

**ORDINANCE NO. 2008-02-07**

**AN ORDINANCE OF THE CITY OF LANCASTER, TEXAS, AMENDING THE LANCASTER CITY CODE OF ORDINANCES BY ADDING THERETO A NEW CHAPTER 16, ARTICLE 16.100, WHICH SHALL BE KNOWN AS THE "PARKS AND RECREATION CODE"; PROVIDING DEFINITIONS; PROVIDING GENERAL REGULATIONS; PROVIDING SPECIAL RULES FOR SPECIFIC PARK FACILITIES; PROVIDING VEHICULAR REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR DAMAGE TO PARK PROPERTY; PROVIDING FOR FEES; PROVIDING FOR FACILITY SCHEDULING; PROVIDING FOR THE PARK PAVILIONS; PROVIDING FOR ATHLETIC FACILITIES; PROVIDING FOR ACTS REQUIRING PERMITS; PROVIDING FOR AMPLIFICATION SYSTEMS; PROVIDING FOR ROLLER SKATES, SKATEBOARDS/BICYCLES; PROVIDING FOR MASS GATHERINGS; PROVIDING FOR THE PARKS AND RECREATION MASTER PLAN ADOPTION BY REFERENCE; PROVIDING FOR THE LANCASTER PARKS AND RECREATION ADVISORY BOARD, TREE BOARD AND LANCASTER RECREATIONAL DEVELOPMENT CORPORATION; PROVIDING FOR MANDATORY PARK LAND DEDICATION; PROVIDING FOR GOLFING IN PUBLIC PARKS; PROVIDING FOR ADVERTISEMENTS; PROVIDING FOR TRAIL USE; PROVIDING FOR ALCOHOLIC BEVERAGES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**SECTION 1.** That the Lancaster City Code of Ordinances be and the same is hereby amended by adding thereto a new Chapter 16, Article 16.100, "Parks and Recreation Code", which shall read as follows:

**"ARTICLE 16.100 PARKS AND RECREATION CODE**

**Sec. 16.100. Name of Code.**

This article shall be commonly known and cited as the "Parks and Recreation Code."

**Sec. 16.101. Definitions.**

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future and words in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

Minor child shall mean individuals ages 10 and under.

**Sec. 16.102. General Regulations.**

Within the limits of any park, it shall be unlawful for any person or persons, by omission or commission, to do any of the acts hereinafter specified, except as may be otherwise provided:

- (a) It shall be unlawful for the parent, guardian or person in custody of such minor child to allow, suffer or permit such child to go into any park, or recreational facility owned or operated by the City, unless such child is accompanied by a person not less than fourteen (14) years of age who is capable of supervising and caring for such child, and who has agreed with such parent, guardian or person in custody of such child to be responsible for the safety of such child.
- (b) To hitch, fasten, lead, drive, or let loose any animal, reptile, fish, or fowl of any kind, provided that this shall not apply to horses, dogs or cats when led by a chain, cord, or leash.
- (c) The Director of Parks and Recreation shall be authorized to establish hours of operation for all parks and recreation facilities based upon usage, funding, and need.
- (d) No group or individual will be allowed to charge an admission fee for activities held at Parks and Recreation facilities or the surrounding grounds without prior approval of the Director of Parks and Recreation.
- (e) Any alterations to the appearance of Parks and Recreation facilities to include, but not limited to, the hanging of plants, additional lighting, attached video screens, etc., must have prior approval by the Director of Parks and Recreation as to the manner in which said alterations are to be accomplished. These must be removed without damage to the facility by the reserving group during the rental period. Any damage which may result from the installation or removal of any fixtures or materials will result in the assessment of damage/security deposit.

- (f) Groups having reservations at Parks and Recreation facilities shall be permitted to use only the area(s) which were designated for them at the time the reservation was confirmed.
- (g) The Director of Parks and Recreation reserves the right to refuse any group the privilege of using Parks and Recreation facilities if past usage resulted in violation of facility policies. Any group charged with a second occurrence will be barred from making any future reservations. In addition, any first occurrence deemed flagrant by the Director of Parks and Recreation may cause a group to be precluded from any future usage.
- (h) No gambling or loitering shall be permitted on all Parks and Recreation facility premises. All patrons must vacate the premises upon the conclusion of their rental period.
- (i) To ride or drive any horse or other animal, except in areas specifically designated for such purpose.
- (j) To carry or discharge any firearm, firecrackers, torpedoes, or any other fireworks, air guns, BB guns, bow and arrow, or slingshots. This prohibition shall not apply to individuals licensed to carry concealed handguns.
- (k) To operate any motorized model airplane, boat or rocket, except in such areas as may be specifically designated for such purposes by the Parks and Recreation Director or designee.
- (l) To damage, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, sign, fence, bench, or other structure, apparatus, or property; or to mark or write upon, paint, or deface any building, monument, sign, fence, bench, or other structure.
- (m) To swim, bathe, wade in or pollute the water of any fountain, pond, lake, stream or any other body of water.
- (n) To make or kindle a fire, except in picnic stoves or fire pits in areas designated for that purpose.
- (o) To wash dishes or to empty salt water or other waste liquids in areas other than those specifically designated for such purposes.
- (p) No person shall use any portion of any park facility for toilet purposes, except the public restrooms or temporary portable units provided.
- (q) No person over the age of six (6) years to use the restrooms and washrooms designated for the opposite sex.

- (r) No person shall conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the department, or which conflicts with a scheduled activity or event authorized by the department.
- (s) No person shall interfere with, disobey or ignore any lawful order of an employee while in the performance of his/her duties in any park area or facility.
- (t) To leave garbage, cans, bottles, papers, or other refuse elsewhere than in refuse containers provided for such purpose.
- (u) To participate or engage in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The Parks and Recreation Director or designee may designate particular locations within park areas for specific activities.
- (v) Overnight camping on any park property, except by special permit issued by the Parks and Recreation Director or designee.
- (w) To disrupt or disturb in any manner any picnic, meeting, service, concert, exercise, or exhibition.
- (x) No cremation remains shall be disposed of on park land.
- (y) To distribute, post, place, or erect any advertising handbill, circular, bill, notice, paper, or other advertising device without special permit issued by the Parks and Recreation Director or designee.
- (z) To sell or offer for sale any food, drinks, confections, merchandise, or services without special permit issued by the Parks and Recreation Director or designee.
- (aa) To practice, carry on, conduct, or solicit for any trade, occupation, business, or profession.
- (bb) To go into or remain in any city park at a time when the park is officially closed to the public without a special permit issued by the Parks and Recreation Director or designee. All city parks shall be closed to the public during the times indicated, and signs indicating such shall be posted at conspicuous places to give notice thereof.
- (cc) Glass containers are prohibited in all parks and recreation facilities.
- (dd) Registered sex offenders and individuals that have been convicted of possession and/or distribution of controlled substances are prohibited from

use, access or participation in any and all activities, facilities or participation in municipal parks and recreation facilities, owned, leased, contracted or sponsored by the City of Lancaster.

- (ee) Smoking and the use of all tobacco products shall be prohibited within the confines of any city park, athletic facility or any enclosed park facility.
- (ff) No pets shall be permitted within any playground area or where any organized activity is being conducted. This prohibition shall not apply to service animals used for persons with disabilities or law enforcement.
- (gg) The use of metal detectors in City parks, and recreational facilities is prohibited.

**Sec. 16.103. Special Rules for Specific Park Facilities.**

Each park facility may develop rules and regulations that address problems specific to that facility, which shall be in writing and approved by the Director. Patrons shall comply with all rules and regulations posted at individual facilities or for special events.

**Sec. 16.104. Vehicular Regulations.**

Within the limits of any park, it shall be unlawful for any person or persons to do any of the acts hereinafter specified, except as may be otherwise provided:

- (a) To drive a vehicle at a rate of speed faster than fifteen (15) miles per hour upon any drive or street in any park of the City unless otherwise posted on standard traffic signs.
- (b) To exhibit any unnecessary acceleration of a vehicle such as to cause gravel to be thrown, tires to squeal, or the vehicle to spin in an unsafe or hazardous manner.
- (c) To drive a vehicle over or across the curbs, sidewalks, grass, or lawn within any park area unless authorized by Parks and Recreation Director or designee.
- (d) For any vehicle used for the purpose of transporting freight and merchandise, or brick, stone, or gravel, and all those commonly known as express or delivery vans to enter upon or drive through any public park, except by special permit issued by the Parks and Recreation Director or designee.

- (e) To park in areas other than those set aside for this purpose. In areas having no parking areas marked, all parking will take place outside of the boundary or curb-line, where existing.
- (f) Where parking stalls have been designated, all vehicles shall be parked within and between the lines designating a single vehicle parking space and not otherwise.
- (g) Where parking lots or areas within parks have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line.
- (h) No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block, or hinder ingress or egress from the line. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic and the owner or operator of the vehicle cannot be found or refuses to remove such vehicle, police officers or other authorized representative of the City may move the vehicle so that traffic will not be impeded. No variation to the requirements of this paragraph shall be allowed, except by special permit issued by the Parks and Recreation Director or designee.

**Sec. 16.105. Enforcement.**

(a) Officials

The Parks and Recreation Director or designee, and any member of the Police Department shall, in conjunction with their duties imposed by law, diligently enforce the provisions of this Ordinance.

(b) Ejection

The Parks and Recreation Director or designee, and any member of the Police Department shall have the authority to demand that any person acting in violation of this Ordinance leave the park or city recreational facility leased or owned. "Demand" as that term is used in this subsection, shall mean the giving of an order to the person in violation of this Ordinance, instructing that such person leave and depart from the premises of the park or city recreational facility leased or owned. It shall be unlawful for any person to remain within the park premises after receiving such an order. Such failure shall constitute criminal trespass.

**Sec. 16.106. Damage to Park Property.**

If any person damages or defaces any real or personal property under the control or responsibility of the Parks and Recreation Department, such violators shall be

held responsible for the actual costs to repair or replace such damaged item or items.

**Sec. 16.107. Fees.**

All fees for rentals and memberships are approved by City Council and outlined in the Master Fee Schedule.

**Sec. 16.108. Facility Scheduling.**

- (a) Requests for reservations for any of the facilities in any of the parks must be made through the Parks and Recreation Department. Such reservations must be requested in person no later than two (2) weeks (14 days) prior to the date for which the reservation is requested.
- (b) Parties and activities involving minors ages 11-17 require the following:
  - 1. Reservations will not exceed 50 minors per event.
  - 2. One City of Lancaster police officer in uniform for every 25 minors.
  - 3. Guest list must be provided. No individuals will be permitted to enter the reservation unless named on the list.
  - 4. Participants are not allowed to leave the reservation once checked in.
  - 5. No reservations will be allowed to exceed the City's Curfew Hours for Minors. Ordinance No. 2007-02-06 adopted February 26, 2007.
  - 6. One chaperone (age 25 or older) for every 25 minors.
  - 7. City sponsored events shall be exempt.
- (c) The Parks and Recreation Director is authorized to refuse or deny any request for reservations for reasonable cause. The Parks and Recreation Director further has the right and obligation to cancel or suspend any such reservation previously issued if, in the opinion of the Parks and Recreation Director, such cancellation or suspension is in the best interests of the citizens of Lancaster and/or is necessary for the maintenance and control of facilities under the responsibility of the Parks and Recreation Department.
- (d) At the conclusion of the reservation of any facility, the facility must be left in a clean and orderly condition. All applicants agree, by signing of the reservation contract, to pay the cost of repairing any damage to park property incurred by the group using the facility as determined by the Parks and Recreation Department.

- (e) All facilities that are not reserved are available for use by the general public on a first come, first served basis. A listing of reserved facilities, including the time of reservation and the party holding such reservation, will be maintained by the Parks and Recreation Department and will be available for inspection during regular working hours.

**Sec. 16.109. Park Pavilions.**

- (a) All park picnic pavilions can be reserved. Reservations must be made in person by the individual responsible for the reservation. Reservations will be granted for a pavilion between the hours of 8:00 a.m. and 12:00 Noon and 1:00 p.m. and 5:00 p.m.
- (b) All facilities that are not reserved are available for use by the general public on a first come, first served basis. A listing of reserved facilities, including the time of reservation and the party holding such reservation, will be maintained by the Parks and Recreation Department and will be available for inspection during regular working hours.

**Sec. 16.110. Athletic Facilities.**

Reservations for a playing facility will be granted for a reasonable period of time between the hours of 8:00 a.m. and sunset for unlighted facilities and between 8:00 a.m. and 11:00 p.m. for lighted facilities, as available.

**Sec. 16.111. Acts Requiring Permits.**

In addition to any other provision of this Article that requires the obtaining of a permit prior to engaging in a given activity, it shall be unlawful for any person in a park to conduct, operate, present, manage or take part in any of the following activities unless a permit is obtained from the Parks and Recreation Director prior to the start of such activity.

- (a) Any organized team or league sports activity.
- (b) Give any theatrical entertainment, moving picture show, parade, procession or public gathering, festival, concert, recreational program, event, or other outdoor presentation, whether or not an admission fee is charged.
- (c) Special permits for activities not identified or required by this Ordinance must be applied for in person no later than 14 days prior to the date for which the permit is requested.
- (d) The person or persons utilizing such permit must have the permit in their possession or, if possible, posted in a conspicuous location, and available

for inspection by the Parks and Recreation Director or designee or any member of the Police Department.

- (e) The Parks and Recreation Director has the right to refuse or deny any request for special permit for reasonable cause. The Parks and Recreation Director further has the right and obligation to cancel or suspend any such special permit previously issued if, in the opinion of the Parks and Recreation Director, such cancellation or suspension is in the best interests of the citizens of Lancaster and/or is necessary for the maintenance and control of facilities under the responsibility of the Parks and Recreation Department.
- (f) Any person making a request for a reservation may appeal the refusal of such request to the City Manager.

**Sec. 16.112. Amplification System.**

- (a) Except when approved by the Parks and Recreation Director or designee, no person shall operate any device so that the sound could be heard to the annoyance or inconvenience of persons in a public place or in neighboring premises.
- (b) No permit shall be issued for the use of amplified sound beyond 10 p.m. unless approved by the Parks and Recreation Director.

**Sec. 16.113. Roller Skates, Skateboards/Bicycles.**

Roller skates, skateboards and bicycles are permitted on designated trails within city parks. Roller skating, skateboarding and bicycle riding are prohibited on playgrounds, sidewalks, tennis courts, in picnic pavilions or monument-type structures or in any other park area except as designated by the Parks and Recreation Director or designee.

**Sec. 16.114. Mass Gathering.**

- (a) It shall be unlawful to hold any meeting or gathering within the parks and recreation department facilities which will attract more than 50 persons without first obtaining a special permit and/or reservation contract from the Parks and Recreation Director or designee for such purpose.
- (b) The Parks and Recreation Director may require adequate public safety personnel and portable sanitary facilities to ensure the safety and well-being of participants.

**Sec. 16.115. Parks and Recreation Master Plan Adoption by Reference.**

- (a) The City of Lancaster City Council has adopted a Parks, Recreation, and Open Space Master Plan hereinafter called the “approved plan,” which is on file in the Office of the City Secretary.
- (b) The approved plan shall be filed for record in the official City records and the approved plan shall be available to the public and to all landowners and used as an officially approved Parks, Recreation, and Open Space Master Plan by the City Administration, City Parks and Recreation Advisory Board, Tree Board, and City Council.

**Sec. 16.116. Lancaster Parks and Recreation Advisory Board, Tree Board, and Lancaster Recreational Development Corporation.**

- (a) ***Creation***  
The City Council shall provide for the appointment of a Parks and Recreation Advisory Board, Tree Board, 4B Board consisting of seven (7) do we specifically mention the alternate members. Board members shall be residents of the City.
- (b) ***Terms of Board Members***  
Each board member shall be appointed for two-year terms. Appointments shall be made at a regularly scheduled City Council meeting each July.
- (c) ***Removal from Board; Vacancies Filled***  
The members of the Parks and Recreation Advisory Board, Tree Board, and 4B Board shall be subject to removal from office by the City Council for any cause deemed sufficient by a majority vote of City Council members at a regularly scheduled Council meeting. Any vacancy in the Board shall be filled by the City Council for the unexpired term of the member whose place has become vacant.
- (d) ***Meetings***  
The Parks and Recreation Advisory Board, Tree Board, and 4B Board shall hold at least one (1) monthly meeting. Such meeting shall be held on a day of the month approved by the board, special meetings may be called by the Chairman, Director of Parks and Recreation, or if requested by at least four (4) board members.
- (e) ***Election of Officers***  
A Chairman and Vice-Chairman shall be selected each year at the regular meeting in October.

(f) ***Duties of Officers***

1. Chairman. It shall be the duty of the Chairman to preside at all meetings of the Board, to appoint internal committee and study group members and to call special meetings.
2. Vice-Chairman. It shall be the duty of the Vice-Chairman to perform the duties of the Chairman during any absence.

(g) ***Duties of Board***

1. The Board shall serve in advisory capacity to the City Council in all matters relating to the Parks and Recreation Department of the City.
2. The Board shall acquaint with and make a continuous study and inspection of the complete parks and recreational programs and shall advise the City Council from time to time as to present and future planning, acquisition, development, enlargement and use policy of the parks and recreation system.
3. The master plan shall be reviewed at least annually and shall make recommendations as appropriate to the City Council.
4. The Board shall review, study and make recommendations to the Parks and Recreation Director for priorities of projects or activities to be included in future parks and recreation programs.
5. The Board shall study and make recommendations to the City Council on any other matters as requested by the City Council.

(h) ***Responsibility of Parks and Recreation Department***

1. All parks and recreational activities shall be administered by the Parks and Recreation Director and staff. The Parks and Recreation Director shall be responsible to the City Manager for the general operating procedures of the Department.
2. The Parks and Recreation Director shall prepare meeting Agendas for each board meeting.
3. The Parks and Recreation Director or designee will act as ex officio member of the Board and all committees.

4. The Parks and Recreation Director will be responsible for recording and preparation of the minutes which shall be approved by the Board at the next meeting.
5. The Parks and Recreation Director will provide technical assistance and all support data and information requested by the Board.

**Sec. 16.117. Mandatory Park Land Dedication.**

Ordinance No. 2006-10-41 adopted October 24, 2006

**Sec. 16.118. Golfing in Public Parks.**

It shall be unlawful for any person to drive or hit a golf ball in, into, upon or over any public park owned, leased, operated or maintained by the City, except in those areas designated and posted for such activities.

No golfing will be permitted on any and all athletic fields.

**Sec. 16.119. Advertisements.**

Advertising by the use of billboards, signs, markers, audio devices, or any other means whatsoever, including handbills, circulars, flyers, and posters is prohibited without written permission of the Parks and Recreation Director, a copy of which written permission shall be available on site at all times.

Any and all distribution of such materials shall follow all rules and regulations of Article 4.800 of the City Code.

**Sec. 16.120. Trail Use.**

- (a) No person shall operate or use a motor vehicle, including a motorcycle, motorbike, minibike, ATV, or bicycle on a trail or path not designated for the use with such vehicles.
- (b) On the Hike and Bike Trails, bicyclists shall yield to walkers and joggers.
- (c) Trail users on the Hike and Bike Trails should not be more than two abreast when this action will impede other traffic on the trail. Trail users should leave ample room on the trail for other users to pass safely.
- (d) Bicyclists should maintain bicycles in good condition and should operate them in a safe manner. All bicycles shall be equipped with properly functioning brakes.

**Sec. 16.121. Alcoholic Beverages.**

- (a) No person shall sell, store, possess or consume an alcoholic beverage in any city park. The term "*alcoholic beverage*," as that term is used in this Article, shall be defined as used in the Texas Alcoholic Beverage Code.
- (b) At a special civic event sponsored by the city, the city manager may grant a special event permit, for a period not to exceed two consecutive days, for consumption, possession and/or sale of beer and wine by a person who has obtained a permit under state law. In issuing such permit the city manager may designate all or part of such park or facilities located thereon for such permit; and may establish such hours of operation as deemed appropriate.
- (c) Requests to serve alcoholic beverages during reservations using the Grand Hall in the Lancaster Recreation Center, Lancaster Senior Center and Community House must be made through the Parks and Recreation Department.
  - 1. Such reservations must be requested in writing at the time of the initial reservation.
  - 2. Such written request must state the purpose of the reservation, the specific areas of the facility for which the reservation is requested, the time or times and date or dates for which the reservation is requested, person or persons who intend to utilize such facilities.
  - 3. Such reservations are required to have a licensed City of Lancaster Police Department officer in uniform on duty at all times during the reservation.
  - 4. A \$200 deposit will be collected when making the reservation.
  - 5. Alcoholic beverages may only be served at events such as wedding receptions, anniversary parties, and city sponsored events.
  - 6. Alcoholic beverages may only be served at closed events not open to the general public.
  - 7. Beer, wine, and champagne are the only alcoholic beverages that are permitted. No liquor will be permitted.
  - 8. It is the renter's responsibility to ensure that no minors or visibly intoxicated are served alcoholic beverages.

**SECTION 2.** That all provisions of the Ordinances of the City of Lancaster, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

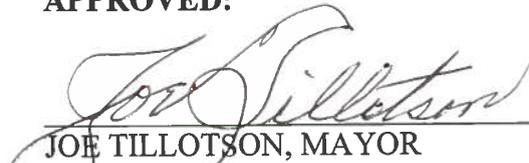
**SECTION 3.** If any Article, paragraph or subdivision, clause or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

**SECTION 4.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine not to exceed the sum of Five Hundred Dollars (\$500.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 5.** This Ordinance shall take effect immediately from and after the publication of its caption, as the law in such cases provides.

**DULY PASSED** by the City Council of the City of Lancaster, Texas, on the 11<sup>th</sup> day of February 2008.

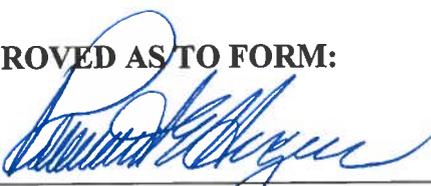
**APPROVED:**

  
\_\_\_\_\_  
JOE TILLOTSON, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DOLLE K. SHANE, CITY SECRETARY

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
ROBERT E. HAGER, CITY ATTORNEY  
(REH/cdb 12/20/07)