

ORDINANCE NO. 087-025

ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF ADDISON, BY ADDING THERETO CHAPTER 10.1, PARKS AND RECREATION, PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY TO ALL PARK PROPERTIES; PROHIBITING DISFIGURATION AND REMOVAL; PROHIBITING LITTERING; PROHIBITING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR PARKING; PROHIBITING LOITERING; PROHIBITING VENDING AND PEDDLING; PROVIDING FOR CLOSED AREAS; PROVIDING FOR GAMES; MAKING CERTAIN CONDUCT PROHIBITED; PROVIDING FOR REQUEST BY DIRECTOR TO STOP OR LEAVE; PROVIDING FOR CONFISCATION OF CERTAIN ARTICLES; PROVIDING FOR POLICIES, PROCEDURES AND REGULATIONS; PROVIDING FOR RESTRICTION OF USE OF CERTAIN AREAS TO MEMBERS AND GUESTS; PROVIDING FOR PROCESS FOR MEMBERSHIP; PROHIBITING FALSE REPRESENTATION OF RESIDENCY; PROVIDING FOR FAILURE TO EXHIBIT MEMBERSHIP CARD; PROVIDING FOR MEMBERSHIP FEE; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS:

SECTION 1. That the Code of Ordinances, Town of Addison,

Published 5/21/87



Texas, be, and the same is hereby amended by adding thereto Chapter 10.1, Parks and Recreation, which shall read as follow:

Chapter 10.1

PARKS AND RECREATION

ARTICLE I. PARKS GENERALLY

Sec. 10.1-1. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. "City" or "Town" means the Town of Addison, Texas.

B. "Director" means the Recreation Manager for the Town of Addison or his or her designee.

C. "Town Park" means that area designated by the Town as a park and which is located south of Sidney Drive and west of Woodway Drive.

D. "AAC" means Addison Athletic Club which is located at 3900 Beltway Drive, Addison, Texas.

E. "TCAC" means Trinity Christian Athletic Complex located at 17001 Addison Road, Addison, Texas, and being more specifically described in the Lease Agreement between the Town and Trinity Christian Academy dated July 1, 1986.

F. "Park Property" means any park, athletic facility, reservation, playground, recreation center or any other area in the City, owned or used by the City and devoted to active or passive recreation and specifically includes, but is not limited to, Town Park, AAC, TCAC and all other areas acquired or used by the Town for such purpose.

G. "City Council" or "Council" means the City Council of the Town of Addison, Texas.

H. "Police Department" means the Addison Police Department and every officer thereof.

I. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

J. "User" means any authorized to be present on Park Property other than Addison employees.

K. "Addison Membership Card" means a photographic identification card issued by Addison to persons upon showing proof of Addison residency as provided in Sec. 10.1-16, and payment of the fee, if any.

Sec. 10.1-2. Applicable to All Municipal Park Properties. Unless otherwise specified, the terms of this ordinance shall apply to all Park Property as that term is defined herein.

Sec. 10.1-3. Disfiguration and Removal Prohibited. No person on Park Property shall willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any building, tables, benches, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, recreation sporting goods, towels, weight training equipment and other health or athletic equipment or accessories, trees or landscaping materials, televisions, furniture, carpet or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

Sec. 10.1-4. Littering Prohibited. No person shall deposit or leave in or on any Park Property any glass, bottles, broken glass, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No such refuse or trash shall be placed or left anywhere on the grounds thereof, but shall be placed in the proper receptacles, where provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the Park Property by the person responsible for its presence, and properly disposed of elsewhere.

Sec. 10.1-5. Possession and Consumption of Alcoholic Beverages Prohibited. No person shall bring any alcoholic beverages into or onto any Park Property nor shall any person drink alcoholic beverages at any time on any Park Property except as allowed by the City Council.

Sec. 10.1-6. Parking. No person shall park a vehicle in other than an established or designated parking area, and

such use shall be in accordance with any posted directions thereat and with the instructions of any attendant who may be present.

Sec. 10.1-7. Loitering Prohibited. No person shall remain, stay or loiter in or on any Park Property after the hours for closing set and determined by the Director and approved by the Council. No person shall sleep over night on the seats, benches, couches or other areas on Park Property.

Sec. 10.1-8. Vending and Peddling Prohibited. No person on Park Property shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Concessionaires acting by and under the express written authority and regulation of the Director are excepted.

Sec. 10.1-9. Closed Areas. No person on Park Property shall enter an area posted as "Closed to the Public" nor shall any person use, any area in violation of posted notices.

Sec. 10.1-10. Games. No person on Park Property shall take part in any games involving thrown or otherwise propelled objects such as stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, soccer or hockey is prohibited except on the fields and courts or areas provided therefor.

Sec. 10.1-11. Prohibited Conduct Generally. In the interest of the public health, safety and welfare, each of the following enumerated acts is forbidden and unlawful on Park Property:

- a. diving off the shoulders of another person in the AAC pool and spa.
- b. running along the banks of the pool in the AAC.
- c. splashing water on other persons in such a manner as to interfere with others or using the AAC pool in such a manner as to create disorder or disturbances.

- d. cursing, swearing or using indecent language.
- e. creating a disturbance or unnecessary or boisterous noises.
- f. throwing racquets, metal objects or other items manufactured of hard material in, on or around the basketball courts, tennis courts, racquetball courts or tracks.
- g. taking or permitting dogs or other pets within the Park Property unless on a leash.
- h. climbing fences.

Sec. 10.1-12. Request by Director to Stop or Leave. When the Director, in his or her sole discretion and judgment, determines that a person is behaving in a manner or is performing an act which is likely to endanger or is endangering the health, safety or welfare of himself or of other users, guests, employees of Addison or other persons, the Director may ask the person to cease his activity. Upon the person's refusal to so cease, or upon his resumption of the same or similar activity, the Director may ask such person to leave the Park Property. It is unlawful and an offense to disobey a lawfully issued order of the Director.

Sec. 10.1-13. Confiscation of Certain Articles. The Director may confiscate and hold any sharp, pointed object or any article which is inappropriate to the use of Park Property and equipment or which may cause injury. Such article will be returned to the person upon his departure from Park Property.

Sec. 10.1-14. Policies, Procedures and Regulations. From time to time, the City Council may set specific policies, procedures and regulations for all of the Park Properties or any of them. It is unlawful and an offense to fail to comply with all such policies, procedures and regulations.

Article II. AAC AND TCAC

Sec. 10.1-15. Use Restricted to Members and Guests. The use of the grounds, facilities and equipment of the AAC and TCAC is restricted to bona fide members of AAC and TCAC and guests of such members. For purposes of this article, "bona fide members" means adult Addison residents, and their dependents aged 8-18 having a valid Texas Department of

Public Safety driver's license or identification card which shows a current valid Addison address. Another form of positive identification may be required by the Director. Birth certificates of dependent children may be requested in order to establish age.

Sec. 10.1-16. Process for Membership. Any adult person who is a current resident of the Town may make an application at the AAC for bona fide membership on an application form prescribed by the Town. Upon presentation of proof of residency as required hereinabove at Sec. 10.1-15 and upon completion of the application process and payment of fees, if any, the applicant will be issued a photograph membership card.

Sec. 10.1-17. False Representation of Residency Prohibited. It is unlawful and an offense for a person to knowingly make a false representation on any document or to present to Addison employees any document containing false information in order to gain membership in AAC or TCAC. It is unlawful and an offense for a person to knowingly give false verification of residency of a tenant of rental property to Addison employees in order for the tenant to gain membership in AAC or TCAC.

Sec. 10.1-18. Failure to Exhibit Membership Card. Members shall present Addison membership cards upon request by the Director or the Police Department. Failure to produce and exhibit such card may result in ejection from Park Property.

Sec. 10.1-19. Membership Fee. A non-refundable fee for processing the application for membership shall be charged at the time of application or reapplication. The amount of the fee shall be determined by the City Council.

Sec. 10.1-20. Enforcement.

a. Ejection. The Director and Police Department shall have the authority to eject from the Park Property any person acting in violation of this ordinance.

b. Revocation and suspension. In addition to all other remedies available, the Director may revoke or suspend the membership of any person who violates or fails to comply with the terms of this article or any policies, procedures or regulations concerning Park Property.

SECTION 2. All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty of fine only not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

Section 5. The fact that the present code of Ordinances does not provide for parks and recreation regulation and is therefore, inadequate to properly safeguard the general public health and safety, creates an emergency and an imperative public necessity, and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED by the City Council of the Town of Addison, Texas, this the 12 day of May, 1987.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

Published

