

ORDINANCE #101606

AN ORDINANCE OF THE CITY OF POTH ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF ALL PARKS SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF POTH, TEXAS SETTING SPEED LIMITS, ESTABLISHING PARKING REGULATIONS PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, CONTAINING A SAVING CLAUSE AND REPEALING ORDINANCES IN CONFLICT HEREWITH.

Be it ordained by the city council of the City of Poth, Texas:

Section 1. City Parks Designated.

The city council of the City of Poth, Texas shall create and establish city parks situated within the corporate limits of the City of Poth, Texas. This ordinance shall apply to any public or city park area which is designated as a park by the city council. There shall remain on file at city hall in the City of Poth, Texas, a list of the city parks and their location.

Section 2. Management and Control.

The city parks shall be managed and controlled by, the Mayor or an agent of the Mayor's office of the City of Poth, Texas subject to the supervision and direction of the city council.

Section 3. Purpose.

The city parks shall be used exclusively for park and recreation purposes only.

Section 4. Prohibited acts within the parks.

It shall be unlawful for any person to commit any of the following acts within the parks of the City of Poth, Texas.

- (a) To allow livestock to graze in the city parks.
- (b) To ride horses or other livestock in the parks.
- (c) To play football, baseball, soccer, volleyball or other athletic sports in the pavilion area in a manner that would interfere with the use of the pavilion by persons who have reserved its use.
- (d) To litter the parks.
- (e) To deface trees or property situated in the parks.
- (f) To display or carry a gun or guns in the park.

- (g) To build or maintain a fire except in designated areas.
- (h) To operate a mini-bike, motorcycle or other motorized vehicles off the designated roads within the parks, or to ride a bicycle, skateboard, skates, or roller-blades on or around the walking trail; or play any games or sports inside the walking trails.
- (i) To operate a motor vehicle at a speed in excess of 10 miles per hour.
- (j) To possess or bring into the parks glass containers.
- (k) To bring into the parks any pet unless such pet is on a leash.
- (l) To erect or place in the parks any sign without written authority from the Mayor or Mayor's designated agent
- (m) To discharge firearms or fireworks, firecrackers, rockets, torpedoes, air guns, BB guns, pellet guns, bows and arrows, or sling shots.
- (n) To engage in gambling or games of chance.
- (o) To cut or remove any wood, turf, grass, soil, rock, gravel, sand or fertilizer without written authority from the, Mayor or Mayor's designated agent.
- (p) To participate or engage in any activity where such activity will create a danger or injury to the public or may be considered a public nuisance.
- (q) To consume alcohol in the park except in the pavilion and picnic areas and at non-school and non-youth activities with prior approval of the Mayor or Mayor's designated agent
- (r) To disturb in any manner, any picnic, meeting or gathering within the parks.
- (s) To sell or offer for sale any food, drink, merchandise or services, unless such person has a written permission from the Mayor or Mayor's designated agent.
- (t) To practice, carry on, conduct or solicit for any trade, occupation, business or profession or to circulate any petition or whatsoever kind or character without approval of the Mayor or Mayor's designated agent.
- (u) To play music through an electric amplifier in a loud manner that disturbs other users of the park after being warned at least once by a peace officer.
- (v) To be publicly intoxicated in the park, as defined by Texas Penal Code Section 49.02 (as amended).
- (w) To play on the baseball fields without first obtaining a reservation from city hall and paying the applicable fee.

Section 5. Repeal of Conflicting Ordinances

All or parts of ordinances in conflict herewith are repealed.

Section 6. Camping.

It shall be unlawful for any person to sleep within the parks. Overnight camping shall be at the discretion of the Mayor or designated agent and written permit must first be obtained.

Section 7. Charges.

The city council adopts the charges for the use of park facilities as set forth in exhibit A.

Section 8. Rule and Regulations.

The city council may promulgate additional rules and regulations from time to time in order to set standards of conduct within the city parks.

Section 9. Violation.

Any person who shall violate or fail to comply with any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than \$1.00 nor more than \$500.00.

Section 10. Severability.

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose, the remainder of this Ordinance shall not be affected thereby.

This ordinance should become effective and shall be in full force and effect and on or after its date of passage and publication as required by law.

Approved on the first reading this the 16th day of October, 2006

Passed and approved on this 20th day of November, 2006.