

Ordinances Governing  
**PARKS AND RECREATION**  
in the  
CITY OF ARLINGTON  
TEXAS

Amended by Ordinance No. 20-015  
(April 28, 2020)

(Chapter Designator: PARKS)

## ORDINANCE HISTORY

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
88-84	06/07/88	
88-114	08/09/88	
89-48	04/25/89	Addition of <b>Article IX</b> , relative to the imposition of a park and recreation fee on all residential development.
89-99	09/05/89	Amendment to <b>Article VIII, Section 8.01(D)</b> , relative to park closings at certain hours with exceptions.
91-74	07/23/91	Amendment to <b>Article VIII, Section 8.01(D)</b> , relative to revised curfew hours at Howard Moore Park.
91-78	08/13/91	Amendment to <b>Article VIII, Section 8.01(D)</b> , relative to revised curfew hours at Fielder Park.
92-27	03/10/92	Amendment to <b>Article VIII, Section 8.01(D)</b> , relative to revised curfew hours at Bowman Springs Park.
95-28	03/21/95	Amendment to <b>Article IX</b> , relative to the imposition of a park fee on residential development for the maintenance of current and proposed park facilities serving such development.
96-153	11/19/96	Repealing the existing " <b>Parks and Recreation</b> " Chapter of the Code of the City of Arlington, Texas, 1987, and adopting a new " <b>Parks and Recreation</b> " Chapter.
97-14	01/28/97	Amendment of <b>Ord. No. 96-153</b> to clarify repeal of the "Parks" Chapter and "Recreation Center Use" Chapter, and adoption of a new "Parks and Recreation" Chapter.

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
98-108	09/01/98	Amend <b>Article XIII, Section 8.01(D)</b> , relative to revised curfew hours at Marti VanRavenswaay Park.
99-124	09/05/99	Amend <b>Article II, Park and Recreation Board</b> , by the Amendment of <b>Section 2.01, Membership, Term, Vacancies</b> , relative to the addition of a youth representative to the Park and Recreation Board.
00-135	11/28/00	Amend <b>Article II, Park and Recreation Board</b> , by the addition of <b>Section 2.04, City of Arlington Tree Board</b> , relative to the creation of the City of Arlington Tree Board.
01-025	03/27/01	Amend <b>Article V, Recreational Activities, Section 5.05, Animals and Pets</b> , by the addition of <b>Subsection (A)(4) and (A)(5)</b> relative to implements for removing animal defecation and animals on league athletic playing fields; <b>Section 5.05</b> by the renumbering of <b>Subsection (C) and (D)</b> for clarification.
01-047	05/08/01	Amend <b>Article VIII, Park And Facility Operating Policies, Section 8.01, Park Closings, Subsection (D)</b> , by the addition of <b>Subsection (6)</b> and the renumbering of the remaining subsections, relative to revised curfew hours at George Stevens Park.
03-022	02/25/03	Amendment of <b>Article I, Definitions, Section 1.01, Definitions</b> , by the addition of a definition for “Bicycle”; <b>Article III, Control of Vehicles</b> , by the addition of <b>Section 3.06, Special Provisions Applicable to Bicycles</b> , relative to operation of bicycles; <b>Article V, Recreational Activities, Section 5.06, Games</b> , relative to the inclusion of Tierra Verde Golf Club; <b>Article VIII, Park and Facility Operating Policies, Section 8.01, Park Closings</b> , by the addition of a new <b>Subsection (D)(7)</b> , relative to the

**ORDINANCE HISTORY**

<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		operational hours of Bob McFarland Park and the renumbering of the remaining subsections, and further amending <b>Section 8.01</b> by the addition of a new <b>Subsection (E)</b> relative to bicycling.
03-101	09/16/03	Amend <b>Article V, <u>Recreational Activities</u>, Section 5.05, <u>Animals and Pets</u>, Subsection (C)(4)</b> , relative to the addition of an exception; Add a new <b>Section 5.06, <u>Off-Leash Sites for Dogs</u></b> , and renumber the remaining section.
04-045	05/11/04	Amend <b>Article II, <u>Park and Recreation Board</u>, Section 2.01, <u>Membership, Term, Vacancies</u></b> , relative to the appointment of board members.
04-077	08/24/04	Amend <b>Article IX, <u>Arlington Park Development Fee</u></b> , relative to revising benefit district boundaries, updating park fees based on park standards and development costs, and shifting funding from community park fees to linear park fees.
06-028	03/14/06	Amend <b>Article II, <u>Park and Recreation Board</u>, Section 2.01, <u>Membership, Term, Vacancies</u></b> , relative to the terms of board members.
07-043	06/05/07	Amend <b>Article I, <u>Definitions</u>, Section 1.01, <u>Definitions</u></b> , by the addition of the definitions of “AISD”, “City”, “City Council” and “Nature Preserve,” and the amendment of the definition of “Vehicle”; Amend <b>Article II, <u>Park and Recreation Board</u>, Section 2.01, <u>Membership, Term, Vacancies</u>, and Section 2.04, <u>City of Arlington Tree Board</u>, Subsection (C)</b> ; Amend <b>Article IV, <u>Park Property</u></b> ; Amend <b>Article V, <u>Recreational Activities</u>, Section 5.05, <u>Animals and Pets</u>, Section 5.08, <u>Skating Activity</u>, Section 5.09, <u>Models</u>, and Section 5.10, <u>Trail Use</u></b> ; Amend <b>Article VI, <u>Nuisances and</u></b>

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<u>Number</u>	<u>Date of Adoption</u>	<u>Comments</u>
		<u>Behavior</u> , by the addition of <b>Section 6.06</b> , <u>Amplified Sound</u> ; Amend <b>Article VII</b> , <u>Permits</u> , <b>Section 7.03</b> , <u>Standards for Issuance of Permit and Procedures, Subsection (B)</u> ; Amend <b>Article VIII</b> , <u>Park and Facility Operating Policies</u> , <b>Section 8.01</b> , <u>Park Closings, Subsection (D)</u> ; Amend <b>Article IX</b> , <u>Arlington Park Development Fee</u> , <b>Section 9.06</b> , <u>Benefit Areas and Park Improvements Plan, Subsection (A)</u> ; add <b>Article XII</b> , <u>Athletic Field Use</u> ; add <b>Article XIII</b> , <u>Golf Course</u> .
11-029	05/10/11	Amend <b>Article VIII</b> , <u>Park and Facility Operating Policies</u> , <b>Section 8.01</b> , <u>Park Closings, Subsection (D)(3)(a)</u> , relative to changing the closing hours at Richard W. Simpson Park.
17-069	12/05/17	Amend <b>Article VIII</b> , <u>Park and Facility Operating Policies</u> , <b>Section 8.01</b> , <u>Park Closings, Subsection (D)(3)</u> , relative to exceptions to park closing hours.
19-062	12/03/19	Amend <b>Article VII</b> , <u>Permits</u> , <b>Section 7.01</b> , <u>Permits Required</u> , relative to special events.
20-015	04/28/20	Amend <b>Article IX</b> , <u>Arlington Park Development Fee</u> , <b>Section 9.02</b> , <u>Purpose</u> ; <b>Section 9.03</b> , <u>Definitions</u> , by the amendment of the definitions of Linear Park Facilities and Neighborhood Park Facilities; <b>Section 9.08</b> , <u>Use of Development Fee Funds</u> ; and <b>Section 9.09</b> , <u>Accounting Procedures</u> ; relative to adding applicable uses for the fee.



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**ARTICLE I**  
**DEFINITIONS**

**Section 1.01 Definitions**

The following words and terms, when used in this Chapter, shall have the meanings hereinafter designated.

**"AISD"** means the Arlington Independent School District. (Amend Ord 07-043, 6/5/07)

**"Amplified Sound"** means any sound projected or transmitted by artificial means, including but not limited to, amplifiers, loudspeakers, or any similar devices.

**"Bicycle"** means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter. Exception is made for bicycles in the service of the City. (Amend Ord 03-022, 2/25/03)

**"City"** means the City of Arlington, Texas. (Amend Ord 07-043, 6/5/07)

**"City Council"** means the City Council of Arlington, Texas. (Amend Ord 07-043, 6/5/07)

**"Department"** means the City Department of Parks and Recreation.

**"Director"** means the Director of the Department of Parks and Recreation or his or her authorized representative.

**"Nature Preserve"** means a parcel of land owned or operated by the City that provides for the protection of places of historic or natural interest, including the biological diversity of plants, animals and natural communities. The areas may be used for passive recreation pursuits by the public and may provide a field laboratory for the observation and education in these relationships. Development is typically minimal and limited to passive recreational amenities such as soft-surfaced trails. (Amend Ord 07-043, 6/5/07)

**"Nonresident"** means any person who does not live within and whose dwelling house and home is not located within the corporate city limits of Arlington, Texas.

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**"Outside Group"** means any organization or group of persons contracting with the City of Arlington to use the recreation facility.

**"Park"** means any land selected, obtained, or acquired by the City for use as a public park, or recreation or playground area, and any building or facility thereon, owned and maintained by the City as a public park, or recreation or playground area, whether or not such areas have been formally dedicated to such purpose.

**"Park Board"** means the Park and Recreation Board established pursuant to Article II of this Chapter.

**"Park and Recreation Department Official"** means an employee of the Park and Recreation Department or an appointee of the Director to whom authority to administer and enforce the provisions of this Chapter has been granted by the Director.

**"Parking Area"** means any designated portion of any park or any park road or drive, that is set aside for the parking of vehicles.

**"Permit"** means written permission from the Park and Recreation Board or Director to carry out a given activity in a park.

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

**"Pollution"** means contamination or other alteration of the physical, chemical, or biological properties of park waters, including changes in the temperature, taste, color, turbidity, or odor of the water, or such discharge of any liquid, gas, solid, radioactive or other substance into any park waters that will or is likely to create a public nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, recreational, or other beneficial uses, or to wild animals, birds, fish, or other aquatic life.

**"Recreation Center"** includes but is not limited to the City's multipurpose and senior recreation centers, Lake Arlington Operations Center, River Legacy Living Science Center and Tennis Center.

**"Resident"** means any person who lives within and whose dwelling house and home is located within the corporate city limits of Arlington, Texas.

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**"Vehicle"** includes any wheeled device of conveyance, propelled by motor or engine. The term shall include any trailer of any kind, size, or description. Exception is made for vehicles in the service of the City and for motorized wheelchairs and scooters utilized for assisting disabled persons. (Amend Ord 07-043, 6/5/07)

**"Vessel"** includes any device of human conveyance on the water, whether propelled by motor, wind, or human power. The term includes, but is not limited to, any boat, yacht, cruiser, canoe, raft or other water craft. (Amend Ord 96-153, 11/19/96)

**ARTICLE II**

**PARK AND RECREATION BOARD**

**Section 2.01 Membership, Term, Vacancies**

There shall be a Park and Recreation Board consisting of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10) members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Park Board members shall be citizens of the City of Arlington. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. Six (6) members of the Park and Recreation Board shall constitute a quorum for the transaction of business. A majority of the members of any Board subcommittee shall constitute a quorum for the transaction of business for the subcommittee. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The City Council shall assign members except the youth representative to Places 1 through 9. The term of office of such Park Board members shall be limited to two, two-year terms. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated. (Amend Ord 07-043, 6/5/07)

**Section 2.02 Conduct of Business**

The Park and Recreation Board shall serve in an advisory capacity concerning the acquisition, maintenance, operation and use of parks, playgrounds and open spaces within the City and shall issue permits required by this Chapter and shall conduct its business at such times and under such rules and regulations as it may prescribe.

**Section 2.03 Department of Parks and Recreation**

There shall be a department of City government to be known as the Department of Parks and Recreation and such Department shall be under the supervision of the Director of Parks and Recreation. The Director shall be appointed by the City Manager and shall be responsible to the City Manager in the conduct and affairs of the Department. (Amend Ord 96-153, 11/19/96)

**Section 2.04 City of Arlington Tree Board**

- A. The Park and Recreation Board, the Director of Parks and Recreation or designee, and such other City of Arlington employees as may be designated by the City Manager, shall be known as the "City of Arlington Tree Board".
- B. The City of Arlington Tree Board shall develop and administer a Comprehensive Community Tree Management Program for the care of trees on public property. The Park and Recreation Board, as members of the City of Arlington Tree Board, shall serve in an advisory capacity concerning the planting, maintenance and preservation of trees on city owned property.
- C. The Director of Parks and Recreation or designee, and such other City of Arlington employees as may be designated by the City Manager, shall manage the annual community forestry work plan. The Park and Recreation Board shall serve in an advisory capacity by overseeing the Forestry Funding and endorsing the forestry recommendations for new projects. (Amend Ord 07-043, 6/5/07)

**ARTICLE III**

**CONTROL OF VEHICLES**

**Section 3.01 Vehicle and Traffic Laws**

All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in all parks.

**Section 3.02 Traffic Control**

All law enforcement officers or Park and Recreation Department officials as defined in Section 1.01 of this Chapter, shall have the authority to limit traffic in a park in accordance with the provisions of this ordinance or any other applicable laws and ordinances in order to control pedestrian and vehicular movement, public safety and park capacity.

**Section 3.03 Special Provisions Applicable to Motorcycles, Scooters and Mini-Bikes**

The Director may, in his reasonable discretion, through Park Rules and Regulations set aside or designate areas, paths, trails, or roads in a park where operating motorcycles, scooters, and mini-bikes shall be allowed. Only such vehicles shall be operated in such designated area.

**Section 3.04 Operating or Parking Motor Vehicles**

No person shall operate or park a vehicle over, through or on any park grounds except along or upon park roadways and designated parking areas as set forth in Park Rules and Regulations.

**Section 3.05 Unauthorized Vehicles**

A. No person shall leave a vehicle, including trailers, unattended in a park without written permission from the Parks and Recreation Department.

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- B. For purposes of this section, unattended vehicle means a vehicle, including a trailer, parked on park property, when the driver or owner of the vehicle is not a user of park property present in the park at all times that his vehicle is located on park property.  
(Amend Ord 96-153, 11/19/96)

**Section 3.06 Special Provisions Applicable to Bicycles**

The Director may, in his reasonable discretion, through Park Rules and Regulations, set aside or designate areas, parks, trails, or roads in a park where operating bicycles shall not be allowed. (Amend Ord 03-022, 2/25/03)

**ARTICLE IV**

**PARK PROPERTY**

**Section 4.01 Buildings and Other Property**

No person shall in any City park do or cause to be done any of the following without first obtaining a permit from the Parks and Recreation Department:

1. Mark, deface, injure, displace, remove or tamper with any park property or any park grounds.
2. Construct or erect any building or structure of any kind, whether permanently or temporarily.

**Section 4.02 Protection of Wild Animals**

No person shall in any City park capture, attempt to capture, hunt, molest, injure, trap or administer or set out any trap or harmful substance for any wild or domestic animal, reptile, bird or fish, nor remove or have in his/her possession the young, eggs or nest of any animal, reptile or bird, unless such person first obtains a permit from the Department or engages in such activities in a designated park or a designated area within a park where such activities have been authorized by the Department.

**Section 4.03 Sanitation**

No person shall in any City park:

1. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park, any substance matter or thing, liquid or solid, which will or may result in the pollution of such waters.
2. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage refuse or other trash except in designated containers.

**Section 4.04 Fishing**

Fishing shall be permitted in areas as designated through Department Rules and Regulations and park signage, subject to compliance with all state and City laws and regulations. Fishing shall be permitted only from designated fishing docks or piers or the banks of any creek, pond, lake or other body of water in designated City parks. No trotlines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any park, except as allowed in the Lake Arlington Chapter.

**Section 4.05 Weapons**

It shall be unlawful for any person to carry a concealed handgun in a City park, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act or other state or federal law.

**Section 4.06 Restroom Use**

- A. It shall be unlawful for any person to enter, remain or linger in, near, or about a public restroom located at or in a City park facility for the purpose of engaging in or soliciting any lewd and lascivious or criminal activity.
- B. Any person over the age of six (6) years shall not use the restrooms and washrooms designated for the opposite sex, unless assistance is necessary.

**Section 4.07 Glass Containers**

It shall be unlawful for any person to possess on the premises of any swimming pool, recreational center, playground, athletic field, or any other City park area, any glass container. It shall also be unlawful to willfully break any glass or glass container in any City park area.

**Section 4.08 Use of Metal Detectors**

It shall be unlawful for any person to use or operate a metal detector in a city park, except by permit from the Director.

**Section 4.09 Admission Charges**

It shall be unlawful for any person or organization to charge an admission fee to enter any City park area except by executed agreement or permit from the Director.

**Section 4.10 Intentional Balloon Release**

No person, firm or organization shall intentionally release, organize the release or intentionally cause to be released within a twenty-four hour period, ten or more balloons inflated with a gas that is lighter than air from any City park area.

(Amend Ord 07-043, 6/5/07)

**ARTICLE V**  
**RECREATIONAL ACTIVITIES**

**Section 5.01    Swimming**

No person in the park shall:

1. Swim, bathe or wade in any water or waterway in or adjacent to any park, except in such water or waterway as may be designated in accordance with the terms of this ordinance, park rules and regulations, or as authorized by permit issued in accordance with this ordinance.
2. Swim, bathe or wade, except during those hours established for such activities by ordinance, park rules and regulations or authorized by permit issued in accordance with this Ordinance.

**Section 5.02    Boating**

No person shall bring into or operate any vessel upon any park waters, except by permit from the Director.

**Section 5.03    Camping**

No person shall camp overnight in a park without first obtaining a camping permit from the Director.

**Section 5.04    Fires**

- A. No person shall start or maintain in any park any outdoor fire, except for cooking fires which shall be started and maintained only in a stove, firepit, barbecue pit or in a portable camp stove.
- B. No person starting or maintaining any fire in a park shall leave the fire unattended without first completely extinguishing the fire.

**Section 5.05    Animals and Pets**

- A. No person in a park shall:

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1. Ride a horse or other animal, except in areas or on paths or trails designated by Park Rules and Regulations. This prohibition shall not apply to a duly authorized mounted patrol officer in the performance of his/her official duties.
  2. Abandon any animal in the park.
  3. Permit animal defecation caused by an animal owned or possessed by him or her to remain on park property, unless properly disposed of in a trash receptacle.
  4. Fail to have in his/her possession materials or implements that, either alone or in combination with each other, can be used immediately in a sanitary and lawful manner to remove and dispose of defecation the animal owned or possessed by him may deposit on park property.
  5. Permit an animal owned or possessed by him to enter or remain on a league athletic playing field/facility enclosed by a fence. A "league athletic playing field/facility" is designed and maintained for league play of sports activities approved by the Director or the Park Board, such as football, soccer, tennis, softball and baseball.
  6. Permit an animal owned or possessed by him to run at large, nor permit any such animal in a park unless it shall at all times be restricted or kept on a leash no greater than fifteen (15) feet in length. Nor shall any person allow an animal owned or possessed by him to remain unattended on park property.
- B. Any animal ridden shall be properly restrained, and ridden with due care, and shall not be allowed to go unattended.
- C. It is an exception to Section 5.05(A)(6) that:
1. The animal is a police service animal under the supervision of a police officer in the performance of his/her official duties; or
  2. The animal is a water fowl at a municipality owned facility; or

3. The animal is a "service dog" performing duties of assisting the disabled; or
4. The animal is a dog lawfully allowed in an off-leash site as defined by this Chapter. (Amend Ord 07-043, 6/5/07)

**Section 5.06 Off-Leash Sites for Dogs**

A. Definitions

**"Off-Leash Site"** means an enclosed area designated by the director in which dogs are allowed to run at large without being secured by a leash or other restraint.

**"Dangerous Animal"** has the meaning given that term in the Animals Chapter of the City of Arlington Code of Ordinances, as amended.

B. Regulations

1. The director is authorized to establish off-leash sites for dogs within designated areas of the City's parks and recreational areas. Signs designating an area as an off-leash site must be conspicuously posted at each entrance to the site.
2. The park board or director may promulgate regulations, not inconsistent with this section, that govern off-leash sites for dogs. Such regulations must be conspicuously posted at each entrance to an off-leash site. The regulations must include, but are not limited to, the following:
  - a. No person may bring into an off-leash site:
    - (1) a dog which is a dangerous animal;
    - (2) a female dog in heat;
    - (3) more than three dogs at one time;
    - (4) a dog that is not wearing tags showing that it is currently registered and vaccinated in compliance with law;

- (5) puppies under four months of age;
  - (6) a sick dog; or
  - (7) a dog that the possessor has reason to know has dangerous propensities.
- b. Any person who brings a dog into an off-leash site shall:
- (1) carry materials and implements for removing and disposing of dog excreta and remove all excreta deposited by the dog in the off-leash site, in compliance with this Chapter;
  - (2) lead the dog on a leash and retain the dog in custody when entering and exiting an off-leash site;
  - (3) keep the dog under visual and voice control at all times while in the off-leash site;
  - (4) fill any hole that the dog digs in the off-leash site; and
  - (5) remove the dog from the off-leash site at the first sign of aggression by the dog.
- c. Any dog showing aggressive, hostile or combative behavior towards people or other dogs shall be immediately removed from the off-leash site.
- d. Any person who brings a child under 12 years of age into an off-leash site shall keep the child under strict supervision.
- e. No dog will be unattended.
- f. Use of an off-leash site by any dog or person constitutes;
- (1) implied consent of the owner, harborer, or person having care, custody, or control of the dog to comply with all

conditions and regulations stated in this chapter or promulgated by the park board or director and posted at the off-leash site;

- (2) assumption of the risk of injury or damage caused by any dog; and
- (3) a waiver of liability to the City by the owner, harborer, or person having care, custody, or control of the dog, and an agreement and undertaking to protect, indemnify, defend, and hold the City harmless, for any injury or damage caused by the dog during any time that the dog is in the off-leash site. (Amend Ord 03-101, 9/16/03)

#### **Section 5.07 Games**

No person shall operate a motor driven model airplane; engage in the sport of archery; launch, discharge, or cause to be launched or discharged paint, paintballs or any other projectile; or hit a golf ball or golf balls in a City park; except in areas designated by the Director for such purposes or as authorized by permit issued by the Director or Park Board. Hitting golf balls is permitted at Chester W. Ditto Golf Course, Lake Arlington Golf Course, Tierra Verde Golf Club and Meadowbrook Golf Course. (Amend Ord 03-101, 9/16/03)

#### **Section 5.08 Skating Activity**

It shall be unlawful for any person to ride or operate a skateboard, roller skates, in-line skates or other skating devices on any brickwork, cobblestone or ornamental surface, retaining wall, picnic table, tennis court, basketball court, fountain area, planter, sculpture, or other similar surface or structure located in a City park. (Amend Ord 07-043, 6/5/07)

#### **Section 5.09 Models**

- A. It shall be unlawful for any person to engage in the use of gas or battery-powered model aviation devices,

motor vehicles or boats, whether radio controlled or not, except by permit from the Director.

- B. All persons desiring to launch model rockets in any City park shall obtain a permit to do so from the Department. (Amend Ord 07-043, 6/5/07)

**Section 5.10 Trail Use**

- A. No person shall operate or use a bicycle or motor vehicle, including a motorcycle or mini-bike, on a trail or path not designated for use by such vehicle.
- B. Persons who operate bicycles or in-line skates on designated paved trails shall yield right-of-way to pedestrians. Joggers shall yield right-of-way to walkers.
- C. Trail users on the hike and bike trails shall not be more than two abreast when this action will impede other traffic on the trail. Trail users shall leave ample room on the trail for other users to pass safely. (Amend Ord 07-043, 6/5/07)

**ARTICLE VI**  
**NUISANCES AND BEHAVIOR**

**Section 6.01    Alcoholic Beverages**

- A.    It is a violation of Department Rules and Regulations to sell, consume, or possess alcoholic beverages in any park. Violation of this provision may result in removal from park property.
- B.    Exceptions:
1.    A person may consume or possess alcoholic beverages in Doug Russell Park.
  2.    A person may sell, consume, or possess alcoholic beverages in a park where appropriate permits have been obtained from the Park Board and the State.

**Section 6.02    Military Maneuvers**

Military maneuvers and exercises are prohibited in any park.

**Section 6.03    Posting and Possession of Permits**

Permits required by this ordinance shall be posted or otherwise maintained in the area where the activity is conducted or produced and exhibited upon the demand of any law enforcement officer or other authorized park employee. Permits shall not be affixed to trees, signs or other structures on park property by the use of nails, tacks, or other device which may result in the damage to or defacing of such trees, signs or other structure on park property.

**Section 6.04    Merchandising, Advertising and Signs, Commercial Photography and Videotaping**

No person in a park shall:

1.    Expose or offer for distribution, sale or hire any article, thing or service, nor station or place any stand, cart or vehicle for the transportation, distribution, sale or display of any article,

- thing or service unless a permit has been obtained from the Director.
2. Announce, advertise or call the public's attention in any way to any article, thing or service for distribution, sale or hire unless done pursuant to a permit obtained from the Parks and Recreation Director.
  3. Announce, advertise, or call the public's attention to an event unless done pursuant to a permit obtained from the Director. This section shall apply to all events whether or not a fee is charged, money is solicited, or money is donated to such event.
  4. Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription on park property or erect or cause to be erected any sign on any public lands, highways or roads adjacent to a park unless done pursuant to a permit obtained from the Director.
  5. Use a park for the purpose of commercial photography or videotaping without first obtaining a permit from the Director.

**Section 6.05 Interference with Park Users**

No person shall prevent, disturb or unreasonably interfere with any other persons occupying any area of a park or participating in any lawful activity permitted within the park. (Amend Ord 96-153, 11/19/96)

**Section 6.06 Amplified Sound**

- A. It is unlawful for any person to cause, or for any person in charge of a group of persons to allow sound from an officially sanctioned event to originate in a City park which exceeds an L eq of ninety-five (95) dB(A) for one (1) minute as measured fifty feet (50') from the source or sources, whether or not the sounds are live or recorded. In addition, sound levels shall not exceed a 60 dB average at the perimeter of the property. Upon execution of an appropriate agreement or permitting, the Director may allow sound levels to

exceed this level at facilities within the downtown business district.

- B. Amplified sound is strictly prohibited at Bowman Springs Park and Richard Simpson Park. (Amend Ord 07-043, 6/5/07)

**ARTICLE VII**  
**PERMITS**

**Section 7.01 Permits Required**

- A. In addition to any other provision of this ordinance that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the Director or from the Park Board, if Park Board approval is required, prior to the start of the activity:
1. Any organized sporting event using park ball field facilities for which permits are required.
  2. Any exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event or any similar event.
  3. Any public meeting, assembly, parade, ceremonies, addresses, speeches, political meetings or other event with five hundred (500) or more persons present.
  4. Any use of any park facility by a group of persons to be exclusive of others.
  5. Any use involving amplified sound.
- B. Park Board approval of a permit application is required before a person may sponsor, hold, or organize, an activity in a Park which involves any of the following: amplified sound for public events; and fund raising events.
- C. In addition to the permit requirements under this Section, a person must obtain a permit under the Special Events Chapter in order to conduct, operate, present, manage or take part in any of the activities described in Subsection (A) in a park if the event constitutes a “Special Event” as defined by the Special Events Chapter. (Amend Ord 19-062, 12/3/19)

**Section 7.02 Application Procedure**

- A. A person seeking the issuance of a permit to conduct an activity in a park shall file an application with the Parks and Recreation Director. The application shall state:
1. The name, address and telephone number of the person and organization applying for the permit;
  2. If the use or activity is to be conducted for, on behalf of or by any person other than the applicant, the name, address and telephone number of that person;
  3. The exact nature of the use or activity for which the permit is being sought;
  4. The date(s) and hours for which the permit is desired;
  5. The park and the portion of the park desired to be used to conduct the proposed use or activity;
  6. An estimate of the anticipated attendance; and
  7. Any other information that the Director finds to be reasonably necessary in order to determine whether to issue a permit.
- B. Permit applications that do not require Park Board approval shall be filed with the Director for consideration not less than ten (10) business days nor more than three hundred sixty-five (365) days before the date of the proposed use or activity. The Director shall evaluate the application and render a decision in accordance with Section 7.03.
- C. Permit applications that require Park Board approval shall be filed with the Director for the Park Board's consideration not less than ten (10) business days nor more than three hundred sixty-five (365) days before the date of the proposed use or activity. Applications will be considered by the Park Board at its next regularly scheduled meeting if the application has been on file five (5) days prior to such meeting in addition to meeting the above time limitations. Emergency hearings may be conducted at the Park Board's discretion.
- D. Where Park Board approval is required, the Park Board shall evaluate the application and render a decision in accordance with Section 7.03.

**Section 7.03 Standards for Issuance of Permit and Procedures**

- A. A permit shall be issued, unless:
1. The proposed activity or use of the park will unreasonably interfere with or detract from the general public use and enjoyment of the park; or
  2. The proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety or welfare; or
  3. The conduct of the proposed activity or use is reasonably likely to result in or create a clear and present danger of violence by the applicant to persons or property resulting in serious harm to the public; or
  4. The facilities requested by the applicant have been reserved for another activity or for use at the day and hour requested in the application; or
  5. False or misleading information is contained in the application or required information is omitted; or
  6. The event would violate any federal, State or municipal Law; or
  7. The nature of the event could cause unreasonable or undue environmental damage to the site.
- B. The Park Board or the Director may impose reasonable conditions or restrictions on the granting of a permit, including but not limited to any of the following:
1. Restrictions on fires, fireworks, amplified sound, dancing, sports, use of animals, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park property;
  2. A requirement that the applicant post a deposit of security as set by the Director for the repair of any damage to park property or the cost of clean-up or both;
  3. A requirement that the applicant pay a fee as set by the Director to defray the cost of furnishing adequate security forces by the City at the proposed use or activity; the number and type of security personnel required shall be determined by the type of event, the anticipated attendance, time of day, or other pertinent factors determined by the Director or his/her designee;

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### 7.03

4. A requirement that the applicant furnish additional sanitary and refuse facilities that may be reasonably necessary, based on the use or activity for which the permit is being sought;
  5. A requirement that the applicant pay a fee as set by the Director to cover the administrative costs of the permit application and site support by the City at the proposed use or activity; and
  6. A requirement that the applicant furnish a valid certificate of insurance with amounts and categories of coverage as determined necessary by the City. (Amend Ord 07-043, 6/5/07)
- C. Permits shall not be transferable without the written consent of the Director.
- D. Within four (4) days after hearing on an application, the Director shall apprise an applicant in writing of approval, conditional approval, or denial of the issuance of a permit. Any aggrieved person shall have the right to appeal in writing within six (6) days to the City Council, which shall consider the application under the standards set forth in Section 7.03A. and sustain or overrule the Park Board's decision at the next available regularly scheduled Council meeting.
- E. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in his permit.
- F. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatsoever by reason of the negligence of the person or persons to whom such permit was issued.
- G. The Director or the Park Board shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, State or federal Law or upon the violation of any condition or restriction under which the permit was issued.

### **Section 7.04 Scheduling Fee**

Park Board approval of the location of an activity, gathering, or any other event held upon park property is required where such activity, gathering or event will involve the use or consumption of alcohol and a scheduling fee shall be charged to an applicant intending to hold or sponsor such event. The requested location for such activity, gathering or event may be denied based upon public health, safety and welfare, uses of park property in the manner most beneficial to other park users and citizens, as well as any other reasonable criteria. (Amend Ord 96-153, 11/19/96)

## ARTICLE VII-4

(Amend Ord 07-043, 6/5/07)

## ARTICLE VIII

### PARK AND FACILITY OPERATING POLICIES

#### Section 8.01 Park Closings

- A. Any municipal park, section or part thereof may be declared closed to the public by the Director or a law enforcement officer at any time and for any interval of time upon a temporary basis (daily or otherwise), either entirely or merely to certain uses as the Director or law enforcement officer shall find reasonably necessary.
- B. Any municipal park, section or part thereof may be declared closed to the public upon a regular basis, either entirely or merely to certain uses as may be found reasonably necessary, by ordinance of the City Council.
- C. No person shall enter or remain in any park closed in accordance with this section where there is notice by signs posted or by oral or written communication by a Parks and Recreation Department employee or law enforcement officer.
- D. Park closing hours will be established according to the park classification system as follows:
  - 1. Neighborhood, Linear and Natural Area Parks shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - 2. Community and City Parks shall be closed between 12:00 midnight and 5:00 a.m. daily.
  - 3. Exceptions include:
    - a. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
    - b. Bob Cooke Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
    - c. F.J. Red Kane Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.

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- d. Meadowbrook Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - e. River Legacy Parks shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12 midnight. The park will reopen at 5:00 a.m. for all traffic.
  - f. Richard W. Simpson Park shall be closed between 10:00 p.m. and 5:00 a.m. daily, except for fishing, boating and any other activity authorized by permit in accordance with this Chapter.
  - g. S. J. Stovall Park shall be closed between 10:00 p.m. and 5:00 a.m. daily. (Amend Ord 17-069, 12/5/17)
- E. No person shall ride a bicycle off paved trails in River Legacy Parks except when riding on a specifically marked unpaved trail designated by official signs for bicycles. (Amend Ord 03-022, 2/25/03)

**Section 8.02 Powers of the Park Board and the Director**

The Director shall have the power to make, from time to time, such reasonable rules and regulations as are necessary to manage, use, preserve and govern park property, buildings and activities. The Park Board and Director shall have the power to exempt lessees of park property from the requirements of this Chapter.

**Section 8.03 Limited Use of Pirie Park**

No person shall engage in any of the following activities within Pirie Park:

1. Any use otherwise prohibited by this Chapter.
2. The striking of any softball, baseball, golf ball or other ball, or object with any bat, club, racquet or similar device.
3. The kicking of any soccer ball, football or similar athletic ball
4. Exceptions: Notwithstanding the foregoing, the playing of the games of volleyball and badminton are hereby expressly permitted. (Amend Ord 96-153, 11/19/96)

## ARTICLE IX

### ARLINGTON PARK DEVELOPMENT FEE

#### Section 9.01 Title

This Article shall be known and cited as the “Arlington Park Development Fee Ordinance.”

#### Section 9.02 Purpose

A parks development fee (“development fee”) is hereby imposed on residential development for the purpose of assuring that Park Facilities are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards pursuant to the Arlington Parks, Recreation and Open Space Master Plan. The development fee shall be imposed by the City on all residential development, and all fees collected shall be used solely and exclusively for the purpose of acquisition, development, maintenance and operations of city-wide Park Facilities. (Amend Ord 20-015, 4/28/20)

#### Section 9.03 Definitions

For purposes of this Chapter only, the terms that follow shall have the meanings set forth herein. Terms not herein defined shall have those meanings given them by other provisions of the Code of the City of Arlington.

“**Applicant**” means the property owner or duly designated agent of the property owner of land for which approval of a building permit has been requested for residential development.

“**Benefit Area**” means a neighborhood park benefit area or a linear park benefit area.

“**Building Permit**” means the permit required for new residential construction and/or additions to buildings pursuant to the Code of the City of Arlington.

“**City**” means the City of Arlington, Texas.

“**City Council**” means the City Council of Arlington, Texas.

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**“Development”** means any activity that requires the securing of a building permit for residential uses.

**“Director”** means the superior official of the Parks and Recreation Department, or its successor agency, for the City of Arlington.

**“Dwelling”** means any building, or portion thereof, designed exclusively for residential occupancy.

**“Dwelling Unit”** means one (1) or more rooms arranged, designed, or used as separate living quarters for a household, which contains kitchen facilities (only one (1) per dwelling unit permitted), including at least a stove or cooking device, and permanently installed sink, plus bathroom facilities.

**“Household”** means people living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**“Linear Park Benefit Area”** means an area within the City which is delineated on Exhibit “B” attached hereto and incorporated by reference herein.

**“Linear Park Facilities”** means land or capital improvements used or to be used as a linear park, including but not necessarily limited to recreational facilities including golf courses, recreation centers and sports fields, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities. (Amend Ord 20-015, 4/28/20)

**“Neighborhood Park Benefit Area”** means an area within the City which is delineated on Exhibit “A”, attached hereto and incorporated by reference herein.

**“Neighborhood Park Facilities”** means land or capital improvements used or to be used as a neighborhood park, including but not necessarily limited to recreational facilities including golf courses, recreation centers and sports fields, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities. (Amend Ord 20-015, 4/28/20)

**“Park Facilities”** means neighborhood park facilities or linear park facilities.

**“Park Improvements Plan”** means the adopted plan, as may be amended from time to time, which identifies those neighborhood or linear park facilities and the average costs for each type of facility, including a map of linear park facilities, which are to be financed in whole or in part through the imposition of development fees pursuant to this article and which is attached hereto as Exhibit “D” and incorporated by reference herein.

**“Parks Master Plan”** means the official adopted Parks, Recreation and Open Space Master Plan for the City of Arlington and amendments thereto.

**“Property”** means a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

**“Property Owners”** means any person, group of persons, firm or firms, corporation or corporations, or any other entity have a proprietary interest in the land on which a building permit has been requested.

**“Public and Quasi-Public Use”** means a development owned, operated or used by the City; any political subdivision of the State, including but not limited to school districts; the State and any agencies or departments thereof; the Federal Government and any agencies or departments thereof.

**“Residential Development”** means the development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients, or other similar uses.

#### **Section 9.04 Applicability of Development Fee**

- A. This Article shall be uniformly applicable to residential development, except public and quasi-public uses, in the City which is or will be served by Park Facilities. This Article also does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in an additional dwelling unit.
- B. For purposes of this Article, property is “served by” Park Facilities when funds collected for such facilities have been spent for facilities identified in the Park Master Plan and Park Improvements Plan within ten (10) years from the date of collection within the benefit area in which the property is located.

#### **Section 9.05 Authority and Imposition of Development Fee**

- A. This Article is enacted pursuant to the City’s police powers existing under the City’s charter and consistent with the Texas Constitution, Article XI, Section 5, and applies to all property within the City’s corporate boundaries and within its extraterritorial jurisdiction.

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- B. A development fee, consisting of a neighborhood park component and a linear park component, shall be imposed on all residential development in the City at the time of application for a building permit.
- C. Imposition of the development fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.
- D. The provisions of this Chapter shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Chapter. Guidelines may be developed by resolution or otherwise to implement and administer this Chapter.

### **Section 9.06 Benefit Areas and Park Improvements Plan**

- A. There are hereby established twelve (12) neighborhood park benefit areas, each of which is designated on the map attached as Exhibit "A", and a single, city-wide linear park benefit area, which is designated on the map attached as Exhibit "B". (Amend Ord 07-043, 6/5/07)
- B. There is hereby established a Park Improvements Plan, attached as Exhibit "D", which identifies for each benefit area Parks Facilities and the average costs for each type of facility, which are to be financed in whole or in part through the imposition of development fees. The Plan shall be reviewed and updated at least every five (5) years by ordinance of the City Council.
- C. The maximum neighborhood park component fee shall be calculated separately for each neighborhood benefit area, by dividing the average cost of the type of park facility for the benefit area by the expected number of households to be served by such facility. The maximum linear park component fee shall be calculated by dividing the total projected costs of linear park facilities by the expected number of households to be served by such facilities within the City.
- D. Within each benefit area, the development fee for each residential development shall be calculated according to the method set forth in Section 9.07.
- E. Benefit area boundaries may be amended from time to time by ordinance of the City Council.

- F. The City shall adopt by ordinance two (2) development fee schedules, which may be amended from time to time, which shall establish development fees, by component fee, for each benefit area. The schedules shall be stated in the form of fees per residential dwelling unit. Schedule 1 shall be the maximum development fees which can be imposed on new residential development within each benefit area and Schedule 2 shall be the development fees, by component fee, to be collected within each benefit area. Schedules 1 and 2, which have been established by ordinance, are attached hereto and incorporated by reference herein.

**Section 9.07 Processing and Collection of Development Fee**

- A. The Director shall be responsible for the processing and collection of the applicable development fee.
- B. Applicants for a building permit for residential development subject to this Article must submit the proposed number of dwelling units in the development.
- C. Upon receipt of an application for a building permit, the Director shall calculate the amount of the applicable development fee due by first determining the applicable development fee rate on Schedule 2, by component fee, for the benefit areas in which the property is located. The component fee then shall be multiplied by the number of dwelling units for which approval is being sought, reduced by any offset due pursuant to Section 9.11, and net component fees shall be totaled. The Schedule 2 rate in effect at the time of application for the permit shall be used to calculate the development fees, except as provided in Subsection 9.07(D).
- D. The Director shall collect the applicable development fee prior to or at the time of issuance of a building permit. In the event that the number of dwelling units proposed at such time has changed since the application for the building permit was filed, the Director shall recompute the development fee using the method set forth in Subsection 9.07(C), except that the fee for any additional units shall be based on the development fee rate then in effect.
- E. If a building permit for which a development fee has been paid has expired and a new application is filed, the development fee due shall be computed on the basis of the development fee in effect at the time of the new application, with credit for prior development fee payments being applied against the new fee, if any.
- F. An applicant may file a petition for review appealing a decision by the Director to the City Council as to the applicability of the Development Fee Article, the

exemption of the residential development, the amount of the development fee due or the amount of offsets due in the manner provided in Section 9.13.

**Section 9.08 Use of Development Fee Funds**

- A. Development fees collected for each benefit area pursuant to this Article must be used solely for the purpose of funding the acquisition, improvement, maintenance or operation of park facilities for such benefit area in accordance with the Master Plan and the Park Improvements Plan or for reimbursement to the City for such acquisition, improvement, maintenance or operation. Development fees collected within a neighborhood park benefit area also may be used to acquire, improve, maintain or operate linear park facilities. Eligible costs include, but are not limited to, land acquisition, including costs of eminent domain, recreational equipment purchase and installation of improvements and amenities, utility installation and relocation, vehicular and pedestrian access, and the planning, engineering and design of the park and its improvements. Development fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such park facilities.
- B. The City may transfer development fees from the account of a neighborhood park benefit area to the linear park benefit area, or to an adjoining neighborhood park benefit area, for the purpose of acquiring or constructing linear park facilities to serve new development within the neighborhood park benefit area from which funds are borrowed, or to acquire or construct neighborhood park facilities in the adjoining benefit area, or to maintain or operate existing park facilities within the adjoining benefit area. (Amend Ord 20-015, 4/28/20)

**Section 9.09 Accounting Procedures**

- A. The City's Finance Department shall establish a separate, interest-bearing account into which all development fees collected shall be deposited, segregated by benefit area. Funds collected within each benefit area shall be earmarked for expenditure solely and exclusively for park facilities acquisition, improvement, maintenance or operation within such benefit area, except as provided in Section 9.09(B).
- B. Interest earned on development fees shall be considered funds of the Development Fees Account and shall be used solely for the purposes specified for the funds of such account.

- C. The City’s Finance Department shall establish adequate financial and accounting controls to ensure that development fees disbursed are utilized solely and exclusively for Park Facilities acquisition, improvement, maintenance or operation or for reimbursement to the City of advances made from other revenue sources to fund such facilities. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Article.
- D. The City’s Finance Department shall maintain and keep financial records for development fees, which shall show the source and disbursement of all fees collected in or expended from each benefit area. The records of the account into which development fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.
- E. Upon receipt of development fees, the Director shall transfer such funds to the Finance Department, which shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the “Development Fee Account.” (Amend Ord 20-015, 4/28/20)

**Section 9.10 Refunds**

- A. The current property owner on which a development fee has been paid may apply for a refund of such fee if:
  - 1. The property on which a development fee has been paid has not been served by Park Facilities, as provided in Section 9.04(B); or
  - 2. The building permit for a residential development, pursuant to which a development fee has been paid, has expired or has been withdrawn, and no application for extension or renewal has been made.
- B. Only the current property owner may petition for a refund. A petition for refund must be filed within one (1) year of the event giving rise to the right to claim a refund.
- C. A petition for refund under Subsection 9.10(A)(1) must be submitted to the Director and contain: a certified copy of the latest recorded deed for the subject property; current legal description; and a statement of the reasons for which a refund is sought.

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- D. In determining whether a refund is due under Subsection 9.10(A)(1), the Director shall compare the total development fees collected for the benefit area for a period of ten (10) years from the date the development fee was collected with the total expenditures from the Development Fee Account for the benefit area for the same period. Only if collections exceed all expenditures implementing the Park Improvement Plan shall a refund be due. The refund amount shall be the development's pro rata share of the excess of fees collected over expenditures, together with interest earned on such amount for the period. After the expiration of at least one (1) year after refunds are due under this subsection, the City Council may, after notice by publication in the section of a local newspaper reserved for legal notices, and after a public hearing, vote to apply any unclaimed excess amounts to the acquisition or construction of capital facilities which will benefit the area in which the excess amount was collected. When the City Council votes to apply the excess amounts, the right to refund of the applied excess amounts shall be extinguished.
- E. Within one (1) month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the Director shall notify the City's Finance Department and request that a refund payment be made to petitioner.
- F. Petitioner may appeal the determination of the Director of Parks and Recreation to the City Council.

### **Section 9.11 Offsets Against Development Fees**

- A. The City shall offset the reasonable costs of land which has been dedicated to and accepted by the City for park facilities, or the reasonable costs of park improvements constructed pursuant to a developer participation agreement executed by the property owner, when consistent with the Park's Master Plan and Park Improvements Plan. Such offset shall be applied against development fees due, provided the property owner has not obtained compensating density.
- B. All offsets against development fees shall be based upon standards contained in the Parks Master Plan and Park Improvement Plan. The following rules apply:
  - 1. The reasonable costs of the park facilities that have been dedicated shall be offset against the park component fee due for that type of park facility.
  - 2. The unit cost used to calculate the offsets for park land shall not exceed those assumed as the average costs of the park facilities which were used

to compute the maximum park component fee for the benefit area in which the property is located, unless the City and property owner agree upon a land value based upon an independent appraisal.

3. No offset shall be granted that exceeds the park component fee due for the development unless otherwise agreed to by the City.
  4. When the park land dedicated equals or exceeds the amount required under the subdivision regulations, and no contract affecting such conveyance is made, the dedication of such land shall be deemed to completely offset the amount of the park fees due.
  5. Any offset created by the dedication of park facilities shall expire five (5) years after the date that the offset was created.
- C. An applicant shall apply for an offset against development fees either at the time of submission of a preliminary subdivision plat or at the time of dedication by separate instrument. Petitioner may appeal the determination of the Director concerning the offset to the City Council.
- D. The amount of the offset shall be prorated among the number of dwelling units approved for the development, unless otherwise agreed to by the City.

**Section 9.12 Procedures for Updating Development Fees**

- A. Unless the City Council updates development fees according to this section within the previous twelve (12) months, development fees shall be updated annually on September 1st by the Director in accordance with the U.S. Department of Labor Bureau of Labor Statistics' Dallas-Fort Worth Consumer Price Index for All Urban Consumers (DFW CPI-U) for the most recent time period reported by the Bureau. Development fees shall be updated proportional to the percent change in the DFW CPI-U for the previous year. If in any year the DFW CPI-U is not reported, the Director shall update development fees in accordance with the U.S. City Average Consumer Price Index for all Urban Consumers.
- B. At least every five (5) years the Director shall prepare a report to the City Council recommending whether development fees should be updated. In the preparation of such report, the following information shall be reviewed:
1. a statement summarizing development fees collected and disbursed;

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2. a statement summarizing the status of park facilities acquisition and development;
  3. a statement summarizing the administration and enforcement of the development fee; and
  4. a statement and recommendation from the Parks and Recreation Advisory Board on any aspects of the Park Development Fee and City park needs.
- C. The report shall make recommendations, if appropriate, on amendments to the Article; changes in the administration or enforcement of the Article; changes in the development fee rates; changes in the Park Improvements Plan; and changes in the Master Plan.
- D. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the Park Development Fee Ordinance, including but not limited to exhibits and fee schedules. If the City Council fails to take such action, the development fee rates then in effect shall remain in effect. Nothing herein precludes the City Council or limits its discretion to amend the Park Development Fee Article at such other times as may be deemed necessary.
- E. In the review process, the City Council may take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location or other elements of proposed Park Facilities; revisions to the Park Master Plan; changes to the Park Improvements Plan; and changes in the projected mix and/or intensity of residential development in the City.

### **Section 9.13 Appeals**

- A. The property owner or applicant may appeal the following decisions of the Director to the City Council:
1. The applicability of the development fee;
  2. The amount of the fee due;
  3. The amount of refund due, if any; or
  4. The determination of an offset.

- B. The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the refund or the amount of the offset was not calculated according to the requirements of this Article and the applicable schedule of fees.
- C. The appellant must file a notice of appeal with the Director within thirty (30) days following the determination by the Director. The filing of an appeal shall not stay the collection of the fee due. If the notice of appeal is accompanied by a payment in an amount equal to the development fee due as calculated by the Director, the building permit application shall be processed.

**Section 9.14 Development Fee as Additional and Supplemental Requirement**

The development fee is additional and supplemental to and not in substitution of any other requirements imposed by the City on the development of the land. It is intended to be consistent with and to further the objectives and policies of the Master Plan and the Comprehensive Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate Park Facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for Park Facilities in an amount in excess of the amount calculated pursuant to this Article; but provided that a property owner may be required, pursuant to City zoning and subdivision regulations, to provide open lands, setbacks, buffers and other nonbuildable areas on-site in addition to meeting the development fee requirement. (Amend Ord 04-077, 8/24/04)

ARTICLE X

RECREATION CENTER USE

Section 10.01 Proof of Residence

- A. As used herein, a person desiring to use or participate in any activity held in a recreation facility may prove that he or she is or is not a resident and resides or does not reside within the corporate city limits of Arlington, Texas, by presenting the person in charge of the facility with one (1) or more, if requested, of the following bearing that person's true and correct address:
1. a driver's license or identification card issued by the Texas Department of Public Safety bearing a photograph of that person and showing the address of that person;
  2. a utility envelope or receipt bearing a canceled United States Postal seal showing the address of that person and a photo I.D.;
  3. a recent City of Arlington water bill stub showing the name and address of that person and a photo I.D.;
  4. a tax statement showing the name and address of that person and a photo I.D.;
  5. a voter registration certificate showing the name and address of that person and a photo I.D.
- B. Any person not having any of the foregoing, or being unable to furnish same, may furnish proof of residency, as herein defined, by using any one of the above methods bearing that person's parents' or legal guardian's correct address, excluding a photo I.D. The Director of Parks and Recreation, or his or her designee, may make such further rules and regulations as are necessary for the uniform determination of those persons who are residents and nonresidents as herein defined.

**Section 10.02 Facility Usage Identification Card**

- A. A person desiring to participate in an activity or activities held at a recreation center must purchase and present a Facility Usage Identification Card as required by each facility.
- B. A resident and nonresident may gain regular access to and use of a recreation center facility only through the purchase of a Facility Use Identification Card. Otherwise, the resident must pay a guest fee set by the Director of Parks and Recreation.

**Section 10.03 Structured and Supervised Activities**

- A. Fees may be charged to residents and nonresidents registering for the structured activities. A nonresident may be charged a fee equal to or greater than the amount of that fee charged a resident for the same activity. If a resident is not charged a fee for the activity, then the nonresident may be charged a reasonable fee. Fees are set by the Department of Parks and Recreation and are payable to the City of Arlington.
- B. Nothing herein shall prohibit the Director from setting the maximum number of participants in a given activity.
- C. Nothing herein shall prohibit the Director from setting fees and charges for permits, events and structured activities conducted in parks or in Recreation Centers.

**Section 10.04 Conduct at Recreation Centers**

No person upon the property of a recreation center facility shall engage in any activity or use of recreation center facilities or equipment which will unreasonably interfere with or detract from the public health, safety, welfare, use or enjoyment of such recreation center. (Amend Ord 96-153, 11/19/96)

**ARTICLE XI**  
**ENFORCEMENT**

**Section 11.01 Penalty**

Unless otherwise specified herein, a violation of any provision of this ordinance by any person, firm, corporation, agent or employee thereof shall be punishable as a misdemeanor, and upon conviction such person, firm, corporation, agent or employee thereof shall be fined in an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**Section 11.02 Authority to Issue Citations**

The Director or his/her authorized representative shall have the power to issue one (1) or more citations for violations of City ordinances to any person to appear in the court, if the director or representative has probable cause to believe that the person is criminally responsible for any offense within the jurisdiction of the court. (Amend Ord 96-153, 11/19/96)

ARTICLE XII

ATHLETIC FIELD USE

Section 12.01 Definitions

**"Organization"** means any organization or group of persons contracting with the City to use park and recreational facilities.

**"Co-sponsored organization"** means any organized group that has entered into a Facility Use Agreement with the City utilizing the City-owned or leased facilities, and in some way providing a service, program, or revenue benefiting the City.

**"Facility Use Agreement"** means the official agreement between the City and an organization which is designed to ensure that facilities owned and/or operated by the City are utilized efficiently and safely. The purpose of this agreement shall be to provide the terms and conditions under which an organization can use facilities for authorized activities, define operational and maintenance responsibilities, identify responsibility for costs, and to identify a process to provide improvements and upgrades to facilities and services.

**"Season"** means a recurrent period of time characterized by league practices and games associated with registration fees for a particular sport as agreed upon by the designated representative from both parties.

**"Game facility"** is defined as lighted and unlighted athletic fields maintained and programmed to accommodate competitive and recreational sporting events such as league play, tournaments, practices, camps, and clinics. These fields receive a higher level of maintenance than general park open space. Game facilities are designated by the Department, and are subject to usage fees.

Section 12.02 Purpose

This article is hereby adopted to serve as a guide for the comprehensive and effective usage of indoor and outdoor athletic facilities owned, leased, scheduled, or otherwise controlled by the City. It is the intent of this article to provide a basis for establishing the following objectives:

- A. A method of equitably allocating the available inventory of game facilities to recognized requestors for the usage of such facilities.
- B. A disciplined method of communicating the forecasted seasons and immediate facility schedules for recognized users of the facilities and the appropriate departments within the City administration.
- C. A method whereby game facilities will be scheduled in a manner that will ensure proper turf maintenance and growth, thereby assuring availability in future years and reducing the need for major restoration.
- D. A method for continuously improving efficient utilization of existing game facilities to the betterment of the City.

**Section 12.03 Policy Administration**

The administration of this article shall be the responsibility of the Parks and Recreation Department. The Department shall prepare, implement, and enforce such specific rules and regulations for the use of facilities for each sport or type of facility, as it deems necessary. The Department shall report regularly to the Park Board on the effectiveness of administering this policy.

**Section 12.04 Sports Seasons**

- A. Specific sports seasons will be established for the equitable use and allocation of game facilities by the Department.
- B. The primary sport within each season shall be given first priority with regard to field or facility allocation and scheduling. Secondary sports facilities will be allocated on a space available basis. The Director or designee shall determine the eligibility for classification within primary and secondary sports designations.
- C. Sports other than primary or secondary will be addressed as the need arises, subject to:
  - 1. Facility availability.

2. Allocated maintenance funds.
  3. Determination by the Department of capacity of game fields or facilities to withstand additional use.
- D. Organizations may enter into a written Facility Use Agreement with the Department that allows use of designated game fields or facilities outside of the official sports season under special circumstances deemed appropriate by the Director.

**Section 12.05 Requirements for Organizations Using Facilities**

- A. *Co-sponsored organizations.* All co-sponsored organizations desirous of establishing leagues and utilizing game facilities owned, leased, or controlled by the City for competitive or recreational league play must comply with the requirements established for members of the Arlington Sports Committee.
- B. *Non co-sponsored organizations, groups, or individuals.* All non co-sponsored organizations, groups, or individuals desirous of establishing leagues and utilizing game facilities owned, leased, or controlled by the City for competitive or recreational league play must comply with the following requirements:
1. Non co-sponsored organizations, groups, or individuals may not compete directly with programs offered by co-sponsored organizations.
  2. All non co-sponsored organizations, groups, or individuals are subject to the Facility Use Agreement and supplemental agreements with the Department.
  3. Have a policy that permits individuals to file for exemption from registration fees.
  4. Have a non-discrimination policy in which programs operated by the organization are open to all residents of Arlington regardless of race, age, socio-economic level, color, sex, national origin, religion, handicap status or geographic residency.

5. Have policies that support the safety of its participants, spectators, volunteers, officials, referees and umpires in the performance of their assigned duties.
6. Provide and keep in force a general liability insurance policy as outlined in section 12.13.

**Section 12.06 Field Allocations**

- A. All organizations shall submit a written request to the Department for the use of game facilities. In the event that two or more organizations request the use of the same facility, the City reserves the right to review and adjust scheduling to ensure that all facilities are being fully utilized in the best interest of the City. Priority will be given to programs accommodated during the previous year. Every effort will be made to accommodate new programs according to facility availability.
- B. The Department shall consider all requests and will allocate game facilities in the best interest of the City. Guidelines that will be considered may include, but are not limited to, items listed under subsections (1) and (2) of this section. The Director or his/her designee may also consider any other alternatives in implementing the field or facility allocation for the various users, or make such variations or exceptions as the Director deems in the best interest of the City, giving due consideration to the number of participants, facility requirements, nature of the activity, innovation of the program and other relevant factors.
- C. Any existing organization wishing to initiate a new athletic program must meet with the Department at least ninety (90) days prior to the proposed season starting date to discuss the availability of game facilities. A new program is defined as any activity that is not currently offered by the requesting organization. The Department will attempt to accommodate new programs according to facility availability and participant registration.
  1. Priority will be given to those individuals who live in the City or its extraterritorial jurisdiction or attend school in the AISD. Participation by other individuals, teams, and

groups may be permitted by the Department if facility availability permits.

2. Leagues requesting regular season play with out-of-town teams on game facilities owned by, leased or otherwise controlled by the City will be given consideration after game fields or facility time has been allocated for all other teams of organizations made up of individuals from the City or its extraterritorial jurisdiction. Participation by such out-of-town teams is subject to approval by the Department.
- D. The Department may place more than one (1) organization on a given facility for the same sport. Primary sports will be accommodated prior to secondary sports.

## **Section 12.07 Scheduling**

### **A. League Scheduling**

1. Organizations requiring City game facilities for league activity will submit their final team numbers, team rosters, field maintenance fees, current insurance policies, signed Facility Use Agreement and all other pertinent information necessary to schedule league games. All required above information must be submitted at least 14 days prior to the designated start of that specific sport season. Final schedules will be completed and returned one calendar week prior to the designated start of that specific sport season.
2. The Department reserves the right to change desired scheduling and facility requests by that organization, as stated in their Facility Use Agreement, if deemed necessary:
  - a. To complete season play by the established sport season date;
  - b. To accommodate organization requests that exceed available playing space at available facilities;

- c. If the organization fails to maintain "recognized status" by violating provisions in the Facility Use Agreement;
  - d. If scheduling and maintenance efficiency can be enhanced by field dimension compromise; or
  - e. By excessive weather conditions that might affect playing surfaces.
3. Due to the difficulty in modifying maintenance and lighting schedules, the City must receive make-up game schedule requests, in writing, 48 hours before the date of the make-up game for approval. The City will make every effort to accommodate schedule changes of less than 48 hours, however, some requests will not be able to be honored. Schedule changes will not be officially accepted until written approval is provided by the City to the organization.

**B. Casual Scheduling**

Casual scheduling is the use of game facilities by residents, clubs or organizations on an organized basis who are not participants in locally sponsored leagues or activities. Any group or resident may request the use of a game facility through the Department when available, provided those who request and are to use the facility live within the City or the AISD. Such requests will be considered on a space available basis. The nature of such use shall be purely recreational and not for profit. The applicable reservation and light usage fees will apply.

**C. Practice Sessions**

1. *ASC member practices.* Game facilities for sports such as baseball, softball, soccer and football, unless they have been designated for scheduled use only, may be used for practice with approval of the Department and payment of applicable reservation and light usage fees.
  - a. Each organization will schedule their teams on their designated fields for their allotted time frames and not otherwise.

- b. There shall be no practices upon City designated game facilities, or any other area where games and practices have been cancelled due to field conditions.
  - c. Each organization shall require in its by-laws, rule book or policies that any team under its jurisdiction, after receiving one (1) warning for violating any part of this section, shall forfeit one (1) league game. Penalties may also be assessed as authorized by section 12.18.
2. *General public practices.* All reservations for practices by the general public are subject to the following conditions:
- a. Reservation requests must be made through the Department at least 48 hours in advance of the intended reservation;
  - b. The applicable reservation and light usage fees must be paid at the time the reservation is made; the scheduled turning on and turning off of lights shall be the responsibility of the Department or as established by written agreement;
  - c. An approved facility reservation form must be obtained from the Department when the fee is paid;
  - d. No refunds will be made unless the reservation is cancelled by the Department or in case of inclement weather as determined by the Department.

**Section 12.08 Tournaments/Meets**

Athletic tournament or meet requests which involve out-of-town teams will be considered on a space available basis subject to the following conditions:

- A. The Department may restrict the number, size, dates, and locations of tournaments or meets in order to protect field or facility conditions or to prevent overuse of fields or facilities.

- B. Requests for tournament play or meets will be restricted to Arlington youth and adult athletic organizations meeting specified requirements of section 12.05. Upon approval, direct costs to the City involving lights, personnel, equipment, and materials incurred in preparation for, operation of, and clean up after the tournament or meets shall be charged to the sponsoring organization. The Department shall estimate such expenses prior to approval. The sponsoring organization shall also pay designated tournament, meet, and special use permit fees.
- C. Any request for tournament play or meets must be made in writing by the sponsoring organization no less than thirty (30) days prior to the scheduled tournament or meet. Existing tournaments or meets will receive first consideration. Approval of tournament play or meets does not guarantee facility condition or availability of Department personnel or equipment.
- D. Prior to fields or facilities being allocated for organization tournaments or meets, the tournament/meet usage agreement must be signed and on file with the Department.

**Section 12.09 Financial Responsibility**

The purpose of requiring financial records is to allow participants the opportunity to effectively monitor use of their money and to ensure that public facilities are not being used as a profit generator for any individual, group, or organization. It is intended that all funds raised by the individual, group, or organization be used directly for the athletic program that is the subject of the Facility Use Agreement. In that manner, the City requires that the organization employ financial management systems that reasonably safeguard its financial resources. Financial records should be developed and maintained in a way that is accessible and understandable to program participants.

- A. The City Council has determined that it is necessary and proper to establish and levy user fees to be charged for the use of the City's public parks and recreation facilities. User fees will be deposited by the Department into the City's Field Enhancement Fund.

- B. Organization agrees to pay a field maintenance enhancement fee as described in the Facility Use Agreement for league play to help recover a portion of the maintenance and operating costs of providing and maintaining game fields and facilities.
- C. Once schedules are submitted to the Department, an invoice will be submitted to the organization requesting fifty (50) percent of the scheduled contract fees payable within two weeks of the season start date. Once the season is completed, the City and Organization will reconcile the account after rain-out dates, schedules changes, and lighting charges have been assessed. The adjusted contract invoice will be sent to the Organization requiring payment within thirty (30) days after reconciliation.
- D. The Organization, upon request by the City, agrees to furnish a copy of financial statements detailing revenues and expenditures to the City.

**Section 12.10 Facility Maintenance**

Subject to the conditions and provisions set out in this Article, maintenance of various game facilities owned by the City shall be subject to the following:

- A. Maintenance of all game facilities owned or operated by the City will be performed only by the Department unless organizations enter into a written maintenance agreement with the Department. No modifications, alterations, additions, or deletions (temporary or otherwise), may be made to any facility scheduled by the City unless written approval is obtained from the Department in accordance with the policy for construction/maintenance approval process for organizations.
- B. Certain athletic sites or fields as determined by the Director or his/her designee, may receive enhanced maintenance in cooperation with specific organizations. These fields shall be used only on a scheduled basis and shall be identifiable by special signage. These fields or sites may be gated or fenced with controlled access to protect the benefits of enhanced maintenance from unauthorized activity, practices and vandalism.

**Section 12.11 Facility Closure**

Departmental staff may close a facility/field at any time due to weather and/or poor field conditions. Gated facilities are considered closed when the gates to the facility are not open. Non-gated facilities will be posted with signage at individual fields. Persons using closed facilities/fields are subject to penalties as set in section 12.18.

- A. The Department may cancel a game, event, tournament or meet at any time in the interest of ensuring the quality and safety of the facilities.
- B. The decision to cancel the game, event, tournament or meet shall be made by authorized members from the Department. Authorized representatives from the organization may be contacted for their input in making the decision.
- C. Whenever possible, games, events, tournaments or the meet will first be delayed or postponed. The decision to resume play or the meet will rest with the Department.
- D. Failure to comply with this policy will result in the denial of future use of the facilities for tournaments or meets.

**Section 12.12 Concessions**

The Department shall control concession rights for all parks and recreational facilities. No concession may be sold in any park or facility by any individual, group or organization except with the written approval of the Director or his/her designee. If an organization wishes to provide concession services at or on City facilities, a separate Food and Beverage Concession Contract must be executed with the City prior to such operation. Approval must be granted by City for any and all concession stands and/or trailers and follow City, County and State Health Codes.

**Section 12.13 Insurance**

Organizations conducting organized leagues must provide and keep in force for the duration of the season with an insurance company duly licensed in the State of Texas and rated A- or better by A.M. Best, general liability insurance in an amount specified by the City's Risk Manager. Insurance limits will be reviewed on an annual basis. In addition, the policy shall include the City of Arlington as an additional named insured. No games or activities may be played until an acceptable proof of insurance has been received by the Parks and Recreation Department and approved by the City's Risk Manager.

**Section 12.14 Field Lighting Usage Provisions**

Subject to the conditions and provisions set out in this Article, the use of lights at various athletic game facilities used in activities covered by this Article shall be subject to the following:

- A. All use of lights, whether for practice or games, shall cease and lights shall be turned off at 11:45p.m.;
- B. Only with the approval of the Department, and only under certain conditions and/or for certain special uses, will the light usage time be extended beyond 11:45p.m.

**Section 12.15 Criminal Background Checks**

One of the primary goals of the City is to continually ensure the safety and welfare of its youth during their participation in all sports and athletic activities that occur on or in City athletic facilities. Organizations shall adopt and publish a criminal background check policy to be used for determining an individual's eligibility to volunteer.

- A. The organization shall conduct criminal background checks on all persons acting as head coaches, assistant coaches, managers, board members, umpires, referees, employees and any other person acting in an official capacity of the organization prior to assuming their responsibilities and shall remain valid for the calendar year.

- B. The organization shall employ a reputable company licensed by the State of Texas to conduct such checks, and will be responsible for paying for the expense of all checks.
- C. In the event that the organization determines it is necessary to disqualify a prospective volunteer or to disqualify a volunteer previously certified to the City as meeting the requirements of the policy, the organization must notify the person in writing (basic facts about the disqualification shall be given to the volunteer, but detailed facts shall not be required). The written notification must also advise the disqualified person of the right to appeal.
- D. The organization shall furnish to the City a listing of the persons that have successfully undergone a criminal background check prior to the beginning of any individual's involvement with any youth related activities. An organization board member shall sign this listing for final verification of the activities taken by the organization. Copies of the results must be kept on file for a period of three years, and must be available for review upon request by the City.

**Section 12.16 Coaches Training**

In an attempt to ensure a positive experience for the community's youth, organizations shall implement training programs to help prepare volunteers as coaches and mentors. These programs should be designed to provide a foundation in coaching principles, sports first aid, sport-specific techniques and communication.

**Section 12.17 Advertising, Signage, and Fence Screens**

All requests for permission to place advertising signage on City facilities shall be made to the Director or his/her designee. Advertising signage shall be subject to written City approval and are permitted on the fence only during the season of the sport. All sales of signs will be limited to one year.

**Section 12.18 Penalty**

Any sponsoring individual, group, or organization violating any provision of the rules and regulations contained in this Article may be penalized in the following manner:

- A. Any individual, group, or organization may be notified of the violation in a written notice by the Department.
- B. Any individual, group, or organization, upon written notification may be provided an opportunity to resolve the violation determined by the Director or his/her designee.
- C. Any individual, group, or organization violating any of the rules and regulations contained in this Article may be refused the scheduled usage of athletic facilities if such action is deemed necessary by the Director of Parks and Recreation upon the review and disposition of the violation.

(Amend Ord 07-043, 6/5/07)

**ARTICLE XIII**

**GOLF COURSES**

**Section 13.01 Hours of Operation**

Golf play will begin thirty (30) minutes after daylight at Chester W. Ditto, Lake Arlington and Meadowbrook Golf Courses and at the designated start time at Tierra Verde Golf Club, unless otherwise instructed by the golf staff or due to weather conditions. Golfers are never to be released before daylight. Golf play will end just prior to dark at all City golf course facilities excluding the lighted driving range at Tierra Verde Golf Club.

**Section 13.02 Holidays**

City golf courses will be open as usual on the official holidays observed by the City except for Christmas Day. Christmas Day (December 25) is the only holiday that golf courses will be closed. Weekend/Holiday green fees will be in effect on these observed holidays unless otherwise specified by the Director or his/her designee.

**Section 13.03 Golf Course Authority**

- A. The privilege of playing golf or participating in any other golf-related activity on a City golf course is subject to compliance with the rules and regulations established by the Department. The Director is authorized to suspend, terminate, or immediately cancel playing privileges of individuals who violate course rules or regulations, or for conduct which interferes with the proper administration of the golf courses or their enjoyment by the public.
- B. The Director is authorized to delegate authority to designees who will represent the Department in golf related matters.
- C. These designees include the Director of Golf, Golf Programs Manager, Golf Clubhouse personnel, Golf Maintenance personnel, and any other representatives that the Director of Parks and Recreation so names.
- D. Named designees are authorized to remove an individual from the golf course for infraction of rules and regulations including but not limited to: obnoxious

behavior, intoxication; damaging property; refusal to speed up or let players through when holding up play; failure to follow course numbers from hole to hole; driving golf cars onto collars or surfaces of greens and tees; entering areas that are restricted to golf play by either course rules or signage; practicing on golf course; playing without proper cash receipt; or trespassing.

**Section 13.04 Public Use of Golf Facilities**

- A. The Director is charged with establishing course fees. All individuals entering upon a City golf course for the purpose of playing golf is required to pay the appropriate course fee.
- B. The City golf courses shall only be utilized for the purposes of playing or practicing the game of golf unless otherwise authorized by the Director or one of his/her designees.
- C. Non-golfers acting as spectators for tournament events are allowed entry onto the golf course to watch play. Persons wishing to act as spectators must be at least ten (10) years of age, report to the clubhouse, and complete a waiver of liability form before entering course areas. A guardian's signature is required for non-golfer spectators who are minors (under 18 years of age).
- D. Dog walkers, bicycle riders, picnickers, joggers or any other unauthorized person shall not be permitted to walk, ride, run, jog or rest on golf course premises without the consent of the Director or one of his/her designees. Such use of the golf course without authorization shall be considered trespassing.

**Section 13.05 Player Eligibility**

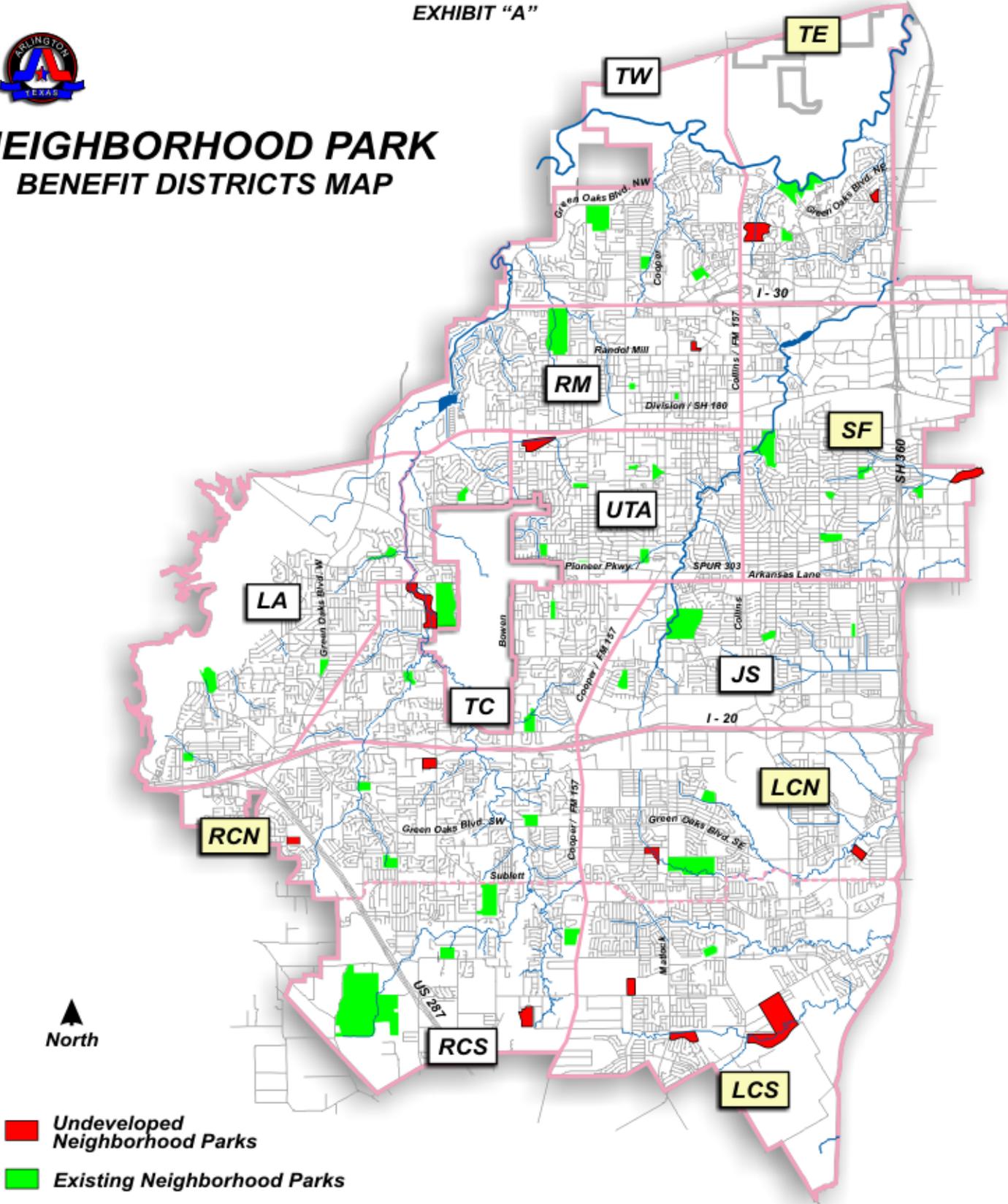
- A. The minimum age for minors wishing to play on City golf courses is six (6) years of age. In order to play without adult supervision, a minor must be at least twelve (12) years of age.
- B. Anyone younger than twelve (12) years of age must have knowledge of the game of golf, must be participating in the game of golf, and accompanied by an adult at least eighteen (18) years of age.

- C. Minimum dress code requirements must be met for all golfers.
- D. Each player must have their own golf bag and set of golf clubs.
- E. Players must be a minimum of 18 years of age to rent and/or drive an electric golf car.

(Amend Ord 07-043, 6/5/07)



# NEIGHBORHOOD PARK BENEFIT DISTRICTS MAP



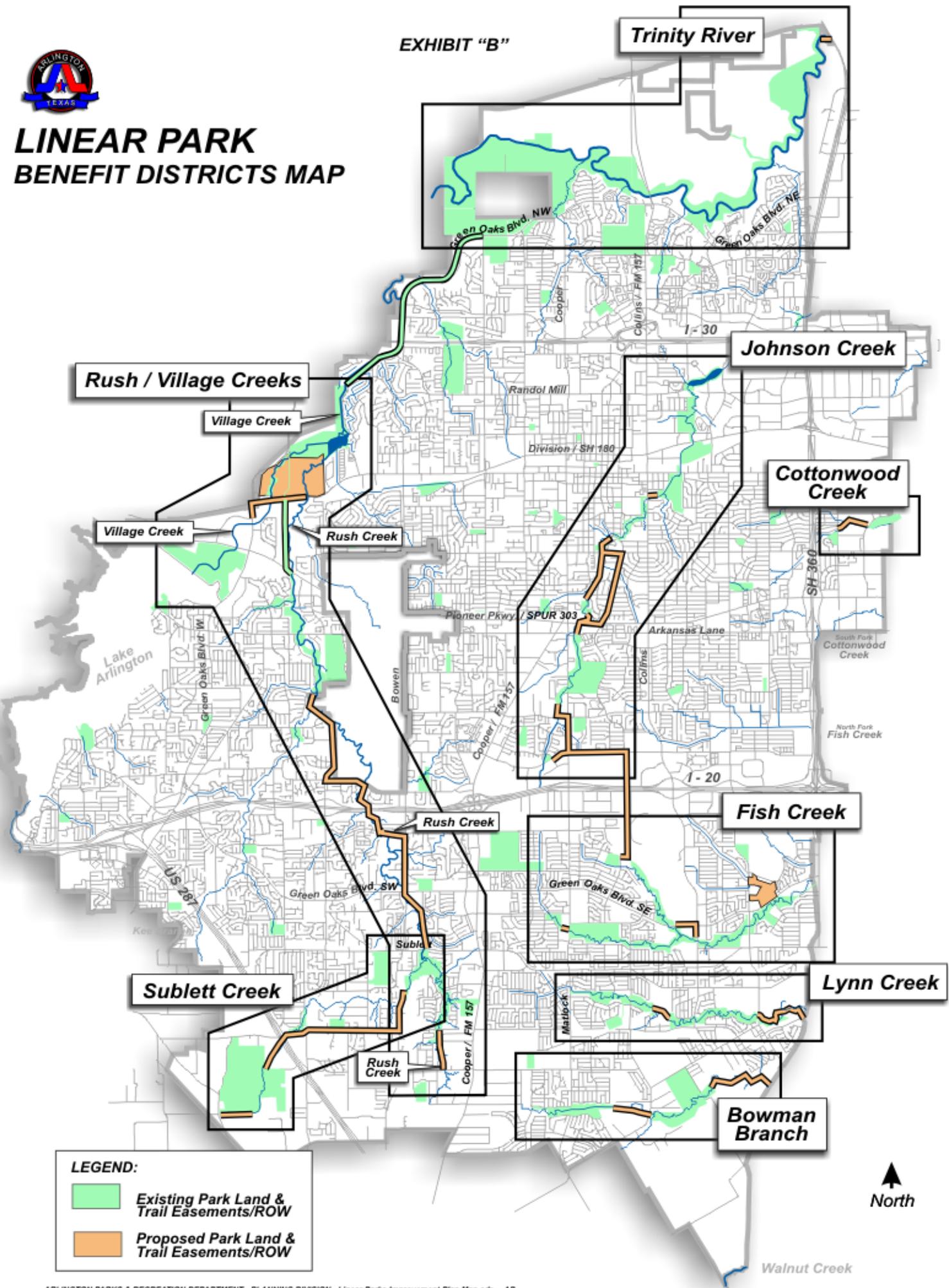
- Undeveloped Neighborhood Parks
- Existing Neighborhood Parks

<p><b>TW - TRINITY WEST</b>  <b>TE - TRINITY EAST</b>                  Parks to be Acquired - 1</p> <p><b>RM - RANDOL MILL</b>  <b>UTA - UTA</b>  <b>SF - SIX FLAGS</b>                  Parks to be Acquired - 1</p>	<p><b>LA - LAKE ARLINGTON</b>  <b>TC - TRI-CITY</b>  <b>JS - JOHNSON STATION</b>                  Parks to be Acquired - 1</p> <p><b>RCN - RUSH CREEK NORTH</b>                  Parks to be Acquired - 1</p> <p><b>RCS - RUSH CREEK SOUTH</b></p>	<p><b>LCN - LYNN CREEK NORTH</b>                  Parks to be Acquired - 1</p> <p><b>LCS - LYNN CREEK SOUTH</b>                  Parks to be Acquired - 2</p>
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# LINEAR PARK BENEFIT DISTRICTS MAP

EXHIBIT "B"



**LEGEND:**

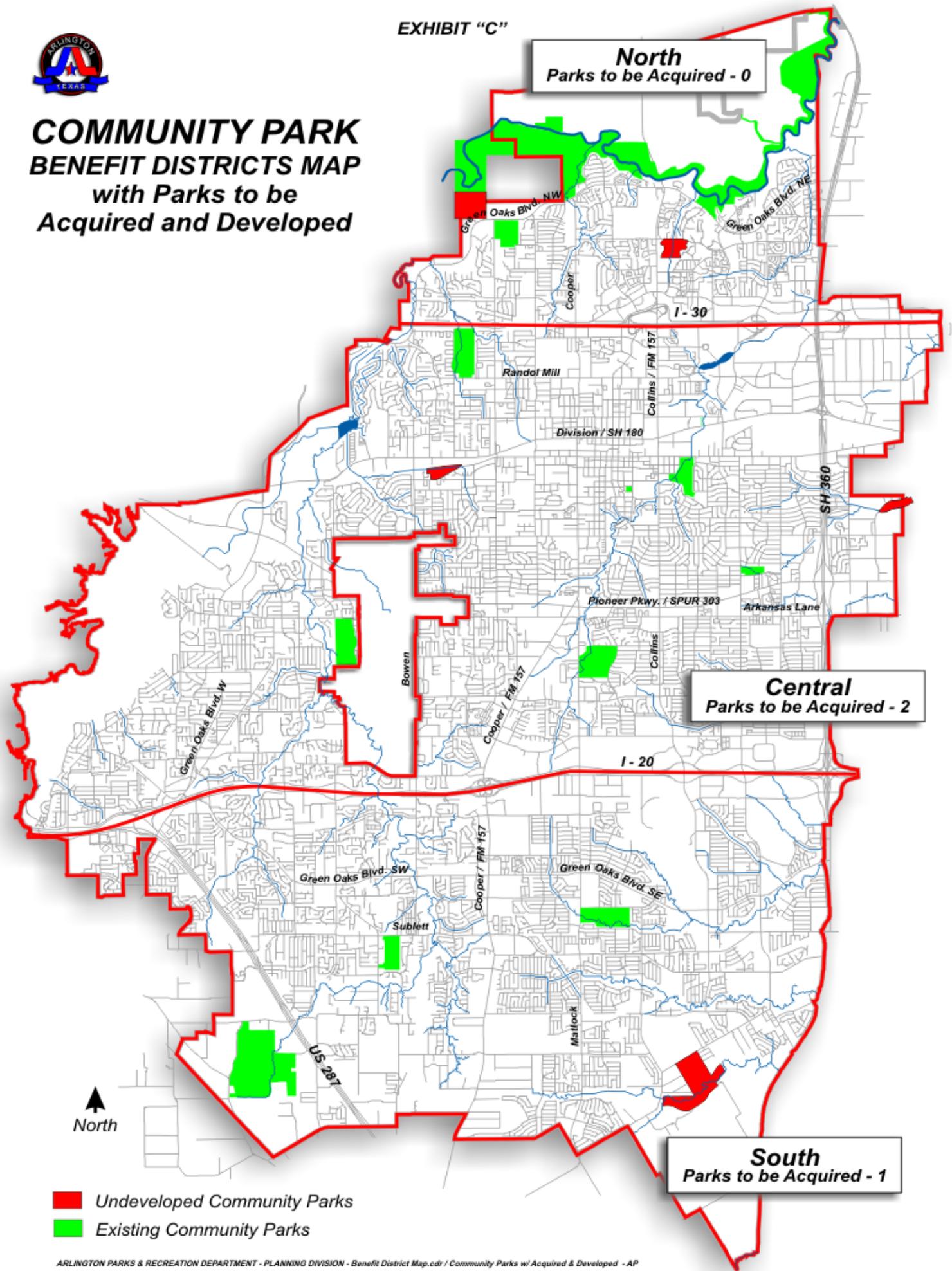
- Existing Park Land & Trail Easements/ROW
- Proposed Park Land & Trail Easements/ROW





EXHIBIT "C"

# COMMUNITY PARK BENEFIT DISTRICTS MAP with Parks to be Acquired and Developed



## NEIGHBORHOOD PARK IMPROVEMENTS PLAN

Exhibit D

Benefit District	Neighborhood Park Standard *	# of Households (2002)	# of Households (2012)	# of Parks to be Acquired	# of Parks to be Developed	Acquisition Cost	Development Cost	Total Acquisition & Development Cost	Cost Per Residential Unit		Projected Park Fees
									Actual	Authorized	
<b>Trinity East</b>											
TE1	10/3000	13,323	15,035	1	3	\$ 450,000	\$ 3,705,000	\$ 4,155,000	\$ 562	\$ 336	\$ 575,232.00
<b>Trinity West</b>											
TW1	10/3000	9,456	10,285	0	0	\$ -	\$ -	\$ -	\$ 562	\$ 336	\$ 278,544.00
<b>Randol Mill</b>											
RM1	10/3000	11,147	11,801	0	1	\$ -	\$ 1,235,000	\$ 1,235,000	\$ 562	\$ 336	\$ 219,744.00
<b>UTA</b>											
UTA1	10/2500	13,857	14,344	0	1	\$ -	\$ 1,235,000	\$ 1,235,000	\$ 674	\$ 336	\$ 163,632.00
<b>Six Flags</b>											
SF1	10/2500	16,558	17,456	1	2	\$ 450,000	\$ 2,470,000	\$ 2,920,000	\$ 674	\$ 336	\$ 301,728.00
<b>Lake Arlington</b>											
LA1	10/2500	8,675	9,695	0	0	\$ -	\$ -	\$ -	\$ 674	\$ 471	\$ 480,420.00
<b>Tri-City</b>											
TC1	10/2500	6,452	7,074	0	1	\$ -	\$ 1,235,000	\$ 1,235,000	\$ 674	\$ 471	\$ 292,962.00
TC2	10/2500	5,093	5,276	0	0	\$ -	\$ -	\$ -	\$ 674	\$ 471	\$ 86,193.00
<b>Johnson Station</b>											
JS1	10/2500	4,828	5,165	0	0	\$ -	\$ -	\$ -	\$ 674	\$ 471	\$ 158,727.00
JS2	10/2500	7,557	7,939	1	1	\$ 450,000	\$ 1,235,000	\$ 1,685,000	\$ 674	\$ 471	\$ 179,922.00
<b>South Rush Creek</b>											
SR1	10/2500	5,976	6,621	0	1	\$ -	\$ 1,235,000	\$ 1,235,000	\$ 674	\$ 385	\$ 248,325.00
SR2	10/2500	5,752	6,495	1	2	\$ 450,000	\$ 2,470,000	\$ 2,920,000	\$ 674	\$ 385	\$ 286,055.00
SR3	10/2500	212	827	0	0	\$ -	\$ -	\$ -	\$ 674	\$ 385	\$ 236,775.00
SR4	10/2500	2,724	3,710	0	0	\$ -	\$ -	\$ -	\$ 674	\$ 385	\$ 379,610.00
SR5	10/2500	1,319	2,249	0	1	\$ -	\$ 1,235,000	\$ 1,235,000	\$ 674	\$ 385	\$ 358,050.00
<b>Lynn Creek</b>											
LC1	10/2500	6,944	7,882	1	1	\$ 300,000	\$ 1,235,000	\$ 1,535,000	\$ 614	\$ 385	\$ 361,130.00
LC2	10/2500	3,411	4,169	1	2	\$ 300,000	\$ 2,470,000	\$ 2,770,000	\$ 614	\$ 385	\$ 291,830.00
LC3	10/2500	4,967	7,222	1	3	\$ 300,000	\$ 3,705,000	\$ 4,005,000	\$ 614	\$ 385	\$ 868,175.00
LC4	10/2500	2,073	4,816	1	1	\$ 300,000	\$ 1,235,000	\$ 1,535,000	\$ 614	\$ 385	\$ 1,056,055.00
<b>Totals</b>		<b>130,324</b>	<b>148,061</b>	<b>8</b>	<b>20</b>	<b>\$ 3,000,000</b>	<b>\$ 24,700,000</b>	<b>\$ 27,700,000</b>	<b>N/A</b>	<b>N/A</b>	<b>\$ 6,823,109.00</b>

10/3000 = 10 acres per 3000 dwelling units

10/2500 = 10 acres per 2500 dwelling units

**LINEAR PARK IMPROVEMENTS PLAN**

(Assumes 40% floodway; 60% floodplain)

**BOWMAN BRANCH**

4.2	miles trail x	\$1,240,000	\$5,208,000
98.6	acres floodway x	\$2,000	\$197,200
147.8	acres floodplain x	\$5,000	\$739,000

**COTTONWOOD CREEK**

0.9	miles trail x	\$1,240,000	\$1,116,000
15.6	acres floodway x	\$2,600	\$40,560
23.4	acres floodplain x	\$6,500	\$152,100

**FISH CREEK**

6.7	miles trail x	\$1,240,000	\$8,308,000
126	acres floodway x	\$2,000	\$252,000
189	acres floodpain x	\$5,000	\$945,000
6.3	acres ROW x	\$21,780	\$137,214

**JOHNSON CREEK**

8.5	miles trail x	\$1,240,000	\$10,540,000
96.5	acres floodway x	\$2,600	\$250,900
144.8	acres floodplain x	\$6,500	\$941,200
7.4	acres ROW x	\$21,780	\$161,172

**LYNN CREEK**

4.1	miles trail x	\$1,240,000	\$5,084,000
71.1	acres floodway x	\$2,000	\$142,200
106.6	acres floodplain x	\$5,000	\$533,000
3.1	acres ROW x	\$21,780	\$67,518

**RUSH/VILLAGE CREEKS**

14.6	miles trail x	\$1,240,000	\$18,104,000
242	acres floodway x	\$3,000	\$726,000
363	acres floodplain x	\$7,500	\$2,722,500
11.4	acres ROW x	\$21,780	\$248,292

**SUBLETT CREEK**

3.2	miles trail x	\$1,240,000	\$3,968,000
31.6	acres floodway x	\$3,000	\$94,800
47.4	acres floodplain x	\$7,500	\$355,500
5.2	acres ROW x	\$21,780	\$113,256

**TRINITY RIVER**

10.5	miles trail x	\$1,240,000	\$13,020,000
618.8	acres floodway x	\$4,500	\$2,784,600

**\$76,952,012**

*Total cost of land + Total cost of linear park development*

**= Cost per dwelling unit**

*Total projected dwelling units at buildout (164,043)*

**\$76,952,012 /164043 =**

**\$469 /DWELLING UNIT**

<b>SCHEDULE 1</b>			
<b>BENEFIT DISTRICTS</b>	<b>NEIGHBORHOOD FEE PER UNIT</b>	<b>LINEAR FEE PER UNIT</b>	<b>TOTAL</b>
TRINITY WEST	\$562	\$469	\$1,031
TRINITY EAST	\$562	\$469	\$1,031
RANDOL MILL	\$562	\$469	\$1,031
SIX FLAGS	\$674	\$469	\$1,143
UTA	\$674	\$469	\$1,143
LAKE ARLINGTON	\$674	\$469	\$1,143
TRI-CITY	\$674	\$469	\$1,143
JOHNSON STATION	\$674	\$469	\$1,143
S. RUSH CREEK (2)	\$674	\$469	\$1,143
LYNN CREEK (2)	\$614	\$469	\$1,083

<b>SCHEDULE 2</b>			
<b>BENEFIT DISTRICTS</b>	<b>NEIGHBORHOOD FEE PER UNIT</b>	<b>LINEAR FEE PER UNIT</b>	<b>TOTAL</b>
TRINITY WEST	\$562	\$469	\$1,031
TRINITY EAST	\$562	\$469	\$1,031
RANDOL MILL	\$562	\$469	\$1,031
SIX FLAGS	\$674	\$469	\$1,143
UTA	\$674	\$469	\$1,143
LAKE ARLINGTON	\$674	\$469	\$1,143
TRI-CITY	\$674	\$469	\$1,143
JOHNSON STATION	\$674	\$469	\$1,143
S. RUSH CREEK (2)	\$674	\$469	\$1,143
LYNN CREEK (2)	\$614	\$469	\$1,083

ORDINANCE NO. 96-153

AN ORDINANCE REPEALING THE EXISTING **"PARKS AND RECREATION"** CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, AND ADOPTING A NEW "PARKS AND RECREATION" CHAPTER; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the existing **"Parks and Recreation"** Chapter of the Code of the City of Arlington, Texas, 1987, is hereby repealed and adoption of a new "Parks and Recreation" Chapter, so that hereafter said chapter shall be and read as follows:

**ARTICLE I**

**DEFINITIONS**

**Section 1.01 Definitions**

The following words and terms, when used in this Chapter, shall have the meanings hereinafter designated.

**"Amplified Sound"** means any sound projected or transmitted by artificial means, including but not limited to, amplifiers, loudspeakers, or any similar devices.

**"Department"** means the City Department of Parks and Recreation.

**"Director"** means the Director of the Department of Parks and Recreation or his or her authorized representative.

**"Nonresident"** means any person who does not live within and whose dwelling house and home is not located within the corporate city limits of Arlington, Texas.

**"Outside Group"** means any organization or group of persons contracting with the City of Arlington to use the recreation facility.

**"Park"** means any land selected, obtained, or acquired by the City for use as a public park, or recreation or playground area, and any building or facility thereon, owned and maintained by the City as a public park, or recreation or playground area, whether or not such areas have been formally dedicated to such purpose.

**"Park Board"** means the Park and Recreation Board established pursuant to Article II of this Chapter.

**"Park and Recreation Department Official"** means an employee of the Park and Recreation Department or an appointee of the Director to whom authority to administer and enforce the provisions of this Chapter has been granted by the Director.

**"Parking Area"** means any designated portion of any park or any park road or drive, that is set aside for the parking of vehicles.

**"Permit"** means written permission from the Park and Recreation Board or Director to carry out a given activity in a park.

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

**"Pollution"** means contamination or other alteration of the physical, chemical, or biological properties of park waters, including changes in the temperature, taste, color, turbidity, or odor of the water, or such discharge of any liquid, gas, solid, radioactive or other substance into any park waters that will or is likely to create a public nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, recreational, or other beneficial uses, or to wild animals, birds, fish, or other aquatic life.

**"Recreation Center"** includes but is not limited to the City's multipurpose and senior recreation centers, Lake Arlington Operations Center, River Legacy Living Science Center and Tennis Center.

**"Resident"** means any person who lives within and whose dwelling house and home is located within the corporate city limits of Arlington, Texas.

**"Vehicle"** includes any wheeled device of conveyance, propelled by motor or engine. The term shall include any trailer of any kind, size, or description. Exception is made for vehicles in the service of the City.

**"Vessel"** includes any device of human conveyance on the water, whether propelled by motor, wind, or human power. The term includes, but is not limited to, any boat, yacht, cruiser, canoe, raft or other water craft.

## ARTICLE II

### PARK AND RECREATION BOARD

#### Section 2.01 Membership, Term, Vacancies

There shall be a Park and Recreation Board consisting of eleven (11) members appointed by the Mayor with the approval of the City Council. Park Board members shall be citizens of the City of Arlington. Members shall serve for a term of two (2) years from the first day of July of the year of their appointment. The City Council shall assign members to Places 1 through 11, and members appointed to odd numbered Places shall be appointed in odd numbered years, and members appointed to even numbered Places shall be appointed in even numbered years. The term of office of such Park Board members shall be limited to six (6) years. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.

#### Section 2.02 Conduct of Business

The Park and Recreation Board shall serve in an advisory capacity concerning the acquisition, maintenance, operation and use of parks, playgrounds and open spaces within the City and shall issue permits required by this Chapter and shall conduct its business at such times and under such rules and regulations as it may prescribe.

**Section 2.03 Department of Parks and Recreation**

There shall be a department of City government to be known as the Department of Parks and Recreation and such Department shall be under the supervision of the Director of Parks and Recreation. The Director shall be appointed by the City Manager and shall be responsible to the City Manager in the conduct and affairs of the Department.

**ARTICLE III**

**CONTROL OF VEHICLES**

**Section 3.01 Vehicle and Traffic Laws**

All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in all parks.

**Section 3.02 Traffic Control**

All law enforcement officers or Park and Recreation Department officials as defined in Section 1.01 of this Chapter, shall have the authority to limit traffic in a park in accordance with the provisions of this ordinance or any other applicable laws and ordinances in order to control pedestrian and vehicular movement, public safety and park capacity.

**Section 3.03 Special Provisions Applicable to Motorcycles, Scooters and Mini-Bikes**

The Director may, in his reasonable discretion, through Park Rules and Regulations set aside or designate areas, paths, trails, or roads in a park where operating motorcycles, scooters, and mini-bikes shall be allowed. Only such vehicles shall be operated in such designated area.

**Section 3.04 Operating or Parking Motor Vehicles**

No person shall operate or park a vehicle over, through or on any park grounds except along or upon park roadways

and designated parking areas as set forth in Park Rules and Regulations.

**Section 3.05 Unauthorized Vehicles**

- A. No person shall leave a vehicle, including trailers, unattended in a park without written permission from the Parks and Recreation Department.
- B. For purposes of this section, unattended vehicle means a vehicle, including a trailer, parked on park property, when the driver or owner of the vehicle is not a user of park property present in the park at all times that his vehicle is located on park property.

**ARTICLE IV**

**PARK PROPERTY**

**Section 4.01 Buildings and Other Property**

No person shall in any City park do or cause to be done any of the following without first obtaining a permit from the Parks and Recreation Department:

- 1. Mark, deface, injure, displace, remove or tamper with any park property or any park grounds.
- 2. Construct or erect any building or structure of any kind, whether permanently or temporarily.

**Section 4.02 Protection of Wild Animals**

- A. No person shall in any City park capture, attempt to capture, hunt, molest, injure, trap or administer or set out any trap or harmful substance for any wild or domestic animal, reptile, bird or fish, nor remove or have in his possession the young, eggs or nest of any animal, reptile or bird, unless such person first obtains a permit from the Department or engages in such activities in a designated park or a designated area within a park where such activities have been authorized by the Department.

- B. Fishing shall be permitted in areas as designated through Department Rules and Regulations and park signage.

**Section 4.03 Sanitation**

No person shall in any City park:

1. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park, any substance matter or thing, liquid or solid, which will or may result in the pollution of such waters.
2. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage refuse or other trash except in designated containers.

**ARTICLE V**

**RECREATIONAL ACTIVITIES**

**Section 5.01 Swimming**

No person in the park shall:

1. Swim, bathe or wade in any water or waterway in or adjacent to any park, except in such water or waterway as may be designated in accordance with the terms of this ordinance, park rules and regulations, or as authorized by permit issued in accordance with this ordinance.
2. Swim, bathe or wade, except during those hours established for such activities by ordinance, park rules and regulations or authorized by permit issued in accordance with this Ordinance.

**Section 5.02 Boating**

No person shall bring into or operate any vessel upon any park waters, except by permit from the Director.

**Section 5.03    Camping**

No person shall camp overnight in a park without first obtaining a camping permit from the Director.

**Section 5.04    Fires**

- A. No person shall start or maintain in any park any outdoor fire, except for cooking fires which shall be started and maintained only in a stove, firepit, barbecue pit or in a portable camp stove.
- B. No person starting or maintaining any fire in a park shall leave the fire unattended without first completely extinguishing the fire.

**Section 5.05    Animals and Pets**

- A. No person in a park shall:
  - 1. Ride a horse or other animal, except in areas or on paths or trails designated by Park Rules and Regulations. This prohibition shall not apply to a duly authorized mounted patrol officer in the performance of his/her official duties.
  - 2. Abandon any animal in the park.
  - 3. Permit animal defecation caused by an animal owned or possessed by him or her to remain on park property, unless properly disposed of in a trash receptacle.
- B. Any animal ridden shall be properly restrained, and ridden with due care, and shall not be allowed to go unattended.
- C. Permit an animal owned or possessed by him to run at large, nor permit any such animal in a park unless it shall at all times be restricted or kept on a leash. Nor shall any person allow an animal owned or possessed by him to remain unattended on park property.
- D. It is an exception to Section 5.05(C) that:

1. The animal is a police service animal under the supervision of a police officer in the performance of his official duties; or
2. The animal is a water fowl at a municipality owned facility.

**Section 5.06 Games**

No person shall operate a motor driven model airplane, engage in the sport of archery, launch, discharge, or cause to be launched or discharged paint, paintballs or any other projectile or hit a golf ball or golf balls in a City park, except in areas designated by the Director for such purposes or as authorized by permit issued by the Director or Park Board. Hitting golf balls is permitted at Chester W. Ditto Golf Course, Lake Arlington Golf Course and Meadowbrook Golf Course.

**ARTICLE VI**

**NUISANCES AND BEHAVIOR**

**Section 6.01 Alcoholic Beverages**

- A. It is a violation of Department Rules and Regulations to sell, consume, or possess alcoholic beverages in any park. Violation of this provision may result in removal from park property.
- B. Exceptions:
  1. A person may consume or possess alcoholic beverages in Doug Russell Park.
  2. A person may sell, consume, or possess alcoholic beverages in a park where appropriate permits have been obtained from the Park Board and the State.

**Section 6.02 Military Maneuvers**

Military maneuvers and exercises are prohibited in any park.

**Section 6.03     Posting and Possession of Permits**

Permits required by this ordinance shall be posted or otherwise maintained in the area where the activity is conducted or produced and exhibited upon the demand of any law enforcement officer or other authorized park employee. Permits shall not be affixed to trees, signs or other structures on park property by the use of nails, tacks, or other device which may result in the damage to or defacing of such trees, signs or other structure on park property.

**Section 6.04     Merchandising, Advertising and Signs, Commercial Photography and Videotaping**

No person in a park shall:

1.   Expose or offer for distribution, sale or hire any article, thing or service, nor station or place any stand, cart or vehicle for the transportation, distribution, sale or display of any article, thing or service unless a permit has been obtained from the Director.
2.   Announce, advertise or call the public's attention in any way to any article, thing or service for distribution, sale or hire unless done pursuant to a permit obtained from the Parks and Recreation Director.
3.   Announce, advertise, or call the public's attention to an event unless done pursuant to a permit obtained from the Director. This section shall apply to all events whether or not a fee is charged, money is solicited, or money is donated to such event.
4.   Paste, glue, tack or otherwise place any sign, placard, advertisement or inscription on park property or erect or cause to be erected any sign on any public lands, highways or roads adjacent to a park unless done pursuant to a permit obtained from the Director.
5.   Use a park for the purpose of commercial photography or videotaping without first obtaining a permit from the Director.

**Section 6.05    Interference with Park Users**

No person shall prevent, disturb or unreasonably interfere with any other persons occupying any area of a park or participating in any lawful activity permitted within the park.

**ARTICLE VII**

**PERMITS**

**Section 7.01    Permits Required**

- A. In addition to any other provision of this ordinance that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the Director or from the Park Board, if Park Board approval is required, prior to the start of the activity:
1. Any organized sporting event using park ball field facilities for which permits are required.
  2. Any exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event or any similar event.
  3. Any public meeting, assembly, parade, ceremonies, addresses, speeches, political meetings or other mass gathering. A mass gathering is an organized party which is composed of five hundred (500) or more persons.
  4. Any use of any park facility by a group of persons to be exclusive of others.
  5. Any use involving amplified sound.
- B. Park Board approval of a permit application is required before a person may sponsor, hold, or organize, an activity in a Park which involves any of the following: amplified sound for public events; fund raising events; and mass gatherings.

**Section 7.02    Application Procedure**

- A.    A person seeking the issuance of a permit to conduct an activity in a park shall file an application with the Parks and Recreation Director. The application shall state:
1.    The name, address and telephone number of the person and organization applying for the permit;
  2.    If the use or activity is to be conducted for, on behalf of or by any person other than the applicant, the name, address and telephone number of that person;
  3.    The exact nature of the use or activity for which the permit is being sought;
  4.    The date(s) and hours for which the permit is desired;
  5.    The park and the portion of the park desired to be used to conduct the proposed use or activity;
  6.    An estimate of the anticipated attendance; and
  7.    Any other information that the Director finds to be reasonably necessary in order to determine whether to issue a permit.
- B.    Permit applications that do not require Park Board approval shall be filed with the Director for consideration not less than ten (10) business days nor more than three hundred sixty-five (365) days before the date of the proposed use or activity. The Director shall evaluate the application and render a decision in accordance with Section 7.03.
- C.    Permit applications that require Park Board approval shall be filed with the Director for the Park Board's consideration not less than ten (10) business days nor more than three hundred sixty-five (365) days before the date of the proposed use or activity. Applications will be considered by the Park Board at its next regularly scheduled meeting if the application has been on file five (5) days prior to such meeting in addition to meeting the above time limitations. Emergency hearings may be conducted at the Park Board's discretion.

- D. Where Park Board approval is required, the Park Board shall evaluate the application and render a decision in accordance with Section 7.03.

**Section 7.03 Standards for Issuance of Permit and Procedures**

- A. A permit shall be issued, unless:
1. The proposed activity or use of the park will unreasonably interfere with or detract from the general public use and enjoyment of the park; or
  2. The proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety or welfare; or
  3. The conduct of the proposed activity or use is reasonably likely to result in or create a clear and present danger of violence by the applicant to persons or property resulting in serious harm to the public; or
  4. The facilities requested by the applicant have been reserved for another activity or for use at the day and hour requested in the application; or
  5. False or misleading information is contained in the application or required information is omitted; or
  6. The event would violate any federal, State or municipal Law; or
  7. The nature of the event could cause unreasonable or undue environmental damage to the site.
- B. The Park Board or the Director may impose reasonable conditions or restrictions on the granting of a permit, including but not limited to any of the following:
1. Restrictions on fires, fireworks, amplified sound, dancing, sports, use of animals, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park property;

2. A requirement that the applicant post a deposit of security as set by the Director for the repair of any damage to park property or the cost of clean-up or both;
  3. A requirement that the applicant pay a fee as set by the Director to defray the cost of furnishing adequate security forces by the City at the proposed use or activity;
  4. A requirement that the applicant furnish additional sanitary and refuse facilities that may be reasonably necessary, based on the use or activity for which the permit is being sought;
  5. A requirement that the applicant pay a fee as set by the Director to cover the administrative costs of the permit application and site support by the City at the proposed use or activity;
  6. A requirement that the applicant furnish a valid certificate of insurance with amounts and categories of coverage as determined necessary by the City.
- C. Permits shall not be transferable without the written consent of the Director.
- D. Within four (4) days after hearing on an application, the Director shall apprise an applicant in writing of approval, conditional approval, or denial of the issuance of a permit. Any aggrieved person shall have the right to appeal in writing within six (6) days to the City Council, which shall consider the application under the standards set forth in Section 7.03A. and sustain or overrule the Park Board's decision at the next available regularly scheduled Council meeting.
- E. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in his permit.
- F. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatsoever by reason of the negligence of the person or persons to whom such permit was issued.
- G. The Director or the Park Board shall have the authority to revoke a permit upon a finding of violation of any

rule, ordinance, State or federal Law or upon the violation of any condition or restriction under which the permit was issued.

**Section 7.04    Scheduling Fee**

Park Board approval of the location of an activity, gathering, or any other event held upon park property is required where such activity, gathering or event will involve the use or consumption of alcohol and a scheduling fee shall be charged to an applicant intending to hold or sponsor such event. The requested location for such activity, gathering or event may be denied based upon public health, safety and welfare, uses of park property in the manner most beneficial to other park users and citizens, as well as any other reasonable criteria.

**ARTICLE VIII**

**PARK AND FACILITY OPERATING POLICIES**

**Section 8.01    Park Closings**

- A. Any municipal park, section or part thereof may be declared closed to the public by the Director or a law enforcement officer at any time and for any interval of time upon a temporary basis (daily or otherwise), either entirely or merely to certain uses as the Director or law enforcement officer shall find reasonably necessary.
- B. Any municipal park, section or part thereof may be declared closed to the public upon a regular basis, either entirely or merely to certain uses as may be found reasonably necessary, by ordinance of the City Council.
- C. No person shall enter or remain in any park closed in accordance with this section where there is notice by signs posted or by oral or written communication by a Parks and Recreation Department employee or law enforcement officer.
- D. All parks shall be closed daily between 12:00 midnight and 5:00 a.m., with the following exceptions:

1. Richard W. Simpson Park shall be open twenty-four (24) hours daily.
2. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
3. Fielder Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
4. Howard Moore Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
5. Tennis courts located in parks shall be open solely for tennis play only as designated in Department Rules and Regulations or as designated by park signage.
6. Athletic activities or other events in any park or recreation center only as authorized by the Director or his authorized representative.
7. River Legacy Park shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12:00 a.m. midnight. The park will reopen at 5:00 a.m. for all traffic.

**Section 8.02 Powers of the Park Board and the Director**

The Director shall have the power to make, from time to time, such reasonable rules and regulations as are necessary to manage, use, preserve and govern park property, buildings and activities. The Park Board and Director shall have the power to exempt lessees of park property from the requirements of this Chapter.

**Section 8.03 Limited Use of Pirie Park**

No person shall engage in any of the following activities within Pirie Park:

1. Any use otherwise prohibited by this Chapter.
2. The striking of any softball, baseball, golf ball or other ball, or object with any bat, club, racquet or similar device.

3. The kicking of any soccer ball, football or similar athletic ball
4. Exceptions: Notwithstanding the foregoing, the playing of the games of volleyball and badminton are hereby expressly permitted.

## **ARTICLE IX**

### **ARLINGTON PARK DEVELOPMENT FEE**

#### **Section 9.01 Title**

This Article shall be known and cited as the "Arlington Park Development Fee Ordinance."

#### **Section 9.02 Purpose**

A parks development fee ("development fee") is hereby imposed on residential development for the purpose of assuring that Park Facilities are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards pursuant to the Arlington Parks, Recreation and Open Space Master Plan. The development fee shall be imposed by the City on all residential development, and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of Park Facilities necessitated by and serving such development.

#### **Section 9.03 Definitions**

For purposes of this Chapter only, the terms that follow shall have the meanings set forth herein. Terms not herein defined shall have those meanings given them by other provisions of the Code of the City of Arlington.

**"Applicant"** means the property owner or duly designated agent of the property owner of land for which approval of a building permit has been requested for residential development.

**"Benefit Area"** means a neighborhood park benefit area, a linear park benefit area or a community park benefit area.

**"Building"** means any enclosed residential structure designed or intended for the support, enclosure, shelter or protection of persons.

**"Building Permit"** means the permit required for new residential construction and/or additions to buildings pursuant to the Code of the City of Arlington.

**"City"** means the City of Arlington, Texas.

**"City Council"** means the City Council of Arlington, Texas.

**"Community Park Benefit Area"** means an area within the City which is delineated on Exhibit "C", attached hereto and incorporated by reference herein, and within which development fees for park facilities will be collected for new development occurring within such area and within which fees so collected will be expended for those facilities.

**"Community Park Facilities"** means land used or to be used as a community park, including improvements and appurtenances thereon, including but not necessarily limited to access improvements and utilities.

**"Development"** means any activity that requires the securing of a building permit for residential uses.

**"Director"** means the superior official of the Parks and Recreation Department, or its successor agency, for the City of Arlington.

**"Dwelling"** means any building, or portion thereof, designed exclusively for residential occupancy and containing one (1) or more dwelling units.

**"Dwelling Unit"** means one (1) or more rooms arranged, designed, or used as separate living quarters for an individual family, which contains kitchen facilities (only one (1) per dwelling unit permitted), including at least a stove or cooking device, and permanently installed sink, plus bathroom facilities.

**"Household"** means a family living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**"Linear Park Benefit Area"** means an area within the City which is delineated on Exhibit "B" attached hereto and

incorporated by reference herein, and within which development fees for linear park facilities will be collected for new development occurring within such area and within which fees so collected will be expended for those facilities.

**"Linear Park Facilities"** means land and/or capital improvements used or to be used as a linear park, including land, improvements and appurtenances thereon, including but not necessarily limited to recreational facilities, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities.

**"Neighborhood Park Benefit Area"** means an area within the City which is delineated on Exhibit "A", attached hereto and incorporated by reference herein, and within which development fees for park facilities will be collected for new development occurring within such area and within which fees so collected will be expended for those facilities.

**"Neighborhood Park Facilities"** means land and/or capital improvements used or to be used as a neighborhood park, including land, improvements and appurtenances thereon, including but not necessarily limited to recreational facilities, vegetation, landscaping, pedestrian and bike-ways, access improvements and utilities.

**"Park Facilities"** means neighborhood park facilities, linear park facilities or community park facilities.

**"Park Improvements Plan"** means the adopted plan, as may be amended from time to time, which identifies those neighborhood, linear and community park facilities and the average costs for each type of facility, including a map of linear park facilities, which are to be financed in whole or in part through the imposition of development fees pursuant to this article and which is attached hereto as Exhibit "D" and incorporated by reference herein.

**"Parks Master Plan"** means the official adopted Parks, Recreation and Open Space Master Plan for the City of Arlington and amendments thereto, including policies or strategies contained in the City's Comprehensive Plan.

**"Property"** means a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

**"Property Owners"** means any person, group of persons, firm or firms, corporation or corporations, or any other entity have a proprietary interest in the land on which a building permit has been requested.

**"Public and Quasi-Public Use"** means a development owned, operated or used by the City; any political subdivision of the State, including but not limited to school districts; the State, any agencies or departments thereof, the Federal Government, and any agencies or departments thereof.

**"Residential Development"** means the development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients, and other similar uses, as indicated by an application for a building permit.

**"Zoning Ordinance"** means the Zoning Ordinance of the City of Arlington and including all duly adopted amendments thereto.

#### **Section 9.04 Applicability of Development Fee**

- A. This Article shall be uniformly applicable to residential development, but not public and quasi-public uses, on property in the City which is or will be served by Park Facilities as herein defined. This Article also does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or to the rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in a new dwelling.
- B. For purposes of this Article, property is "served by" Park Facilities when funds collected for such facilities have been spent for facilities identified in the Park Master Plan and Park Improvements Plan within ten (10) years from the date of collection within the benefit area in which the property is located.

#### **Section 9.05 Authority and Imposition of Development Fee**

- A. This Article is enacted pursuant to the City's police powers existing under the City's charter and consistent with the Texas Constitution, Article XI, Section 5, and applies to all property within the City's corporate boundaries and within its extraterritorial jurisdiction.

- B. A development fee, consisting of a neighborhood park component, a linear park component, and a community park component, shall be imposed on all residential development in the City at the time of application for a building permit pursuant to Section 9.07, except as provided in Subsection 9.07(C).
- C. The linear park component and the community park component of the development fee shall not be imposed on any residential development for which a completed application for a building permit had been received and accepted by the City on or before the effective date of these amended regulations. Such application shall be subject, however, to the neighborhood park component of the fee or the development fee in effect on such date, whichever is less.
- D. For a development which had received final plat approval on or before the effective date of these regulations, or for which an application for final plat approval had been received and accepted for filing by the City on or before the effective date of these regulations, the community park component of the development fee shall not be imposed on any residential development within such subdivision plat for which a completed application for a building permit has been received and accepted for filing by the City within one (1) year from the effective date of these regulations.
- E. Imposition of the development fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.
- F. The provisions of this Chapter shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Chapter. Guidelines may be developed by resolution or otherwise to implement and administer this Chapter.

**Section 9.06 Benefit Areas and Park Improvements Plan**

- A. There are hereby established nineteen (19) neighborhood park benefit areas, each of which is designated on the map attached hereto as Exhibit "A", a single, city-wide linear park benefit area, which is designated on the map attached hereto as Exhibit "B"; and five (5) community park benefit areas, each of which is designated on the map attached hereto as Exhibit "C"; all of which are incorporated by reference herein.
- B. There is hereby established a Park Improvements Plan, attached hereto as Exhibit "D" and incorporated by reference herein, which identifies for each benefit area Parks Facilities and the average costs for each type of facility, which are to be financed in whole or in part through the imposition of development fees. The Plan shall be reviewed and updated at least every five (5) years by ordinance of the City Council.
- C. The maximum neighborhood park component fee and community park component fee shall be calculated separately for each neighborhood and community park benefit area, by dividing the average cost of the type of park facility for the benefit area by the expected number of households to be served by such facility. The maximum linear park component fee shall be calculated by dividing the total projected costs of linear park facilities by the expected number of households to be served by such facilities within the City.
- D. Within each benefit area, the development fee for each residential development shall be calculated according to the method set forth in Section 9.07.
- E. Benefit area boundaries may be amended from time to time by ordinance of the City Council.
- F. The City shall adopt by ordinance two (2) development fee schedules, which may be amended from time to time, which shall establish development fees, by component fee, for each benefit area. The schedules shall be stated in the form of fees per residential dwelling unit. Schedule 1 shall be the maximum development fees which can be imposed on new residential development within each benefit area and Schedule 2 shall be the development fees, by component fee, to be collected within each benefit area. Schedules 1 and 2, which

have been established by ordinance, are attached hereto and incorporated by reference herein.

**Section 9.07     Processing and Collection of Development Fee**

- A. The Director shall be responsible for the processing and collection of the applicable development fee.
- B. Applicants for a building permit for residential development subject to this Article must submit, on a form provided by the City, the proposed number of dwelling units in the development.
- C. Upon receipt of an application for a building permit, the Director shall calculate the amount of the applicable development fee due for the development by first determining the applicable development fee rate on Schedule 2, by component fee, for the benefit areas in which the property is located. The component fee then shall be multiplied by the number of dwelling units for which approval is being sought, reduced by any offset due pursuant to Section 9.11, and net component fees shall be totalled. The Schedule 2 rate in effect at the time of application for the permit shall be used to calculate the development fees, except as provided in Subsection 9.07(D).
- D. The Director shall collect the applicable development fee prior to or at the time of issuance of a building permit. In the event that the number of dwelling units proposed at such time has changed since the application for the building permit was filed, the Director shall recompute the development fee using the method set forth in Subsection 9.07(C), except that the fee for any additional units shall be based on the development fee rate then in effect.
- E. If a building permit for which a development fee has been paid has expired and a new application is filed, the development fee due shall be computed on the basis of the development fee rate in effect at the time of the new application, with credit for payment of the old fee being applied against the new rate.
- F. An applicant may file a petition for review appealing a decision by the Director to the City Council as to the applicability of the Development Fee Article, the exemption of the residential development, the amount of

the development fee due or the amount of offsets due in the manner provided in Section 9.13.

**Section 9.08 Use of Development Fee Funds**

- A. Except as provided in subsection B, development fees collected for each benefit area pursuant to this Article must be used solely for the purpose of funding the acquisition and/or improvement of park facilities for such benefit area in accordance with the Master Plan and the Park Improvements Plan or for reimbursement to the City for such acquisition and/or improvement. Development fees collected within a neighborhood park benefit area also may be used to acquire and/or improve linear park facilities within such benefit area, or, if authorized by administrative guidelines, to acquire and/or improve neighborhood park facilities within an adjoining neighborhood park benefit area, subject to the provisions in subsection B. Eligible costs include, but are not limited to land acquisition, including costs of eminent domain, recreational equipment purchase and installation of improvements and amenities, utility installation and relocation, vehicular and pedestrian access, and the planning, engineering and design of the park and its improvements. Development fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such park facilities.
- B. The City may transfer development fees from the account of a neighborhood park benefit area to the linear park benefit area, or to an adjoining neighborhood park benefit area, for the purpose of acquiring or constructing linear park facilities to serve new development within the neighborhood park benefit area from which funds are borrowed, or to acquire or construct neighborhood park facilities in the adjoining benefit area; provided that the neighborhood park benefit area from which funds are transferred is at the time of the transfer adequately served by neighborhood park facilities, or that the acquisition and/or development of linear park facilities in that benefit area or in the adjoining neighborhood park benefit area substantially satisfies the need for neighborhood park facilities on a temporary basis, and further provided that such funds are repaid to the neighborhood park benefit area from which funds are borrowed, either from

funds of the linear park benefit area or from other City park revenues, within a period not to exceed five (5) years.

- C. Development fees collected shall not be used to maintain, repair or operate the existing park system, nor to finance park and recreational activities other than Park Facilities as herein described.
- D. The City may issue and utilize general obligation bonds, revenue bonds, revenue certificates or other certificates of indebtedness as are within the authority of the City in such manner and subject to such limitations as may be provided by law in furtherance of the financing and provision of park facilities as set forth in the Master Plan. Development fees paid pursuant to this Article, however, shall be used solely for park facilities acquisition and improvement as defined herein.

**Section 9.09 Accounting Procedures**

- A. The City's Finance Department shall establish a separate, interest-bearing account into which all development fees collected shall be deposited, segregated by benefit area. Funds collected within each benefit area designated in Exhibits "A" through "C" shall be earmarked for expenditure solely and exclusively for park facilities acquisition and/or improvement within such benefit area pursuant to the Master Plan and the Park Improvements Plan.
- B. Interest earned on development fees shall be considered funds of the Development Fees Account and shall be used solely for the purposes specified for the funds of such account.
- C. The City's Finance Department shall establish adequate financial and accounting controls to ensure that development fees disbursed are utilized solely and exclusively for Park Facilities acquisition and/or improvement or for reimbursement to the City of advances made from other revenue sources to fund such facilities. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Article; provided, however, that funds shall be expended within

a reasonable period of time, but not to exceed ten (10) years from the date development fees are collected.

- D. The City's Finance Department shall maintain and keep financial records for development fees, which shall show the source and disbursement of all fees collected in or expended from each benefit area. The records of the account into which development fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.
- E. Upon receipt of development fees, the Director shall transfer such funds to the Finance Department, which shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the "Development Fee Account." All funds placed in said account and all interest allocated thereto shall be utilized solely and exclusively for park land acquisition and improvement pursuant to the Master Plan and Park Improvements Plan. At the discretion of the City Council, other revenues as may be legally utilized for such purpose may be deposited to such account.
- F. The Finance Department shall maintain and keep adequate financial records for said account which shall show the source and disbursement of all funds placed in or expended by such account.

**Section 9.10    Refunds**

- A. The current property owner on which a development fee has been paid may apply for a refund of such fee if:
  - 1. The property on which a development fee has been paid has not been served by Park Facilities, as provided in Section 9.04(B); or
  - 2. The building permit for a residential development, pursuant to which a development fee has been paid has expired or has been withdrawn, and no application for extension or renewal has been made.
- B. Only the current property owner may petition for a refund. A petition for refund must be filed within one (1) year of the event giving rise to the right to claim a refund.

- C. A petition for refund under subsection 9.10(A)(1) must be submitted to the Director on a form provided by the City for such purpose. The petition must contain: a certified copy of the latest recorded deed for the subject property; current legal description; and a statement of the reasons for which a refund is sought.
- D. A refund shall be due under Subsection 9.10(A)(1) only if the Director determines that the total development fees collected for the benefit area for a period of ten (10) years from the date of collection of the development fee for the development for which a refund is being sought exceed the total expenditures from the Development Fee Account for the benefit area for the same period. The refund amount shall be the development's pro rata share of the excess of fees collected over expenditures, together with interest earned on such amount for the period. The City may periodically compute the difference between expenditures and fees collected for purposes of reviewing refund requests under this subsection. After the expiration of at least one (1) year after refunds are due under this subsection, the City Council may, after notice by publication in the section of a local newspaper reserved for legal notices, and after a public hearing, vote to apply any unclaimed excess amounts to the acquisition or construction of capital facilities which will benefit the area in which the excess amount was collected. When the City Council votes to apply the excess amounts, the right to refund of the applied excess amounts shall be extinguished.
- E. Within one (1) month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the Director shall notify the City's Finance Department and request that a refund payment be made to petitioner.
- F. Petitioner may appeal the determination of the Director of Parks and Recreation to the City Council.

**Section 9.11    Offsets Against Development Fees**

- A. The City shall offset the reasonable costs of any land which has been dedicated to and accepted by the City for park facilities, or the reasonable costs of park

improvements constructed pursuant to an agreement for capital improvements executed by the property owner and property secured, consistent with the City's Master Plan, against development fees due, provided the property owner has not obtained compensating density therefor, subject to guidelines established by the City, and the City has accepted such dedication or entered into such agreement.

- B. All offsets against development fees shall be based upon standards promulgated by the City, which may be adopted as administrative guidelines. The following rules apply:
1. The reasonable costs of the park facilities that have been dedicated shall be offset only against the park component fee due for that type of park facility.
  2. Where the Schedule 2 park component fee is less than the Schedule 1 park component fee, the amount of the offset shall not exceed an amount equal to the eligible value of the offset multiplied by a fraction, the numerator of which is the park component fee due for the new development as computed using Schedule 2 and the denominator of which is the maximum park component fee as computed using Schedule 1.
  3. The unit cost used to calculate the offsets for park land shall not exceed those assumed as the average costs of the park facilities which were used to compute the maximum park component fee for the benefit area in which the property is located.
  4. No offset shall be granted that exceeds the park component fee due for the development unless otherwise agreed to by the City.
  5. Any offset created by the dedication of park facilities shall expire ten (10) years after the date that the offset was created.
- C. An applicant may request an offset against neighborhood park component fees for contributions of land or improvements for linear park facilities located within the neighborhood park benefit area, provided that the neighborhood park benefit area is, at the time of the request for offset, adequately served by neighborhood

park facilities, or that the acquisition and/or development of linear park facilities in that benefit area substantially satisfies the need for neighborhood park facilities on a temporary basis. If the City grants such offset, it shall cause funds to be appropriated to the neighborhood development fee benefit account in an amount equal to the amount of the offset within a period not to exceed five (5) years.

- D. An applicant may apply for an offset against development fees either at the time of approval of a subdivision plat or at the time of dedication by separate instrument. Petitioner may appeal the determination of the Director concerning the offset to the City Council.
- E. The amount of the offset shall be prorated among the number of dwelling units approved for the development, unless otherwise agreed to by the City.

**Section 9.12 Procedures for Updating Development Fees**

- A. At least two (2) years prior to the update of development fees required by Section 9.06, the Director shall prepare a report to the City Council on development fees. In the preparation of such report, the following information shall be reviewed:
  - 1. a statement summarizing development fees collected and disbursed;
  - 2. a statement summarizing park facilities acquisition and development and the status thereof;
  - 3. a statement summarizing the administration and enforcement of the development fee; and
  - 4. a statement and recommendation from the Parks Board on any and all aspects of the Park Development Fee and City park needs.
- B. The report shall make recommendations, if appropriate, on amendments to the Article; changes in the administration or enforcement of the Article; changes in the development fee rates; changes in the Park Improvements Plan; and changes in the Master Plan.

- C. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the Park Development Fee Ordinance, including but not limited to exhibits and fee schedules. If the City Council fails to take such action, the development fee rates then in effect shall remain in effect. Nothing herein precludes the City Council or limits its discretion to amend the Park Development Fee Article at such other times as may be deemed necessary.
- D. In the review process, the City Council may take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location or other elements of proposed Park Facilities; revisions to the Park Master Plan; changes to the Park Improvements Plan; and changes in the projected mix and/or intensity of residential development in the City.

### **Section 9.13 Appeals**

The property owner or applicant may appeal the following decisions of the Director to the City Council:

1. The applicability of the development fee;
2. The amount of the fee due;
3. The amount of refund due, if any; or
4. The determination of an offset.

The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the refund or the amount of the offset was not calculated according to the applicable schedule of fees or the guidelines established for determining offsets. The appellant must file a notice of appeal with the City Secretary within thirty (30) days following the determination by the Director. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Attorney in an amount equal to the development fee due as calculated by the Director, the development application shall be processed. The filing

of an appeal shall not stay the collection of the fee due, unless a bond or other sufficient surety has been filed.

**Section 9.14 Effect of Development Fee on Zoning and Subdivision Regulations**

This Article shall not affect, in any manner, the permissible use of property, density of development, design and improvement standards and requirements or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to all such development.

**Section 9.15 Development Fee as Additional and Supplemental Requirement**

The development fee is additional and supplemental to and not in substitution of any other requirements imposed by the City on the development of the land. It is intended to be consistent with and to further the objectives and policies of the Master Plan and the Comprehensive Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate Park Facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for Park Facilities in an amount in excess of the amount calculated pursuant to this Article; but provided that a property owner may be required, pursuant to City zoning and subdivision regulations, to provide open lands, setbacks, buffers and other nonbuildable areas on-site in addition to meeting the development fee requirement.

**Section 9.16 Variances and Exceptions**

Petitions for variances and exceptions to the application of this Article shall be made to the Director of Parks and Recreation in accordance with procedures to be established by resolution of the City Council. If the City Council grants a variance or exception to the amount of the development fee due for a new development under this section, it shall cause to be appropriated from other City funds the amount of the reduction in the development fee to

the account for the benefit area in which the property is located.

## ARTICLE X

### RECREATION CENTER USE

#### Section 10.01 Proof of Residence

- A. As used herein, a person desiring to use or participate in any activity held in a recreation facility may prove that he or she is or is not a resident and resides or does not reside within the corporate city limits of Arlington, Texas, by presenting the person in charge of the facility with one (1) or more, if requested, of the following bearing that person's true and correct address:
1. a driver's license or identification card issued by the Texas Department of Public Safety bearing a photograph of that person and showing the address of that person;
  2. a utility envelope or receipt bearing a cancelled United States Postal seal showing the address of that person and a photo I.D.;
  3. a recent City of Arlington water bill stub showing the name and address of that person and a photo I.D.;
  4. a tax statement showing the name and address of that person and a photo I.D.;
  5. a voter registration certificate showing the name and address of that person and a photo I.D.
- B. Any person not having any of the foregoing, or being unable to furnish same, may furnish proof of residency, as herein defined, by using any one of the above methods bearing that person's parents' or legal guardian's correct address, excluding a photo I.D. The Director of Parks and Recreation, or his or her designee, may make such further rules and regulations as are necessary for the uniform determination of those persons who are residents and nonresidents as herein defined.

**Section 10.02 Facility Usage Identification Card**

- A. A person desiring to participate in an activity or activities held at a recreation center must purchase and present a Facility Usage Identification Card as required by each facility.
- B. A resident and nonresident may gain regular access to and use of a recreation center facility only through the purchase of a Facility Use Identification Card. Otherwise, the resident must pay a guest fee set by the Director of Parks and Recreation.

**Section 10.03 Structured and Supervised Activities**

- A. Fees may be charged to residents and nonresidents registering for the structured activities. A nonresident may be charged a fee equal to or greater than the amount of that fee charged a resident for the same activity. If a resident is not charged a fee for the activity, then the nonresident may be charged a reasonable fee. Fees are set by the Department of Parks and Recreation and are payable to the City of Arlington.
- B. Nothing herein shall prohibit the Director from setting the maximum number of participants in a given activity.
- C. Nothing herein shall prohibit the Director from setting fees and charges for permits, events and structured activities conducted in parks or in Recreation Centers.

**Section 10.04 Conduct at Recreation Centers**

No person upon the property of a recreation center facility shall engage in any activity or use of recreation center facilities or equipment which will unreasonably interfere with or detract from the public health, safety, welfare, use or enjoyment of such recreation center.

ARTICLE XI  
ENFORCEMENT

Section 11.01 Penalty

Unless otherwise specified herein, a violation of any provision of this ordinance by any person, firm, corporation, agent or employee thereof shall be punishable as a misdemeanor, and upon conviction such person, firm, corporation, agent or employee thereof shall be fined in an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 11.02 Authority to Issue Citations

The Director or his/her authorized representative shall have the power to issue one (1) or more citations for violations of City ordinances to any person to appear in the court, if the director or representative has probable cause to believe that the person is criminally responsible for any offense within the jurisdiction of the court.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred Dollars and No Cents (\$500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 12th day of November, 1996, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING,

passed and approved on the 19th day of November, 1996, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

RICHARD E. GREENE, Mayor

ATTEST:

CINDY KEMP, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY \_\_\_\_\_

ORDINANCE NO. 97-14

AN ORDINANCE AMENDING **ORDINANCE NO. 96-153**, ADOPTING THE "PARKS AND RECREATION" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That **Ordinance No. 96-153**, presented, passed and approved by final reading on **November 19, 1996**, adopting the "Parks and Recreation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby **amended in part at the caption and first paragraph of Section 1**, to hereafter be and read as follows:

"ORDINANCE NO. 96-153

AN ORDINANCE REPEALING THE EXISTING "**PARKS**" AND "**RECREATION CENTER USE**" CHAPTERS OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, AND ADOPTING A NEW "**PARKS AND RECREATION**" CHAPTER; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the existing "**Parks**" and "**Recreation Center Use**" Chapters of the Code of the City of Arlington, Texas, 1987, are hereby repealed and adoption of a new

"Parks and Recreation" Chapter, so that hereafter said chapter shall be and read as follows:... ."

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500.00)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in

addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 21st day of January, 1997, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of January, 1997, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

\_\_\_\_\_  
RICHARD E. GREENE, Mayor

ATTEST:

\_\_\_\_\_  
CINDY KEMP, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY \_\_\_\_\_

ORDINANCE NO. 98-108

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, BY THE AMENDMENT OF **ARTICLE VIII**, ENTITLED PARK AND FACILITY OPERATING POLICIES, BY THE AMENDMENT OF **SECTION 8.01**, PARK CLOSINGS, AT SUBSECTION (D), RELATIVE TO REVISED CURFEW HOURS AT MARTI VANRAVENSWAAY PARK; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VIII, Park and Facility Operating Policies, by the amendment of **Section 8.01**, Park Closings, Subsection (D), so that hereafter said subsection shall be and read as follows:

- D. All parks shall be closed daily between 12:00 midnight and 5:00 a.m., with the following exceptions:
1. Richard W. Simpson Park shall be open twenty-four (24) hours daily.
  2. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  3. Fielder Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  4. Howard Moore Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.

5. Marti VanRavenswaay Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
6. Tennis courts located in parks shall be open solely for tennis play only as designated in Department Rules and Regulations or as designated by park signage.
7. Athletic activities or other events in any park or recreation center only as authorized by the Director or his authorized representative.
8. River Legacy Park shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12:00 a.m. midnight. The park will reopen at 5:00 a.m. for all traffic.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with

the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 25th day of August, **1998**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 1st day of September, **1998**, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 99-124

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, BY THE AMENDMENT OF **ARTICLE II**, ENTITLED PARK AND RECREATION BOARD, BY THE AMENDMENT OF **SECTION 2.01**, MEMBERSHIP, TERM, VACANCIES, RELATIVE TO THE ADDITION OF A YOUTH REPRESENTATIVE TO THE PARK AND RECREATION BOARD; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Park and Recreation Board, by the amendment of **Section 2.01**, Membership, Term, Vacancies, so that hereafter said section shall be and read as follows:

**Section 2.01** Membership, Term, Vacancies

There shall be a Park and Recreation Board consisting of twelve (12) members appointed by the Mayor with the approval of the City Council. One of the twelve (12) members will be a youth representative who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Park Board members shall be citizens of the City of Arlington. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The City Council shall assign members except the youth representative to Places 1 through 11, and members appointed to odd numbered Places shall be

appointed in odd numbered years, and members appointed to even numbered Places shall be appointed in even numbered years. The term of office of such Park Board members shall be limited to six (6) years. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 28th day of September, **1999**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of October, **1999**, by a vote of 4 ayes and 3 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 00-135

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED PARK AND RECREATION BOARD, BY THE ADDITION OF **SECTION 2.04**, CITY OF ARLINGTON TREE BOARD, RELATIVE TO CREATION OF THE CITY OF ARLINGTON TREE BOARD; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Park and Recreation Board, by the addition of **Section 2.04**, City of Arlington Tree Board, so that hereafter said section shall be and read as follows:

**Section 2.04**     City of Arlington Tree Board

- A. The Park and Recreation Board, the Director of Parks and Recreation or designee, and such other City of Arlington employees as may be designated by the City Manager, shall be known as the "City of Arlington Tree Board".
- B. The City of Arlington Tree Board shall develop and administer a Comprehensive Community Tree Management Program for the care of trees on public property. The Park and Recreation Board, as members of the City of Arlington Tree Board, shall serve in an advisory capacity concerning the planting, maintenance and preservation of trees on city owned property.
- C. The Director of Parks and Recreation or designee, and such other City of Arlington employees as may be designated by the City Manager, shall write and

implement the annual community forestry work plan. The Park and Recreation Board shall serve in an advisory capacity and must endorse the annual community forestry work plan prior to its implementation.

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the

City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

7.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 21st day of November, **2000**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of November, **2000**, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 01-025

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE V**, ENTITLED RECREATIONAL ACTIVITIES, BY THE AMENDMENT OF **SECTION 5.05**, ANIMALS AND PETS, BY THE ADDITION OF SUBSECTION (A)(4) AND (A)(5) RELATIVE TO IMPLEMENTS FOR REMOVING ANIMAL DEFECATION AND ANIMALS ON LEAGUE ATHLETIC PLAYING FIELDS; BY THE AMENDMENT OF **SECTION 5.05**, BY THE RENUMBERING OF SUBSECTION (C) AND (D) FOR CLARIFICATION; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article V, Recreational Activities, by the amendment of **Section 5.05**, Animals and Pets, by the addition of Subsections (A)(4) and (A)(5), so that hereafter said Subsections shall be and read as follows:

4. Fail to have in his possession materials or implements that, either alone or in combination with each other, can be used immediately in a sanitary and lawful manner to remove and dispose of defecation the animal owned or possessed by him may deposit on park property.
5. Permit an animal owned or possessed by him to enter or remain on a league athletic playing field enclosed by a fence. A "league athletic playing field" is designed and maintained for league play of sports activities approved by the Director or the Park Board, such as football, soccer and baseball.

Further, **Article V** is hereby amended by the renumbering of Section 5.05(C) to Section 5.05(A)(6), so that hereafter said subsection shall be and read as follows:

6. Permit an animal owned or possessed by him to run at large, nor permit any such animal in a park unless it shall at all times be restricted or kept on a leash. Nor shall any person allow an animal owned or possessed by him to remain unattended on park property.

Further, **Article V** is hereby amended by the renumbering of Section 5.05(D) to Section 5.05(C), so that hereafter said subsection shall be and read as follows:

- C. It is an exception to Section 5.05(A)(6) that:
  1. The animal is a police service animal under the supervision of a police officer in the performance of his official duties; or
  2. The animal is a water fowl at a municipality owned facility; or
  3. The animal is a “service dog” performing duties of assisting the disabled.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **13th** day of **March, 2001**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **27th** day of **March, 2001**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 01-047

AN ORDINANCE AMENDING THE “**PARKS AND RECREATION**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, BY THE AMENDMENT OF **ARTICLE VIII**, ENTITLED PARK AND FACILITY OPERATING POLICIES, BY THE AMENDMENT OF **SECTION 8.01**, PARK CLOSINGS, AT SUBSECTION (D), BY THE ADDITION OF SUBSECTION (6) AND THE RENUMBERING OF THE REMAINING SUBSECTIONS, RELATIVE TO REVISED CURFEW HOURS AT GEORGE STEVENS PARK; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VIII, Park and Facility Operating Policies, by the amendment of **Section 8.01**, Park Closings, Subsection (D), so that hereafter said subsection shall be and read as follows:

- D. All parks shall be closed daily between 12:00 midnight and 5:00 a.m., with the following exceptions:
1. Richard W. Simpson Park shall be open twenty-four (24) hours daily.
  2. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  3. Fielder Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  4. Howard Moore Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  5. Marti VanRavenswaay Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  6. George Stevens Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.

7. Tennis courts located in parks shall be open solely for tennis play only as designated in Department Rules and Regulations or as designated by park signage.
8. Athletic activities or other events in any park or recreation center only as authorized by the Director or his authorized representative.
9. River Legacy Park shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12:00 a.m. midnight. The park will reopen at 5:00 a.m. for all traffic.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

**PRESENTED AND GIVEN FIRST READING** on the **25th** day of **April, 2001**, at a regular meeting of the City Council of the City of Arlington, Texas; and **GIVEN SECOND READING**, passed and approved on the **8th** day of **May, 2001**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 03-022

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE I, DEFINITIONS**, BY THE AMENDMENT OF **SECTION 1.01, DEFINITIONS**, BY THE ADDITION OF A DEFINITION FOR "BICYCLE"; THROUGH THE AMENDMENT OF **ARTICLE III, CONTROL OF VEHICLES**, BY THE ADDITION OF **SECTION 3.06, SPECIAL PROVISIONS APPLICABLE TO BICYCLES**, RELATIVE TO OPERATION OF BICYCLES; THROUGH THE AMENDMENT OF **ARTICLE V, RECREATIONAL ACTIVITIES**, BY THE AMENDMENT OF **SECTION 5.06, GAMES**, RELATIVE TO THE INCLUSION OF TIERRA VERDE GOLF CLUB; THROUGH THE AMENDMENT OF **ARTICLE VIII, PARK AND FACILITY OPERATING POLICIES**, BY THE AMENDMENT OF **SECTION 8.01, PARK CLOSINGS**, BY THE ADDITION OF A NEW SUBSECTION (D)(7), RELATIVE TO THE OPERATIONAL HOURS OF BOB MCFARLAND PARK AND THE RENUMBERING OF THE REMAINING SUBSECTIONS; BY THE AMENDMENT OF **SECTION 8.01** BY THE ADDITION OF A NEW SUBSECTION (E) RELATIVE TO BICYCLING; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article I, Definitions, by the amendment of **Section 1.01, Definitions**, by the addition of a definition for "Bicycle" to read as follows:

**"Bicycle"** means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter. Exception is made for bicycles in the service of the City.

Further, Article III, Control of Vehicles, is hereby amended by the addition of **Section 3.06, Special Provisions Applicable to Bicycles**, so that hereafter said section shall be and read as follows:

**Section 3.06 Special Provisions Applicable to Bicycles**

The Director may, in his reasonable discretion, through Park Rules and Regulations, set aside or designate areas, parks, trails, or roads in a park where operating bicycles shall not be allowed.

Further, Article V, Recreational Activities, is hereby amended by the amendment of **Section 5.06, Games**, so that hereafter said section shall be and read as follows:

**Section 5.06 Games**

No person shall operate a motor driven model airplane; engage in the sport of archery; launch, discharge, or cause to be launched or discharged paint, paintballs or any other projectile; or hit a golf ball or golf balls in a City park; except in areas designated by the Director for such purposes or as authorized by permit issued by the Director or Park Board. Hitting golf balls is permitted at Chester W. Ditto Golf Course, Lake Arlington Golf Course, Tierra Verde Golf Club and Meadowbrook Golf Course.

Further, Article VIII, Park and Facility Operating Policies, is hereby amended by the amendment of **Section 8.01, Park Closings**, by the addition of a new Subsection (D)(7) and the renumbering of the remaining subsections, so that hereafter said subsection shall be and read as follows:

- D. All parks shall be closed daily between 12:00 midnight and 5:00 a.m., with the following exceptions:
1. Richard W. Simpson Park shall be open twenty-four (24) hours daily.
  2. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  3. Fielder Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  4. Howard Moore Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  5. Marti VanRavenswaay Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  6. George Stevens Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.

7. Bob McFarland Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
8. Tennis courts located in parks shall be open solely for tennis play only as designated in Department Rules and Regulations or as designated by park signage.
9. Athletic activities or other events in any park or recreation center only as authorized by the Director or his authorized representative.
10. River Legacy Parks shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12:00 a.m. midnight. The park will reopen at 5:00 a.m. for all traffic.

Further, Article VIII is hereby amended by the amendment of **Section 8.01** by the addition of Subsection (E), so that hereafter said subsection shall be and read as follows:

- E. No person shall ride a bicycle off paved trails in River Legacy Parks except when riding on a specifically marked unpaved trail designated by official signs for bicycles.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all

personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **18th** day of **February, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **25th** day of **February, 2003**, by a vote of **8** ayes and **0** nays at a regular meeting of the City Council of the City of Arlington, Texas.

ORDINANCE NO. 03-101

AN ORDINANCE AMENDING THE "**PARKS AND RECREATION**" CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE V, RECREATIONAL ACTIVITIES**, BY THE AMENDMENT OF **SECTION 5.05, ANIMALS AND PETS**, SUBSECTION (C)(4), RELATIVE TO THE ADDITION OF AN EXCEPTION; BY THE ADDITION OF A NEW **SECTION 5.06, OFF-LEASH SITES FOR DOGS**, AND THE RENUMBERING OF THE REMAINING SECTION; PROVIDING FOR A FINE OF UP TO **\$500** FOR EACH OFFENSE IN VIOLATION OF THE ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article V, Recreational Activities, by the amendment of **Section 5.05, Animals and Pets**, Subsection (C)(4), so that hereafter said subsection shall be and read as follows:

4. The animal is a dog lawfully allowed in an off-leash site as defined by this Chapter.

Further, Article V is hereby amended by the addition of a new **Section 5.06, Off-Leash Sites for Dogs**, and the **renumbering** of the remaining section so that hereafter Section 5.06 shall be and read as follows:

**Section 5.06 Off-Leash Sites for Dogs**

A. Definitions

**"Off-Leash Site"** means an enclosed area designated by the director in which dogs are allowed to run at large without being secured by a leash or other restraint.

**"Dangerous Animal"** has the meaning given that term in the Animals Chapter of the City of Arlington Code of Ordinances, as amended.

B. Regulations

1. The director is authorized to establish off-leash sites for dogs within designated areas of the City's parks and recreational areas. Signs designating an area as an off-leash site must be conspicuously posted at each entrance to the site.
2. The park board or director may promulgate regulations, not inconsistent with this section, that govern off-leash sites for dogs. Such regulations must be conspicuously posted at each entrance to an off-leash site. The regulations must include, but are not limited to, the following:
  - a. No person may bring into an off-leash site:
    - (1) a dog which is a dangerous animal;
    - (2) a female dog in heat;
    - (3) more than three dogs at one time;
    - (4) a dog that is not wearing tags showing that it is currently registered and vaccinated in compliance with law;
    - (5) puppies under four months of age;
    - (6) a sick dog; or
    - (7) a dog that the possessor has reason to know has dangerous propensities.
  - b. Any person who brings a dog into an off-leash site shall:
    - (1) carry materials and implements for removing and disposing of dog excreta and remove all excreta deposited by the dog in the off-leash site, in compliance with this Chapter;
    - (2) lead the dog on a leash and retain the dog in custody when entering and exiting an off-leash site;

- (3) keep the dog under visual and voice control at all times while in the off-leash site;
  - (4) fill any hole that the dog digs in the off-leash site; and
  - (5) remove the dog from the off-leash site at the first sign of aggression by the dog.
- c. Any dog showing aggressive, hostile or combative behavior towards people or other dogs shall be immediately removed from the off-leash site.
  - d. Any person who brings a child under 12 years of age into an off-leash site shall keep the child under strict supervision.
  - e. No dog will be unattended.
  - f. Use of an off-leash site by any dog or person constitutes;
    - (1) implied consent of the owner, harborer, or person having care, custody, or control of the dog to comply with all conditions and regulations stated in this chapter or promulgated by the park board or director and posted at the off-leash site;
    - (2) assumption of the risk of injury or damage caused by any dog; and
    - (3) a waiver of liability to the City by the owner, harborer, or person having care, custody, or control of the dog, and an agreement and undertaking to protect, indemnify, defend, and hold the City harmless, for any injury or damage caused by the dog during any time that the dog is in the off-leash site.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed **Five Hundred and No/100 Dollars (\$500)** for each offense. Each day that a

violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the **9th** day of **September, 2003**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **16th** day of **September, 2003**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-045

AN ORDINANCE AMENDING THE “**PARKS AND RECREATION**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE II**, ENTITLED PARK AND RECREATION BOARD, AT **SECTION 2.01**, MEMBERSHIP, TERM, VACANCIES, RELATIVE TO THE APPOINTMENT OF BOARD MEMBERS; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE TEN DAYS AFTER FIRST PUBLICATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Parks and Recreation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Park and Recreation Board, by the amendment of **Section 2.01**, Membership, Term, Vacancies, so that said section shall be and read as follows:

**Section 2.01** Membership, Term, Vacancies

There shall be a Park and Recreation Board consisting of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10) members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Park Board members shall be citizens of the City of Arlington. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The City Council shall assign members except the youth representative to Places 1 through 9. The term of office of such Park Board members shall be limited to six (6) years. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

**PRESENTED AND GIVEN FIRST READING** on the **27th** day of **April, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and **GIVEN SECOND READING**, passed and approved on the **11th** day of **May, 2004**, by a vote of **8** ayes and **1** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

ORDINANCE NO. 04-077

AN ORDINANCE AMENDING THE “**PARKS AND RECREATION**” CHAPTER OF THE CODE OF THE CITY OF ARLINGTON, TEXAS, 1987, THROUGH THE AMENDMENT OF **ARTICLE IX**, ENTITLED ARLINGTON PARK DEVELOPMENT FEE, RELATIVE TO REVISING BENEFIT DISTRICT BOUNDARIES, UPDATING PARK FEES BASED ON PARK STANDARDS AND DEVELOPMENT COSTS, AND SHIFTING FUNDING FROM COMMUNITY PARK FEES TO LINEAR PARK FEES; PROVIDING FOR A FINE OF UP TO \$500 FOR EACH VIOLATION OF THIS ORDINANCE; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND BECOMING EFFECTIVE OCTOBER 1, 2004

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Parks and Recreation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article IX, Arlington Park Development Fee, so that said article shall be and read as follows:

**ARTICLE IX**

**ARLINGTON PARK DEVELOPMENT FEE**

**Section 9.01 Title**

This Article shall be known and cited as the "Arlington Park Development Fee Ordinance."

**Section 9.02 Purpose**

A parks development fee ("development fee") is hereby imposed on residential development for the purpose of assuring that Park Facilities are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards pursuant to the Arlington Parks, Recreation and Open Space Master Plan. The development fee shall be imposed by the City on all residential

development, and all fees collected shall be used solely and exclusively for the purpose of acquisition and development of Park Facilities necessitated by and serving such development.

### **Section 9.03 Definitions**

For purposes of this Chapter only, the terms that follow shall have the meanings set forth herein. Terms not herein defined shall have those meanings given them by other provisions of the Code of the City of Arlington.

**"Applicant"** means the property owner or duly designated agent of the property owner of land for which approval of a building permit has been requested for residential development.

**"Benefit Area"** means a neighborhood park benefit area or a linear park benefit area.

**"Building Permit"** means the permit required for new residential construction and/or additions to buildings pursuant to the Code of the City of Arlington.

**"City"** means the City of Arlington, Texas.

**"City Council"** means the City Council of Arlington, Texas.

**"Development"** means any activity that requires the securing of a building permit for residential uses.

**"Director"** means the superior official of the Parks and Recreation Department, or its successor agency, for the City of Arlington.

**"Dwelling"** means any building, or portion thereof, designed exclusively for residential occupancy.

**"Dwelling Unit"** means one (1) or more rooms arranged, designed, or used as separate living quarters for a household, which contains kitchen facilities (only one (1) per dwelling unit permitted), including at least a stove or cooking device, and permanently installed sink, plus bathroom facilities.

**"Household"** means people living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.

**"Linear Park Benefit Area"** means an area within the City which is delineated on Exhibit "B" attached hereto and incorporated by reference herein.

**"Linear Park Facilities"** means land or capital improvements used or to be used as a linear park, including but not necessarily limited to recreational facilities, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities.

**"Neighborhood Park Benefit Area"** means an area within the City which is delineated on Exhibit "A", attached hereto and incorporated by reference herein.

**"Neighborhood Park Facilities"** means land or capital improvements used or to be used as a neighborhood park, including but not necessarily limited to recreational facilities, vegetation, landscaping, pedestrian and bikeways, access improvements and utilities.

**"Park Facilities"** means neighborhood park facilities or linear park facilities.

**"Park Improvements Plan"** means the adopted plan, as may be amended from time to time, which identifies those neighborhood or linear park facilities and the average costs for each type of facility, including a map of linear park facilities, which are to be financed in whole or in part through the imposition of development fees pursuant to this article and which is attached hereto as Exhibit "D" and incorporated by reference herein.

**"Parks Master Plan"** means the official adopted Parks, Recreation and Open Space Master Plan for the City of Arlington and amendments thereto.

**"Property"** means a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

**"Property Owners"** means any person, group of persons, firm or firms, corporation or corporations, or any other entity have a proprietary interest in the land on which a building permit has been requested.

**"Public and Quasi-Public Use"** means a development owned, operated or used by the City; any political subdivision of the State, including but not limited to school districts; the State and any agencies or departments thereof; the Federal Government and any agencies or departments thereof.

**"Residential Development"** means the development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients, or other similar uses.

#### **Section 9.04 Applicability of Development Fee**

- A. This Article shall be uniformly applicable to residential development, except public and quasi-public uses, in the City which is or will be served by Park Facilities. This Article also does not apply to activities involving the remodeling, rehabilitation or other improvements to an existing residential structure, or to the

rebuilding of a damaged structure or to permits required for accessory uses, unless such activity results in an additional dwelling unit.

- B. For purposes of this Article, property is "served by" Park Facilities when funds collected for such facilities have been spent for facilities identified in the Park Master Plan and Park Improvements Plan within ten (10) years from the date of collection within the benefit area in which the property is located.

#### **Section 9.05 Authority and Imposition of Development Fee**

- A. This Article is enacted pursuant to the City's police powers existing under the City's charter and consistent with the Texas Constitution, Article XI, Section 5, and applies to all property within the City's corporate boundaries and within its extraterritorial jurisdiction.
- B. A development fee, consisting of a neighborhood park component and a linear park component, shall be imposed on all residential development in the City at the time of application for a building permit.
- C. Imposition of the development fee does not alter, negate, supersede or otherwise affect any other requirements of City, County, State or Federal legislation or regulations that may be applicable to a development, including City zoning and/or subdivision regulations that may impose open space and park requirements and standards.
- D. The provisions of this Chapter shall not be construed to limit the power of the City to utilize other methods authorized under State law or pursuant to other City powers to accomplish the purposes set forth herein, either in substitution or in conjunction with this Chapter. Guidelines may be developed by resolution or otherwise to implement and administer this Chapter.

#### **Section 9.06 Benefit Areas and Park Improvements Plan**

- A. There are hereby established twelve (12) neighborhood park benefit areas, each of which is designated on the map attached as Exhibit "A", and a single, city-wide linear park benefit area, which is designated on the map attached as Exhibit "B". There are hereby established three (3) community park benefit areas, each of which is designated on the map attached as Exhibit "C."
- B. There is hereby established a Park Improvements Plan, attached as Exhibit "D", which identifies for each benefit area Parks Facilities and the average costs for each type of facility, which are to be financed in whole or in part through the imposition of development fees. The Plan shall be reviewed and updated at least every five (5) years by ordinance of the City Council.

- C. The maximum neighborhood park component fee shall be calculated separately for each neighborhood benefit area, by dividing the average cost of the type of park facility for the benefit area by the expected number of households to be served by such facility. The maximum linear park component fee shall be calculated by dividing the total projected costs of linear park facilities by the expected number of households to be served by such facilities within the City.
- D. Within each benefit area, the development fee for each residential development shall be calculated according to the method set forth in Section 9.07.
- E. Benefit area boundaries may be amended from time to time by ordinance of the City Council.
- F. The City shall adopt by ordinance two (2) development fee schedules, which may be amended from time to time, which shall establish development fees, by component fee, for each benefit area. The schedules shall be stated in the form of fees per residential dwelling unit. Schedule 1 shall be the maximum development fees which can be imposed on new residential development within each benefit area and Schedule 2 shall be the development fees, by component fee, to be collected within each benefit area. Schedules 1 and 2, which have been established by ordinance, are attached hereto and incorporated by reference herein.

**Section 9.07 Processing and Collection of Development Fee**

- A. The Director shall be responsible for the processing and collection of the applicable development fee.
- B. Applicants for a building permit for residential development subject to this Article must submit the proposed number of dwelling units in the development.
- C. Upon receipt of an application for a building permit, the Director shall calculate the amount of the applicable development fee due by first determining the applicable development fee rate on Schedule 2, by component fee, for the benefit areas in which the property is located. The component fee then shall be multiplied by the number of dwelling units for which approval is being sought, reduced by any offset due pursuant to Section 9.11, and net component fees shall be totaled. The Schedule 2 rate in effect at the time of application for the permit shall be used to calculate the development fees, except as provided in Subsection 9.07(D).
- D. The Director shall collect the applicable development fee prior to or at the time of issuance of a building permit. In the event that the number of dwelling units proposed at such time has changed since the application for the building permit

was filed, the Director shall recompute the development fee using the method set forth in Subsection 9.07(C), except that the fee for any additional units shall be based on the development fee rate then in effect.

- E. If a building permit for which a development fee has been paid has expired and a new application is filed, the development fee due shall be computed on the basis of the development fee in effect at the time of the new application, with credit for prior development fee payments being applied against the new fee, if any.
- F. An applicant may file a petition for review appealing a decision by the Director to the City Council as to the applicability of the Development Fee Article, the exemption of the residential development, the amount of the development fee due or the amount of offsets due in the manner provided in Section 9.13.

### **Section 9.08 Use of Development Fee Funds**

- A. Except as provided in Subsection (B), development fees collected for each benefit area pursuant to this Article must be used solely for the purpose of funding the acquisition or improvement of park facilities for such benefit area in accordance with the Master Plan and the Park Improvements Plan or for reimbursement to the City for such acquisition or improvement. Development fees collected within a neighborhood park benefit area also may be used to acquire or improve linear park facilities within such benefit area, or, to acquire or improve neighborhood park facilities within an adjoining neighborhood park benefit area, subject to the provisions in Subsection (B). Eligible costs include, but are not limited to, land acquisition, including costs of eminent domain, recreational equipment purchase and installation of improvements and amenities, utility installation and relocation, vehicular and pedestrian access, and the planning, engineering and design of the park and its improvements. Development fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such park facilities.
- B. The City may transfer development fees from the account of a neighborhood park benefit area to the linear park benefit area, or to an adjoining neighborhood park benefit area, for the purpose of acquiring or constructing linear park facilities to serve new development within the neighborhood park benefit area from which funds are borrowed, or to acquire or construct neighborhood park facilities in the adjoining benefit area; provided that the neighborhood park benefit area from which funds are transferred is at the time of the transfer adequately served by neighborhood park facilities, or that the acquisition and/or development of linear park facilities in that benefit area or in the adjoining neighborhood park benefit area substantially satisfies the need for neighborhood park facilities on a temporary basis, and further provided that such funds are repaid to the neighborhood park benefit area from which funds are borrowed, either from funds

of the linear park benefit area or from other City park revenues, within a period not to exceed five (5) years.

- C. Development fees collected shall not be used to maintain, repair or operate the existing park system, nor to finance park and recreational activities other than Park Facilities as herein described.

**Section 9.09 Accounting Procedures**

- A. The City's Finance Department shall establish a separate, interest-bearing account into which all development fees collected shall be deposited, segregated by benefit area. Funds collected within each benefit area designated in Exhibits "A" through "C" shall be earmarked for expenditure solely and exclusively for park facilities acquisition and/or improvement within such benefit area, except as provided in Section 9.09(B), pursuant to the Master Plan and the Park Improvements Plan.
- B. Interest earned on development fees shall be considered funds of the Development Fees Account and shall be used solely for the purposes specified for the funds of such account.
- C. The City's Finance Department shall establish adequate financial and accounting controls to ensure that development fees disbursed are utilized solely and exclusively for Park Facilities acquisition or improvement or for reimbursement to the City of advances made from other revenue sources to fund such facilities. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Article; provided, however, that funds shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date development fees are collected.
- D. The City's Finance Department shall maintain and keep financial records for development fees, which shall show the source and disbursement of all fees collected in or expended from each benefit area. The records of the account into which development fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.
- E. Upon receipt of development fees, the Director shall transfer such funds to the Finance Department, which shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the "Development Fee Account." All funds placed in said account and all interest allocated thereto shall be utilized solely and exclusively for park land acquisition and improvement pursuant to the Master Plan and Park Improvements Plan. At the discretion of the

City Council, other revenues as may be legally utilized for such purpose may be deposited to such account.

**Section 9.10 Refunds**

- A. The current property owner on which a development fee has been paid may apply for a refund of such fee if:
  - 1. The property on which a development fee has been paid has not been served by Park Facilities, as provided in Section 9.04(B); or
  - 2. The building permit for a residential development, pursuant to which a development fee has been paid has expired or has been withdrawn, and no application for extension or renewal has been made.
- B. Only the current property owner may petition for a refund. A petition for refund must be filed within one (1) year of the event giving rise to the right to claim a refund.
- C. A petition for refund under Subsection 9.10(A)(1) must be submitted to the Director and contain: a certified copy of the latest recorded deed for the subject property; current legal description; and a statement of the reasons for which a refund is sought.
- D. In determining whether a refund is due under Subsection 9.10(A)(1), the Director shall compare the total development fees collected for the benefit area for a period of ten (10) years from the date the development fee was collected with the total expenditures from the Development Fee Account for the benefit area for the same period. Only if collections exceed all expenditures implementing the Park Improvement Plan shall a refund be due. The refund amount shall be the development's pro rata share of the excess of fees collected over expenditures, together with interest earned on such amount for the period. After the expiration of at least one (1) year after refunds are due under this subsection, the City Council may, after notice by publication in the section of a local newspaper reserved for legal notices, and after a public hearing, vote to apply any unclaimed excess amounts to the acquisition or construction of capital facilities which will benefit the area in which the excess amount was collected. When the City Council votes to apply the excess amounts, the right to refund of the applied excess amounts shall be extinguished.
- E. Within one (1) month of the date of receipt of a petition for refund, the Director must provide the petitioner, in writing, with a decision on the refund request. The decision must include the reasons for the decision. If a refund is due petitioner, the Director shall notify the City's Finance Department and request that a refund payment be made to petitioner.

- F. Petitioner may appeal the determination of the Director of Parks and Recreation to the City Council.

**Section 9.11 Offsets Against Development Fees**

- A. The City shall offset the reasonable costs of land which has been dedicated to and accepted by the City for park facilities, or the reasonable costs of park improvements constructed pursuant to a developer participation agreement executed by the property owner, when consistent with the Park's Master Plan and Park Improvements Plan. Such offset shall be applied against development fees due, provided the property owner has not obtained compensating density.
- B. All offsets against development fees shall be based upon standards contained in the Parks Master Plan and Park Improvement Plan. The following rules apply:
  - 1. The reasonable costs of the park facilities that have been dedicated shall be offset against the park component fee due for that type of park facility.
  - 2. The unit cost used to calculate the offsets for park land shall not exceed those assumed as the average costs of the park facilities which were used to compute the maximum park component fee for the benefit area in which the property is located, unless the City and property owner agree upon a land value based upon an independent appraisal.
  - 3. No offset shall be granted that exceeds the park component fee due for the development unless otherwise agreed to by the City.
  - 4. When the park land dedicated equals or exceeds the amount required under the subdivision regulations, and no contract affecting such conveyance is made, the dedication of such land shall be deemed to completely offset the amount of the park fees due.
  - 5. Any offset created by the dedication of park facilities shall expire five (5) years after the date that the offset was created.
- C. An applicant shall apply for an offset against development fees either at the time of submission of a preliminary subdivision plat or at the time of dedication by separate instrument. Petitioner may appeal the determination of the Director concerning the offset to the City Council.
- D. The amount of the offset shall be prorated among the number of dwelling units approved for the development, unless otherwise agreed to by the City.

**Section 9.12 Procedures for Updating Development Fees**

- A. Unless the City Council updates development fees according to this section within the previous twelve (12) months, development fees shall be updated annually on September 1<sup>st</sup> by the Director in accordance with the U.S. Department of Labor Bureau of Labor Statistics' Dallas-Fort Worth Consumer Price Index for All Urban Consumers (DFW CPI-U) for the most recent time period reported by the Bureau. Development fees shall be updated proportional to the percent change in the DFW CPI-U for the previous year. If in any year the DFW CPI-U is not reported, the Director shall update development fees in accordance with the U.S. City Average Consumer Price Index for all Urban Consumers.
  
- B. At least every five (5) years the Director shall prepare a report to the City Council recommending whether development fees should be updated. In the preparation of such report, the following information shall be reviewed:
  - 1. a statement summarizing development fees collected and disbursed;
  - 2. a statement summarizing the status of park facilities acquisition and development;
  - 3. a statement summarizing the administration and enforcement of the development fee; and
  - 4. a statement and recommendation from the Parks and Recreation Advisory Board on any aspects of the Park Development Fee and City park needs.
  
- C. The report shall make recommendations, if appropriate, on amendments to the Article; changes in the administration or enforcement of the Article; changes in the development fee rates; changes in the Park Improvements Plan; and changes in the Master Plan.
  
- D. Based upon the report and such other factors as the City Council deems relevant and applicable, the City Council may amend the Park Development Fee Ordinance, including but not limited to exhibits and fee schedules. If the City Council fails to take such action, the development fee rates then in effect shall remain in effect. Nothing herein precludes the City Council or limits its discretion to amend the Park Development Fee Article at such other times as may be deemed necessary.
  
- E. In the review process, the City Council may take into consideration the following factors: inflation as measured by changes in an appropriate land and construction cost index used by the City; improvement cost increases as measured by actual experience during the year; changes in the design, engineering, location or other elements of proposed Park Facilities; revisions to the Park Master Plan; changes to the Park Improvements Plan; and changes in the projected mix and/or intensity of residential development in the City.

### **Section 9.13 Appeals**

- A. The property owner or applicant may appeal the following decisions of the Director to the City Council:
  - 1. The applicability of the development fee;
  - 2. The amount of the fee due;
  - 3. The amount of refund due, if any; or
  - 4. The determination of an offset.
- B. The burden of proof is on the appellant to demonstrate that the amount of the fee, the amount of the refund or the amount of the offset was not calculated according to the requirements of this Article and the applicable schedule of fees.
- C. The appellant must file a notice of appeal with the Director within thirty (30) days following the determination by the Director. The filing of an appeal shall not stay the collection of the fee due. If the notice of appeal is accompanied by a payment in an amount equal to the development fee due as calculated by the Director, the building permit application shall be processed.

### **Section 9.14 Development Fee as Additional and Supplemental Requirement**

The development fee is additional and supplemental to and not in substitution of any other requirements imposed by the City on the development of the land. It is intended to be consistent with and to further the objectives and policies of the Master Plan and the Comprehensive Plan and to be coordinated with other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate Park Facilities in conjunction with the development of land. In no event shall a property owner be obligated to pay for Park Facilities in an amount in excess of the amount calculated pursuant to this Article; but provided that a property owner may be required, pursuant to City zoning and subdivision regulations, to provide open lands, setbacks, buffers and other nonbuildable areas on-site in addition to meeting the development fee requirement.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective October 1, 2004.

PRESENTED AND GIVEN FIRST READING on the **10th** day of **August, 2004**, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the **24th** day of **August, 2004**, by a vote of **9** ayes and **0** nays at a regular meeting of the City Council of the City of **Arlington, Texas**.

Ordinance No. 06-028

An ordinance amending the "Parks and Recreation" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article II, entitled Park and Recreation Board, at Section 2.01, Membership, Term, Vacancies, relative to the terms of board members; providing for a fine of up to \$500 for each violation of this ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "Parks and Recreation" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article II, Park and Recreation Board, by the amendment of Section 2.01, Membership, Term, Vacancies, so that said section shall be and read as follows:

**Section 2.01 Membership, Term, Vacancies**

There shall be a Park and Recreation Board consisting of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10) members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Park Board members shall be citizens of the City of Arlington. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The City Council shall assign members except the youth representative to Places 1 through 9. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

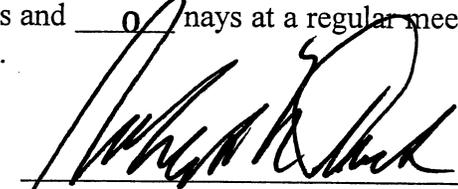
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication as described above.

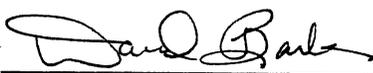
PRESENTED AND GIVEN FIRST READING on the 28th day of February, 2006, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 14th day of March, 2006, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
BARBARA G. HEPTIG, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

Ordinance No. 07-043

An ordinance amending the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article I, Definitions, at Section 1.01, Definitions, by the addition of the definitions of “AISD”, “City”, “City Council” and “Nature Preserve” and the amendment of the definition of “Vehicle”; at Article II, Park and Recreation Board, at Section 2.01, Membership, Term, Vacancies, and at Section 2.04, City of Arlington Tree Board, at Subsection (C); at Article IV, Park Property; at Article V, Recreational Activities, at Section 5.05, Animals and Pets, and by the addition of Section 5.08, Skating Activity, Section 5.09, Models, and Section 5.10, Trail Use; at Article VI, Nuisances and Behavior, by the addition of Section 6.06, Amplified Sound; at Article VII, Permits, at Section 7.03, Standards for Issuance of Permit and Procedures, at subsection (B); at Article VIII, Park and Facility Operating Policies, at Section 8.01, Park Closings, at subsection (D); at Article IX, Arlington Park Development Fee at Section 9.06, Benefit Areas and Park Improvements Plan, at subsection (A); by the addition of Article XII, Athletic Field Use; and by the addition of Article XIII, Golf Course; and providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; providing for severability; providing for governmental immunity; providing for injunctions; providing for publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended at Article I, Definitions, Section 1.01, Definitions, by the addition of the definitions of “AISD”, “City”, “City Council” and “Nature Preserve” and the amendment of the definition of “Vehicle” so that said definitions shall be and read as follows:

"AISD" means the Arlington Independent School District.

"City" means the City of Arlington, Texas.

**"City Council"** means the City Council of Arlington, Texas.

**"Nature Preserve"** means a parcel of land owned or operated by the City that provides for the protection of places of historic or natural interest, including the biological diversity of plants, animals and natural communities. The areas may be used for passive recreation pursuits by the public and may provide a field laboratory for the observation and education in these relationships. Development is typically minimal and limited to passive recreational amenities such as soft-surfaced trails.

**"Vehicle"** includes any wheeled device of conveyance, propelled by motor or engine. The term shall include any trailer of any kind, size, or description. Exception is made for vehicles in the service of the City and for motorized wheelchairs and scooters utilized for assisting disabled persons.

Further, **Article II, Park and Recreation Board**, is amended at **Section 2.01, Membership, Term, Vacancies**, so that said section shall be and read as follows:

**Section 2.01 Membership, Term, Vacancies**

There shall be a Park and Recreation Board consisting of ten (10) members. The Mayor and each City Council member shall nominate a member with confirmation by majority vote of the City Council in accordance with the City of Arlington Boards and Commissions Policy Statement. One of the ten (10) members will be a youth representative nominated by the Mayor and confirmed by the City Council who is a junior or senior in high school and in good standing at the respective high school. The youth representative must maintain good standing with the respective high school. Park Board members shall be citizens of the City of Arlington. All members except the youth representative shall serve for a term of two (2) years from the first day of July of the year of their appointment. Six (6) members of the Park and Recreation Board shall constitute a quorum for the transaction of business. A majority of the members of any Board subcommittee shall constitute a quorum for the transaction of business for the subcommittee. The youth representative shall serve for a term of one (1) year from the first day of July of the year of appointment. All members shall be voting members. In the event of a tie in votes on any motion, the motion shall be considered lost. The City Council shall assign members except the youth representative to Places 1 through 9. The term of office of such Park Board members shall be limited to two, two-year terms. Vacancies on the Park Board shall be filled in the same manner as hereinabove prescribed and vacancy appointments shall be for the duration of the term of the position being vacated.

Further, **Article II, Park and Recreation Board**, is amended at **Section 2.04, City of Arlington Tree Board**, at subsection (C), so that said subsection shall be and read as follows:

- C. The Director of Parks and Recreation or designee, and such other City of Arlington employees as may be designated by the City Manager, shall manage the annual community forestry work plan. The Park and Recreation Board shall serve in an advisory capacity by overseeing the Forestry Funding and endorsing the forestry recommendations for new projects.

Further, **Article IV, Park Property**, is amended so that said Article shall be and read as follows:

**Section 4.01 Buildings and Other Property**

No person shall in any City park do or cause to be done any of the following without first obtaining a permit from the Parks and Recreation Department:

1. Mark, deface, injure, displace, remove or tamper with any park property or any park grounds.
2. Construct or erect any building or structure of any kind, whether permanently or temporarily.

**Section 4.02 Protection of Wild Animals**

No person shall in any City park capture, attempt to capture, hunt, molest, injure, trap or administer or set out any trap or harmful substance for any wild or domestic animal, reptile, bird or fish, nor remove or have in his/her possession the young, eggs or nest of any animal, reptile or bird, unless such person first obtains a permit from the Department or engages in such activities in a designated park or a designated area within a park where such activities have been authorized by the Department.

**Section 4.03 Sanitation**

No person shall in any City park:

1. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream or other body of water in or adjacent to any park, any substance matter or thing, liquid or solid, which will or may result in the pollution of such waters.
2. Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage refuse or other trash except in designated containers.

#### **Section 4.04 Fishing**

Fishing shall be permitted in areas as designated through Department Rules and Regulations and park signage, subject to compliance with all state and City laws and regulations. Fishing shall be permitted only from designated fishing docks or piers or the banks of any creek, pond, lake or other body of water in designated City parks. No trotlines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any park, except as allowed in the Lake Arlington Chapter.

#### **Section 4.05 Weapons**

It shall be unlawful for any person to carry a concealed handgun in a City park, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of the Texas Concealed Weapons Act or other state or federal law.

#### **Section 4.06 Restroom Use**

- A. It shall be unlawful for any person to enter, remain or linger in, near, or about a public restroom located at or in a City park facility for the purpose of engaging in or soliciting any lewd and lascivious or criminal activity.
- B. Any person over the age of six (6) years shall not use the restrooms and washrooms designated for the opposite sex, unless assistance is necessary.

#### **Section 4.07 Glass Containers**

It shall be unlawful for any person to possess on the premises of any swimming pool, recreational center, playground, athletic field, or any other City park area, any glass container. It shall also be unlawful to willfully break any glass or glass container in any City park area.

#### **Section 4.08 Use of Metal Detectors**

It shall be unlawful for any person to use or operate a metal detector in a city park, except by permit from the Director.

#### **Section 4.09 Admission Charges**

It shall be unlawful for any person or organization to charge an admission fee to enter any City park area except by executed agreement or permit from the Director.

#### **Section 4.10 Intentional Balloon Release**

No person, firm or organization shall intentionally release, organize the release or intentionally cause to be released within a twenty-four hour period, ten or more balloons inflated with a gas that is lighter than air from any City park area.

Further, **Article V, Recreational Activities**, is amended at **Section 5.05, Animals and Pets**, and by the addition of **Section 5.08, Skating Activity**, **Section 5.09, Models**, and **Section 5.10, Trail Use**, so that said sections shall be and read as follows:

#### **Section 5.05 Animals and Pets**

- A. No person in a park shall:
1. Ride a horse or other animal, except in areas or on paths or trails designated by Park Rules and Regulations. This prohibition shall not apply to a duly authorized mounted patrol officer in the performance of his/her official duties.
  2. Abandon any animal in the park.
  3. Permit animal defecation caused by an animal owned or possessed by him or her to remain on park property, unless properly disposed of in a trash receptacle.
  4. Fail to have in his/her possession materials or implements that, either alone or in combination with each other, can be used immediately in a sanitary and lawful manner to remove and dispose of defecation the animal owned or possessed by him may deposit on park property.
  5. Permit an animal owned or possessed by him to enter or remain on a league athletic playing field/facility enclosed by a fence. A "league athletic playing field/facility" is designed and maintained for league play of sports activities approved by the Director or the Park Board, such as football, soccer, tennis, softball and baseball.
  6. Permit an animal owned or possessed by him to run at large, nor permit any such animal in a park unless it shall at all times be restricted or kept on a leash no greater than fifteen (15) feet in length. Nor shall any person allow an animal owned or possessed by him to remain unattended on park property.
- B. Any animal ridden shall be properly restrained, and ridden with due care, and shall not be allowed to go unattended.

- C. It is an exception to Section 5.05(A)(6) that:
1. The animal is a police service animal under the supervision of a police officer in the performance of his/her official duties; or
  2. The animal is a water fowl at a municipality owned facility; or
  3. The animal is a "service dog" performing duties of assisting the disabled; or
  4. The animal is a dog lawfully allowed in an off-leash site as defined by this Chapter.

**Section 5.08 Skating Activity**

It shall be unlawful for any person to ride or operate a skateboard, roller skates, in-line skates or other skating devices on any brickwork, cobblestone or ornamental surface, retaining wall, picnic table, tennis court, basketball court, fountain area, planter, sculpture, or other similar surface or structure located in a City park.

**Section 5.09 Models**

- A. It shall be unlawful for any person to engage in the use of gas or battery-powered model aviation devices, motor vehicles or boats, whether radio controlled or not, except by permit from the Director.
- B. All persons desiring to launch model rockets in any City park shall obtain a permit to do so from the Department.

**Section 5.10 Trail Use**

- A. No person shall operate or use a bicycle or motor vehicle, including a motorcycle or mini-bike, on a trail or path not designated for use by such vehicle.
- B. Persons who operate bicycles or in-line skates on designated paved trails shall yield right-of-way to pedestrians. Joggers shall yield right-of-way to walkers.
- C. Trail users on the hike and bike trails shall not be more than two abreast when this action will impede other traffic on the trail. Trail users shall leave ample room on the trail for other users to pass safely.

Further, **Article VI, Nuisances and Behavior**, is amended by the addition of **Section 6.06, Amplified Sound**, so that said sections shall be and read as follows:

**Section 6.06 Amplified Sound**

- A. It is unlawful for any person to cause, or for any person in charge of a group of persons to allow sound from an officially sanctioned event to originate in a City park which exceeds an L eq of ninety-five (95) dB(A) for one (1) minute as measured fifty feet (50') from the source or sources, whether or not the sounds are live or recorded. In addition, sound levels shall not exceed a 60 dB average at the perimeter of the property. Upon execution of an appropriate agreement or permitting, the Director may allow sound levels to exceed this level at facilities within the downtown business district.
  
- B. Amplified sound is strictly prohibited at Bowman Springs Park and Richard Simpson Park.

Further, **Article VII, Permits**, is amended at **Section 7.03, Standards for Issuance of Permit and Procedures**, at subsection (B), so that said subsection shall be and read as follows:

- B. The Park Board or the Director may impose reasonable conditions or restrictions on the granting of a permit, including but not limited to any of the following:
  - 1. Restrictions on fires, fireworks, amplified sound, dancing, sports, use of animals, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park property;
  - 2. A requirement that the applicant post a deposit of security as set by the Director for the repair of any damage to park property or the cost of clean-up or both;
  - 3. A requirement that the applicant pay a fee as set by the Director to defray the cost of furnishing adequate security forces by the City at the proposed use or activity; the number and type of security personnel required shall be determined by the type of event, the anticipated attendance, time of day, or other pertinent factors determined by the Director or his/her designee;
  - 4. A requirement that the applicant furnish additional sanitary and refuse facilities that may be reasonably necessary, based on the use or activity for which the permit is being sought;

5. A requirement that the applicant pay a fee as set by the Director to cover the administrative costs of the permit application and site support by the City at the proposed use or activity; and
6. A requirement that the applicant furnish a valid certificate of insurance with amounts and categories of coverage as determined necessary by the City.

Further, **Article VIII, Park and Facility Operating Policies**, is amended at **Section 8.01, Park Closings**, at subsection (D), so that said subsection shall be and read as follows:

- D. Park closing hours will be established according to the park classification system as follows:
  1. Neighborhood, Linear and Natural Area Parks shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  2. Community and City Parks shall be closed between 12:00 midnight and 5:00 a.m. daily.
  3. Exceptions include:
    - a. Richard W. Simpson Park shall be open twenty-four (24) hours daily.
    - b. Bob Cooke Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
    - c. F.J. Red Kane Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
    - d. River Legacy Parks shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12 midnight. The park will reopen at 5:00 a.m. for all traffic.

Further, **Article IX, Arlington Park Development Fee**, is amended at **Section 9.06, Benefit Areas and Park Improvements Plan**, at subsection (A) so that said subsection shall be and read as follows:

- A. There are hereby established twelve (12) neighborhood park benefit areas, each of which is designated on the map attached as Exhibit "A", and a single, city-wide linear park benefit area, which is designated on the map attached as Exhibit "B".

Further, the “**Parks and Recreation**” Chapter is amended by the addition of **Article XII, Athletic Field Use**, so that said Article shall be and read as follows:

## **ARTICLE XII ATHLETIC FIELD USE**

### **Section 12.01 Definitions**

“**Organization**” means any organization or group of persons contracting with the City to use park and recreational facilities.

“**Co-sponsored organization**” means any organized group that has entered into a Facility Use Agreement with the City utilizing the City-owned or leased facilities, and in some way providing a service, program, or revenue benefiting the City.

“**Facility Use Agreement**” means the official agreement between the City and an organization which is designed to ensure that facilities owned and/or operated by the City are utilized efficiently and safely. The purpose of this agreement shall be to provide the terms and conditions under which an organization can use facilities for authorized activities, define operational and maintenance responsibilities, identify responsibility for costs, and to identify a process to provide improvements and upgrades to facilities and services.

“**Season**” means a recurrent period of time characterized by league practices and games associated with registration fees for a particular sport as agreed upon by the designated representative from both parties.

“**Game facility**” is defined as lighted and unlighted athletic fields maintained and programmed to accommodate competitive and recreational sporting events such as league play, tournaments, practices, camps, and clinics. These fields receive a higher level of maintenance than general park open space. Game facilities are designated by the Department, and are subject to usage fees.

### **Section 12.02 Purpose**

This article is hereby adopted to serve as a guide for the comprehensive and effective usage of indoor and outdoor athletic facilities owned, leased, scheduled, or otherwise controlled by the City. It is the intent of this article to provide a basis for establishing the following objectives:

- A. A method of equitably allocating the available inventory of game facilities to recognized requestors for the usage of such facilities.

- B. A disciplined method of communicating the forecasted seasons and immediate facility schedules for recognized users of the facilities and the appropriate departments within the City administration.
- C. A method whereby game facilities will be scheduled in a manner that will ensure proper turf maintenance and growth, thereby assuring availability in future years and reducing the need for major restoration.
- D. A method for continuously improving efficient utilization of existing game facilities to the betterment of the City.

**Section 12.03 Policy Administration**

The administration of this article shall be the responsibility of the Parks and Recreation Department. The Department shall prepare, implement, and enforce such specific rules and regulations for the use of facilities for each sport or type of facility, as it deems necessary. The Department shall report regularly to the Park Board on the effectiveness of administering this policy.

**Section 12.04 Sports Seasons**

- A. Specific sports seasons will be established for the equitable use and allocation of game facilities by the Department.
- B. The primary sport within each season shall be given first priority with regard to field or facility allocation and scheduling. Secondary sports facilities will be allocated on a space available basis. The Director or designee shall determine the eligibility for classification within primary and secondary sports designations.
- C. Sports other than primary or secondary will be addressed as the need arises, subject to:
  - 1. Facility availability.
  - 2. Allocated maintenance funds.
  - 3. Determination by the Department of capacity of game fields or facilities to withstand additional use.
- D. Organizations may enter into a written Facility Use Agreement with the Department that allows use of designated game fields or facilities outside of the official sports season under special circumstances deemed appropriate by the Director.

## **Section 12.05 Requirements for Organizations Using Facilities**

- A. *Co-sponsored organizations.* All co-sponsored organizations desirous of establishing leagues and utilizing game facilities owned, leased, or controlled by the City for competitive or recreational league play must comply with the requirements established for members of the Arlington Sports Committee.
  
- B. *Non co-sponsored organizations, groups, or individuals.* All non co-sponsored organizations, groups, or individuals desirous of establishing leagues and utilizing game facilities owned, leased, or controlled by the City for competitive or recreational league play must comply with the following requirements:
  - 1. Non co-sponsored organizations, groups, or individuals may not compete directly with programs offered by co-sponsored organizations.
  - 2. All non co-sponsored organizations, groups, or individuals are subject to the Facility Use Agreement and supplemental agreements with the Department.
  - 3. Have a policy that permits individuals to file for exemption from registration fees.
  - 4. Have a non-discrimination policy in which programs operated by the organization are open to all residents of Arlington regardless of race, age, socio-economic level, color, sex, national origin, religion, handicap status or geographic residency.
  - 5. Have policies that support the safety of its participants, spectators, volunteers, officials, referees and umpires in the performance of their assigned duties.
  - 6. Provide and keep in force a general liability insurance policy as outlined in section 12.13.

## **Section 12.06 Field Allocations**

- A. All organizations shall submit a written request to the Department for the use of game facilities. In the event that two or more organizations request the use of the same facility, the City reserves the right to review and adjust scheduling to ensure that all facilities are being fully utilized in the best interest of the City. Priority will be given to programs accommodated during the previous year. Every effort will be made to accommodate new programs according to facility availability.
  
- B. The Department shall consider all requests and will allocate game facilities in the best interest of the City. Guidelines that will be considered may include, but are

not limited to, items listed under subsections (1) and (2) of this section. The Director or his/her designee may also consider any other alternatives in implementing the field or facility allocation for the various users, or make such variations or exceptions as the Director deems in the best interest of the City, giving due consideration to the number of participants, facility requirements, nature of the activity, innovation of the program and other relevant factors.

- C. Any existing organization wishing to initiate a new athletic program must meet with the Department at least ninety (90) days prior to the proposed season starting date to discuss the availability of game facilities. A new program is defined as any activity that is not currently offered by the requesting organization. The Department will attempt to accommodate new programs according to facility availability and participant registration.
  - 1. Priority will be given to those individuals who live in the City or its extraterritorial jurisdiction or attend school in the AISD. Participation by other individuals, teams, and groups may be permitted by the Department if facility availability permits.
  - 2. Leagues requesting regular season play with out-of-town teams on game facilities owned by, leased or otherwise controlled by the City will be given consideration after game fields or facility time has been allocated for all other teams of organizations made up of individuals from the City or its extraterritorial jurisdiction. Participation by such out-of-town teams is subject to approval by the Department.
- D. The Department may place more than one (1) organization on a given facility for the same sport. Primary sports will be accommodated prior to secondary sports.

## **Section 12.07 Scheduling**

### **A. League Scheduling**

- 1. Organizations requiring City game facilities for league activity will submit their final team numbers, team rosters, field maintenance fees, current insurance policies, signed Facility Use Agreement and all other pertinent information necessary to schedule league games. All required above information must be submitted at least 14 days prior to the designated start of that specific sport season. Final schedules will be completed and returned one calendar week prior to the designated start of that specific sport season.
- 2. The Department reserves the right to change desired scheduling and facility requests by that organization, as stated in their Facility Use Agreement, if deemed necessary:

- a. To complete season play by the established sport season date;
  - b. To accommodate organization requests that exceed available playing space at available facilities;
  - c. If the organization fails to maintain "recognized status" by violating provisions in the Facility Use Agreement;
  - d. If scheduling and maintenance efficiency can be enhanced by field dimension compromise; or
  - e. By excessive weather conditions that might affect playing surfaces.
3. Due to the difficulty in modifying maintenance and lighting schedules, the City must receive make-up game schedule requests, in writing, 48 hours before the date of the make-up game for approval. The City will make every effort to accommodate schedule changes of less than 48 hours, however, some requests will not be able to be honored. Schedule changes will not be officially accepted until written approval is provided by the City to the organization.

**B. Casual Scheduling**

Casual scheduling is the use of game facilities by residents, clubs or organizations on an organized basis who are not participants in locally sponsored leagues or activities. Any group or resident may request the use of a game facility through the Department when available, provided those who request and are to use the facility live within the City or the AISD. Such requests will be considered on a space available basis. The nature of such use shall be purely recreational and not for profit. The applicable reservation and light usage fees will apply.

**C. Practice Sessions**

1. *ASC member practices.* Game facilities for sports such as baseball, softball, soccer and football, unless they have been designated for scheduled use only, may be used for practice with approval of the Department and payment of applicable reservation and light usage fees.
- a. Each organization will schedule their teams on their designated fields for their allotted time frames and not otherwise.
  - b. There shall be no practices upon City designated game facilities, or any other area where games and practices have been cancelled due to field conditions.

- c. Each organization shall require in its by-laws, rule book or policies that any team under its jurisdiction, after receiving one (1) warning for violating any part of this section, shall forfeit one (1) league game. Penalties may also be assessed as authorized by section 12.18.
2. *General public practices.* All reservations for practices by the general public are subject to the following conditions:
- a. Reservation requests must be made through the Department at least 48 hours in advance of the intended reservation;
  - b. The applicable reservation and light usage fees must be paid at the time the reservation is made; The scheduled turning on and turning off of lights shall be the responsibility of the Department or as established by written agreement;
  - c. An approved facility reservation form must be obtained from the Department when the fee is paid;
  - d. No refunds will be made unless the reservation is cancelled by the Department or in case of inclement weather as determined by the Department.

### **Section 12.08 Tournaments/Meets**

Athletic tournament or meet requests which involve out-of-town teams will be considered on a space available basis subject to the following conditions:

- A. The Department may restrict the number, size, dates, and locations of tournaments or meets in order to protect field or facility conditions or to prevent overuse of fields or facilities.
- B. Requests for tournament play or meets will be restricted to Arlington youth and adult athletic organizations meeting specified requirements of section 12.05. Upon approval, direct costs to the City involving lights, personnel, equipment, and materials incurred in preparation for, operation of, and clean up after the tournament or meets shall be charged to the sponsoring organization. The Department shall estimate such expenses prior to approval. The sponsoring organization shall also pay designated tournament, meet, and special use permit fees.
- C. Any request for tournament play or meets must be made in writing by the sponsoring organization no less than thirty (30) days prior to the scheduled tournament or meet. Existing tournaments or meets will receive first

consideration. Approval of tournament play or meets does not guarantee facility condition or availability of Department personnel or equipment.

- D. Prior to fields or facilities being allocated for organization tournaments or meets, the tournament/meet usage agreement must be signed and on file with the Department.

#### **Section 12.09 Financial Responsibility**

The purpose of requiring financial records is to allow participants the opportunity to effectively monitor use of their money and to ensure that public facilities are not being used as a profit generator for any individual, group, or organization. It is intended that all funds raised by the individual, group, or organization be used directly for the athletic program that is the subject of the Facility Use Agreement. In that manner, the City requires that the organization employ financial management systems that reasonably safeguard its financial resources. Financial records should be developed and maintained in a way that is accessible and understandable to program participants.

- A. The City Council has determined that it is necessary and proper to establish and levy user fees to be charged for the use of the City's public parks and recreation facilities. User fees will be deposited by the Department into the City's Field Enhancement Fund.
- B. Organization agrees to pay a field maintenance enhancement fee as described in the Facility Use Agreement for league play to help recover a portion of the maintenance and operating costs of providing and maintaining game fields and facilities.
- C. Once schedules are submitted to the Department, an invoice will be submitted to the organization requesting fifty (50) percent of the scheduled contract fees payable within two weeks of the season start date. Once the season is completed, the City and Organization will reconcile the account after rain-out dates, schedules changes, and lighting charges have been assessed. The adjusted contract invoice will be sent to the Organization requiring payment within thirty (30) days after reconciliation.
- D. The Organization, upon request by the City, agrees to furnish a copy of financial statements detailing revenues and expenditures to the City.

#### **Section 12.10 Facility Maintenance**

Subject to the conditions and provisions set out in this Article, maintenance of various game facilities owned by the City shall be subject to the following:

- A. Maintenance of all game facilities owned or operated by the City will be performed only by the Department unless organizations enter into a written maintenance agreement with the Department. No modifications, alterations, additions, or deletions (temporary or otherwise), may be made to any facility scheduled by the City unless written approval is obtained from the Department in accordance with the policy for construction/maintenance approval process for organizations.
- B. Certain athletic sites or fields as determined by the Director or his/her designee, may receive enhanced maintenance in cooperation with specific organizations. These fields shall be used only on a scheduled basis and shall be identifiable by special signage. These fields or sites may be gated or fenced with controlled access to protect the benefits of enhanced maintenance from unauthorized activity, practices and vandalism.

**Section 12.11 Facility Closure**

Departmental staff may close a facility/field at any time due to weather and/or poor field conditions. Gated facilities are considered closed when the gates to the facility are not open. Non-gated facilities will be posted with signage at individual fields. Persons using closed facilities/fields are subject to penalties as set in section 12.18.

- A. The Department may cancel a game, event, tournament or meet at any time in the interest of ensuring the quality and safety of the facilities.
- B. The decision to cancel the game, event, tournament or meet shall be made by authorized members from the Department. Authorized representatives from the organization may be contacted for their input in making the decision.
- C. Whenever possible, games, events, tournaments or the meet will first be delayed or postponed. The decision to resume play or the meet will rest with the Department.
- D. Failure to comply with this policy will result in the denial of future use of the facilities for tournaments or meets.

**Section 12.12 Concessions**

The Department shall control concession rights for all parks and recreational facilities. No concession may be sold in any park or facility by any individual, group or organization except with the written approval of the Director or his/her designee. If an organization wishes to provide concession services at or on City facilities, a separate Food and Beverage Concession Contract must be executed with the City prior to such

operation. Approval must be granted by City for any and all concession stands and/or trailers and follow City, County and State Health Codes.

### **Section 12.13 Insurance**

Organizations conducting organized leagues must provide and keep in force for the duration of the season with an insurance company duly licensed in the State of Texas and rated A- or better by A.M. Best, general liability insurance in an amount specified by the City's Risk Manager. Insurance limits will be reviewed on an annual basis. In addition, the policy shall include the City of Arlington as an additional named insured. No games or activities may be played until an acceptable proof of insurance has been received by the Parks and Recreation Department and approved by the City's Risk Manager.

### **Section 12.14 Field Lighting Usage Provisions**

Subject to the conditions and provisions set out in this Article, the use of lights at various athletic game facilities used in activities covered by this Article shall be subject to the following:

- A. All use of lights, whether for practice or games, shall cease and lights shall be turned off at 11:45p.m.;
- B. Only with the approval of the Department, and only under certain conditions and/or for certain special uses, will the light usage time be extended beyond 11:45p.m.

### **Section 12.15 Criminal Background Checks**

One of the primary goals of the City is to continually ensure the safety and welfare of its youth during their participation in all sports and athletic activities that occur on or in City athletic facilities. Organizations shall adopt and publish a criminal background check policy to be used for determining an individual's eligibility to volunteer.

- A. The organization shall conduct criminal background checks on all persons acting as head coaches, assistant coaches, managers, board members, umpires, referees, employees and any other person acting in an official capacity of the organization prior to assuming their responsibilities and shall remain valid for the calendar year.
- B. The organization shall employ a reputable company licensed by the State of Texas to conduct such checks, and will be responsible for paying for the expense of all checks.

- C. In the event that the organization determines it is necessary to disqualify a prospective volunteer or to disqualify a volunteer previously certified to the City as meeting the requirements of the policy, the organization must notify the person in writing (basic facts about the disqualification shall be given to the volunteer, but detailed facts shall not be required). The written notification must also advise the disqualified person of the right to appeal.
- D. The organization shall furnish to the City a listing of the persons that have successfully undergone a criminal background check prior to the beginning of any individual's involvement with any youth related activities. An organization board member shall sign this listing for final verification of the activities taken by the organization. Copies of the results must be kept on file for a period of three years, and must be available for review upon request by the City.

#### **Section 12.16 Coaches Training**

In an attempt to ensure a positive experience for the community's youth, organizations shall implement training programs to help prepare volunteers as coaches and mentors. These programs should be designed to provide a foundation in coaching principles, sports first aid, sport-specific techniques and communication.

#### **Section 12.17 Advertising, Signage, and Fence Screens**

All requests for permission to place advertising signage on City facilities shall be made to the Director or his/her designee. Advertising signage shall be subject to written City approval and are permitted on the fence only during the season of the sport. All sales of signs will be limited to one year.

#### **Section 12.18 Penalty**

Any sponsoring individual, group, or organization violating any provision of the rules and regulations contained in this Article may be penalized in the following manner:

- A. Any individual, group, or organization may be notified of the violation in a written notice by the Department.
- B. Any individual, group, or organization, upon written notification may be provided an opportunity to resolve the violation determined by the Director or his/her designee.
- C. Any individual, group, or organization violating any of the rules and regulations contained in this Article may be refused the scheduled usage of athletic facilities

if such action is deemed necessary by the Director of Parks and Recreation upon the review and disposition of the violation.

Further, the “**Parks and Recreation**” Chapter is amended by the addition of **Article XIII, Golf Course**, so that said Article shall be and read as follows:

## **ARTICLE XIII**

### **GOLF COURSES**

#### **Section 13.01 Hours of Operation**

Golf play will begin thirty (30) minutes after daylight at Chester W. Ditto, Lake Arlington and Meadowbrook Golf Courses and at the designated start time at Tierra Verde Golf Club, unless otherwise instructed by the golf staff or due to weather conditions. Golfers are never to be released before daylight. Golf play will end just prior to dark at all City golf course facilities excluding the lighted driving range at Tierra Verde Golf Club.

#### **Section 13.02 Holidays**

City golf courses will be open as usual on the official holidays observed by the City except for Christmas Day. Christmas Day (December 25) is the only holiday that golf courses will be closed. Weekend/Holiday green fees will be in effect on these observed holidays unless otherwise specified by the Director or his/her designee.

#### **Section 13.03 Golf Course Authority**

- A. The privilege of playing golf or participating in any other golf-related activity on a City golf course is subject to compliance with the rules and regulations established by the Department. The Director is authorized to suspend, terminate, or immediately cancel playing privileges of individuals who violate course rules or regulations, or for conduct which interferes with the proper administration of the golf courses or their enjoyment by the public.
- B. The Director is authorized to delegate authority to designees who will represent the Department in golf related matters.
- C. These designees include the Director of Golf, Golf Programs Manager, Golf Clubhouse personnel, Golf Maintenance personnel, and any other representatives that the Director of Parks and Recreation so names.

- D. Named designees are authorized to remove an individual from the golf course for infraction of rules and regulations including but not limited to: obnoxious behavior, intoxication; damaging property; refusal to speed up or let players through when holding up play; failure to follow course numbers from hole to hole; driving golf cars onto collars or surfaces of greens and tees; entering areas that are restricted to golf play by either course rules or signage; practicing on golf course; playing without proper cash receipt; or trespassing.

#### **Section 13.04 Public Use of Golf Facilities**

- A. The Director is charged with establishing course fees. All individuals entering upon a City golf course for the purpose of playing golf is required to pay the appropriate course fee.
- B. The City golf courses shall only be utilized for the purposes of playing or practicing the game of golf unless otherwise authorized by the Director or one of his/her designees.
- C. Non-golfers acting as spectators for tournament events are allowed entry onto the golf course to watch play. Persons wishing to act as spectators must be at least ten (10) years of age, report to the clubhouse, and complete a waiver of liability form before entering course areas. A guardian's signature is required for non-golfer spectators who are minors (under 18 years of age).
- D. Dog walkers, bicycle riders, picnickers, joggers or any other unauthorized person shall not be permitted to walk, ride, run, jog or rest on golf course premises without the consent of the Director or one of his/her designees. Such use of the golf course without authorization shall be considered trespassing.

#### **Section 13.05 Player Eligibility**

- A. The minimum age for minors wishing to play on City golf courses is six (6) years of age. In order to play without adult supervision, a minor must be at least twelve (12) years of age.
- B. Anyone younger than twelve (12) years of age must have knowledge of the game of golf, must be participating in the game of golf, and accompanied by an adult at least eighteen (18) years of age.
- C. Minimum dress code requirements must be met for all golfers.
- D. Each player must have their own golf bag and set of golf clubs.

E. Players must be a minimum of 18 years of age to rent and/or drive an electric golf car.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 22nd day of May, 2007, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of June, 2007, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
BARBARA G. HEPT, City Secretary



APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY   
\_\_\_\_\_

Ordinance No. 11-029

An ordinance amending the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VIII, Park and Facility Operating Policies, Section 8.01, Park Closings, Subsection (D)(3)(a), relative to changing the closing hours at Richard W. Simpson Park; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative, providing for severability, governmental immunity, injunctions, publication and becoming effective ten days after first publication

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VIII, Park and Facility Operating Policies, by the amendment of **Section 8.01, Park Closings, Subsection (D)(3)(a)**, so that said subsection shall be and read as follows:

- a. Richard W. Simpson Park shall be closed between 11:00 p.m. and 5:00 a.m. daily, except for fishing, boating and any other activity authorized by permit in accordance with this Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

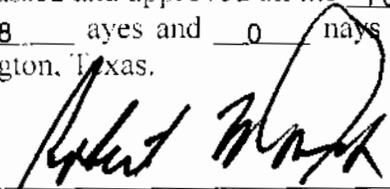
7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

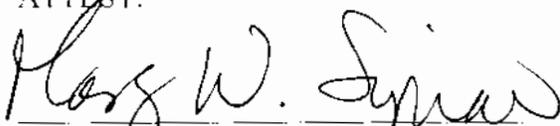
8.

This ordinance shall become effective ten (10) days after first publication as described above.

PRESENTED AND GIVEN FIRST READING on the 26th day of April, 2011, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 10th day of May, 2011, by a vote of 8 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
\_\_\_\_\_  
ROBERT N. CLUCK, Mayor

ATTEST:

  
\_\_\_\_\_  
MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
JAY DOEGEY, City Attorney

BY  \_\_\_\_\_

Ordinance No. 17-069

**An ordinance amending the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VIII, Park and Facility Operating Policies, Section 8.01, Park Closings, Subsection (D)(3), relative to exceptions to park closing hours; providing for a fine of up to \$500.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date**

WHEREAS, the City Council recognizes the importance of championing great neighborhoods throughout the City of Arlington; and

WHEREAS, the City Council finds that closing certain community parks earlier will reduce the negative effects of nuisance noise and pedestrian traffic adversely effecting adjoining neighborhood residents; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “**Parks and Recreation**” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of **Article VIII, Park and Facility Operating Policies**, by the amendment of **Section 8.01, Park Closings, Subsection (D)(3)**, so that said subsection shall be and read as follows:

3. Exceptions include:
- a. Bowman Springs Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - b. Bob Cooke Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - c. F.J. Red Kane Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - d. Meadowbrook Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.
  - e. River Legacy Parks shall be closed to all vehicular traffic at 10:00 p.m. and pedestrian traffic at 12 midnight. The park will reopen at 5:00 a.m. for all traffic.

- f. Richard W. Simpson Park shall be closed between 10:00 p.m. and 5:00 a.m. daily, except for fishing, boating and any other activity authorized by permit in accordance with this Chapter.
- g. S. J. Stovall Park shall be closed between 10:00 p.m. and 5:00 a.m. daily.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred Dollars and No Cents (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective thirty (30) days after the final adoption of the ordinance.

PRESENTED AND GIVEN FIRST READING on the 28th day of November, 2017, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 5th day of December, 2017, by a vote of 7 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
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W. JEFF WILLIAMS, Mayor

ATTEST:

  
\_\_\_\_\_  
MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY:  \_\_\_\_\_

Ordinance No. 19-062

An ordinance amending the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article VII, Permits, Section 7.01, Permits Required, relative to special events; providing for a fine of up to \$500 for each offense in violation of the ordinance; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the “Parks and Recreation” Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended through the amendment of Article VII, Permits, Section 7.01, Permits Required, so that said section shall be and read as follows:

**Section 7.01 Permits Required**

- A. In addition to any other provision of this ordinance that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage or take part in any of the following activities, unless a permit is obtained from the Director or from the Park Board, if Park Board approval is required, prior to the start of the activity:
1. Any organized sporting event using park ball field facilities for which permits are required.
  2. Any exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event or any similar event.
  3. Any public meeting, assembly, parade, ceremonies, addresses, speeches, political meetings or other event with five hundred (500) or more persons present.
  4. Any use of any park facility by a group of persons to be exclusive of others.
  5. Any use involving amplified sound.

- B. Park Board approval of a permit application is required before a person may sponsor, hold, or organize, an activity in a Park which involves any of the following: amplified sound for public events; and fund raising events.
- C. In addition to the permit requirements under this Section, a person must obtain a permit under the Special Events Chapter in order to conduct, operate, present, manage or take part in any of the activities described in Subsection (A) in a park if the event constitutes a "Special Event" as defined by the Special Events Chapter.

2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/100 Dollars (\$500) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

4.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

6.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

7.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

8.

This ordinance shall become effective ten (10) days after first publication.

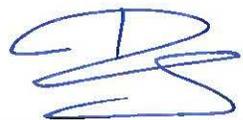
PRESENTED AND GIVEN FIRST READING on the 12th day of November, 2019, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 3rd day of December, 2019, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
W. JEFF WILLIAMS, Mayor

ATTEST:

  
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY 

Ordinance No. 20- 015

**An ordinance amending the "Parks and Recreation" Chapter of the Code of the City of Arlington, Texas, 1987, through the amendment of Article IX, Arlington Park Development Fee, Section 9.02, Purpose; Section 9.03, Definitions, by the amendment of the definitions of Linear Park Facilities and Neighborhood Park Facilities; Section 9.08, Use of Development Fee Funds; and Section 9.09, Accounting Procedures; relative to adding applicable uses for the fee; providing this ordinance be cumulative; providing for severability; governmental immunity; injunctions; publication and an effective date**

WHEREAS, the City Council finds that it is in the public interest to amend the Arlington Park Development Fee Ordinance to add additional uses for the fee; NOW THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

That the "**Parks and Recreation**" Chapter of the Code of the City of Arlington, Texas, 1987, is hereby amended by the amendment of **Article IX, Arlington Park Development Fee, Section 9.02, Purpose**, so that said Section shall hereafter read as follows:

**Section 9.02 Purpose**

A parks development fee ("development fee") is hereby imposed on residential development for the purpose of assuring that Park Facilities are available and adequate to meet the needs created by such development while maintaining current and proposed parks and recreation standards pursuant to the Arlington Parks, Recreation and Open Space Master Plan. The development fee shall be imposed by the City on all residential development, and all fees collected shall be used solely and exclusively for the purpose of acquisition, development, maintenance and operations of city-wide Park Facilities.

Further, Article IX, **Section 9.03, Definitions**, is hereby amended so that the definitions of **Linear Park Facilities** and **Neighborhood Park Facilities** shall be and read as follows:

**"Linear Park Facilities"** means land or capital improvements used or to be used as a linear park, including but not necessarily limited to recreational facilities including golf

courses, recreation centers and sports fields, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities.

"**Neighborhood Park Facilities**" means land or capital improvements used or to be used as a neighborhood park, including but not necessarily limited to recreational facilities including golf courses, recreation centers and sports fields, vegetation, landscaping, pedestrian ways and bikeways, access improvements and utilities.

Further, Article IX, **Section 9.08, Use of Development Fee Funds**, is hereby amended to read as follows:

**Section 9.08 Use of Development Fee Funds**

- A. Development fees collected for each benefit area pursuant to this Article must be used solely for the purpose of funding the acquisition, improvement, maintenance or operation of park facilities for such benefit area in accordance with the Master Plan and the Park Improvements Plan or for reimbursement to the City for such acquisition, improvement, maintenance or operation. Development fees collected within a neighborhood park benefit area also may be used to acquire, improve, maintain or operate linear park facilities. Eligible costs include, but are not limited to, land acquisition, including costs of eminent domain, recreational equipment purchase and installation of improvements and amenities, utility installation and relocation, vehicular and pedestrian access, and the planning, engineering and design of the park and its improvements. Development fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such park facilities.
- B. The City may transfer development fees from the account of a neighborhood park benefit area to the linear park benefit area, or to an adjoining neighborhood park benefit area, for the purpose of acquiring or constructing linear park facilities to serve new development within the neighborhood park benefit area from which funds are borrowed, or to acquire or construct neighborhood park facilities in the adjoining benefit area, or to maintain or operate existing park facilities within the adjoining benefit area.

Further, Article IX, **Section 9.09, Accounting Procedures**, is hereby amended to read as follows:

**Section 9.09 Accounting Procedures**

- A. The City's Finance Department shall establish a separate, interest-bearing account into which all development fees collected shall be deposited, segregated by benefit area. Funds collected within each benefit area shall be earmarked for expenditure

solely and exclusively for park facilities acquisition, improvement, maintenance or operation within such benefit area, except as provided in Section 9.09(B).

- B. Interest earned on development fees shall be considered funds of the Development Fees Account and shall be used solely for the purposes specified for the funds of such account.
- C. The City's Finance Department shall establish adequate financial and accounting controls to ensure that development fees disbursed are utilized solely and exclusively for Park Facilities acquisition, improvement, maintenance or operation or for reimbursement to the City of advances made from other revenue sources to fund such facilities. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Article.
- D. The City's Finance Department shall maintain and keep financial records for development fees, which shall show the source and disbursement of all fees collected in or expended from each benefit area. The records of the account into which development fees are deposited shall be open for public inspection and copying during ordinary business hours. The City may establish a fee for copying services.
- E. Upon receipt of development fees, the Director shall transfer such funds to the Finance Department, which shall be responsible for the placement of such funds in a segregated, interest bearing account designated as the "Development Fee Account."

2.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

3.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

4.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this

ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

5.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

6.

The caption of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

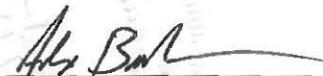
7.

This ordinance shall become effective May 1, 2020.

PRESENTED AND GIVEN FIRST READING on the 14th day of April, 2020, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the 28th day of April, 2020, by a vote of 9 ayes and 0 nays at a regular meeting of the City Council of the City of Arlington, Texas.

  
W. JEFF WILLIAMS, Mayor

ATTEST:

  
ALEX BUSKEN, City Secretary

APPROVED AS TO FORM:  
TERIS SOLIS, City Attorney

BY 