

ORDINANCE 2012-04

AN ORDINANCE OF THE CITY OF RIESEL PROVIDING FOR PARK RULES TO BE FOLLOWED BY ALL USERS OF CITY PARKS; SETTING FORTH ENFORCEMENT PROVISIONS INCLUDING EJECTION FROM PARK AND SUSPENSION OF PARK USAGE; SETTING FORTH A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

To protect its City parks and the enjoyment of those parks by the public, the City of Riesel finds it necessary and proper to establish rules for use of its parks. Thus, in accordance with its authority under Sections 282.002, 331.007 and 331.005 of the Local Government Code, and by virtue of the City's ownership of City parks, the City Council hereby chooses to enact park rules to govern use of the City's parks by the public.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIESEL, TEXAS THAT:

A. The following park rules are adopted:

- 1) Park hours are from 7 a.m. to 9 p.m. and no person shall use the park outside of these established hours;
- 2) No alcoholic beverages are allowed to be used or possessed on the park premises;
- 3) No motorized vehicles, including dirt bikes, all terrain vehicles or golf carts, are allowed in the park in other than designated parking areas;
- 4) No glass containers;
- 5) Pets must be on a leash. Park users must clean up after their pets [no horses, donkeys or livestock allowed];
- 6) No littering;
- 7) Vandalism or damage to park facilities, equipment or vegetation will not be tolerated;
- 8) The park may only be used for recreational purposes. No garage sales, swap meets, flea markets or other business pursuits are allowed to be operated on park premises;
- 9) No loudspeakers;
- 10) No person required to register as a sex offender may use the park; and
- 11) Fighting, gambling or other criminal activity will not be tolerated.

B. Any person who violates these rules is subject to enforcement action ranging from a warning to being suspended from using City parks for a period of one year. This is in addition to and not in place of any criminal or civil proceedings that may be taken against the person for the specific conduct if the conduct that violates the park rules is also a criminal offense under other law or causes damage to the park.

If a police officer of the City finds it proper to order a person off of the park premises because of the seriousness of the violation, the person's refusal to comply with the park rules after being warned by the officer, or the person's repeated violation of the park rules--- the officer shall issue the person a criminal trespass warning and the person is suspended from using City parks for a period of one year. An arrest or citation for a criminal offense committed on park property will automatically result in the one year suspension being imposed. The person shall have the opportunity to appeal the suspension to the municipal judge. An appeal must be made to the municipal judge in writing. Only one appeal can be made per suspension period, but it may be made at any time during the suspension. The

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municipal judge, after hearing the appeal, may: lift the suspension, leave the suspension in place, modify the suspension or lift the suspension subject to conditions imposed by the municipal judge.

C. City staff are directed to erect at least one sign at each City park setting forth the park rules.

D. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portions of this Ordinance, and all the remainder of this Ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Riesel, Texas, hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

E. This Ordinance is effective immediately upon passage.

PASSED this 10th day of July, 2012.



MAYOR

Attest:



CITY SECRETARY