaither, Lafayette (including Officer Lucy Dog Park), Locust, Russ Pitman, and Ware Family parks and the open space next to the library – from 5:00 a.m. to 9:30 p.m. daily.
 - (3) Evelyn's Park – from 5:00 a.m. to 11:00 p.m. Sunday through Thursday, and from 5:00 a.m. to 12:00 a.m. Friday and Saturday.
- (b) All parks and open spaces shall be posted with signage indicating when they are open to the public.
- (c) It shall be unlawful for any person to remain in a park or open space outside the hours set forth in subsection (a) after being asked to leave.
- (d) Nothing in this section shall be construed to prohibit the use of a public sidewalk located in a park or open space outside those hours set forth in subsection (a) so long as such use is in accordance with Sec. 27-5.

REPEAL Sec. 27-96. – Laurel Street open space policy.

~~Sec. 27-96. – Laurel Street open space policy.~~

~~The policy as herein set out shall be applicable to certain real property in the City of Bellaire hereinafter designated "open-green-space" which shall be generally described as all of the residential lots abutting the Laurel Street right of way on the north between Fifth Street and South Rice Avenue beginning at the point of intersection of Laurel Street and Fifth Street on the west and ending at the point of intersection of Laurel Street and South Rice Avenue on the east, along with: (1) the ten-foot strip that is contiguous~~

to the north boundary lines of the residential lots; and (2) all property located between lots 7 and 8, and between lots 19 and 20, all as set out in the plat of the Town of Bellaire as recorded in Volume 3, Page 59, Harris County Map Records.

The policy of the City of Bellaire concerning the "open green space" property shall be as follows:

- (a) All lots presently owned by the City of Bellaire within the "open green space" shall be maintained and not sold.
- (b) All lots in private ownership within the "open green space" shall be purchased by the City of Bellaire as the same are offered for sale by the owners thereof in accordance with applicable law for the purchase of privately owned property by a municipality. Nothing herein shall be interpreted to require purchase of property within the "open green space" when the same cannot be acquired for legal, financial or other reasons.
- (c) All property within the area herein designated "open green space" shall be used as open green space which shall be defined as open, unobstructed land covered with grass or natural vegetative covering maintained in such a way as to insure an open area free of obstructions except for trees and other vegetative growth in existence as of the date of the adoption of this amendment or such other vegetative growth including, without limitation, trees, hedges, shrubs and grass as may be from time to time recommended and installed by order of the director of parks and recreation of the City of Bellaire; provided, however, that the property located between and contiguous to lots 7 and 8 shall not be restricted to green space until the current owners of lots 7 and 8 no longer own their respective lots. Upon the transfer of title of lots 7 and 8 (whichever is later), the City of Bellaire may, at the city's sole option, remove any improvements, structures, or landscaping in the open green space between on lots 7 and 8. The director of parks and recreation shall be permitted, pursuant to such plan and configuration as approved by the director of parks and recreation, to install park benches, picnic benches, barbecue pits, playground equipment and such lighting fixtures as shall be reasonably necessary to insure and provide for the use of the "open green space" in a manner which is conducive to free, unstructured use by families and individuals as a green area reserved for informal activities and personal enjoyment.
- (d) All construction and improvements shall be prohibited and not permitted within the area of the "open green space," and no impervious surfaces shall be permitted to be constructed or built unless deemed necessary by the director of parks and recreation as sidewalks or walkways customarily reserved for the passage of pedestrians and vehicles for walking or jogging or otherwise necessary for the preservation of the health, safety and well-being of all persons using and enjoying the "open green space." The exclusion as herein provided shall include: 1. Any structures having walls or enclosures; 2. Tennis courts; 3. Softball or baseball fields or practice fields; 4. Soccer, basketball and volleyball courts or other team or individual sport play areas marked or restricted for such use; and 5. Parking lots and driveways.
- (e) Notwithstanding the foregoing, the Bellaire Town Square Aquatic Center within the confines of the existing fence is exempt from this section.

(Ord. No. 91-072, § 1, 9-9-1991; Ord. No. 95-017, 4-17-1995; Ord. No. 17-045, § 1, 7-10-2017)

AMEND Sec. 27-97. – Commercial use of parks and recreational facilities.

Sec. 27-97. - Commercial use of parks, open spaces, and recreational facilities.

- (a) Except as otherwise specifically authorized in this chapter, no person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, class, sports event, or other business for which any fee is charged or otherwise derived, within any park, open space, or recreational facility of the city without first obtaining the written consent of the city as provided in this section.
- (b) Consent, for the purpose of subsection (a) ~~of this section~~, may be granted in writing by the director of the parks, and recreation, and facilities department upon the payment of uniform standard fees, and the agreement to abide by standard conditions and consent forms, adopted pursuant to ~~§~~Section 27-98 ~~of this Code~~, if the right is nonexclusive and of six months' duration or less. Any other consent shall be effective

only if granted by an express authorized by written contract therefor which has been executed by the city manager ~~may or pursuant to an ordinance of the city specifically authorizing the execution thereof.~~

AMEND Sec. 27-98. – Park and recreational facility user fees.

Sec. 27-98. – Park, open space, and recreational facility user fees.

- (a) Standard fees and charges for ~~park~~ concessions, rentals, vending licenses and event permits, admissions, sports events and recreational classes in any city park, open space, or recreational facility (~~collectively denoted "park user fees"~~) shall be established by the city manager. ~~A copy of the schedule of park user fees shall be maintained for public inspection in the office of the director of parks and recreation (the "director").~~
- (b) The director, ~~by regulation, of the parks, recreation, and facilities department~~ shall establish uniform procedures relating to reservations, deposits, and the manner for paying park user fees and shall develop a standard use agreement, hold harmless agreement, and user consent form for the use of such facilities.
- (c) The director of the parks, recreation, and facilities department may waive ~~park~~-user fees for any city-sponsored or cosponsored function or event. For purposes of this subsection, the city manager is authorized to declare city sponsorship.
- (d) The city manager shall be authorized to issue event permits for the use of any park, open space, or recreational facility in accordance with the procedures established by the director of the parks, recreation, and facilities department.

ADD new Sec. 27-96.- Park and open space rules.

Sec. 27-96. – Park and open space rules.

- (a) The following are prohibited in all city parks and open spaces:
 - (1) The possession of glass containers.
 - (2) The use of tobacco products and e-cigarettes.
 - (3) The possession or use of alcoholic beverages, except in accordance with Sec. 3-3 and Sec. 3-4.
 - (4) The use of open flames, except as allowed under a valid event permit.
 - (5) Placing of personal items, except for the purpose of recreating, picnicking, participating in a city event, or as allowed under a valid event permit.
 - (6) Sleeping, except as allowed under a valid event permit.
 - (7) Walking of dogs, except as allowed under a valid event permit. Notwithstanding the foregoing, dogs on leash shall be allowed in Paseo and Vic Driscoll parks, and dogs off leash shall be allowed inside the fenced area in Lafayette Park designated as Officer Lucy Dog Park.
- (b) It shall be unlawful for any person to continue engaging in an activity prohibited by subsection (a) after being asked to cease.