

ARTICLE 1.10 PARKS AND RECREATION

Division 1. Generally

Sec 1.10.001. Definitions.

As used in this chapter:

"Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or combined with other substances.

"Amplified sound" means sound projected and transmitted by electronic equipment, including amplifiers.

"City" means the city of Chandler.

"City Administrator" means the city administrator of the city of Chandler, or a designated representative to act in his/her place.

"Designated Representative" means a person appointed by the city administrator or the city council to act as a representative.

"Director". The director of the city Public Works department or a designated representative to act in his/her place.

"Facilities" or "area" means city-owned or leased property, improved or unimproved city park and park amenities.

"League play". An athletic event which is authorized, organized or scheduled with the assistance of the city by a nonprofit organization which is a member of the Brownsboro, Murchison, and Chandler Athletic Association (BMC).

"Park". Means a specific piece of ground, either within the City or that is under the control of the City, that is operated and maintained by the City and set apart for the use of the general public, whether developed or undeveloped, including natural parks, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, recreation, fishing, or a park may be planned for any beneficial use by the citizenry.

"Person". Any person, firm, partnership, corporation, association, company or organization of any kind.

Sec. 1.10.002. Opening and Closing Times for City Recreational Facilities.

(a) Except for unusual or unforeseen events, Winchester Park and McCain Park shall be open to the public every day of the year during designated hours. Unless otherwise noticed by sign or other communication, Winchester and McCain Parks shall open each day at 5:00 a.m. and close at 11:00 p.m. Park hours shall be posted in each associated park for public information. With the exception of police, fire, and parks and recreation personnel, no one may enter Winchester and McCain Park during the hours it is closed. River Park does not have set hours of operation.

(a) Individuals or groups may receive express written permission from the City Administrator to be in a park during the hours it is closed. The written permission shall designate specific hours within which the exemption is granted. The exemption from closing hours shall be in effect only for those hours exempted. Such written permission must be presented to any police officer or City official or employee upon demand. Written exemption from closing hour prohibitions shall not void any other penalties or violations of this chapter or other city ordinances.

Secs 1.10.003 – 1.10.030 Reserved

Division 2. Parks and Recreation Board

Sec. 1.10.031 Creation; membership

(a) A parks and recreation board is created and shall consist of seven (7) members. Members shall be appointed by the mayor. Three (3) of the original seven (7) members shall be appointed for one-year terms and four (4) shall be appointed for two-year terms. Subsequent members shall serve for two-year terms and until their successors are duly appointed and qualified. Members of the board shall serve without pay. Sec. 1.10.032 Officers; rules of procedure

(a) The board shall select from among its members a chairman and vice-chairman and may adopt, subject to the approval of the city council, such rules and regulations for the government of its proceedings as it may deem proper. (2001 Code, sec. 96.21)

Sec. 1.10.033 Reserved

Editor's note—Former section 1.10.033 pertaining to the prohibition of members holding other city offices and deriving from section 96.22 of the 2001 Code was repealed in its entirety by Ordinance O-031213, adopted March 12, 2013.

Sec. 1.10.034 Duties

(a) It shall be the duty of the parks and recreation board to:

1. Recommend policies and procedures for the proper administration of the parks and recreation program of the city subject to the approval of the city council
2. Encourage and facilitate the establishment and maintenance of parks, playgrounds, playfields, centers, and other park and recreational facilities on the properties owned and controlled by the city or on private or public properties with the consent of the owners and managers thereof;
3. Encourage the establishment of a supervised recreation program for all ages on properties owned and controlled by the city or on private or public properties with the consent of the owners and managers thereof;
4. Recommend acquisition by the city of such land and buildings as are deemed necessary for a parks and recreation program, subject to location approval by the planning and zoning commission;
5. Study and submit recommendations for improvement and expansion of the parks and recreation facilities and programs of the city;
6. Cooperate with all agencies, groups, and clubs concerned with recreation in the city; and
7. Make such studies concerning parks and recreation as may be requested by the city council.
8. Manage the operation of the concessions at Winchester Park.

(b) The parks and recreation board shall have such additional duties as may be conferred on such board by ordinance.

(2001 Code, sec. 96.23)

Secs. 1.10.035–1.10.060 Reserved

Division 3. Use Regulations

Sec. 1.10.061 Park use generally

(a) It shall be unlawful for any individual or group of individuals to:

1. Participate in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The city council may designate particular locations within park areas for specific activities and, when deemed necessary, it may limit the conduct of such activities by the issuance of special permits upon application, which permits will set out the particular conditions under which such activity is permitted.

(2001 Code, sec. 96.01)

(b) The following enumerated acts are presumed to cause potential for injury and are deemed unsafe and are prohibited on park property:

1. Carrying or discharging any firearm or explosive of any kind, including fireworks, excepting law enforcement officers, those with a valid Concealed

Handgun License and those who have received written consent to do so from the City Administrator;

2. Batting outside of a baseball field, batting cage or an area with proper netting;
3. Shooting any projectile, paint ball or golfing;
4. Skateboards, roller skates, scooters, bicycles, etc. in the confined area of the baseball complex or in pavilions;
5. Glass of any type;
6. Use of any tobacco product, or to smoke or possess any burning tobacco weed, plant or other tobacco product, including vapor smoking devices; or
7. Making or continuing to burn an open fire except in barbecue or grill areas.

Sec. 1.10.062 Injuring vegetation, structures or other property

(a) A person commits an offense if in any park or recreational area he knowingly:

1. Cuts, breaks, defaces or in any way injures the trees, shrubs, plants, grass, turf, fountains, seats, fences, structures, improvements, ornaments, monuments, or property within or upon any of the public parks; (2001 Code, sec. 96.02)
2. Adjusts or tampers with sprinklers, sprinkling valves, or sprinkling or irrigation systems;
3. Creates or constructs any path without the express written consent of the Director or City Administrator; or

Hits or throws balls or other hard objects against fences, or against baseball or other backstops.

Sec. 1.10.063 Abusive or indecent language; indecent acts; creating nuisance

1. A person commits an offense if in any park or recreational area he knowingly: Uses or speaks any threatening, abusive, insulting, or indecent language in any of the public parks, and no person shall commit in any such parks any obscene, lewd, or indecent act or create any nuisance; (2001 Code, sec. 96.03)
2. Interferes or disrupts any game, league play, tournament or practice of any organized sports association, or any city sponsored or approved organized athletic activity or special event;
3. Uses any abusive or profane language or gestures toward any coach, assistant coach, trainer, manager, umpire, referee, player, or other official during a practice, game or league play of any organized sports association or any city sponsored or approved organized athletic activity;
4. Fails to leave the game, field or facility, or to otherwise fail to comply with the ejection order for any person ejected from a game, field or facility by the umpire, referee, or other league play official.

Sec. 1.10.064 Restraint of animals

- (a) It shall be unlawful for any owner, keeper, or person having the custody or control of any animal to cause or permit such animal to go into or upon the grounds of any park within the city, unless such dog is led by some person and retained in custody by having such animal securely fastened by means of a chain, rope, or strap. (2001 Code, sec. 96.04)
- (b) It is the responsibility of any person having custody of any animal to clean up any waste left by that animal.

Sec. 1.10.065 Driving and parking of vehicles

- (a) A person commits an offense if in any park or recreational area he knowingly:
 - 1. Parks a commercial vehicle overnight;
 - 2. Parks a vehicle for the primary use of displaying advertising;
 - 3. Drives or operates a motor vehicle except in areas designed for such use;
 - 4. Stops, stands, or parks a motor vehicle in any area not designated as a parking space;
 - 5. Parks a motor vehicle so as to obstruct entrance to or exit from a roadway, parking area, or trail established for public motor vehicle use; or
 - 6. Fails to park the entire motor vehicle within the limit lines of a designated parking stall, where such lines have been provided.
- (b) It is an exception to subsection (a) above if the driving, stopping, standing, or parking:
 - 1. Was along a roadway, or parking area established for public motor vehicle use;
 - 2. Was due to temporary mechanical failure of the vehicle;
 - 3. Was ordered by a police or park officer or a person charged with supervision of a park or recreation area within the city;
 - 4. Was performed by an employee of the city while in the course of his official duties; or
 - 5. Was due to the temporary loading and unloading of the vehicle.

(2001 Code, sec. 96.05)

Sec. 1.10.066 Sale of merchandise or services

- (a) A person commits an offense if in any park or recreational area he knowingly:
 - 1. Sell or offer for sale any food, drinks, confections, merchandise, or services in public park or recreation areas unless such person has a written agreement with the city or a permit issued from the city administrator permitting the sale of such

items. Application for such agreement or permit shall be made to the office of the city secretary. (2001 Code, sec. 96.06)

2. Distribute any handbills or circulars, or posting, placing or erecting any bills, notices, papers or advertising of any kind without the express written consent of the City Administrator;

Sec. 1.10.067 Alcoholic beverages

- (a) A person commits an offense if he consumes or possesses an alcoholic beverage while in a public park or while on a public street, sidewalk, or parking area adjacent to a public park. (2001 Code, sec. 96.07)

Sec. 1.10.068 Loud and raucous noise

- (a) A person commits an offense if he knowingly makes or causes to be made any loud and raucous noise in any public park and recreation area in the city.

- (b) It is a defense to prosecution under subsection (a) that the person:

1. Is a city employee acting within the scope of his official duties;
2. First obtained the written permission of the city authorizing a special event; or
3. Is part of the announcement of league play or an authorized sporting event.

- (c) The following enumerated acts are presumed to create loud and raucous noises for purposes of this section:

1. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle, except as a danger signal, as required by state law.
2. The use of any mechanical loudspeaker or sound amplifier for the purpose of attracting the attention of other persons by the creation of noise.
3. The playing of any radio, television, amplified music musical instrument, or other machine or device for the production or reproduction of sound at such a volume that the sound produced is audible at a distance in excess of one hundred fifty (150) feet.
4. The operation of any automobile, motorcycle, bus, or other vehicle or mechanical device in such a manner so as to produce a sound that is audible at a distance in excess of one hundred fifty (150) feet.

(2001 Code, sec. 96.08)

Sec. 1.10.069 Activities for profit

- (a) No agent, servant, or employee of the city having supervision or jurisdiction over any of the various city-owned parks may rent or allow the use of any of said parks to any person for the purpose of engaging in an enterprise for a profit unless as a part of a city sanctioned special event.

(b) This section shall not apply to local civic, religious, and charitable organizations. Said organizations shall make application to the city secretary for the use of any such park, setting forth in said application the name of the organization and its officers, the purpose for which said park is desired to be used, the length of time and a detailed statement showing the use of the revenue derived from the use of said park.

(2001 Code, sec. 96.09)

Sec. 1.10.070 Fishing

(a) A person commits an offense if in any park or recreational area he knowingly:

1. Swims in Winchester Park Pond or off the banks of the Neches River in River Park;
2. Boats on Winchester Park Pond;
3. Fails to follow the Texas Parks and Wildlife State rules;
4. Fails to follow fishing limits as set forth by Texas Parks and Wildlife;
5. While fishing on Winchester Park Pond, fishes by any other means than by pole and line or exceeding the limit of two poles;
6. Fails to possess a State fishing license, if 17 or over; or
7. Cleans fish on property controlled by the city as a park.

Sec. 1.10.071 Littering

(a) A person commits an offense if in any park or recreational area he knowingly:

1. Throws or deposits any bottle, metal objects, glass, paper, wood, clippings, rubbish or garbage except in receptacles set out for that purpose; or
2. Carries onto any park property any garbage, trash or other refuse.

Sec. 1.10.072 Restrooms

(a) A person commits an offense if in any park or recreational area he knowingly:

1. Loiters in or around park restrooms;
2. Puts any object which is not normally used in those receptacles in sinks, toilets or drinking fountains which is reasonably likely to clog or plug the plumbing;
3. Expectorates, urinates, or defecates except into a toilet for that purpose; or
4. Use the restrooms and washrooms designated for the opposite sex if over the age of six (6) years.

Division 4. Violation of Ordinance or Rules

Sec. 1.10.073 Eviction and Penalty

- (a) Eviction. Any person violating any of the ordinances, rules or instructions established by the City may be evicted immediately from the park by any City employee or Designated Representative who has been granted that authority by the City Administrator. Any person who, having been given direction to leave by such an employee or Designated Representative and who does not leave, is guilty of violating this chapter.

- (b) Penalty. Any person who violates any ordinance, rule, instruction or sign within this chapter is guilty of an infraction unless the violation is a greater offense under State, County or City criminal codes, in which case the violation shall be punishable as the greater offense.