

ORDINANCE NO. 2020-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SWEETWATER AMENDING CHAPTER 23-PARKS AND RECREATION, ARTICLE 1-GENERALLY, OF THE SWEETWATER CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, Chapter 23, Parks and Recreation, of the Sweetwater Code of Ordinances establishes regulations pertaining to city parks, establishing hours of operation, creates offenses, and sets forth the penalties; and

WHEREAS, the City has reviewed the regulations, and determined amendments are necessary; and would serve the interest of the City and citizens; and,

WHEREAS, the City, as a home-rule municipality has exclusive control over the operation of City parks.

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

Section 1. That Chapter 23, Parks and Recreation, of the Sweetwater Code of Ordinances is hereby amended as set forth in the attached Exhibit A.

Section 2. That this Ordinance shall be cumulative of all provisions of the City of Sweetwater, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the more restrictive shall apply.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 4. All ordinances or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.


Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter

of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

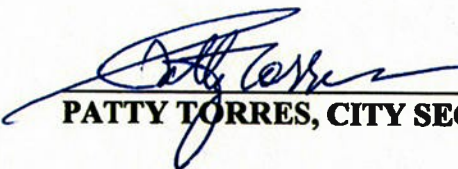
Section 8. This Ordinance shall be in force and effect from and after its final passage and any publication required by law, and it is so ordained.

PASSED AND APPROVED THIS 14th DAY OF July, 2020.



JIM MCKENZIE, MAYOR

ATTEST:



PATTY TORRES, CITY SECRETARY

EXHIBIT A

Chapter 23 - PARKS AND RECREATION, ARTICLE I. - IN GENERAL, is hereby amended as follows:

Sec 23-1 Tracts of land

The following tracts of land will be named as follows:

- (1) The 117 acre tract bounded by Elm Street and Farm Market Road 1544 to be named Newman Park; and
- (2) The 9.5 acre tract bounded by Sam Houston, Alabama, Moody and Arkansas Street to be named Fraley Park; and
- (3) The 8 acre tract bounded by Alabama and Jennie Street to be named Jones Park; and
- (4) The 1 acre tract bounded by Robert Lee, Alamo, Fisher Street and Avenue C to be named Booker T Washington Park; and
- (5) The 950 acre tract bounded by Farm Market Road 2035 and Farm Market Road 1856 to be named Lake Sweetwater Park, Recreation Area and Beach Area.

Sec. 23-2. - Motorized vehicles and devices.

The use and regulation of motorized vehicles and devices are as follows:

- (1) No motorized vehicles, except maintenance or emergency vehicles, will be allowed in any part of any city park, except designated parking areas and paved roadways. The city manager shall have the authority to grant authority for special events or circumstances when it will not be detrimental to the health, safety, and welfare of the general public.
- (2) The operation of remote control model electric aircraft devices with a flying weight over 32 ounces shall be prohibited in any city park.
- (3) The operation of any gasoline or nitro-based, remote control model aircraft device or any gasoline or nitro-based or electric non-sail craft shall be prohibited in any city park.

Sec. 23-3. - Baseball facilities—Control; use generally.

- (a) The use of baseball facilities in all public parks of the city shall be controlled by the city parks and recreation department.
- (b) When a particular activity has been sanctioned by the city parks and recreation department, the use of the park facilities shall be limited to those persons having written permission to use the park.

Sec. 23-4. - Hours of operation.

(a) The public parks of the city, shall be closed to the general public from 11:00 p.m. to 5:00 a.m. each day. It shall be unlawful for any person to use, loiter or be present in a public park of the City of Sweetwater from the hours of 11:00 p.m. to 5:00 a.m. each day.

(b) Exceptions to the use of a public park between the hours of 11:00 p.m. to 5:00 a.m. may be authorized upon request to the city manager or his designated representative by issuance of a permit for which no fee shall be charged.

(c) Athletic events that begin before 11:00 p.m. and extend beyond that hour are automatically exempt until one (1) hour after the athletic event is completed.

(d) A violation of this section shall constitute a misdemeanor and upon conviction thereof be punishable by a fine not to exceed two hundred dollars (\$200.00).

Sec. 23-5. - Camping restrictions.

Camping, both overnight and daytime, will be allowed in the city parks and recreation areas by permit only, issued out of the office of the city secretary, however, no campfires will be permitted except in the designated areas where fire pits are already in place.

Sec. 23-6. - Glass beverage containers prohibited in city parks.

(a) It shall be unlawful for any person to carry onto or to possess within all parks and recreation areas any glass beverage container.

(b) Any person violating this section provision shall, upon conviction, be punished by a fine of not less than \$1.00 nor more than \$200.00.

Sec. 23-7. - Musical groups.

No musical groups will be allowed to perform in the city park without prior written permission or approved license agreement and special event permit.

Sec. 23-8. - Possession or consumption of alcoholic beverages in parks and recreational areas.

(a) Alcoholic beverages may not be possessed and/or consumed in any parks and recreation areas. Reference to consumption of alcoholic beverages in public parks prohibited Sec 5-4.

Sec. 23-9. - Vehicle speed restricted.

It shall be unlawful for any person to drive or operate any type of motor vehicle at a speed greater than fifteen (15) miles per hour on all roads within the municipal park and all parking lots within such park.

Sec. 23-10. - Facilities' regulations adopted by reference.

- (a) The city shall charge fees for the city's park/recreational facilities, including the swimming pool as stated in the fee schedule adopted by the city council and amended from time to time as necessary.
- (b) The applicable regulations of city park use and associated facilities shall be governed in accordance with any agreements entered into with the user approved by city council and other regulations as adopted by staff and/or city council.

Sec. 23-11. - Reservation policies.

The following regulations will apply in the utilization of city parks and recreational areas:

- (1) *Areas available for reservation.* Reservations will only be accepted for the following locations within the park system. Playground equipment is not included in any area.
 - a. Swimming pool facilities.
- (2) *Reservation policies:*
 - a. Reservation requirements, where made:
 - 2. Reservations are required for private parties at swimming pool facility.
 - 3. Reservations are made in person or by phone call to the swimming pool facility manager during season.

Sec. 23-12. - Non-motorized vehicles and devices.

The use and regulations governing the use of canoes, kayaks and other non-motorized personal watercraft on the Newman Park pond are as follows:

- (1) *Definitions.*
 - Newman Park pond: located in Newman Park and bound by Farm Market Road 1544.
 - Personal watercraft:* Kayaks, canoes, paddleboards, paddle boats and small boats designed for personal flotation or other non-motorized personal flotation devices.
- (2) *Rules and regulations.*
 - a. Swimming and willful contact with the water in the Newman Park pond is prohibited.
 - b. Fishing in the Newman Park pond is prohibited unless special event permission is given by city manager.

Sec. 23-13. - Penalty for violation.

Any person, firm, partnership, association or persons, or corporation, or any agent or employee thereof, who shall violate any of the rules, regulations or provisions of this chapter, or any part of it or any portion thereof, by any act either of commission or omission, or cause the

same to be done, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed \$200.00 for each and every violation. Each violation of each part or any part of this chapter shall be and constitute a separate offense; and where such violation is a continued act, each day such violation is continued, or permitted to be continued shall be a separate offense, and shall be punishable accordingly.

Secs. 23-14—23-30. - Reserved.