

**ORDINANCE NO. 303-17**

**AN ORDINANCE BY THE CITY OF ROMAN FOREST, TEXAS, REGULATING USE OF PUBLIC PARKS; SETTING OUT PURPOSE OF ORDINANCE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SUPERVISION AND SPECIAL USE PERMITS; PROVIDING FOR NO AMUSEMENTS FOR GAIN, REGULATING ASSEMBLIES, AND DEFINING PROHIBITED ACTS; PROVIDING FOR HOURS OF OPERATION, GROUP ACTIVITY, PICNIC AREAS, ANIMALS AND USE; PROHIBITING LANDSCAPE VANDALISM AND SIGNS; PROVIDING OTHER CITY PARK REGULATIONS AND VARIANCE PROVISIONS; PROVIDING REGULATIONS FOR THE PUBLIC USE OF PINE POND AND SHREK POND; PROVIDING A CRIMINAL PENALTY OF UP TO \$500 FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE AND A REPEALING CLAUSE WHICH REPEALS AND REPLACES CITY PARKS ORDINANCE NO. 303, DATED FEBRUARY 16, 1998; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, City Parks located in the City of Roman Forest are dedicated for the use and benefit of the residents thereof, and same are under the jurisdiction and supervision of the City; and

**WHEREAS**, the City has received a donation of certain property described as Pine Pond and Shrek Pond which as City Ponds are now part of the City Parks system; and

**WHEREAS**, it is the desire of the City Council to adopt and establish certain rules and regulations for the uniform operation, use, maintenance and enjoyment of the same in order to provide for the health and safety of the residents who use City Parks and City Ponds; and

**WHEREAS** the City Council wishes to repeal and replace its current City Council Ordinance No. 303, dated February 16, 1998, to provide more regulations of its common areas in its City Parks and along its City Ponds;

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS:**

THAT the following Rules and Regulations of City Parks and Ponds are hereby adopted:

**SECTION 1. - PURPOSE OF ORDINANCE**

This Ordinance is passed for the safety, enjoyment, protection, health and general welfare of the inhabitants of the City of Roman Forest so that the City Parks and City Ponds located therein can be used and enjoyed by all in a safe and orderly manner.

**SECTION 2. - SUPERVISION**

- A) That all City Parks located within the subdivision and the limits of the City of Roman

Forest shall be used, operated, maintained and enjoyed under the supervision and control of the City of Roman Forest.

- B) That the City Administrator shall see to the operation and maintenance of the City Parks and City Ponds, and shall perform said duties subject to the supervision of the City Council.
- C) That the City Council, with the aid of the City Police Department, shall see to the enforcement of all Ordinances relating to the City Parks and Ponds, and shall likewise enforce all rules relating to the use of the City Parks and Ponds.

### **SECTION 3. - ENFORCEMENT OF REGULATIONS**

The City Police Department, by and under the supervision of the Chief of Police, shall enforce the provisions of this Ordinance and any other Ordinances heretofore passed, relating to the use of City Parks and City Ponds by the public.

### **SECTION 4. - REGULATIONS**

It shall be unlawful for any person or persons to violate any regulations or rules governing conduct in the City Parks and City Ponds, which has been approved by the City Council.

### **SECTION 5. - AMUSEMENT FOR GAIN**

It shall be unlawful to conduct any amusement for gain, or for which a charge is made within a City Park or Pond, without the consent of the City Administrator, approved by City Council, and such amusement must be conducted in accordance with Ordinances pertaining thereto.

### **SECTION 6. - ASSEMBLIES**

No person or persons shall engage in, participate in, aid, form, or organize any assembly or group of people or make any speeches, or conduct any musical program or festivals, in any City Park within the City of Roman Forest, unless a permit has been obtained from the City, and unless said permit is carried by the person heading or leading such activity; provided, however, that the provisions hereof shall not apply to students' work when constituting a part of their educational activities and under the immediate direction and supervision of the proper school authorities.

### **SECTION 7. - SPECIAL USE PERMITS**

Special use permits shall be obtained from, and filed with the City Secretary only if:

- A) The proposed activity or use of the City Park will not unreasonably interfere with or detract from the general public enjoyment of the Park;
- B) The proposed activity and use will not unreasonably interfere or detract from the promotion of public health, welfare, safety and recreation;
- C) The facilities desired have not been previously reserved for other use at the day and hour specified;

- D) The conduct of such activity will not substantially interrupt the safe and orderly movement of traffic;
- E) The conduct of such activity will not require the diversion of any City of Roman Forest Police Officers to police the activity and the areas contiguous thereto;
- F) The conduct of such activity is not reasonably likely to cause injury to persons or property, incite violence, crime or disorderly conduct; and
- G) Such activity is not to be held for the sole purpose of advertising any product, goods, or event, and is not designed to be held purely for private profit.

## **SECTION 8. - REGULATIONS CONCERNING USE OF CITY PARKS**

- A) Park Hours: The City Parks shall be open daily to the public from dawn until dusk of each day. It shall be unlawful for any person or persons other than City personnel conducting City business therein to occupy or be present in said Parks during any hours in which the Parks are not open to the public. Any section or part of the Parks may be declared closed to the public by the City Administrator or City Council at any time and for any interval of time, either temporarily or at regular or stated intervals.
- B) Keeping City Parks Clean: Each person, firm or corporation using the public parks and grounds shall clean up all debris, extinguish all fires when such fires are permitted, leave the premises in good order, and the facilities in a neat and sanitary condition.
- C) Prohibited Acts: It shall be unlawful for any person, firm or corporation using City Parks to either perform or permit to be performed any of the following prohibited acts:
  - 1) Willfully mark, deface, disfigure, injure, tamper with, or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, waterlines or other public utilities or parts of appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
  - 2) Throw, discharge, or otherwise place or cause to be placed in the way of any fountain, pond, lake stream, or other body of water in or adjacent to any City Park, Pond or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.
  - 3) Bring in or dump, deposit or leave any glass, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any part, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the City Park by the person responsible for its presence, and properly disposed of elsewhere.
  - 4) Disturb the peace or use any profane, obscene or blasphemous language.
  - 5) Endanger the safety of any person by any conduct or act.
  - 6) Commit any assault, battery, or engage in fighting of any kind.
  - 7) Illegally possess or discharge any firearm within the City Park area.
  - 8) Violate any rule for the use of the City Park made or approved by the City Council.
  - 9) Prevent any person from using any City Park or any of its facilities, or interfere with

such use in compliance with this Ordinance and the rules applicable to such use.

- D) Use of City Parks by Private Organizations: Whenever any group, association or organization desires to use City Park facilities for a particular purpose, such as picnics, parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the City Secretary for such purposes. The City Secretary shall grant the permit if it appears that the group, association or organization will not interfere with the general use of the Park by the individual members of the public.
- E) Special Activities: It shall be unlawful to engage in special activities including flying model airplanes, golf practice, games and picnics except at locations specifically designated for such activities by the City Administrator or City Council. Areas for such activities may be reserved by groups for use at specified times.
- F) Motor Vehicles: It shall be unlawful to drive or park any automobile, motorcycle or motor driven vehicle except on a street, driveway or parking lot in any City Park, or to park or leave any such vehicle in any place other than one established for public parking.
- G) Small-Wheel Vehicles: It shall be unlawful to utilize any small-wheeled vehicles, such as skateboards, roller skates, roller blades, etc., on tennis court surfaces.

## **SECTION 9. – REGULATIONS FOR PINE POND AND SHREK POND**

In addition to the other regulations set out in this Ordinance, the following regulations shall apply to the use by the public of the City ponds, known as Pine Pond and Shrek Pond:

- A) Each person who fishes on a City pond shall have a fishing license issued by the Texas Parks and Wildlife Department. The fishing license shall be on his/her person while fishing.
- B) No fuel-powered boats or other water craft are permitted on City ponds.
- C) All boats or other water craft which are on City ponds or docked along City ponds must have a license issued by the City Secretary.
- D) Fishing with bows, spears, BB guns, or other firearms is prohibited.
- E) Access to City ponds shall only be across marked City public property.
- F) No vehicles or boat trailers may be parked in front of private residences.
- G) No person shall be on City ponds after dark or before dawn.
- H) There shall be no trespassing on City property located behind a private residence without permission of that resident/owner or occupant.
- I) Chemical pest or weed control is prohibited in or along the shores of City ponds.
- J) Swimming in City ponds is prohibited.
- K) Glass containers are prohibited in boats or along the shores of City ponds.
- L) Alcoholic beverages and alcoholic beverage containers are prohibited unless on a private waterfront structure
- M) No motor vehicles or ATVs are permitted along the shores of City ponds.
- N) Boat or trailer storage on City property around city ponds is prohibited.
- O) Harassing wildlife or domesticated animals is prohibited.

## **SECTION 10. - ANIMALS**

It shall be unlawful for any person or persons to bring or harbor any animal, dangerous, wild or tame, into any City Park, except those animals trained to aid the handicapped and dogs that are on a leash or in physical control at all times. Dog owners must remove any dog feces dropped in the Park.

#### **SECTION 11. – SALES ACTIVITIES PROHIBITED**

It shall be unlawful for any person or persons, other than employees and officials of the City of Roman Forest, to vend, sell, peddle, or offer for sale any commodities or article within any City Park, unless permission to do so is first obtained from the City Administrator or City Council.

#### **SECTION 12. – SIGNS PROHIBITED**

It shall be unlawful for any person or persons to paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever in City Parks, or any public lands or roadways adjacent to a Park, provided that these provisions shall not apply to any properly authorized government official in pursuit of any official duty.

#### **SECTION 13. - LANDSCAPE VANDALISM PROHIBITED**

It shall be unlawful to vandalize or injure any trees, shrubbery or grass growing or planted in any City Park.

#### **SECTION 14. - VARIANCE OF THIS ORDINANCE**

Upon recommendation of the City Administrator and approval by the City Council, any of the provisions hereof may be specifically waived for a particular purpose for a specified length of time.

#### **SECTION 15. – CRIMINAL PENALTY**

Any person or persons who violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, fined a sum not to exceed Five Hundred Dollars (\$500.00), with each violation being treated as a separate offense.

#### **SECTION 16. - SAVINGS CLAUSE**

If any section, sub-section, sentence, clause, phrase or word of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions thereof.

#### **SECTION 17. – REPEALING CLAUSE**

City Ordinance No. 303, dated February 16, 1998, and all other ordinances, resolutions, and/or policies of the City of Roman Forest, Texas, whether written or otherwise, which are in

any manner in conflict with, or inconsistent with this Ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

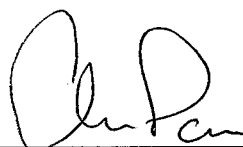
**SECTION 18. – COMPLIANCE WITH OPEN MEETINGS CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 19. - EFFECTIVE DATE UPON PUBLICATION**

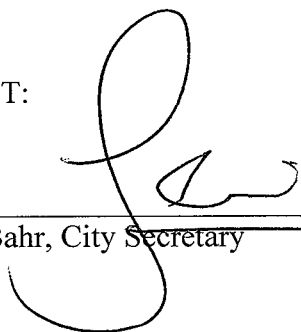
This Ordinance shall be effective immediately upon its publication as provided by law.

PASSED AND APPROVED this the 21<sup>st</sup> day of November, 2017.



Chris Parr, Mayor

ATTEST:



Iliana Bahr, City Secretary