

ORDINANCE NO. 2018-16

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, DELETING ARTICLE 1.1800, RULES AND REGULATIONS OF CITY PARKS, OF CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE; PROVIDING FOR THE INCORPORATION OF PREAMBLE; ADOPTING A NEW ARTICLE 1.1800, RULES AND REGULATIONS OF PUBLIC PARKS, OF CHAPTER 1, GENERAL PROVISIONS, OF THE CODE OF ORDINANCES; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00 FOR ANY VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on April 23, 1991, by Ordinance Number 225, Book 1, Sections 1-6, the City of Spring Valley Village, Texas, adopted rules and regulations governing City parks, and such Ordinance was codified as Article 1.1800, Rules and Regulations of City Parks, of Chapter 1, General Provisions, of the Code of Ordinances of the City of Spring Valley Village; and

WHEREAS, the City Council finds that it is in the best interest of the health, safety and welfare of its citizens that Article 1.1800, Rules and Regulations of City Parks, of Chapter 1, General Provisions, of the Code of Ordinances should be deleted in its entirety and a new Article 1.1800, Rules and Regulations of Public Parks, of Chapter 1, General Provisions, of the Code of Ordinances should be adopted to update and clarify such rules and regulations based on State and Federal law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

Section 2. Article 1.1800, Rules and Regulations of City Parks, of Chapter 1, General Provisions, of the Code of Ordinances of the City of Spring Valley Village, Texas, is hereby deleted in its entirety.

Section 3. A new Article 1.1800, Rules and Regulations of Public Parks, of Chapter 1, General Provisions, of the Code Ordinances of the City of Spring Valley Village, Texas, is hereby adopted and shall read as follows:

“Section 1.1801. Definitions.

As used in this Article, 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:

“City” shall mean the City of Spring Valley Village, Texas.

“City Administrator” means the City’s City Administrator or his or her designee.

“Motorcycle” means a motor vehicle, other than a tractor, that is equipped with a rider’s saddle or seat and designed to have, when propelled, not more than three (3) wheels on the ground.

“Motor vehicle” or “motorized equipment” means a self-propelled vehicle or equipment.

“Person” means any individual, person, firm partnership, association, corporation or organization of any kind.

“Public Gathering” means a planned (long term or spontaneously planned) event that includes a minimum of 50 people in a Public Park for a specific purpose.

“Public Park” or “park” means any land designated, used, obtained or acquired by the City for use as a Public Park, recreation, or playground area and any building or facility thereon operated by the City as a Public Park whether or not such area(s) has been formally dedicated for such purposes. Hike and bike paths are specifically excluded from the coverage of this Article.

“Trailer” means a vehicle, with or without motive power:

- (1) Designed to be drawn by a motor vehicle and to transport persons or property; and
- (2) Constructed so that no part of the vehicle’s weight and load rests on the motor vehicle.

“Vehicle” means a device that can be used to transport or draw persons or property on a street, road, alley, drive, highway or other type of thoroughfare.

Section 1.1802. Purpose.

It is the purpose of this Article to establish rules and regulations governing the use of and conduct in Public Parks of the City of Spring Valley Village.

Section 1.1803. Offenses.

- (1) Public Parks. Within the limits of any Public Park in the City limits, it shall be unlawful for any person to do or perform any of the acts specified below, except as otherwise may be provided:
 - a. Operate and/or use any motor vehicle or motorized equipment in and/or upon a Public Park except in certain areas, drives and pathways specifically designated or authorized for such purpose, including, but not limited to:

automobiles, airplanes, drones, motor bikes, motorcycles, all-terrain vehicles (ATVs), mopeds, go-carts, or motorized models.

- b. Operate any motor vehicle or motorized equipment in areas designated for the operation of such motor vehicles or motorized equipment in willful or wanton disregard for the safety of persons or property.
- c. Park any motor vehicle or motorized equipment upon the grass, lawn, or any other areas within a Public Park that have not been designed for parking purposes.
- d. Park any motor vehicle or motorized equipment in any parking lot or parking area so as to obstruct, block or hinder ingress or egress of such parking lot or parking area.
- e. Permit or allow any child under the age of ten (10) years of age to make use of a Public Park without adult supervision.
- f. Place or leave trash, refuse, or litter except in receptacles furnished for that purpose by the City.
- g. Permit any animal(s), domestic or otherwise, within a Public Park. In addition to this prohibition, it shall be an additional offense for any person who permits any animal within a Public Park boundaries and fails to remove any waste left by such animal.
- h. Fail to notify a City official at the City Hall or the Police Department of:
 - i. A defective or dangerous condition at a Public Park, or
 - ii. Any injury or damage to persons or property occurring at a Public Park.
- i. Possess within or bring any alcoholic beverage(s) into a Public Park.
- j. Possess within or bring any glass container(s) into a Public Park.
- k. Offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived in a Public Park without first obtaining the required permit as provided in this Article.
- l. Allow a Public Gathering in a Public Park without first obtaining the required permit as provided in this Article.

(2) Nothing herein shall be construed to prohibit motor vehicles or motorized equipment used for the purpose of maintenance or for other public purposes performed by or at the direction of the City.

Section 1.1804. Hours.

Public Parks shall be closed at night between the hours of 10:00 p.m. and 6:00 a.m. It shall be unlawful for any person to use or be in a Public Park when it is closed between the hours of 10:00 p.m. and 6:00 a.m.

Section 1.1805. Signage.

The City Administrator or his/her designee is hereby authorized and directed to erect and place appropriate signs in areas of Public Parks to inform persons:

- (1) Where parking is allowed.
- (2) Where motor vehicles, motorized equipment or other vehicles may be operated.
- (3) Where motor vehicles, motorized equipment, other vehicles and/or trailers are prohibited.
- (4) Hours of operation for a Public Park.

Section 1.1806. Use of Public Parks; Permits.

(a) General Duties of the City Administrator. It shall be the duty of the City Administrator to direct, control and manage all Public Parks, athletic facilities, hike and bike trails, parkways, playgrounds and recreation buildings and other improvements on park and playground property belonging to or under the control of the City and such other grounds as may be placed under the City Administrator's control from time to time by the Mayor and City Council, and to direct the improvement and maintenance of all such properties.

(b) Authority of the City Administrator. The City Administrator shall have authority to prescribe written rules and regulations for the administration of and orderly government and use of the Public Parks, provided that such regulations do not conflict with valid laws or ordinances. A copy of such rules and regulations shall be maintained for public inspection in the offices of the City Secretary and on the City's website. Without limitation, the City Administrator is authorized to include provisions that govern the use of Public Parks by the public and may prescribe such rules and regulations that promote the healthful and generalized use of Public Parks.

(c) No Sales of Goods or Activities for Which a Fee is Charged in Parks. No person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within any Public Park without first obtaining a permit as provided in this Section.

(d) No permit shall be required to use a Public Park except in the following circumstances:

- (1) Use of any park building or park facility for which a rental fee is imposed by the City pursuant to this Code;
- (2) Use of any other improved and specially maintained area so designated by a rule or regulation promulgated pursuant to this Code;
- (3) Use of a Public Park for the sale of goods or activities for which a fee is charged; or
- (4) Use of a Public Park for a Public Gathering.

(e) Use of a Public Park pursuant to Subsection (d) shall be on a first-come, first-served basis. The City Administrator shall cause all completed written applications received to be immediately time-stamped upon their actual receipt by his or her office. The first in time shall be the first in right, provided that if two (2) or more conflicting applications are received simultaneously, then preference shall be given to Spring Valley Village residents. If two (2) or more conflicting applications are received simultaneously from two Spring Valley Village residents or two non-Spring Valley Village residents, then the precedence shall be determined by an impartial means of chance.

(f) Application for permit. Any person desiring the permission required in Subsection (c) shall make written application to the City Administrator setting forth the following information:

- (1) The date of application;
- (2) The designated area or facility desired;
- (3) The date and time period for use of the designated area or facility;
- (4) The name, address, and phone number of the applicant;
- (5) Whether the applicant is a resident of the City of Spring Valley Village;
- (6) The name of the person reserving the designated area or facility;
- (7) The estimated attendance;
- (8) The type or purpose of the function;
- (9) The type of sound system, if any;
- (10) The special effects or features, if any; for example, gun salutes (blanks only), fireworks, bands, etc;
- (11) Whether the function sponsored is for profit or nonprofit;
- (12) Whether goods will be sold or fees charged.

(g) Reasons for permit denial. Upon receiving such written application, the City Administrator must grant permission to use the designated area or facility unless:

- (1) The designated area or facility has been previously reserved;

(2) The applicant refuses to pay any applicable fees imposed by the City pursuant to this Code;

(3) The applicant refuses to obtain concession consent pursuant to this Code, if applicable;

(4) The size and nature of the function is inappropriate for the Public Park area or facility requested or will substantially interrupt the safe and orderly movement of traffic or police, fire, or ambulance emergency vehicles and/or equipment on streets adjacent to, running through or around the Public Park; or

(5) The proposed function would be disruptive to or incompatible with, or cause an adverse effect on the use of the Public Park area or facility by others.

(h) Circumstances where security precautions necessary. If the City Administrator determines that the use of a Public Park for an event and/or Public Gathering may reasonably cause severe injury to persons or property or create a riot or disturbance detrimental to the health, safety and welfare of the public, he/she may require that additional security precautions be taken to permit the requested use of the Public Park. In such event, the City Administrator may grant the permit with a condition that the applicant must submit a written proposal for security and obtain the City Administrator's approval thereof prior to the event and/or Public Gathering. Such proposal shall be subject to review, approval and appeal in the same manner as a permit application under this Section.

(i) Procedure of City Administrator upon permit denial. If the City Administrator denies the permit, then the City Administrator must notify the applicant of the denial and the reasons therefor by letter mailed to the applicant within ten (10) business days of the date of the receipt of the application. Such letter shall be addressed to the applicant at the address stated on the application. If the City Administrator fails to mail such a letter within such 10-day period, such failure shall be deemed a granting of permission to use the Public Park area or facility as requested. If the denial is based upon Subsections (g)(4) or (g)(5) above, the City Administrator shall advise the applicant of alternative Public Park areas, if any, capable of handling a Public Gathering of the requested size and nature.

(j) Procedure of City Council upon permit denial. In the event the City Administrator denies any applicant permission to use a Public Park, the applicant may appeal the decision of the City Administrator to the City Council. The applicant must submit an appeal in writing to the City Secretary within five (5) business days of the denial. The City Secretary shall place the appeal of the City Administrator's denial of permission to use a Public Park on the next City Council meeting agenda and notify the applicant in writing of the date on which the City Council will hear the appeal. The City Council shall render a decision upon the appeal City Administrator's denial, and such decision by the City Council shall be final and conclusive.

Section 1.1807. Park User Fees.

(a) Fees and charges for parks concessions, rentals, admissions, vending licenses and permits, as well as athletics and recreation classes sponsored by the City

or a private vendor (collectively denoted "park user fees") shall be established by the City Council. A copy of the schedule of park user fees shall be maintained for public inspection in the office of the City Secretary.

- (b) It shall be the responsibility of the City Administrator to submit to the City Council, as appropriate, revisions to the schedule of park user fees.
- (c) The City Administrator shall establish uniform procedures relating to reservations, deposits and the manner for paying park user fees.
- (d) The City Administrator may waive park user fees for any city-sponsored or cosponsored function or event. For purposes of this Section, the City Administrator is authorized to declare "city sponsorship."

Section 4. All ordinances or parts or ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

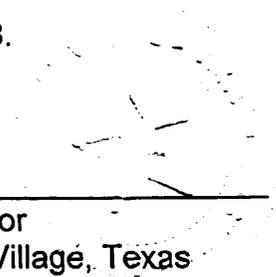
Section 7. All rights and remedies of the City of Spring Valley Village are expressly saved as to any and all violations of the provisions of any Ordinances affecting and which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 8. This Ordinance shall become effective upon passage, in accordance with law.

DULY PASSED AND ADOPTED this the 24th day of July, 2018.



Tom S. Ramsey, Mayor
City of Spring Valley Village, Texas



ATTEST:



Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas