

ORDINANCE NO. 3166

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 62 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AND THE RULES AND REGULATIONS APPLICABLE TO PARKS; PROVIDING A PENALTY, FOR SEVERANCE AND FOR PUBLICATION.

WHEREAS, staff and the North Richland Hills Parks Advisory Board gave recommended adoption of these revised rules and regulations; and

WHEREAS, the City Council finds that the adoption of these revised rules and regulations is necessary to the expansion of facilities and the need to provide reasonable regulation of public parks and recreational facilities;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF NORTH RICHLAND HILLS, TEXAS:

Section 1. Article I of Chapter 62 of the North Richland Hills Code of Ordinances is amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 62-1. - Hours of operation.

All parks will henceforth have hours of operation during which the public may use said park; those hours will be from 5:00 a.m. to 11:00 p.m. unless otherwise posted at a park or facility. It will be unlawful for any person or persons to use, loiter, congregate, trespass or assemble in said park at times other than during the hours of operation, unless the use is for an event or sporting activity which is supervised and approved by the director of parks and recreation, or his designee. The city may authorize hours of park use, different from those stated above, if the city manager deems it in the public interest. City employees and law enforcement officers or as otherwise designated by the city manager may enter the aforesaid park at any time in the course of their employment.

Sec. 62-2. - Alcoholic beverages.

No person shall sell, consume or possess alcoholic beverages in any city park or park facility except for events in the following areas and subject to the following conditions:

- The NRH Centre and Civic Plaza located at 6000 Hawk Ave;
- Stormy Plaza – 9010 Grand Ave for special events;
- NRH₂O – during non-general public hours of operation. Alcohol shall only be permitted during private and exclusive events.

1. All sales shall be by a vendor approved by the city with all applicable licenses.
2. Alcoholic beverages will not be consumed except at events for which permission has been granted as required by city policies.

Sec. 62-3. - Speed limits.

The city does hereby deem it a necessity to establish speed limits in city parks and recreational areas to protect the general public when using said public facilities. Henceforth, after the effective date of this article, the speed limit in city parks and recreational areas will be ten mph for all motorized vehicles and operation of a motor vehicle at any speed in excess of ten miles per hour shall be prima facie evidence that the speed is not reasonable and prudent under the conditions then existing.

Sec. 62-4. - Parking.

In those parks, which provide designated parking spaces, it is henceforth unlawful to park other than in the spaces provided or to use more than one parking space per motor vehicle. Motor vehicles shall be parked between the lines, not on or over them. An exception to parking on paved designated spaces shall be made as directed by the city during special events. The city shall designate areas for parking during such events. For the purpose of this section, the term "parked" shall be defined to include parked unattended vehicles, parked attended vehicles, vehicles which have stopped but are still occupied and the engine of the vehicle is still running, and standing motor vehicles.

Sec. 62-5. - Authority to close park; notice.

Henceforth, the city manager, or his designee, is authorized to close portions of or all of a park to motor vehicles' traffic on a temporary, permanent or hourly basis at his sole discretion, if he deems it to be in the public interest. In order to effect closure the city manager shall file with the city secretary a letter stating the period of closure or the hours thereof and have a notice posted in said park stating the extent and nature of closure; once the notice has been posted, the unauthorized removal of said notice will not be a defense, but may be used for mitigation of punishment in the municipal court. The posting of the notice in the city park is prima facie evidence of notice, and the state shall only be required to show that the notice was in fact posted.

Sec. 62-6. - Litter.

No person shall throw or deposit litter in any park within the city, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

Sec. 62-7. - Closing facilities.

Pursuant to section 62-1, the city manager or his designee, is hereby authorized to establish hours of operation for city park facilities where buildings and structures are involved in the public enjoyment of said facilities. The city manager or his designee, shall have the authority to close all or any portions of the city's parks to use when weather or other conditions make the grounds hazardous or unfit for activities. The city manager, or his designee, shall make a good faith effort to notify all interested parties at the earliest possible time. The procedure and presumptions outlined in section 62-5 are hereby incorporated.

Sec. 62-8. - Entry on closed or permit only athletic fields.

- (a) *Generally.* It shall be unlawful for any person other than a city employee or a contractor performing athletic field maintenance to enter upon a city athletic field that has a sign posted "Closed due to Maintenance/Field Conditions."
- (b) *Entry on permit only fields.* Fenced athletic fields and athletic fields which have been marked and prepared for games may be posted with signs limiting use to teams with a permit therefore. It shall be unlawful for any person other than a city employee to enter a posted field except pursuant to a reservation permit issued pursuant to authority of the city parks staff or as otherwise designated by the city manager.
- (c) *Green Valley Park and Soccer Complex.* Green Valley Park and Soccer Complex, a community park with eight open soccer fields, shall be available for unstructured general use on the fields without the requirement of a permit unless a soccer field has a sign posted "Closed due to Maintenance/Field Conditions" or similar language. Team practices, team scrimmages and unauthorized games at Green Valley Park and Soccer Complex will not be permitted without written consent from the parks and recreation department or as otherwise designated by the city manager. A team practice is defined as a coach or adult led practice with players from a team or combination of teams who have gathered for the purpose of structured team practice and or drills.
- (d) *Posting of signs.* The city manager, or his designee, is authorized and directed to post the signs provided for above on or adjacent to city athletic fields.
- (e) *Penalty.* In the event of a youth team practice or scrimmage, the adult or coach directing the group shall be issued the fine and not the team of youth players or minors. Fines for unauthorized adult team practices or scrimmages may be issued to all adults that are occupying the athletic

field that has a sign posted "Closed for Maintenance" or "For Use by Permit Only" at the discretion of the officer issuing the citation or as otherwise designated by the city manager.

Sec. 62-9. - Penalty.

Violation of this article shall be punished by a fine as provided in section 1-13.

Sec. 62-10. - Youth programs standards of care.

The City Council of the City of North Richland Hills hereby adopts the City of North Richland Hills Youth Programs Standards of Care for providing basic child care regulations for day camp activities operated by the North Richland Hills Parks and Recreation Department. As required by V.T.C.A. Human Resources Code § 42.041(b)(14), the standards adopted by this section include staffing ratios; minimum staff qualifications; minimum facility, health, and safety standards; and mechanisms for monitoring and enforcing the adopted local standards. A substantial copy of the City of North Richland Hills Youth Programs Standards of Care is attached hereto and incorporated herein for all intents and purposes and shall be available on the city's website under the parks and recreation subhead.

Sec. 62-11 - Prohibited activities.

The following actions are prohibited in all parks and recreational facilities of the city:

- (a) *Weapons.* The possession or use of a firearm, pellet gun, air soft gun, paintball gun, bows and arrows, slingshots or any device capable of projecting any object which would or could create injury to another or wildlife or is otherwise considered a potential danger to the public; provided, however, such prohibition shall not apply to the carrying of handguns by duly licensed Texas peace officers or holders of valid Texas concealed handgun permits.
- (b) *Fireworks.* The possession or use of fireworks, hobby rockets or any device or object which would or could create a fire or the conditions which a fire would be likely to occur or any similar danger to the public, except with the written approval of the parks and recreation director and the Fire Department.
- (c) *Unauthorized entry onto reserved facilities/scheduled activities.* Entry onto a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved or during the scheduled activity and remain or return there after the person has been given notice to leave. Reserved facilities and areas, and scheduled activities, include but are not limited to: indoor and outdoor facilities,

meeting rooms, gathering areas, camps, and classes, athletic fields and their support/adjacent areas and facilities.

- (d) *Restroom use.* Engaging in or soliciting any lewd and lascivious or criminal activity in or near any public restroom located at or in a park facility. No person over the age of eight (8) years shall use the restrooms and washrooms designated for the opposite sex unless assistance is needed because of a disability.
- (e) *Controlled access.* Entry into any controlled access portion or any specially designated area of any park facility, except by authorized city personnel.
- (f) *Environmental disturbance.* It shall be unlawful to intentionally remove, damage, deface, cut, carve, mark, transplant, break, pick, or in any way injure, damage, or deface any plants, trees, shrubbery, vegetation, rock, minerals, soil, turf, grass, and/or other personal property within or upon any parks, parkways, greenbelts, or other recreational areas. It shall further be unlawful to plant any type of plants in any park, parkway, greenbelt, or other recreational area or facility without prior approval of the parks and recreation director.
- (g) *Fires.* The starting of a fire except in enclosed fireplaces or grills provided for this purpose, except with written permission from the fire chief, or his authorized agent and/or representative, and the parks and recreation director in designated park areas. Privately owned charcoal grills are not permitted on grass areas or on picnic tables located in parks. It shall be unlawful to leave a park area without extinguishing a fire.
- (h) *Golfing.* The hitting of golf balls of any type in a park facility, except in areas specifically designated for this purpose.
- (i) *Signs.*
 - 1. Placement of any permanent sign on or in any parks facility or area except by city employees or agents or contractors of the city in the performance of maintenance, construction or repair duties for any park facility.

Placement of temporary signs except on reserved facilities and areas, at permitted events, and at scheduled activities previously approved by the parks and recreation department.
 - 3. The parks and recreation director or delegate may limit the location, size and materials for any temporary sign in order to prevent any damage to park facilities or injury to persons using the facilities.

- (j) *Hunting.* Hunting, trapping, killing, removing or releasing of any animal in any park, greenbelt, open space or property managed by the Parks and Recreation Department save and except for fishing subject to Texas Parks and Wildlife Rules and Regulations. This provision does not apply to city employees while performing official city business.
- (k) *Animals.* Riding, driving, leading or letting loose any animal, reptile or fowl of any kind, except in designated areas. These restrictions shall not apply to dogs and cats when restrained by a leash. Such leash shall at all times serve as a connection between the dog or animal and the person that accompanies the dog or other animal. The person accompanying the animal must be in control of the animal at all times. No person shall tie or restrain an animal by attaching its leash to fencing, trees, benches, bleachers, poles or other park facility infrastructure. Dogs and other animals are not permitted inside park facility buildings, playground areas or athletic fields. Any person accompanying a dog or other animal shall immediately clean up any feces left by such animal. A person commits an offense if the owner or person that accompanies an animal fails to visibly have in his or her possession, materials that can be used to immediately remove and dispose of any feces the animal produces. Animals that are trained to assist the handicapped are permitted in all park facilities.
- (l) *Swimming, boating and fishing in parks.*
1. It shall be unlawful for any person to utilize any creek, pond, lake, stream or any other body of water in any park in the city to, among other things, swim in, boat in, wade in, or pollute any creek, pond, lake, stream or any other body of water in any park in the city unless such activity is specifically authorized and permitted by the parks and recreation director and/or any other regulation and policy.

Electric or gas powered motorboats are unlawful on all water bodies except by approval from the parks and recreation director. Electric powered, remote controlled, model boats are allowed.
 3. Fishing, with appropriate Texas Parks and Wildlife licenses, shall be permitted only from the banks of any creek, pond, lake or other body of water in any park. No trot-lines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any park.
 4. This subsection shall not apply to any municipally owned or operated swimming facilities.
- (m) *Motor vehicle and motorized device use.* The regulations and restrictions specified in this section govern both licensed and unlicensed motor vehicles and motorized devices in the outdoor areas and facilities owned,

leased, or otherwise controlled by the City of North Richland Hills Parks and Recreation Department.

1. *Motor vehicles.* A person commits an offense by operating, driving, or riding any motor vehicle within a park facility on a surface other than a road, street, or parking lot. This provision is not applicable to city motor vehicles, emergency vehicles, or motor vehicles that have received a city permit authorizing its operation.
 2. *Motorized devices.* A person commits an offense by operating, driving, or riding any motorized device in a park facility other than on improved roads, streets, or parking lots. This provision is not applicable to city motorized devices, to motorized devices that have received a city permit authorizing its operation, to golf carts operated on a city maintained golf course, or motorized devices used to assist handicapped or physically impaired individuals. Segways and electric hybrid bicycles are deemed motorized devices for the purpose of this subsection. Segways and electric bicycles less than 12 mph are allowed on the trails.
- (n) *Leaving child under age ten unattended.* It shall be unlawful for a parent, guardian, or other adult having care, custody and/or control of a child to abandon or in any way leave unattended a child (under ten years of age) in any park or other recreational facility, except for a supervised program or activity.
- (o) *Dumping in Parks.* It shall be unlawful for any person to dispose of trash, trees limbs, brush, grass clippings, plants and any debris or material into a park or into any publicly controlled and/or maintained property.
- (p) *Discharging of Pool Water.* It shall be unlawful to drain swimming pool back wash into a park or adjacent property. All swimming pool back wash and drainage shall be disposed of into the city sanitary water system through lines and equipment installed in accordance with the city plumbing code. Pool back wash may be used for personal irrigation purposes. Back wash shall not be drained into the public right-of-way.
- (q) *Use of Skateboards/In-line Skates/Scooters.* Using skateboards, in-line skates and scooters except in designated locations and in accordance with posted rules.

Sec. 62.12 - Activities requiring a permit or facility use agreement.

Generally. It shall be unlawful for any person to do any of the acts specified in this section in or upon any park facility except with a permit or facility use agreement issued by the parks and recreation director or designee. If a permit or facility use agreement is

issued under this section, the parks and recreation director or delegate may limit the activity to a designated park facility.

- (a) *Park hours.* To enter or remain in any park facility between the hours of 11:00 p.m. and 5:00 a.m. unless different hours for the park facility have been designated or unless different hours have been posted.
- (b) *Sale of goods and services.* To sell or offer for sale any food, drinks, confections, merchandise, or services unless provided through a city concessions contract or permit.
- (c) *Commercial or business activities.* To conduct any commercial or business activities of any kind for which: any participation or admission fee is charged or revenue is otherwise derived; or, distributing commercial promotional materials or advertising.
- (d) *Overnight Camping.* Overnight camping shall be unlawful except by special permit issued by the parks and recreation director for designated park areas. Each person shall observe and obey all park rules and regulations and restore their campsite area to its original condition.
- (e) *Parking.* A person commits an offense by parking a motor vehicle, other than a city vehicle, within a park facility at any place not designated as a parking area. Motor vehicles in violation of this subsection may be either issued a citation and/or towed and stored at the owner or operator's expense in accordance with state law.
 - 1. *Overnight parking.* A person commits an offense by parking a motor vehicle within a park facility overnight except by special permit issued by the parks and recreation director or designee for designated park areas. Motor vehicles in violation of this subsection may be issued a citation and/or towed and stored at the owner or operator's expense in accordance with state law.
 - 2. *Freight vehicles.* A person commits an offense by operating or parking a motor vehicle or trailer designated for transporting freight, merchandise, brick, stone, or gravel within a park facility, including parking lots. This provision does not apply to motor vehicles or trailers used in the performance of city construction, repair, or maintenance. Freight vehicles in violation of this subsection may be issued a citation and/or towed and stored at the owner or operator's expense in accordance with state law.
- (f) *Bicycle riding in parks and on bike trails.* Bicycle riding shall be governed by safe riding practices and consideration for use of parks by others. Where special parking provisions have been made for bicycles, parking

shall be limited to that area. Bicycle riding shall be prohibited in playgrounds, flowerbeds, pedestrian-only sidewalks, tennis courts, athletic courts, picnic pavilions, fishing piers and/or any other areas designated by the city.

- (g) *Charging admission to city owned or controlled facilities.* No person may, without permission charge admission to parks. The parks and recreation director or delegate may approve request on the part of individuals or groups utilizing parks to:

1. Charge admission to the city owned or controlled facilities;

Control the movement of pedestrians in vehicles in or on the facilities included in the request;

3. Sell tickets or otherwise make admission charges in amounts set by the then current fees set forth in this article; or
4. Deny admission to persons who refuse to pay the approved admission charges, or any combination of the above.

- (h) *Use of Bounce Houses, Carnival Rides, Pony Rides and Attractions in Public Parks.* The use of bounce houses, carnival rides, pony rides, and other attractions are unlawful except by special permit issued by the parks and recreation director or designee for designated park areas. These types of attractions are allowed at selected parks throughout the city. Bounce houses, carnival rides and attractions, if approved by permit, must be generator powered and provided by the permit holder.

- (i) *Use of Parks for Special Events and Groups of 100 or more.* The use of public parks for special events is unlawful except when permitted by the parks and recreation director or delegate as well as other city departments as required for the safety and security of the public. Gatherings or groups of 100 or more must have a permit for use of the park. Picnic pavilions are available for rental through the parks and recreation department.

Sec. 62.13 - Establishment of other rules and regulations.

The parks and recreation department may adopt additional rules, regulations, and policies governing the management and operation of park facilities. A current copy of those rules and regulations shall be maintained on file in the administrative offices of the parks and recreation department and available on the city's website. Violations of rules posted at particular sites shall constitute grounds for eviction from the facility as well as an offense punishable hereunder.

Section 2. Severability.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 3. Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 4. Publication.

The City Secretary of the City of North Richland Hills is hereby directed to publish the caption and penalty of this ordinance in the official City newspaper.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 26th day of September, 2011.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Patricia Hutson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George A. Staples, City Attorney

APPROVED AS TO CONTENT:

Vickie Loftice, Managing Director