

ORDINANCE NO. O-10-001

AN ORDINANCE OF THE CITY OF BRENHAM, TEXAS, AMENDING CHAPTER 19, ENTITLED “PARKS AND RECREATION”, OF THE CODE OF ORDINANCES OF THE CITY OF BRENHAM; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY, REPEALING AND SAVINGS CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING OF PROPER NOTICE AND MEETINGS.

WHEREAS, pursuant to Texas Local Government Code, Section 51.001, the City of Brenham, Texas (“City”) has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, during a comprehensive review of the City’s Code of Ordinances it was determined that the latest update to Chapter 19, Parks and Recreation, was done in December, 2001; and

WHEREAS, many section in Chapter 19 are no longer administratively accurate and/or are not in compliance with current State and Federal statues; and

WHEREAS, the general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Brenham, Texas that:

SECTION 1.

The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2:

That the Code of Ordinances, City of Brenham, Texas, Chapter 19 entitled “PARKS AND RECREATION” is hereby amended to read as follows:

CHAPTER 19

PARKS AND RECREATION

ARTICLE I. GENERAL PROVISIONS

Sec. 19-1. Definitions.

“*Bicycle*” shall mean to ride or propel a device commonly known as a bicycle, unicycle, tricycle or similar non-motorized device.

“*City*” shall mean the duly incorporated municipality of the City of Brenham, Texas.

“*Concession Stand*” shall mean a place where patrons can purchase various snacks, drinks and/or food items.

“*Entertainment*” shall mean any amusement or diversion provided, especially in a public performance, by an individual or a group of individuals.

“*Exhibition*” shall mean to show publicly for the purposes of competition or demonstration such things as works, art, objects of manufacture, or athletic skills.

“*Person*” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

“*Scoot*” shall mean to ride or propel a device commonly known as a scooter, with a deck designed to allow a person to stand or sit while operating the device, and includes such a device whether powered by electricity, gas, human or other power.

“*Skate*” shall mean to ride or propel a device commonly known as roller skates, roller blades, skateboard or similar non-motorized device.

“*Walking or jogging trails*” shall mean any paved or improved path, sidewalk or bridge designed to be used by individuals for walking, jogging or running.

ARTICLE II REGULATIONS

Sec. 19-2. Park Hours.

All public parks belonging to the City shall be available for use by the public between the hours of 5:00 a.m. and 11:00 p.m. of each day of the week; provided, however, that arrangements have been made in advance with the Parks Superintendent or City Manager for extended hours.

Sec. 19-3. Payment of Fees.

Fees for all park and recreation activities shall be set by Resolution of the City Council. All such fees shall be posted, where applicable, and kept on file with the City Secretary. It shall be unlawful for any person to use or enter upon any park or recreation facility for which a fee is charged, without first having first paid said fee.

Sec. 19-4. Walking and Jogging trails in Jackson Street Park and Hohlt Park.

No person shall operate a vehicle of any type, including without limitation, bicycles, motorcycles and motorbikes, on any walking or jogging trail within the boundaries of Jackson Street Park or Hohlt Park. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.

Sec. 19-5. Prohibition of Bicycling, Skating and Scooting.

a) Prohibitions:

- 1) It shall be unlawful for any person to bicycle, skate or scoot within Veterans Memorial Plaza. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.
- 2) It shall be unlawful for any person to skate or scoot within Hohlt Park, Jackson Street Park, and the portion of Fireman's Park situated north of Fireman's Park Road. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury or disability.

b) Signage:

- 1) The City shall post one or more signs in a manner intended to provide notice and which contain the words "*No rollerskates, rollerblades, skateboards, scooters or bicycles*" or any other similar and clearly legible wording indicating that the use or operation of rollerskates, rollerblades, skateboards, scooters or bicycles is prohibited; however, the destruction, defacement, loss or removal of such sign(s) shall in no way affect the enforceability of this Chapter or the prosecution of any person hereunder.

Sec. 19-6. Picnic Facilities.

Unless otherwise provided herein, outdoor picnic areas are available on a first-come, first-served, basis.

Sec. 19-7. Use of certain municipal ball fields.

Unless otherwise provided herein, access to municipally-owned athletic fields are on a first-come, first-served, basis; however, individual reservations are available, upon request, from the Parks and Recreation Department.

It shall be unlawful for any person, firm or corporation (except city employees) to access a municipally-owned athletic field while said athletic field is closed by the posting of a sign by the Parks Superintendent and/or the City Manager or his/her designee.

Sec. 19-8. Golf.

It shall be unlawful for any person to practice golf or hit golf balls in any portion of a city park or recreational area not designated for that purpose; provided, however, that the practice of disc golf may be permitted in any open area not specifically designated for some other specialized activity.

Sec. 19-9. Pets.

It shall be unlawful for any person who owns a dog or other animal, or has a dog or other animal under their control, to permit such dog or other animal to be in any city park unless restricted by a leash. It shall be the responsibility of the owner of the dog or other animal, or the person who has the dog or other animal under their control, to immediately dispose of all pet excrement.

Sec. 19-10. Entertainment and/or Exhibition.

No entertainment or exhibition shall be given or conducted in any city park or recreational facility without prior written permission from the City Manager or his/her designee.

Sec. 19-11. Glass Containers Prohibited.

It shall be unlawful for any person to use or have in their possession any glass container in or upon any public park situated within the corporate limits of the City.

Sec. 19-12. Selling of Merchandise, Food and/or Services.

- a) The City shall be the sole operator of concession stands in all city parks and recreational facilities unless otherwise approved in writing by the City Manager or his/her designee.
- b) It shall be unlawful for any person or persons to sell or offer for sale any drinks or food items within any city park without written permission from the Parks Superintendent and also obtaining a permit from the City's Code Enforcement Officer, as qualified by the Texas Department of State Health Services as a Registered Sanitarian. If the City does not employ a Registered Sanitarian that is authorized to issue a required permit for the sale of drink or food items, the required permit must be obtained from an appropriate Registered Sanitarian authorized to issue said permit.
- c) It shall be unlawful for any person to sell or offer for sale any goods, wares, services or merchandise within any city park or recreational facility without first obtaining written permission from the Parks Superintendent and also obtaining a vendor permit from the City Secretary.

Sec. 19-13. Destruction of Park Property.

- a) It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, destroyed or injured in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, shrub, plant, flower, railing, bridge, backstop, goalpost, culvert or any other property or improvement whatsoever belonging to the city in, at or upon any of the parks owned or controlled by the City.

- b) No person shall pick or remove from any park premises any vegetation, unless given specific written permission by the City Manager or his/her designee.
- c) No person shall drive vehicles, motorcycles, all-terrain vehicles, etc. off the paved roads or parking areas, unless given specific written permission by the City Manager or his/her designee. This restriction shall not apply to any person that requires the use of a motorized or non-motorized mobility device (e.g. wheelchair or scooter) due to illness, injury, or disability.

Sec. 19-14. Penalty Provisions.

A violation of this Chapter shall constitute a misdemeanor and upon conviction thereof shall be punishable pursuant to the general penalty provisions set out in Section 1-5 of the Code of Ordinances of the City of Brenham.

Secs. 19-15 – 19-20. RESERVED

**ARTICLE III
PARKS AND RECREATION ADVISORY BOARD**

Sec. 19-21. - Purpose.

The City of Brenham Parks and Recreation Advisory Board is created to assist the City of Brenham and the Brenham City Council in the planning and operation of all city parks and recreational facilities with the ultimate goal being to provide the best service possible to the citizens of the City. This purpose includes review and monitoring of existing operations, making recommendations regarding fee schedules for all parks and recreational facilities, considering ways to better utilize the existing facilities, and to provide plans for future development of the city's parks and recreational facilities.

Sec. 19-22. - Scope and membership.

The Parks and Recreation Advisory Board shall consist of at least nine (9) members the majority of whom shall reside within the city limits of the City of Brenham, and who shall be appointed to staggered two-year terms by the City Council. All terms will be for two (2) years ending in December of each calendar year. The Director of Public Works or some other city official may be designated by the City Manager as an ex-officio member of the Board. Upon the death, resignation, removal or expiration of the term of office of any member, the City Council, shall appoint a successor.

The scope of the Parks and Recreation Advisory Board's authority will be advisory. All actions regarding policies, procedures, and/or fee schedules taken by the Board shall be presented to the City Council for final approval. Six (6) members of the Board shall constitute a quorum for the transaction of business.

Sec. 19-23. Organization.

- a) Regular meetings of the Parks and Recreation Advisory Board shall be held every second Wednesday of the month at 12:00 o'clock p.m. (Noon).
- b) Board members shall select a Chairperson whose term shall be for a period of one (1) year. The Chairperson shall review and approve agenda items to be considered by the Board and shall conduct such meetings in accordance with Robert's Rules of Order, calling for votes when deemed necessary to determine recommendations to be presented to City Council and/or for direction of city staff. The Chairperson may call special meetings at any time.
- c) The Board will hear citizens and/or special interest groups who may present requests or comments relative to the city's parks and recreational facilities. The Board shall advise city staff and/or the City Council of any recommendations.
- d) The Board shall counsel city staff on various policies and operations of all city parks and recreational facilities, review and make recommendations on the annual budget for the city's parks and recreational facilities, and review and make recommendations in connection with long-range planning efforts relative to all facilities.
- e) All fees related to any parks and recreational activities shall be recommended by the Parks and Recreation Advisory Board to City Council for approval. All fees shall be set by Resolution of the City Council and shall be on file in the City Secretary's office.

SECTION 3.
SAVINGS CLAUSE

All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 4.
SEVERABILITY

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. City hereby declares that it would have passed this Ordinance, and each section, subsection, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5.
REPEALER

Any other ordinances or parts of ordinances in conflict with this Ordinance are hereby expressly repealed.

SECTION 6.
EFFECTIVE DATE

This Ordinance shall become effective upon adoption and publication as required by law.

SECTION 7.
PROPER NOTICE AND MEETING

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

PASSED AND APPROVED, on its first reading at the meeting of the City Council held on this the 5th day of November, 2009.

PASSED AND APPROVED, on its second reading at the meeting of the City Council held on this the 21st day of January, 2010.

Milton Y. Tate, Jr., Mayor

ATTEST:

Jeana Bellinger, TRMC, City Secretary