I, Judy Morrison, City Secretary of the City of Allen, Collin County, Texas, do hereby certify that the attached is a true and correct copy of the City of Allen Ordinance No. 1873-9-00 duly passed and approved by the City Council of the City of Allen, Texas, on the 7th day of September, 2000.

WITNESS MY HAND AND SEAL OF SAID CITY, this the 6th day of October, 2000.

Judy Morrison
City Secretary
City of Allen, Texas
ORDINANCE NO. 1873-09-00

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS, AMENDING CHAPTER 11, ARTICLE I, ARTICLE II, AND ARTICLE III BY AMENDING THE POWERS AND DUTIES OF THE PARKS AND RECREATION BOARD; BY AMENDING THE RULES FOR THE USE OF PUBLIC PARKS; PROVIDING FOR FEES TO BE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALLEN, COLLIN COUNTY, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Allen, Collin County, Texas, be and is hereby amended by amending Chapter 11, Article I, II, and III, in part to read as follows:

"ARTICLE I. PARKS AND RECREATION

Sec. 11-1 Title.

This Article shall be known and cited as the Parks and Recreation Ordinance

Sec. 11-2 Definitions.

For the purpose of Article, the following terms, phrases, words and their derivations shall have the meaning given herein:

Board or Parks and Recreation Board: The City of Allen Parks and Recreation Board appointed by the City Council.

Director: A person appointed by the City Manager as Parks and Recreation Director, or the Directors designee.

Park: A park, reservation, playground, recreation center or any other area in the city owned or used by the city, and devoted to active or passive recreation, including all planted creeks and lakes maintained by the city, except that parkway strips between curbs and sidewalks along the several streets and highways of the city.

Sec. 11-3 Established

A The Parks and Recreation Board consisting of seven (7) regular members is hereby established as follows:

(1) Members shall be qualified voters of the city.

(2) Members shall serve without compensation

(3) Members' terms will be two (2) years, but members shall not continuously serve for more than three (3) successive full terms."
If a replacement has not qualified upon the expiration of a member’s term, then that member shall continue his membership until replaced.

The Parks and Recreation Board shall annually elect a chairperson, vice-chairperson and a secretary.

a. The chairperson shall preside over meetings and shall be entitled to vote upon each issue. In the event that a question over procedure arises, Robert’s Rules of Order shall prevail.

b. The vice-chairperson shall assist the chairperson in directing the affairs of the advisory board. In the absence of the chairperson, the vice-chairperson shall assume all duties of the chairperson.

c. The secretary shall keep the minutes of all meetings and in the secretary’s absence, the chairperson shall designate another member to act as secretary. The secretary shall read, once a year, at the first regular meeting following the appointment of officers, the parks and recreation ordinance. The secretary may accept the assistance of city personnel in taking and transcribing minutes, when available, but shall sign same officially before presenting same to the board for approval.

(6) The Director shall be an ex officio member of the board, with the responsibility to participate in discussions but without the right to vote.

(7) A member’s absence from three (3) consecutive meetings without formal consent of the board shall be deemed to constitute the resignation of that member and shall be certified by the chairperson to the City Council.

Sec. 11-4. Powers and duties.

The Parks and Recreation Board shall have the following powers and perform the following duties:

(1) Advisory capacity to council. It shall act principally in an advisory capacity to the city staff and the city council in all matters pertaining to parks and recreation, shall acquaint itself with and make a continuous study of the complete parks and recreation services of the city; and shall advise the staff and City Council from time to time as to the present and future policies, maintenance, operation, planning, acquisition, development, and enlargement of the City Parks and Recreation Services.

(2) Study and development of recreation and recreation areas. It shall study and encourage the development of parks and recreation areas and the development of wholesome recreation for all residents of the City.

(3) Advisory capacity to the director. It shall advise the Parks and Recreation Director on problems of development of recreation areas, facilities, programs and improved recreation services.
(4) **Recommend standards** It shall recommend the adoption of standards for areas, facilities, programs and financial support.

(5) **Review, maintenance of master planning guide;** It shall study and review the master planning guide for parks and recreation facilities and become familiar with such plan and its relation to existing and proposed facilities, and shall become aware of any revision or updating thereof.

(6) **Advise on long range capital improvement programs.** It shall advise and recommend to the Parks and Recreation Director the development of long-range capital improvement programs and, when the need exists for additional park and recreational facilities, make appropriate recommendation to the City Council. It may also recommend the acquisition of additional parks, park and recreational equipment and supplies.

(7) **Solicitations.** It may solicit gifts, revenues, bequests or endowments of money or property as donations or grants from any person, subject to the approval and acceptance by the city council.

(8) **Amendments to Chapter.** It may, from time to time, recommend to the city council amendments to this chapter.

(9) **Reports** It shall through its chairperson, make an oral and written report annually to the City Council concerning its activities during the past year and its proposals for the coming year.

**Board’s Authority** It shall have no authority over the direction, supervision, employment or termination of City employees.

**Policies and Procedures for Director.** It shall develop and recommend written policies and procedures for City Council approval for the Parks and Recreation Director to follow in the conduct of recreational activities.

**Budget.** It shall review the proposed budget for the parks and recreation department and make any recommendations to the City Council deemed necessary. However, the Board is not authorized to add, delete or change in any way the budget as prepared by the Parks and Recreation Director.

**Rules of Procedure.** The Board will develop for City Council approval bylaws governing its meetings and operations.

**Funds or Expenditures.** The Board shall not have the power to expend any city funds or incur any debt on behalf of the City.

(15) **Actions of Board as a unit** All powers and duties of the Board shall be exercised by the Board acting as a whole. No action of any individual member is authorized except through the Board.

Sec. 11-5. **Procedure.**

The procedures of the Parks and Recreation Board are as set out below:
(1) The Parks and Recreation Board shall establish the regular meetings of the board, which shall be held in a public place with public notice as prescribed by law.

(2) Special meetings may be called by the chairperson or by written request sent to the chairperson or vice-chairperson or by three (3) members of the board.

All meetings shall be open to the public in accordance with the Open Meeting Act, Chapter 551 Tex. Gov't Code.

A quorum consisting of four (4) members shall be required for transaction of any business.

Sec.-11-6. Regulation of city park and recreation facilities.

(a) Operating regulations. The Board shall establish, review and timely update rules and regulations for the operation of the City's parks and recreation facilities.

(b) Programming of activities. The Board shall establish, review and timely update appropriate programming of activities for the city's parks and recreation facilities.

Secs. 11-7-11-15. Reserved.

Sec. 11-16. Enforcement.

(a) Officials. The Director and any member of the Police Department shall in conjunction with their duties imposed by law diligently enforce the provisions of this Article.

(b) Ejectment. The Director and any member of the Police Department shall have the authority to eject from any park any person in violation of this Article.

(c) Seizure. The Director or any member of the Police Department shall when authorized by law, have the authority to seize any property in violation of this Article.

Sec. 11-17. Hours of operation.

The hours of operation for any public park shall be established by the Board consistent with the City minor curfew ordinance.

Sec. 11-18. Prohibited acts.

It shall be unlawful for any person to commit any one or more of the following acts in a park:

1) To hitch, fasten, lead, drive or let loose, any animal, reptile or fowl of any kind, provided that this shall not apply to domestic animals or defined by the Animal Control Code when led by a static cord or chain not more than ten (10) feet long or a retractable cord not more than fifteen (15) feet long, except in designated areas.

2) To ride or drive any horse or other animal, except in designated areas.
(3) To ride, drive or go at a rate of speed greater than the posted speed limit, upon any bicycle, motorcycle, in-line skates, automobile or any other vehicle whatsoever, upon any parking lot or area, drive or street in any park, provided however bicycles and in-line skating are allowed on park trails;

(4) To ride, drive or park any motorcycle, automobile, motorized scooter, or other motorized vehicle upon, over or across any park, curb, sidewalk, grass, lawn, hike or jogging trail or park land, except authorized City vehicles, and in designated areas, unless authorized by the Director.

(5) To carry a firearm, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act, as amended.

(6) To carry, (unless permitted under (5) above), or discharge firearms, fireworks, bb guns, airguns, bows and arrows, slingshots, blowgun, rockets or paint-ball guns unless authorized by the Director.

(7) To hit golf balls except in designated areas.

(8) To damage, move, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, monument, fence, bench, equipment or other structure, apparatus or property, or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower, or to mark or write upon, paint or deface in any manner any building, monument, fence, bench, equipment or other structure.

(9) To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.

To swim, bathe, wade in or pollute the water of any fountain, pond, lake or stream except when authorized by the Director.

To make or kindle a fire, except in picnic stoves, braziers, fire pits or designated areas provided for that purpose.

To place, abandon or leave garbage, cans, bottles, papers, or other refuse in any public park except in proper waste receptacles.

(13) To participate or engage in any activity or any public park area when such activity will create a danger to the public, a public nuisance, or cause damage to public park property.

(14) To camp, sleep or stay overnight in any park unless authorized by the Director in writing.

To remain, stay or loiter in any park between the hours of 11 p.m. and 5 a.m. of the following day, or remain, stay, or loiter in any park except during the posted hours of operation, unless authorized by the Director in writing.

To possess or consume any alcoholic beverages.

(17) To disturb in any manner any picnic, meeting, service, concert, exercise or exhibition.

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To distribute, post, place or erect any static or mobile advertising, handbill, circular bill, notice, paper or other advertising device.

To sell or offer for sale any food, drinks, confections, merchandise or services except pursuant to a written agreement with the City or by written permission from the Director.

To practice, carry on, conduct or solicit for any trade, occupation, business or profession, or to circulate any petition of whatsoever kind or character.

For any person over the age of six (6) years to use the restrooms and washrooms designated for the opposite sex, unless assistance is necessary.

To place or dump any trash, refuse, solid waste, grass clippings, leaves, or other objectionable or unsightly matter in any park.

To allow a domestic animal to defecate in the park without immediate removal and disposal of such feces in proper waste receptacles.

Seining minnows or fish from the creeks, ponds, and lakes in any park.

(25) To abandon, place, remove or injure any animal, domestic or wild, including but not limited to dogs, cats, cows, horses, birds, mammals, reptiles, fowls, and livestock; to catch and remove any fish when the person is required to obtain a fishing license from the Texas Parks and Wildlife Department, such persons being restricted to catch and release only.

(26) To use or operate any motorboat, boat, or watercraft on any creek, pond, lake, or water within any park.

(27) To use or operate any gas operated remote controlled airplane, boat, car, or other motorized model device, including radio-controlled devices (except radio controlled boats), or helicopter, parasail, hang glider, or hot air balloon, unless otherwise designated by the Director.

(28) Use of mechanical loudspeakers or amplified music, sound, or voices except when authorized by the Director, or in connection with use of the any amphitheater provided the amplified music or sound is within the prescribed levels governed by State or local law, measured at the property boundary.

(29) To conduct or participate in any tournament, camp, or organized sporting activity which has not been specifically authorized by the Director or which conflicts with a scheduled activity or event authorized by the Director.

(30) To use glass containers.

(31) To violate any Park Rules which are conspicuously posted at or near the main entrance to a park or park facility.

(32) To operate any vehicle in a park facility parking lot after normal hours of operation.
To park or operate a commercial vehicle in park facility parking lots except on official business or when attending a park function.

To park or operate any truck-tractor, trailer, semi-trailer, pole-trailer in a park facility parking lot at any time, unless there on official business.

Sec. 11-19. City sponsored or approved events.

(a) Use of park facilities, including but not limited to, specific events, fields, tennis courts, and pavilions, for tournaments, camps, organized sporting events, and games must be prescheduled with and approved by the Director.

(b) The Director shall have the authority to issue special permits, grant exceptions, or waivers to any of the terms of section 11-18 for authorized events and activities.

(c) No person shall advertise an event, meeting or activity or the time, permitted hours, or usage of any event, meeting, or activity to be held or conducted in a park facility unless such event, meeting or activity and advertisement of such event, meeting, or activity and the time, permitted hours, or usage have been approved by the Director.

Sec. 11-20. Damages and Cost of services.

The person, group, organization or entity reserving the use of a park facility shall be responsible for all damages to city property and for the cost of any park maintenance services, emergency or public safety services including police and fire, provided to, at or dispatched to the park facility as a result of such person’s, group’s or the organization’s misuse, improper or unlawful use of the park facility.

Sec. 11-21. Use of tobacco product.

(a) It shall be unlawful for any person to use any tobacco product or to smoke, or possess a burning tobacco, weed or other plant product in any park or park facility excepted in designated areas or parking lots.

(b) A sign containing the words “This Facility is Tobacco Free” with letters at least 1.5 inches in height shall be posted at or near the main entrance of each park and park facility and notice of such prohibition shall also be contained in any Park Rules which are posted in athletic fields and other park facility.

Sec. 11-22. User fees.

The City Council shall establish fees for the use of park and recreation facilities by resolution from time to time.

ARTICLE II. RESERVED

ARTICLE III. RESERVED”

SECTION 2. That all ordinances of the City of Allen in conflict with the provisions of this ordinance shall be, and the same are hereby, provided, however, that all other provisions of said ordinances not in conflict herein shall remain in full force and effect.
SECTION 3. That should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance, or the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 4. That any person, firm or corporation violating any of the provisions of this ordinance or of the Code of Ordinances, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Allen, 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. An offense committed before the effective date of this ordinance is governed by prior law and the Code of Ordinances of the City of Allen, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication of the caption in accordance with the provisions of the Charter of the City of Allen.


APPROVED:

Stephen Terrell, MAYOR

APPROVED AS TO FORM:

Peter G. Smith, CITY ATTORNEY

ATTEST:

Judy Morrison, CMC/AAE, CITY SECRETARY