

ORDINANCE NO. 722
(Open Space and Parks)

AN ORDINANCE OF THE CITY OF PARKER, COLLIN COUNTY, TEXAS, AMENDING AND RESTATING THE PROVISIONS OF ORDINANCE NO. 608 AS CODIFIED AS CHAPTER 97 OF THE PARKER MUNICIPAL CODE; DISSOLVING THE PARKS AND RECREATION COMMISSION OF THE CITY OF PARKER; REVISING REGULATIONS FOR PUBLICLY OWNED OPEN SPACE AND PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$500 FOR EACH OFFENSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Collin County, Texas has determined that the City should, with no objection received from the Parks and Recreation Commission, dissolve the Parks and Recreation Commission; and

WHEREAS, the City Council has determined the revision of the regulations established for the public open spaces, including the City open space known as the “Preserve”, adjacent to City Hall, should be revised; and

WHEREAS, the term “Park” as used in the Parker Municipal Code of Ordinances specifically includes any area of Parker specifically designated by the City Council as a “Park”, and the regulations of the Municipal Code shall also apply to areas of open space, including the area of Parker known as the Preserve, which are not designated as a “Park”, as that term is used in the Local Government Code.

WHEREAS, the City of Parker Municipal Code of Ordinances should be amended in conformity with the provisions of this Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF PARKER, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. COMMISSION DISSOLVED The Parks and Recreation Commission of the City of Parker is hereby dissolved. The provisions of Ordinance 608 establishing the Parks and Recreation Commission, codified as Sections 97.01 through 97.08 of the Municipal Code of Ordinances, are hereby repealed.

SECTION 2. PARK REGULATIONS REVISED The following sections of the Municipal Code are modified as follows:

Section 97.09 Definitions – the definition of “Recreation” is modified as follows:

“**RECREATION**-- lawful activities pertaining to nature areas, trails, open space, historical areas, and public gardens.”

Section 97.10 ENFORCEMENT. (C) *Seizure of Property* is modified as follows:

“(C) *Seizure of Property*. The Police Department shall have the authority to seize and confiscate any unlawful items or other contraband for which seizure is authorized under the laws of the State of Texas.

Section 97.11 Unlawful Acts (A) (1) is modified as follows:

“(1) No motorized vehicles, except for wheel chairs for the disabled, are allowed in any park, trail, or sidewalk, except within designated parking areas.

Section 97.11 (A) shall have the following provisions added, commencing with subsection 14 as follows:

“14. To carry a firearm, except those persons who are peace officers or are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Handgun License Laws, as amended.

“15. To discharge firearms, fireworks, BB guns, air guns, bow and arrow, sling shots, blow guns, rockets, or paint ball guns.

“16. To swim, bathe, wade in or pollute the water of any fountain, pond, lake or stream.

“17. To remain, stay or loiter in the area of the park between the hours of 11:00 pm and 5:00 am inclusive, every day of the week.

“18. To enter into/onto the wooden structure in the Preserve known as the “Barn”, including its loft, stairs, roof; and/or all other structures or areas as restricted by signage.

“19. To park or operate any truck-tractor, trailer, semitrailer, pole-trailer in a park facility parking lot at any time.

“20. For the owner or person with possession or custody of a domestic animal to allow the animal to defecate in the park without immediate removal and disposal of such feces in proper waste receptacles.

“21. To discard, abandon, litter, or break any glass container. No glass beverage containers are permitted in the park.

“22. To advertise, solicit, and/or conduct a business in the park in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park, or involves more than two representatives of the business, or which occurs for more than one hour in any three day period.

“23. To use or operate any gas operated remote controlled airplanes; boat, car, drone or other motorized, model device, including radio-controlled devices such as helicopters; parasail,

hang glider or hot air balloons, in any manner that either creates a disturbance to other park guests, or displaces other park guests in the park.

“24. To use or operate mechanical or amplified music, sound or voice.

Section 97.11 (B) is modified as follows:

“One or more of the rules in this chapter 97 may be waived for good cause, in advance, by the City, upon written request by an applicant.

Section 97.12 shall be retitled as follows:

“Section 97.12 USE OF COMMERCIAL VEHICLES.”

Section 97.14 CITY SPONSORED EVENTS shall be modified as follows:

“City sponsored events or use of Park facilities may be exempt from all or a portion of the provisions of 97.11 as is reasonably necessary for operation of event.”

SECTION 3. SEVERABILITY. 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 Ordinance as a whole.

SECTION 4. PENALTY CLAUSE. Any person, firm or corporation violating any of the provisions of this Ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Parker, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense and each and every day said violation is continued shall constitute a separate offense.

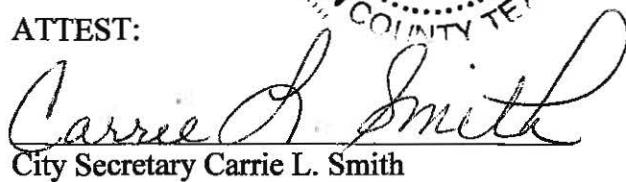
SECTION 5. REPEALER CAUSE. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance or the Code of Ordinances, as amended, as a whole.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and the publication of its caption, and it is so ordained.

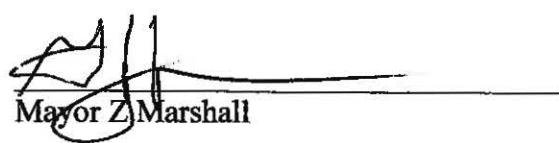
DULY PASSED by the City Council of the City of Parker, Collin County, Texas, on the _____ day of _____, 2015.



ATTEST:


Carrie L. Smith
City Secretary Carrie L. Smith

APPROVED:


Mayor Z. Marshall

APPROVED AS TO FORM:


James E. Shepherd
City Attorney James E. Shepherd