

PLANO CITY COUNCIL

WILL CONVENE INTO SPECIAL CALLED SESSION AT 5:00 P.M., SEPTEMBER 14, 2007, IN THE PLANO MUNICIPAL BUILDING, 1520 K AVENUE, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

Special Called Session

- I. **An Ordinance** to amend Sections 15-3 Prohibited Activities and 15-4 Activities Allowed with a Permit or Facility Use Agreement of Article 1, Chapter 15 Parks and Recreation of the Code of Ordinances of the City of Plano; providing a repealer clause, a severability clause, a penalty clause, a publication clause and an effective date.

In accordance with the provisions of the Open Meetings Act, during Special Called Sessions, agenda items will be discussed and votes may be taken where appropriate. The City Council may convene into Executive Session to discuss posted items in the session as allowed by law.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable	
<input type="checkbox"/> Consent	<input type="checkbox"/> Regular	<input type="checkbox"/> Statutory	Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	9/14/07		Reviewed by Legal <i>JW</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Legal		Initials	Date	
Department Head	Diane Wetherbee		Executive Director		
Dept Signature:	<i>Diane Wetherbee/ki</i>		City Manager	<i>[Signature]</i>	9/11/07
Agenda Coordinator (include phone #): Lynne Jones - 7109					

ACTION REQUESTED: ORDINANCE RESOLUTION CHANGE ORDER AGREEMENT
 APPROVAL OF BID AWARD OF CONTRACT OTHER

CAPTION

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTIONS 15-3 PROHIBITED ACTIVITIES AND 15-4 ACTIVITIES ALLOWED WITH A PERMIT OR FACILITY USE AGREEMENT OF ARTICLE 1, CHAPTER 15 PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

FINANCIAL SUMMARY

NOT APPLICABLE OPERATING EXPENSE REVENUE CIP

FISCAL YEAR:	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	0	0	0
BALANCE	0	0	0	0

FUND(s):

COMMENTS:

SUMMARY OF ITEM

This Ordinance revises provisions of regulations related to park facilities and areas

List of Supporting Documents:

n/a

Other Departments, Boards, Commissions or Agencies

n/a

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PLANO, TEXAS AMENDING SECTIONS 15-3 PROHIBITED ACTIVITIES AND 15-4 ACTIVITIES ALLOWED WITH A PERMIT OR FACILITY USE AGREEMENT OF ARTICLE 1, CHAPTER 15 PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE CITY OF PLANO; PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A PENALTY CLAUSE, A PUBLICATION CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Council has previously adopted regulations for park facilities and areas; and

WHEREAS, the Council finds that several provisions of its regulations should be revised to provide for restrictions for unauthorized entry into park facilities, allowing amplification to be consistent with other City ordinances, and restrictions on sign use, etc.

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

Section I. The Council hereby adopts the findings set forth above.

Section II. Sections 15-3 "Prohibited activities" and 15-4 "Activities allowed with a permit or facility use agreement" of Article 1, Chapter 15 Parks and Recreation of the Code of Ordinances of the City of Plano are hereby amended to read in their entirety as follows:

"Sec. 15-3. Prohibited activities.

(a) It shall be unlawful for any person to knowingly do any of the acts specified in this section in or upon any park facility, except as otherwise specifically provided:

- (1) *Alcohol.* To sell, possess, or consume alcoholic beverages with the following exceptions:
 - (a) The sale or serving of alcoholic beverages by the city for on-premise possession and consumption shall be permitted at city operated municipal golf courses.
 - (b) The sale or serving of alcoholic beverages by the city for on-premise possession and consumption shall be permitted at city events authorized by permit or facility use agreement in the amphitheater at Oak Point Park and Nature Preserve.
 - (c) The director of parks and recreation or his designee may enter into facility use agreements for consumption and possession of open containers of alcoholic beverages within the amphitheater at Oak Point Park and Nature Preserve.

This provision does not apply to the sale or service of alcoholic beverages in the amphitheater at Oak Point Park and Nature Preserve except as allowed in section 15-3(a)(1)(b) above. The requestor must provide an approximate number of people expected to attend the event and comply with all city requirements for protection of the health, safety and welfare of the community. In cases of multiple requests, permits or facility use agreements shall be granted on a first come, first serve basis.

- (2) *Weapons.*
- a. To carry a concealed handgun, as that term is defined in section 14-5 of the Code of Ordinances of the City of Plano, in a city park, except those persons who are duly licensed by the state to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act.
 - b. To carry or discharge firearms (unless permitted under subsection (2)a. above, fireworks, air guns, bows and arrows, slingshots or any device which would or could project any object which would or could create a fire hazard or any hazard or danger to the public, except with written approval of the parks and recreation director.
- (3) *Unauthorized entry onto Reserved Facilities/Scheduled Activities.* To enter onto a reserved facility or area, or a location where scheduled activities are occurring, during the period that the area or facility is reserved or during the scheduled activity and remain or return there after the person has been given notice to leave. Reserved facilities and areas, and scheduled activities, include but are not limited to: indoor and outdoor facilities, meeting rooms, gathering areas, camps, and classes.
- (4) *Restroom use.* To enter, remain or linger in, near, or about a public restroom located at or in a park facility for the purpose of engaging in or soliciting any lewd and lascivious or criminal activity. Any person over the age of six (6) years shall not use the restrooms and washrooms designated for the opposite sex. It is a defense, however, for any person regardless of age, to enter an otherwise unoccupied restroom or washroom of the opposite sex for the purpose of assisting a disabled person of the opposite sex.
- (5) *Tobacco use.* To use or consume any tobacco products while seated in or within twenty (20) feet of a bleacher provided for spectators at outdoor athletic events or activities; in baseball/softball field plaza areas; in a park restroom or inside the border of a playground. Use or consumption of tobacco products is

allowed in all other outdoor areas of a park facility unless otherwise prohibited.

- (6) *Controlled access.* To enter any controlled access portion or any specially designated area of any park facility, except for authorized city personnel.
- (7) *Environmental disturbance.* To destroy, damage, deface or remove shrubbery, trees, soil, grass, turf or other vegetation, rock, minerals or any other personal or real property.
- (8) *Fires.* To make or kindle a fire except in public stoves, grills, fire pits, or designated areas provided for that purpose. Fires shall not be left unattended and must be extinguished prior to departure. The director may prohibit all fires in public parks during those periods that he, in his sole discretion, determines that extreme dry weather, high winds or other conditions endanger public health and safety. Notice to the public of any burn ban shall be by press release and publication on the city's web page.
- (9) *Swimming.* To swim in, wade in, bathe in, any fountain, pond, lake or stream.
- (10) *Golfing.* To hit golf balls of any type in a park facility, except in areas specifically designated for this purpose.
- (11) *Signs.* To erect any permanent sign on or in any parks facility or area. Temporary signs are permitted only on reserved facilities and area, permitted events, and scheduled activities for the duration of the permitted use or reservation, notwithstanding the provisions set forth in Sec. 6-491 of Chapter 6 of the City Code of Ordinances.

(b) None of the above provisions apply to city employees, its agents or contractors in the performance of maintenance, construction or repair duties for any park facility.

Sec. 15-4. Activities allowed with a permit or facility use agreement.

(a) *Generally.* It shall be unlawful for any person to do any of the acts specified in this section in or upon any park facility except with a permit or facility use agreement issued by the director or his designee. If a permit or facility use agreement is issued under this section, the director or his designee may limit the activity to a designated park facility.

- (1) *Park hours.* To enter or remain in any park facility between the hours of 11:00 p.m. and 5:00 a.m. unless different hours for the park facility have been designated.

Id.

- (2) *Sale of goods and services.* To sell or offer for sale any food, drinks, confections, merchandise, or services unless provided through a city concessions contract or permit.
- (3) *Commercial or business activities.* To conduct any commercial or business activities of any kind for which: any participation or admission fee is charged or revenue is otherwise derived; or, distributing commercial promotional materials or advertising.
- (5) *Hunting.* To hunt, trap, kill, remove or release any animal; provided however, that fishing shall be permitted subject to Texas Parks and Wildlife Rules and Regulations.
- (6) *Animals.* To ride, drive, lead, or let loose any animal, reptile or fowl of any kind, except in designated areas. These restrictions shall not apply to dogs and cats when restrained by a leash not more than six (6) feet long. Such leash shall at all times serve as a connection between the dog or animal and the person that accompanies the dog or other animal. No person shall tie or restrain an animal by attaching its leash to fencing, trees, benches, bleachers, poles or other park facility infrastructure. Dogs and other animals are not permitted inside park facility buildings, swimming facilities or playground areas. Any person accompanying a dog or other animal shall immediately clean up any feces left by such animal. Animals that are trained to assist the handicapped are permitted in all park facilities.
- (7) *Camping.* To camp overnight in or upon any park facility.
- (8) *Boats.* To operate a boat on any body of water.
- (9) *Aircraft.* To ascend, descend, operate, or launch any aircraft, including but not limited to hot air balloons, airplanes, paraplanes, ultralights helicopters, and gliders.
- (10) *Models.* To launch or operate model rockets, model airplanes, model gliders, model boats, or model vehicles.
- (11) *Sound amplification.* To use any type of sound amplification devices which include but are not limited to loudspeakers, amplifiers or microphones. A permit that is granted under this section must be consistent with the provisions of section 14-88(4) of Chapter 14, Offenses and Miscellaneous of the City Code.
- (12) *Motor vehicle and motorized device use.* The regulations and restrictions specified in this section govern both licensed and unlicensed motor vehicles and motorized devices in the outdoor

areas and facilities owned, leased, or otherwise controlled by the City of Plano Parks and Recreation Department.

- a. *Motor vehicles.* A person commits an offense by operating, driving, or riding any motor vehicle within a park facility on a surface other than a road, street, or parking lot. This provision is not applicable to city motor vehicles, emergency vehicles, or motor vehicles that have received a city permit authorizing its operation.
- b. *Motorized devices.* A person commits an offense by operating, driving, or riding any motorized device in a park facility other than improved roads, streets, or parking lots. This provision is not applicable to city motorized devices, to motorized devices that have received a city permit authorizing its operation, to golf carts operated on a city maintained golf course, or motorized devices used to assist handicapped or physically impaired individuals.
- c. *Speed limit.* A person commits an offense by operating a motor vehicle, motorized device, or bicycle within a park facility at a speed greater than fifteen (15) miles per hour, except where otherwise posted.
- d. *Parking.* A person commits an offense by parking a motor vehicle, other than a city vehicle, within a park facility at any place not designated as a parking area. Motor vehicles in violation of this subsection may be either issued a citation or towed and stored at the owner or operator's expense in accordance with state law.
- e. *Overnight parking.* A person commits an offense by parking a motor vehicle within a park facility overnight. Motor vehicles in violation of this subsection may be either issued a citation or towed and stored at the owner or operator's expense in accordance with state law.
- f. *Freight vehicles.* A person commits an offense by operating or parking a motor vehicle or trailer designated for transporting freight, merchandise, brick, stone, or gravel within a park facility, including parking lots. This provision does not apply to motor vehicles or trailers used in the performance of city construction, repair, or maintenance. Freight vehicles in violation of this subsection may be issued a citation or towed and stored at the owner or operator's expense in accordance with state law.

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(13) *Use of bicycles.* To operate a bicycle within any outdoor area or facility owned, leased, or controlled by the parks and recreation department, including park roads, streets and parking lots that has posted signage stating bicycle use is prohibited.

(b) *Establishment of other rules and regulations.* The parks and recreation department may adopt additional rules, regulations, and policies governing the management and operation of park facilities. A current copy of those rules and regulations shall be maintained on file in the administrative offices of the parks and recreation department. A violation of those rules is not subject to the Enforcement provisions of section (c) (1) below.

(c) *Enforcement.* The following remedies are cumulative and not exclusive for violations of this article.

(1) Any person, firm, company, partnership, corporation, or an association violating any provisions of this article or the rules and regulations adopted pursuant to this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in the sum of not more than five hundred dollars (\$500.00) for each such offense, and each and every day such violation shall continue, shall be deemed to constitute a separate offense.

(2) The director of parks and recreation, other authorized personnel designated by the director, and the police department shall have the authority to eject from park facilities any person acting in violation of this ordinance."

Section III. All provisions of the ordinances of the City, codified and uncodified in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. It is the intention of the City Council that this Ordinance, and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance.

Section V. A person who violates any provisions of this Ordinance shall be guilty of a Class C misdemeanor and upon conviction shall be fined as provided in Section 1-4(b) of Chapter 1 of the City Code of Ordinances.

Section VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED this the ____ day of _____,
2007.

Pat Evans, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee

Diane C. Wetherbee, CITY ATTORNEY

Ih.