

**CITY OF SULPHUR SPRINGS, TEXAS
ORDINANCE NO. 2761**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SULPHUR SPRINGS BY RENAMING CHAPTER 8 OF THE CODE OF ORDINANCES “ CITY PARKS & LAKES”, ADDING ARTICLE IV ENTITLED “CITY PARKS” TO CHAPTER 8, AND ADDING SECTIONS 8-60-1 THROUGH 8-60-9, ESTABLISHING REGULATIONS TO PROTECT PARKS AND PARK PATRONS GENERALLY, REGULATING USERS OF PUBLIC PARKS, AND PROHIBITTING DRILLING AND MINING OR THE REOPENING OF ANY ABANDONED WELL OR MINE IN ANY PUBLIC PARK LOCATED WITHIN THE CITY LIMITS OF SULPHUR SPRINGS, TEXAS; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND MAKING THE PARTS OF THIS ORDINANCE SEVERABLE.

WHEREAS, the City of Sulphur Springs seeks to foster a public park environment that is attractive, safe healthy and free of uses and activities incompatible with the normal and traditional uses of public park facilities, for the protection of the health and safety of the residents of said City; and

WHEREAS, the City Council, in order to facilitate the safe and efficient use of public parks in the City desires to create an ordinance which will help to enhance public parks in the City for all users;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SULPHUR SPRINGS, TEXAS THAT:

SECTION 1. The Code of Ordinances of the City of Sulphur Springs are hereby amended by changing the title of Chapter 8 from “CITY LAKES” TO CITY PARKS & LAKES”.

SECTION 2. The Code of Ordinances of the City of Sulphur Springs is further amended by adding Article IV to Chapter 8 of the Code of Ordinances and Sections 60-1 through 60-9 as follows:

ARTICLE IV. CITY PARKS

SEC. 60-1. SAFETY OF PATRONS GENERALLY; LIMITATION OF ACTIVITIES BY PERMIT.

It shall be unlawful for any individual or group of individuals to 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 Director of Parks & Recreation may designate particular locations within park areas for specific activities and when deemed necessary, 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. Overnight camping is prohibited on any park property except by special permit issued by the Director of Parks & Recreation or its representatives for such activity on specific occasions.

SEC. 60-2. SPEED LIMIT; DRIVING UPON WALKS.

It shall be unlawful for any person to ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon horseback, or upon any bicycle, motorcycle, or any other vehicle whatsoever, upon any drive or street in any park of the city place not specifically marked by signage authorizing such use, or to ride or drive any wheel or animal upon any walk in such park, or to climb any fence or building.

SEC. 60-3. INJURY TO TREES, SHRUBS, FENCES, ETC.

It shall be unlawful for any person to cut, break, deface or in any way injure the trees, shrubs, plants, grass, turf, fountains, seats, fences, structures, improvements, ornaments or monuments or property, within or upon any of the public parks.

SEC. 60-4. ABUSIVE, OBSCENE, ETC., LANGUAGE OR ACTS.

No person shall use or speak 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.

SEC. 60-5. DOGS AT LARGE.

(a) An owner, harbinger, or person having the care, custody, or control of a dog commits an offense if he causes or permits the dog to go into or upon the grounds of any public park within the city, unless the dog is led by some person and retained in custody by a leash.

SEC. 60-6. DRIVING AND PARKING OF VEHICLES.

(a) A person commits an offense if, in any park or recreation area in the city, he knowingly:

- (1) drives a motor vehicle; or
- (2) stops, stands, or parks a motor vehicle; or

(3) 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

(4) 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 a defense to prosecution under Subsection (a) that the driving, stopping, standing, or parking:

- (1) was along a roadway, trail, 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 of the city or a person charged with supervision of a park or recreation area within the city; or

(4) was performed by an employee of the city while in the course of his official duties.

(5) was attending a special event, activity, or program in which driving in the park was authorized by the Director of Parks & Recreation, during the duration of said event, and in the manner and locations authorized for such event.

(c) If a motor vehicle is parked or left in violation of this section and the owner or operator of the vehicle cannot be found, police or park officers of the city may remove or impound the vehicle, or the vehicle may be removed in accordance with Chapter 28 of this code.

(d) The Director of Parks & Recreation is authorized to establish time limits for the parking of motor vehicles within designated parking areas of the city's parks and recreational areas.

SEC. 60-7. POSSESSION OF ALCOHOLIC BEVERAGES IN PARKS.

(a) A person commits an offense if he consumes or possesses an alcoholic beverage:

(1) while in a public park; or

(2) while on a public street, sidewalk, or parking area adjacent to a public park.

(b) It is a defense to prosecution under Subsection (a) that:

(1) the person was on the premises of:

(A) a park facility or other park property or part of a park property for which:

(i) a valid license issued by the Texas Alcoholic Beverage Commission existed; or

(ii) a lease or rental agreement had been granted by the city that allowed the possession and consumption of an alcoholic beverage;

(2) the person was on premises where a special event, activity, or program was being conducted with written permission of the City of Sulphur Springs and possession and consumption of an alcoholic beverage was allowed under the terms of the permission; or

(3) the container of alcoholic beverage possessed by the person had an unbroken seal or other evidence of having never been opened.

(c) For the purpose of this section, ALCOHOLIC BEVERAGE is used as defined in the Texas Alcoholic Beverage Code.

SEC. 60-8. NOISES INTERFERING WITH ENJOYMENT OF PUBLIC PARK AND RECREATION AREAS.

(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; or

(2) first obtained the written permission of the Director of Parks & Recreation of the city authorizing a special 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, tape machine, 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 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 150 feet.

SEC. 60-9. DRILLING IN PUBLIC PARKS PROHIBITED.

(a) All forms of drilling and mining are permanently prohibited in any public park located within the city limits of Sulphur Springs, Texas.

(b) No previously drilled and abandoned well or mine may be reopened in any public park located within the city limits of Sulphur Springs, Texas.

(c) The prohibition of mining and drilling does not prohibit: (a) the use of shallow horizontal boring or open ditching for utility work performed in the public right of way, or (b) typical construction, reconstruction, maintenance, repair or improvements to any public building or facility in a park, such as but not limited to, picnic pads, restrooms, light poles, gazebos, or play facilities.

SECTION 3. All ordinances and parts of ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

SECTION 4. If any section, subsection, word, sentence, or phrase of this ordinance is declared to be invalid it shall not affect the validity of this ordinance.

PASSED AND APPROVED ON FIRST READING, this the 5th day of November 2019 .

PASSED AND ADOPTED ON SECOND READING, this the ____ day of _____, 20 ____.

Norman R. Sanders, Mayor

ATTEST:

Gale Roberts, City Secretary

***“A public hearing will be conducted for the final reading of Ordinance No. 2761, Tuesday, December 3, 2019, at the Municipal Building, at 7:00 p.m.*”**