

ORDINANCE NO. 2022-10641

AN ORDINANCE AMENDING THE CODE OF CIVIL AND CRIMINAL ORDINANCES OF THE CITY OF IRVING, TEXAS, REPEALING THE EXISTING CHAPTER 25, "PARKS AND RECREATION" AND ADOPTING A NEW CHAPTER 25 "PARKS AND RECREATION"; PROVIDING REGULATIONS FOR PARK FACILITY USAGE AND FACILITY RENTALS; CREATING A TREE BOARD; PROVIDING FOR CONFLICT RESOLUTION, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, A PENALTY, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS:

SECTION 1. That the Code of Civil and Criminal Ordinances of the City of Irving, Texas, is hereby amended by repealing the existing Chapter 25, "Parks and Recreation," in its entirety and adopting a new Chapter 25, "Parks and Recreation," to read as follows:

CHAPTER 25- PARKS AND RECREATION ARTICLE I: IN GENERAL

Sec 25-1: Definitions. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a. Department- the City of Irving Parks and Recreation Department
- b. Director – The director of City of Irving Department of Parks and Recreation
- c. Designee – Any Parks and Recreation employee to whom the Director has granted authority to make decisions on their behalf.
- d. "Motor vehicle" means a self-propelled vehicle subject to the registration requirements of the Chapter 502 of the Texas Transportation Code.
- e. "Motorized device" means any device with a battery, electric or gas motor that does not fall under the definition of "motor vehicle" under this Code, including motorized scooters and electric bicycles. This definition, however, does not include any device designed to assist a person who has a physical disability with mobility.
- f. "Nonresident" means a person who lives outside the city of Irving.
- g. "Nonresident team" means a team made up of less than fifty-one (51) percent resident players.
- h. "Outdoor athletic facilities" include but are not limited to lighted and unlighted playing fields and courts programmed for the purpose of conducting practices, league play, tournaments, meets, camps, and clinics for competitive and recreational sports that include but are not limited to soccer, football, baseball, softball, lacrosse, cricket, and rugby or any such use as deemed appropriate by the parks and recreation department.
 - i. "Game field" – A field that has been designated by the Director to be used only for the purpose of conducting league play or tournament play.
 - ii. "Practice field" – Any field or portion of a park that has been designated for any sport activity, not otherwise designated as a game field.
- i. "Park facility" means any land, areas, buildings, and facilities that are owned, leased, or

otherwise controlled by the department, including but not limited to city parks, athletic fields, playgrounds, restrooms, pavilions, the Heritage Senior Center, aquatics facilities, recreation centers, recreational trails, stages, as well as city owned open space, plazas, or areas programmed and maintained by the parks and recreation department.

- j. “Resident” means a person who lives within the city of Irving, or in the case of a church sponsored team, worships within the city of Irving.
- k. “Season” means a recurrent period of time characterized by league practices and games associated with registration fees for a particular sport as agreed upon by the designated representative from both parties.

Sec 25-2: Restrictions on park facility use.

- a. Each city park shall have the hours in which it is open and closed to the public posted at the entrance to the park. It shall be unlawful for any person to be in a city park facility at any time except during the hours posted. It shall be unlawful to trespass on any facility after designated operation hours.
- b. The parks and recreation department may designate particular locations within park facilities for specific activities and may prohibit specific conduct in designated locations by the posting of notice. It shall be unlawful for any person to use such premises in violation of the posting.
- c. Parks and recreation departmental staff may close a facility or field at any time for purposes of maintenance, safety or to protect the surface of the facility, playing field, or game field from damage. Gated facilities are considered closed when the gates to the facility are not open. Non-gated facilities will be posted with signage. It shall be unlawful to use closed facilities/fields.
- d. The director of parks and recreation or designee may designate fields as game fields and shall post thereon a sign stating such designation. It shall be unlawful to go upon a field which has been designated as game field without authorization from the Parks and Recreation Department.
- e. The parks and recreation department shall control all concession rights for all parks and facilities. It shall be unlawful for a group or individual to sell or offer for sale any food, drinks, confections, merchandise, or services, unless provided through a city concessions contract, facility use agreement, or as allowed by a Special Event Permit issued under Chapter 33B.
- f. It shall be unlawful to camp overnight on any park property unless it is part of a City provided program.
- g. It shall be unlawful to use a city-owned or operated facility, structure, equipment, furniture, architectural feature, or natural feature for any purpose or in any manner other than that for which a reasonable person would believe it was designed or intended to be used.
- h. It shall be unlawful to hit golf balls at any time in a park facility not designated as a golf course.
- i. It shall be unlawful to possess in or upon a park or park facility or premises a handgun, air gun, paintball gun, slingshot or any other device that could project any object that is hazardous or dangerous to the public, unless authorized by state law. Nothing in this section shall be construed to prohibit or restrict the lawful carrying or possession of a

firearm pursuant to state law.

- j. It shall be unlawful to recklessly or intentionally destroy, insure, deface, remove, or alter any park facilities, unless performed by an authorized employee or vendor within the scope of their duties.
- k. It shall be unlawful to cut or gather trees or parts of trees or remove wood from park facilities and it shall be unlawful to attach any cable, wire, rope, sign or any object to any city tree, plant, or shrub unless performed by an authorized employee or vendor within the scope of their duties.
- l. It shall be unlawful to drill, mine or otherwise remove any mineral from any park facility.
- m. It shall be unlawful to use or operate a metal detector in a city park without authorization from the director of parks and recreation or designee.
- n. Maintenance of all facilities owned by the city will be performed or scheduled by the parks and recreation department. It shall be unlawful to make any modifications, alterations, additions, or deletions, temporary or otherwise to any facility scheduled by the city unless written approval is obtained from the parks and recreation department.

Sec. 25-3: Vehicle Use. All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in all park facilities.

- a. A person commits an offense by parking a motor vehicle, other than a city-owned vehicle, within a park facility at any place not designated as a parking area. Citations may be issued and the motor vehicle may be towed and stored at the owner or operator's expense in accordance with state law.
- b. It shall be unlawful to operate a vehicle off an authorized roadway, including taking any vehicle through, around or beyond a restrictive sign, recognizable barricade, fence, or traffic control barrier.
- c. It shall be unlawful for any person to ride, use, or operate any horse, motorcycle, motor scooter, ATV, RTV, or any other motorized device in and upon the public parks or trails of the city, except in certain areas, drives, trails and pathways specifically designated by the director of parks and recreation for such purpose.

Sec. 25-4: Use of drones and model aircrafts.

- a. No person shall operate a drone [Unmanned Aircraft Vehicle (UAV), Unmanned Aircraft System (UAS), or other motorized model aircraft including radio-controlled devices] in a park or preserve owned or operated by the city except in specifically designated areas at the following parks.
 - 1) Mountain Creek Preserve
 - 2) Running Bear Park
 - 3) Sam Houston Trail Park
- b. No person shall operate a drone or model aircraft outside the hours when the park is open or in an unsafe manner, and it must be operated within the eyesight of the operator and at a safe distance away from other park users.
- c. Drone or model aircraft operators shall adhere to all federal and state laws/regulations regarding operations of drones and model aircraft.

Sec 25-5: Animals.

- a. It shall be an offense for any person to ride, drive, lead, or release any animal, reptile, fish, or bird of any kind in or on any park facility, except as posted.
- b. It shall be unlawful to abandon any animal in or on any park facility.
- c. Animals are prohibited in restroom facilities or other areas so designated by the parks and recreation department, with the exception of service animals.
- d. All animal waste shall be removed by the person attending to the animal.
- e. Animals are to be controlled or restrained in accordance with Chapter 6 of the City of Irving Code of Ordinances.

Sec 25-6: Use of city-controlled water areas.

- a. A person commits an offense if they swim, bathe, wade, dive or go into the water of a river, stream, pond, lake, drainage area, or water course, either natural or artificial.
- b. Boats, vessels, or watercraft (including radio-controlled vessels) are prohibited on park waters except the waters of the Trinity River adjacent to Campion Trails.
- c. Fishing.
 - a. Recreational fishing is permitted. A valid fishing license is required for ages 17 and older, by legal means as defined by Texas Parks and Wildlife, in the following designated areas only.
 - i. Centennial Park
 - ii. Cottonwood Park
 - iii. Fritz Park
 - iv. Northwest Park
 - v. Senter Park
 - vi. Thomas Jefferson Park
 - vii. Towne Lake Park
 - viii. Victoria Park
 - b. No person shall engage in the business of catching or taking fish or game from parks or water controlled by the City of Irving for the purpose of sale.

Sec 25-7: Litter and pollution.

- a. Garbage, trash, rubbish, litter or any other waste material or waste liquid generated in a park and incidental to authorized recreational activities shall either be removed from the park or deposited in receptacles provided for that purpose. It shall be unlawful to improperly dispose of such waste, including human and animal waste.
- b. 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.
- c. No glass containers shall be permitted in a park or park facility.
- d. It shall be unlawful for any person to throw or deposit litter in any fountain, pond, lake, stream, bay, or any other body of water in a park or elsewhere within the city.

Sec 25-8: Fire prevention.

- a. It shall be unlawful for any person to start, maintain or permit an open fire upon property in any park in the city except in designated authorized areas such as a public stove, grill, fire pit, or other designated area provided for that purpose.
- b. It shall be unlawful to leave a fire unattended.

- c. It shall be unlawful to carry onto or store gasoline and other fuels (except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose) in a park facility.
- d. Fires must be completely extinguished prior to departure from a park facility.
- e. It shall be unlawful to burn materials that produce toxic fumes, including but not limited to tires, plastic, or treated wood products.
- f. It shall be unlawful to dispose of lighted or smoking materials, matches or other burning material on park property.

ARTICLE II: PARK FACILITY USE

Sec 25-9: User Fees.

The City Council shall establish resident and nonresident fees for Irving parks and recreation rentals, activities, memberships, and admission by resolution from time to time.

Sec 25-10: Facility use cards.

Facility use cards are required for participation in recreation classes, programs, and activities at City of Irving recreation centers by Irving residents aged twelve (12) years and over and non- Irving residents of any age.

Sec 25-11: Facility Rentals for Outdoor Events.

- a. Outdoor event venues have been designed to enhance and enrich the recreational, social and leisure interests of the community. Events held at these venues must adhere to all requirements outlined in City of Irving Code of Ordinances Chapter 33B (“Special Events”) and the conditions included in any Special Event Facility Usage Agreement.
- b. Prior to submitting a Special Event Permit Application pursuant to Chapter 33B, a venue rental application must be submitted to Parks and Recreation along with a detailed site plan for approval and reservation of said space.

Sec 25-12: Facility rentals.

- a. Various parks facilities are available for rental at the rates adopted in accordance with Section 26-9.
- b. It shall be unlawful to sublet any rental for any period of time for any reason.
- c. The parks and recreation department shall consider all rental requests and will allocate facilities in the best interest of the city. Priority shall be given to organizations that have a valid facility use agreement on file with the parks and recreation department.

Sec 25-13. Insurance.

- a. Any facility rental which: a) is used for sports activities requiring membership to participate, b) used for fund raising, c) charges admission, d) is advertised as a public function, and/ or e) would attract a crowd of interested observers will be required to provide commercial general liability insurance with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence as a condition of the rental.

- b. Required insurance must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of each policy must be acceptable to the city. No rental activities may occur or games may be played until an acceptable proof of insurance has been received by the parks and recreation department and approved by the city's risk manager.
- c. All certificates of liability insurance shall name the City as an additional insured and be provided 10 days in advance of a scheduled rental. Each policy must name the city and its officers and employees as additional insured and provide a waiver of subrogation in the city's favor. The coverage provisions of each policy must provide coverage for any loss or damage that may arise to any person or property by reason of the conduct of the renter.
- d. The provision of the above described coverage by the Renter, or City's filing a claim against such coverage, shall not act as a waiver of the liability of the Renter and in no way shall release the Renter from damages which may exceed the insurance policy limits. The City reserves the right to pursue all legal remedies for damages to City property.

Sec 25-14: Offenses and Penalty.

- a. A person who violates any provision of this chapter commits an offense.
- b. Unless specifically provided otherwise in this chapter or by state or federal law, a person who commits an offense under this chapter, upon conviction, shall be fined an amount not to exceed \$500.00.
- c. An offense under this chapter is a strict liability offense and the culpable mental state required by the Texas Penal Code is hereby specifically negated and clearly dispensed with for the commission of an offense under this chapter.

ARTICLE III: TREE BOARD

Sec 25-15: Tree Board

- a. Creation; Establishment. There is hereby established the tree board for the city which shall be an advisory body to the Parks and Recreation Board.
- b. Purpose. The purpose of the board is to serve as a contact and voice of the residents of the City of Irving to the city council, to review and discuss matters referred to the committee by the city council and the city manager, and to provide recommendations to the council promoting the protection of healthy trees.
- c. Board membership. The tree board shall consist of nine (9) members, with a minimum of three (3) members from the parks and recreation advisory board, two (2) members from the Irving Green Advisory Committee, and two (2) members from the Keep Irving Beautiful Committee. These members shall be appointed by the chair of their respective board or committee. The remaining two (2) members shall be selected from other community organizations or interested volunteers which shall be appointed by the standing tree board.
- d. Officers. The board shall annually select one of the members to serve as chair and may appoint a second member to serve as vice-chair and may appoint a third member to serve as secretary.
- e. Term of office. The board shall elect its own officers and each officer shall serve for a

term of two (2) years or until a successor is appointed.

- f. Meetings. The board shall meet as needed. All stated meetings shall be open to the public.
- g. Duties and responsibilities
 - 1) To promote the protection of healthy trees and provide guidelines for the replacement and/or replanting of trees necessarily removed during construction, development, and redevelopment of parks, public property or rights-of-way.
 - 2) To promote the protection and preservation of native or established trees within the city, which provide for purification of air and water, provide for shade, windbreaks and the cooling of air, provide for open space and more efficient drainage of land, thus reducing the effects on soil erosion.
 - 3) To study, investigate, counsel and develop and/or update periodically a written plan for the care, preservation, pruning, planting, replanting, removal or disposal of public trees and shrubs on city property.
 - 4) To review and recommend specific beautification projects and public awareness programs to the parks and recreation department director or his designee.
 - 5) To assist in coordinating and promoting Arbor Day activities.
 - 6) To assist in developing the annual application to renew the tree city USA designation.

SECTION 2. That this ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Irving, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 3. Should any paragraph, sentence, 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 declared to be invalid, illegal, or unconstitutional, and shall not affect the validity of the comprehensive zoning ordinance as a whole.

SECTION 4. That nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. That any person violating or failing to comply with any provisions of this ordinance shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), and each day any violation or noncompliance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect on October 1, 2022 and shall be published in accordance with the provisions of the Texas Local Government Code and the Irving City Charter.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF IRVING, TEXAS,
on September 15, 2022.

RICHARD H. STOPFER
MAYOR

ATTEST:

Shanae Jennings
City Secretary/Chief Compliance Officer

APPROVED AS TO FORM:

Kuruvilla Oommen
City Attorney