

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 96: PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS.

WHEREAS, the City of Mansfield, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City of Mansfield desires to update the Parks and Recreation Ordinances and the applicable fees as it has not been done in at least 10 years.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:

SECTION 1.

THAT, Chapter 96 of the Code of Ordinances of the City of Mansfield is hereby amended to read as follows:

§ 96.01 DEFINITIONS.

For the purpose of this **chapter**, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~**PARKS.** All that land which may be selected, ordained or acquired by the city for use as parks, parkways, esplanades, median strips or grounds. This term shall also include "playgrounds" as herein defined.~~

~~**PLAYGROUNDS.** Those areas of land that may from time to time be purchased, leased or otherwise placed under the control of the city and used by its Parks and Recreation Department for athletic, recreational or open space purposes, either singly or in cooperation with the City Independent School District or any other agency, corporation or individual.~~

PARK LANDS: Those areas of land that may from time to time be purchased, leased or otherwise placed under the control of the city and used by the Parks and Recreation Department for athletic, recreational or open-spaced purposes, either singly or in cooperation with the Mansfield Park and Facility Development Corporation or any other agency, corporation or individual. To include all land which may be selected, ordained or acquired by the city for use as parks, recreation facilities, parkways, esplanades, median strips or grounds.

FACILITIES: To include playgrounds, recreation centers, athletic fields, pavilions, amphitheaters, rest rooms, concession stands, press boxes and any other building or structure located on Park Lands.

~~(78 Code, § 12-1) (Ord. 319, passed 11-22-76)~~

§ 96.02 PURPOSE.

(A) The purpose of these ~~policies~~ **ordinances** are to provide for proper utilization and maintenance of city parks and **recreation** facilities to ensure that they are maintained and available for the effective utilization by the citizens and the various associations which organize activities on their behalf. ~~This policy identifies~~ **These ordinances identify** that certain organizations coordinate and administer, on a volunteer basis, activities that otherwise would require the efforts of the ~~City Administration~~ **Parks and Recreation Department**. Accordingly, the rate for usage of facilities factors the costs to the organizations for providing the services.

(B) For the purposes of ~~this policy~~ **these ordinances** the organizations are identified as associations that are recognized and sponsored by the city as organizations that support and provide services encouraged by the city to our citizens. These "sponsored associations" include, but are not limited to the youth and adult associations recognized by the ~~City~~ Parks and Recreation Department such as Mansfield Youth Baseball Association, Mansfield Girls' Softball Association, ~~Mansfield Adult Softball Association~~, Mansfield Pee Wee Football Association **and** Mansfield Soccer Association, ~~Mansfield Senior Citizens and Mansfield Independent School District~~.

~~(78 Code, § 12-21) (Ord. 958, passed 4-26-93)~~

§ 96.03 ATHLETIC FIELD RENTAL APPLICATION PROCESS.

Athletic fields shall be used ~~on a first come/first serve basis~~ **reserved by permit**. However, ~~should a team or group want to reserve a field for a specific time and date,~~ An application **to receive a permit** may be obtained from the Parks and Recreation Department.

- (A) *Reservation fees/deposits.* Reservations fees and/or deposits for all **athletic** facilities will be accepted on an in-person basis only with all deposits and/or fees paid in advance. ~~No exceptions!~~ Upon receipt of all fees due, a receipt and permit will be issued. **Sponsored associations will abide by seasonal contracts signed by the Parks and Recreation Director or designee.**

Fees are set as defined and adopted in the annual budget.

- (B) *Practices and Games.* **Athletic** facilities rented for practice **or games** may be reserved no earlier than two weeks ahead of date(s) requested. No more than ~~three~~ **two dates bookings** shall be reserved on one permit per ~~team~~ **individual**. If a practice **or game** is canceled due to weather conditions, the ~~office~~ **Parks and Recreation Department** must be contacted within two days **to reschedule the practice, receive a refund or credit for a future practice or game.** ~~No refunds will be given for rainouts unless an alternate date is not available.~~

Fees are set as defined and adopted in the annual budget.

~~(1) Field usage fee.~~

~~Sponsored associations: \$5/hr, 1.5 hour minimum~~

~~Nonsponsored: \$10/hr, 1.5 hour minimum~~

~~(2) Light use fee.~~

~~Sponsored associations: TU rate + \$2 maintenance fee/hour~~

~~Nonsponsored: TU rate + \$4 maintenance fee/hour~~

- (C) *Tournaments, Camps and Clinics.* Athletic facilities rented for tournaments, camps and clinics may **not** be reserved ~~no earlier than four weeks and no later than~~ **within** two weeks prior to ~~tournament~~ **the event** date. No refunds will be given ~~for any reason~~ after seven days prior to ~~tournament~~ **the event** date. If the ~~tournament~~ **event** is canceled due to weather conditions, the ~~tournament~~ **event** will be rescheduled **or a refund will be given**. ~~Refunds will be given only if an alternate date is not available.~~ All **fees and deposits** are to be paid ~~and keys picked up~~ **later** than one ~~day~~ **week** prior to **the** tournament **start** date. No refunds on deposits will be made until facilities are inspected by the Parks Department.

Fees are set as defined and adopted in the annual budget.

~~Sponsored associations: \$50/field/day, plus applicable light use fee~~

~~Nonsponsored:-~~

~~1 field \$150/day, plus applicable light use fee~~

~~2 fields \$225/day, plus applicable light use fee~~

~~3 fields \$300/day, plus applicable light use fee~~

~~4 fields \$450/day, plus applicable light use fee~~

- (D) *Concession stand*

Fees are set as defined and adopted in the annual budget.

~~(1) Concession stand facilities may be reserved. An application must be submitted at the time field reservations are made. All current fees and deposits will be applied.~~

~~Sponsored associations: 5% of net sales (subject to audit by the Parks Department)~~

~~Non-sponsored associations: \$100 + 5% of net sales~~

~~(2) All fees are nonrefundable and nontransferable except where applicable as stated in this section.~~

(F) *Additional services.* Additional services which are not normally provided by the city, such as special sound and lighting equipment, additional stage facilities, extra electrical and utility services and the like must be furnished solely by the individual or association who agrees to acquire necessary electrical, health, sound and other permits as may be required and to comply with all codes and laws of the city. **If additional services are provided by the city, fees may be applicable.**

Fees are set as defined and adopted in the annual budget.

(G) *Limitation on reservations.* The Parks and Recreation Department reserves the right to limit reservations in an effort to allow all associations or individuals the opportunity to use the facilities.

(H) *Right to cancel reservations/rental.* The Parks and Recreation Department reserves the right to cancel reservations/rentals without advance notice if facility(ies) are unsafe or otherwise not usable. ~~Signs are posted at each facility when closed.~~ For information regarding closings, call ~~473-1943~~ 817-453-1467 after 4:00 p.m. 3:00 p.m.

~~(78 Code, § 12-22) (Ord. 958, passed 4-26-93)~~

PAVILION AND AMPHITHEATER RENTAL APPLICATION PROCESS.

The pavilion and amphitheater facilities located in the city owned parks shall be used on a first come/first serve basis unless reserved through the Parks and Recreation Department. Should an individual, organization or group want to reserve a pavilion or amphitheater for a specific time and date, a permit may be obtained from the Parks and Recreation Department.

(A) *Reservation fees/deposits.* Reservation fees and/or deposits for all pavilion and amphitheater facilities will be accepted at the time the reservation is made. Upon receipt of all fees due, a receipt and permit will be issued. All reservations are subject to approval by the Director of Parks and Recreation or designee. Fees are set as defined and adopted in the annual budget.

MANSFIELD ACTIVITIES CENTER RENTAL APPLICATION PROCESS.

The facilities located in the Mansfield Activities Center shall be rented on a first come/first serve basis. A permit may be obtained from the Parks and Recreation Department.

(A) *Reservation fees/deposits.* Reservation fees and/or deposits for all Mansfield Activities Center facilities will be accepted at the time the reservation is made. Upon receipt of all fees due, a receipt and permit will be issued. All reservations are subject to approval by the Director of Parks and Recreation or designee.

Fees are set as defined and adopted in the annual budget.

PARKS AND RECREATION SPONSORSHIP PROGRAM.

The Parks and Recreation Department may offer a sponsorship program to help offset the expense of offering programs, services and special events as approved by the Mansfield Park Facilities Development Corporation. Participation in the sponsorship program shall be strictly voluntary with the amounts and levels of sponsorship set by the Mansfield Park Facilities Development Corporation. In return, participants in the sponsorship program shall receive recognition at Parks and Recreation events and facilities, advertisements for upcoming events and listed as Title Sponsor depending on the level of sponsorship.

§ 96.04 ELIGIBILITY.

~~(A) No religious service or partisan political gatherings shall be permitted on the facilities. Religious groups shall be permitted to use the facilities for activities of a nonreligious nature.~~

(A) Any individual, group, league or team making a rental application for the a Park and Recreation facility shall not discriminate against any persons on the grounds of race, color, national origin, religion or sex while using property owned by the city.

(78 Code, § 12-23) (Ord. 958, passed 4-26-93) [Penalty, see § 10.99](#)

§ 96.05 POLICY.

(A) The city and its employees shall assume no responsibility for any property placed on or in its facilities or grounds. Further, the city and employees of the city are released and discharged from any and all liability for loss, injury or damage to persons or property, or damages or injuries done to the premises that may be sustained by the use or occupancy of the facilities by any individual or group.

(B) Any group using the facilities agrees to leave the premises in as good or better condition than that which existed prior to their usage or risk losing related deposit.

(A) Glass containers and/or alcoholic beverages are not permitted in the parks, leased facilities or parking lots.

Cross reference: Chapter 130: General Offenses

(D) Any group using the facilities shall agree to abide by and conform to all rules and regulations which may be adopted from time to time by the City Council. All groups using the facilities shall comply with all laws - federal, state and local - including all ordinances of the city and all rules, regulations and requirements of the Police and Fire Departments. The general policies and rules governing the use of any and all facilities may be changed at anytime without notice by the city.

~~(E) The city reserves the right to refuse any group the privilege of using any facility for six months if, during the group's use, the facility is abused or damaged. Any group charged with a second occurrence of such abuse will be barred from making further reservations. In addition, any first occurrence deemed flagrant by the city may be considered grounds to bar a group indefinitely from making further applications or reservations.~~

~~(F) The applicant/sponsor, or his/her appointed representative, receiving the permit and confirming the reservation shall be present at the time of the scheduled activity and shall have the permit with him/her.~~

~~(G) Only city personnel shall be permitted to operate any equipment that is owned by the city. Only city owned or operated equipment shall be used in maintenance of park facilities.~~

~~(H) The athletic fields and facilities should be used with the primary objective being sportsmanship. Any individual or group utilizing these facilities who commits an act that is considered by the city to be unsportsmanlike conduct or physical violence will be suspended. If an appeal is made or requested, representatives from the sports associations will be convened to review the appeal and render a decision.~~

~~(I) Keys are not to be loaned to any other organization or individual. Failure to comply with the provision will result in a \$100 penalty and loss of key privileges to the organization or individual loaning the key.~~

~~—(J)— The hours during which parks, playgrounds and recreational areas are open to the public are 6:00 a.m. until 11:00 p.m. unless otherwise posted or authorized by the city. No loitering is permitted on the premises during hours that the facilities are closed.~~

~~—(K)— Sponsored associations may be credited for fees for work or field improvements contributed to the city in accordance with items that would otherwise be budgeted by the Parks and Recreation Department.~~

~~—(L)— Please keep in mind that each of the playing facilities is designed for a specific sport. As a common courtesy, we ask that each person using the athletic fields respect the design and purpose of each facility. In most cases, activities will be scheduled on whichever facility is best suited to the activity.~~

~~(’78 Code, § 12-24) (Ord. 958, passed 4-26-93) [Penalty, see § 10.99](#)~~

Cross reference:

~~—Consumption or possession of alcoholic beverages in public parks, see § [130.01](#)~~

REGULATIONS

§ 96.20 LIMITATION OF ACTIVITIES BY PERMIT.

(A) It shall be unlawful for any individual to participate in any activity in any ~~park within the city~~ **facility** when the activity will create a danger to the public **health, safety or welfare**, or may be considered a public nuisance. The Director of Parks and Recreation may designate particular locations within parks and playground areas for specific activities and when deemed necessary he/she may limit the conduct of such activities by issuance of a special permit upon application, which permit shall set out the particular conditions under which such activities shall be permitted.

Cross reference: Chapter 35: Code Enforcement

(B) Overnight camping shall be prohibited on any park ~~property lands~~ **except by special permit without written permission** issued by the Director of Parks and Recreation ~~for the activity on special occasions.~~ **unless otherwise permitted or authorized by ordinance.**

(C) It shall be unlawful for any person to sell or offer for sale any foods, drinks, confections, merchandise, **and any items** or services in any park within the city until the person has obtained ~~a written permit~~ **an approved rental permit** issued by the Director of Parks and Recreation **or designee** permitting the sale of the items in the park. **Open air vending is not allowed in the parks, unless otherwise permitted or authorized by ordinance.**

Cross reference: Chapter 94: Food Establishments and Food Handlers

(D) It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatsoever in any park, or to attach any bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure within any park. However, the Director of Parks and Recreation **or designee** may, by written permit, authorize the erection of temporary decorations on occasions of public celebrations or holidays.

Cross reference: Chapter 130: General Offenses

- (E) No solicitation of any kind is allowed in the parks without written approval of the Parks and Recreation Director.

Cross reference: Chapter 98: Streets and Sidewalks

- (F) Alcohol shall be prohibited on any park lands without written permission by the Director of Parks and Recreation, unless otherwise permitted by ordinance.

Cross reference: Chapter 130: General Offenses

~~(78 Code, § 12-9) (Ord. 319, passed 11-22-76)~~ [Penalty, see § 10.99](#)

§ 96.21 VANDALISM - DAMAGE OR REMOVAL OF PROPERTY.

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

~~(78 Code, § 12-10) (Ord. 131, passed 4-11-61; Ord. 319, passed 11-22-76)~~ [Penalty, see § 10.99](#)

Cross reference: Chapter 130: General Offenses

Statutory reference:

Criminal mischief, see Tex. Penal Code, § 28.03

§ 96.22 DRIVING OF VEHICLES AND OR RIDING OF ANIMALS IN PARKS.

(A) The lawful maximum ~~prima facie~~ reasonable and prudent speed limit on all roadways, drives and parking areas within any park in the city shall be 15 miles per hour.

(B) Where vehicle parking lots or areas have been set aside in any park in the city, no vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within the park, and vehicles shall be parked in the parking lots or areas as designated and not elsewhere **without prior approval of the Parks and Recreation Director.**

(C) It shall be unlawful for any person to drive or propel any vehicle over or through any park except along or upon park drives or park boulevards, and it shall be unlawful for any person to ride ~~or drive~~ any horse or other animal over or through any park except along and upon the designated ~~bridle paths~~ **equestrian trail** and driveways in the park **without prior approval of the Parks and Recreation Director.**

~~(78 Code, § 12-11) (Ord. 319, passed 11-22-76; Ord. 794, passed 9-26-88)~~ [Penalty, see § 10.99](#)

§ 96.23 TEASING, INJURING OR KILLING ANIMALS.

It shall be unlawful for any person to tease, annoy, molest, catch, injure or kill, or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal, bird, fowl or fish in any park of the city. **Texas Parks and Wildlife regulations are posted at designated bodies of water regarding fishing.**

~~(’78 Code, § 12-12) (Ord. 319, passed 11-22-76)~~ [Penalty, see § 10.99](#)

Cross reference:

Animals, see [Ch. 90](#)

Statutory reference:

Cruelty to animals, see Tex. Penal Code, § 42.09

§ 96.24 CURFEW IN PARKS.

It shall be unlawful for any person other than law enforcement personnel or employees of the Department of Parks and Recreation to enter or remain in any portion of a park, playground or recreational area when the area is closed to the public. The times during which an area is open to the public shall be posted by the city. Unless otherwise posted by the city, the hours during which parks, playgrounds and recreational areas are open to the public are ~~6:00 a.m.~~ **5:00 a.m.** to 11:00 p.m. A special permit may be granted by the city for organized sports or special events which last past 11:00 p.m. **or begin earlier than 5:00 am**, in which case the area containing the permitted activity shall remain open to the public until the activity ends, at which time the area shall be closed to the public. ~~The fee for the permit shall be set by the city with approval of the City Manager.~~

~~(’78 Code, § 12-13) (Ord. 403, passed 2-11-80; Ord. 771, passed 3-14-88)~~ [Penalty, see § 10.99](#)

§ 96.25 GLASS CONTAINERS PROHIBITED.

It shall be unlawful for any person to possess in any public park within the corporate limits of the city any glass container. ~~designed to contain a beverage intended for human consumption.~~

~~(’78 Code, § 12-14) (Ord. 762, passed 12-14-87)~~ [Penalty, see § 10.99](#)

ADMINISTRATION AND ENFORCEMENT

§ 96.35 DEPARTMENT OF PARKS AND RECREATION ESTABLISHED; DIRECTOR.

There is hereby established a department of city government to be known as Department of Parks and Recreation. A Director of Parks and Recreation shall be appointed by the City Manager and shall be responsible to the City Manager for the conduct and affairs of the Department.

(’78 Code, § 12-8) (Ord. 319, passed 11-22-76)

§ 96.36 REGULATIONS AND ACTS DECLARED A GOVERNMENTAL FUNCTION.

All of the regulations and acts of the Parks and Recreation Department performed and to be performed in accordance with the provisions herein in the operation and maintenance of the park system of the city are hereby declared to be governmental and for the benefit of the general public. Any member of the City Council, the Parks and Recreation Department and any city official or employee charged with the enforcement of the provisions of this **chapter** acting for the city in the discharge of his/her duties hereunder shall not thereby render him/herself personally liable.

(’78 Code, § 12-7) (Ord. 319, passed 11-22-76)

§ 96.37 PARKS AND RECREATION BOARD.

(A) *Established; membership.* There is hereby ~~an~~ established **Mansfield Park Facilities Development Corporation board that also serves as the** a Parks and Recreation Board consisting of seven members appointed by the City Council. No person shall be eligible for appointment to membership to the Board who is not a resident of the city. **Members of the board shall not receive any salary or compensation for their services, except that they shall be reimbursed for their actual expenses incurred in the performance of their official duties as officers. The Mansfield Park Facilities Development Corporation has established Articles of Incorporation and Bylaws regarding Purpose, Board of Directors, Offices, Financial Corporate Duties and Requirements, and miscellaneous Provisions.** ~~The members of the Board shall serve without compensation. but may be reimbursed for all expenses reasonably incurred by them in the performance of their duties as members of the Board when expenses have received prior authorization by the City Council. (’78 Code, § 12-2)~~

(B) ~~*Term of office.* The term of office of members of the Board subject to the provisions relative to removal therefrom shall be two years, the terms to begin from the first regular meeting of the City Council in May of each year. Three members shall be appointed in odd years and four members shall be appointed in even years. (’78 Code, § 12-3)~~

~~(C) *Removal; vacancies.* Members of the Parks and Recreation Board shall be subject to removal from office and may be removed from office by the City Council. Any vacancy in the membership of the Board shall be filled by the City Council for the unexpired term of the member whose place has, by removal or otherwise, become vacant. (’78 Code, § 12-4)~~

~~(D) *Organization.* The Parks and Recreation Board shall select a Chairman and Secretary from its membership who shall serve as the officers of the Board for the period that shall be determined by a majority of the membership of the Board. The Secretary shall keep minutes of each meeting and the minutes shall be of public record. All meetings shall conform to the state open meetings law. (’78 Code, § 12-5)~~

~~(E) *Powers, jurisdiction, scope of activities.* The Parks and Recreation Board, subject to the authority of the City Council, shall serve in an advisory capacity concerning the acquisition, maintenance, operation and use of parks, playgrounds and open spaces in the city. The Board further shall have the responsibility on or before each July first of presenting to the Director of Parks and Recreation a proposed budget for the next fiscal year accompanied by a five year capital improvement program. (’78 Code, § 12-6)~~

~~(Ord. 319, passed 11-22-76)~~

Statutory reference:

Open meetings law, see Tex. Gov't code §§ 551.001 et seq.

SECTION 2.

THAT, this ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

SECTION 3.

THAT, it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the value judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

THAT, any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon the conviction, in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

THAT, this Ordinance shall be effective from and after its adoption and publication as required by law.

PASSED AND ADOPTED on the first reading this 28th day of May, 2013.

PASSED AND ADOPTED on the second reading this 10th day of June, 2013.

PASSED AND ADOPTED on the final reading this 24th day of June, 2013.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney