

ORDINANCE 2017-10

AN ORDINANCE OF THE CITY OF LA FERIA, TEXAS, AMENDING CHAPTER 1, ENTITLED "GENERAL PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF LA FERIA 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 La FERIA, Texas ("City") has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

WHEREAS, the City Commission of La FERIA, Texas is committed to enhancing the quality of life in La FERIA through providing parks and recreation opportunities.

WHEREAS, the City of La FERIA has determined the need to update its regulations for the use of city parks.

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 COMMISSION OF THE CITY OF LA FERIA, 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 La FERIA, Texas, Chapter 1 identified "General Provisions" is hereby amended to read as follows:

CHAPTER 1

Article 1.06 - PARKS AND RECREATION

DIVISION GENERALLY

Sec. 1.06.005 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 La FERIA, 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 an individual for walking, jogging or running.

Section 1.06.006 Payment of Fees.

Fees for all park and recreation activities shall be set by Resolution of the City Commission. 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. 1.06.007 Walking and Jogging Trails in Veteran’s Memorial Park/Sports Complex and Nature 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 Veteran’s Memorial Park/Sports Complex and Nature 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.

a) Signage:

- 1) The City shall post one or more signs in a manner intended to provide notice and which contains 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, skateboards, scooters of 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. 1.06.008 Golf.

It shall be unlawful for any person to practice golf or hit golf balls in any portion of a city park or recreational place not designated for that purpose.

Sec. 1.06.009 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 unlawful for owner or person in control of an animal, to intentionally, knowingly, recklessly, or with criminal negligence allow or permit such animal to defecate on any public property or improved private property other than that of the owner of the animal. It shall be a defense to prosecution under this section that the owner or person in control of the animal immediately removed and cleaned up such animal feces from public or private property.

Sec. 1.06.0010 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. 1.06.0011 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. 1.06.0012 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 Public Works Director 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 Public Works Director and also obtaining a vendor permit from the Planning Director.

Sec. 1.06.0013 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, culvert or any 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. 1.06.0014 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 1.01.009 of the Code of Ordinances of the City of La Feria.

PASSED AND APPROVED at a regular meeting of the City Commission of the City of La Feria, Texas on this the 11th day of July 2017.

APPROVED:



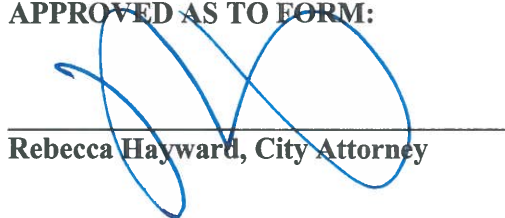
Olga H. Maldonado, Mayor

ATTEST:



Amanda Morales, City Secretary

APPROVED AS TO FORM:



Rebecca Hayward, City Attorney