

**ORDINANCE NO. 646-B**

**AMENDMENTS TO ORDINANCE NO. 646, "PARK AND RECREATION BOARD," AND SOUTHLAKE CITY CODE, SECTION 12-77, REVISING THE NUMBER OF PARK BOARD MEMBERS AND THE LENGTH OF TERMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Southlake, Texas, deems it advisable and necessary to establish a Park and Recreation Board for the City of Southlake, to act as an advisory board to the City Council relating to all nature of park improvements and recreation programs; and

**WHEREAS**, the City Council deems it advisable and necessary to establish a Youth Parks and Recreation Board for the City of Southlake, to act as an advisory board to the Park and Recreation Board relating to recreation programs and park improvements; and

**WHEREAS**, the City Council deems it advisable and necessary to prohibit certain types of conduct within city parks;

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

Section 1. Creation of the Park and Recreation Board. There is hereby established the Park and Recreation Board for the City of Southlake, Texas, hereinafter referred to as the "Board."

Section 2. Number of Board Members, Qualifications and Terms. The Board shall consist of seven (7) citizens of the City of Southlake, Texas, and who shall be appointed by the City Council for two (2) year terms, effective beginning with appointments made on or after June 1, 2000. Members shall serve until their successors are appointed, without compensation. Places on the Board shall be numbered one (1) through seven (7).

The city council in making the appointments to the Board, shall give due consideration to the recommendations of the Chamber of Commerce, Planning and Zoning Commission, and the Park and Recreation Board. The City Council if it deems it desirable, may appoint ex officio members to the board. In addition, the chairperson of the Youth Park and Recreation Board shall serve as an ex officio member of the board. Such ex officio members shall be appointed on an annual basis and the term of office of such ex officio members shall begin on January 1<sup>st</sup> of each year and end on December 31<sup>st</sup> of that year. Such ex officio members shall have no voting authority for park and recreation matters. Vacancies on the board are to be filled by appointment by the City Council for the length of the unexpired term.

Section 3. Board Meetings and By-Laws. The Board, shall meet in the first regular session of each year and shall select from the members a chairman, vice-chairman, and secretary for one year terms and until their successors are elected. The Board shall adopt by-laws to govern the holding of its meetings which, at a minimum, shall encompass the following:

- a. Regular meetings shall be held on the second Monday of each month.
- b. Manner of holding and calling of special meetings.
- c. Majority of members shall constitute a quorum.
- d. Members not planning to attend a regular meeting or special meeting shall notify the City Secretary or the Chairman of the Board by 12:00 o'clock noon of the meeting day.
- e. Any member with unexcused absences from two (2) consecutive regular meetings or not exhibiting interest in the work of the Board shall be reported to the City Council which may, at its discretion, remove the Board member and appoint a replacement.
- f. Minutes of each Board meeting shall be filed with the City Secretary.

Section 4. Board Duties and Responsibilities. The duties and responsibilities of the Park and Recreation Board shall be to:

- a. Act in an advisory capacity to the City Council in all matters pertaining to parks and recreation including development of long range capital improvements programs.
- b. Cooperate with other City boards and commissions, other governmental agencies, civic groups, and all citizens of the city in the advancement of sound park and recreation planning and programming.
- c. Recommend policies for recreation services and park improvements.
- d. Recommend programs for development of recreational areas, facilities and improved recreation services.
- e. Recommend the adoption of standards for recreational areas, facilities and their financial support.
- f. Review an annual report of existing park and recreation programs and services.
- g. Review the annual budget of the park and recreation programs prior to submission to the City Council and submit a recommendation on the budget.

Section 5. Creation of a Youth Park and Recreation Board. There is hereby established the Youth Park and Recreation Board for the City of Southlake, Texas, hereinafter referred to as the "Youth Board."

Section 6. Number, Qualifications and Terms.

- a. The Youth Board shall consist of seven (7) citizens of the City of Southlake, Texas, who must be students enrolled in school in grades seven through twelve. The Park and Recreation Board shall appoint members for two (2) year terms. The Board shall appoint the members using the following procedure:

- (1). Interested persons meeting the qualifications shall submit an application to the Director of Parks and Recreation.
  - (2). An interview committee, comprised of four members, one Park and Recreation Board member, one member of City staff, as appointed by the Park and Recreation Director, one Board member of the Southlake Park Development Corporation, and one member of the Youth Park Board, shall review the applications and conduct interviews if appropriate.
  - (3). The committee shall make recommendations for members to the Park and Recreation Board, ensuring an even distribution among the age of the applicants.
- b. The Board shall appoint members who shall serve until their successors are appointed, without compensation.
  - c. Places on the Board shall be numbered one (1) through seven (7). Vacancies shall be filled in the same manner provided for regular appointments. In making the initial appointments, the Parks and Recreation Board shall appoint four (4) members of the Youth Board for two-year terms and three members for one-year terms.

Section 7. Youth Board Meetings and By-Laws. The Youth Board, shall meet in the first regular session of each year and shall select from the members a chairman, vice-chairman, and secretary for one year terms and until their successors are elected. The Youth Board shall adopt by-laws to govern the holding of its meetings which, at a minimum, shall encompass the following:

- a. Regular meetings shall be held once each month.
- b. Manner of holding and calling of special meetings.
- c. Majority of members shall constitute a quorum.
- d. Members not planning to attend a regular meeting or special meeting shall notify the Director of Park and Recreation or the Chairman of the Youth Board by 12:00 o'clock noon of the meeting day.
- e. Any member with unexcused absences from two (2) consecutive regular meetings or not exhibiting interest in the work of the Youth Board shall be reported to the Park and Recreation Board which may, at its discretion, remove the Board member and appoint a replacement.
- f. Minutes of each Youth Board meeting shall be filed with the City Secretary.

Section 8. Duties of the Youth Park and Recreation Board. The duties and responsibilities of the Youth Park and Recreation Board shall be to:

- a. Act in an advisory capacity to the Park and Recreation Board in all matters pertaining to parks and recreation, including development of long range capital improvement programs.
- b. Recommend policies for recreation services and park improvements.

- c. Recommend youth-related programs for development of recreational facilities, areas and improved recreation services.
- d. Prepare and submit to the Park and Recreation Board an annual review of youth-related parks and recreation programs and services.

Section 9. Definitions.

- a. Alcoholic Beverage shall be defined to include any alcohol and any beverage containing more than one-half (1/2) of one percent of alcohol by volume which is capable of use for beverage, either alone or when diluted.
- b. City park shall be defined to be any park, playground or recreational area owned, leased, operated or under the control of the City of Southlake. This definition shall include any athletic field, swimming pool, gymnasium, tennis court, and other similar facility owned by the Carroll Independent School District and specified in the joint-use agreement between Carroll Independent School District and the City of Southlake.

Section 10. Alcoholic Beverages Prohibited. It shall be unlawful for any person to possess or consume any alcoholic beverage in any city park.

Section 11. Riding or Driving Horses in City Park. Except on designated horse trails, it shall be unlawful for any person to drive or ride a horse or horses within any city park.

Section 12. Riding or Driving Off-Road Vehicles in City Park. Except on designated off-road trails, it shall be unlawful for any person to drive or ride an off-road vehicle within any city park. For the purposes of this section, an off-road vehicle is a vehicle designed and equipped for use of any paved roadway with such definition to specifically include off-road motor bikes, go-carts, and dune buggies.

Section 13. Vehicular Traffic Prohibited in Certain Areas. Except in designated overflow parking areas, it shall be unlawful for any motor vehicle to stand, stop, park or cross onto or into any portion of a city park other than upon a roadway or parking area so designated for such purposes.

Section 14. Time limitations on Public Use of Park. Except for a city sponsored event, it shall be unlawful for any person to use, enter into or be within a city park during any posted hours which the park is closed.

Section 15. Littering. Littering is hereby prohibited in any city park. Littering shall include leaving trash or other items by persons picnicking within a city park and not placing trash and other items in appropriate trash receptacles provided in such park.

Section 16. Firearms Prohibited. It shall be unlawful for any person to carry on or about himself or to discharge a gun, pistol, rifle, or other firearm within any city park except that a person duly licensed by the State of Texas to carry a concealed handgun may carry a concealed handgun in accordance with State Law.

Section 17. Rollerblading prohibited except in designated areas. It shall be unlawful for any person to use rollerblades on tennis courts and other posted areas in any city park.

Section 18. Hitting Golf Balls Prohibited. Except in designated areas, it shall be unlawful for any person to hit golf balls in city parks.

Section 19. Smoking Prohibited Except in Designated Areas. It shall be unlawful to smoke in bleachers, dugouts, or other congested outdoor areas at city parks.

Section 20. Bicycling Prohibited in Certain Areas. It shall be unlawful for any person to ride a bicycle on other than an improved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy areas or wooded trail or on any paved area reserved for pedestrian use only.

Section 21. Glass Containers Prohibited in City Park. It shall be unlawful for any person to possess a glass container in a city park.

Section 22. Variances. The City Manager may issue special permits or grant variances to the provisions of this ordinance. The Southlake Park and Recreation Board will make recommendations regarding variances to the City Manager. A special permit variance shall not be granted by the City Manager unless a written request is submitted which demonstrates:

- a. Special circumstances exist which are peculiar to the applicant's ability to utilize city parks; and
- b. That use of the city park by other groups or individuals will not be adversely affected by granting the special permit variance.

Section 23. This ordinance shall be cumulative of all provisions of ordinances of the City of Southlake, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Ordinance No. 515 is hereby repealed in its entirety.

Section 24. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section 25. Any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 26. All rights and remedies of the City of Southlake are expressly saved as to any and all violations of the provisions of Ordinance No. 515 or any other ordinances affecting city parks which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 27. The City Secretary of the City of Southlake is hereby directed to publish the proposed ordinance or its caption and penalty together with a notice setting out the time and place for a public hearing thereon at least ten (10) days before the second reading of this ordinance, and if this ordinance provides the imposition of any penalty, fine or forfeiture for any violation of any of its provisions, then the City Secretary shall additionally publish this ordinance or its caption and penalty in the official City newspaper one time within ten days after passage of this ordinance, as required by Section 3.13 of the Charter of the City of Southlake.

Section 28. This ordinance shall be in full force and effect from and after its passage and publication as required by law, and is so ordained.

June PASSED AND APPROVED ON FIRST READING ON THIS 20 DAY OF  
, 2000.

Beth Starn  
MAYOR

ATTEST:

Doreen K. Hubbard  
CITY SECRETARY

July PASSED AND APPROVED ON THE SECOND READING ON THIS 18 DAY OF  
, 2000.

Beth Starn  
MAYOR

ATTEST:

Doreen K. Hubbard  
CITY SECRETARY

EFFECTIVE: July 21, 2000

APPROVED AS TO FORM AND LEGALITY:

Alle S. Taylor  
City Attorney