

ORDINANCE NO. 13- 3057

AN ORDINANCE AMENDING CHAPTER 86 – PARKS AND RECREATION, OF THE CITY OF BEDFORD CODE OF ORDINANCES BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 86 – PARKS AND RECREATION; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of Bedford, Texas is committed to enhancing the quality of life in Bedford through providing parks and recreation opportunities; and,

WHEREAS, the City Council of Bedford, Texas finds these regulations to be necessary to promote the public health, safety and welfare; and

WHEREAS, the City Council of Bedford, Texas has determined the need to develop regulations for the use of city parks.

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

SECTION 1. That Chapter 86 – Parks and Recreation, of the City of Bedford Code of Ordinances is hereby amended in its entirety by replacing said Chapter with a new Chapter 18 – Animals, to read as follows:

CHAPTER 86 – PARKS AND RECREATION

ARTICLE I. IN GENERAL

Sec. 86-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*City manager* means the city manager or a duly designated representative or agent.

*Department* means the city department of community services.

*Director* means the city manager or designee.

*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 by this chapter.

*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, turgidity or odor of the water, or such

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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.

*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, canoe, raft or other watercraft.

(Code 1969, § 17-1)

Cross reference— Definitions generally, § 1-2.

Sec. 86-2. - Purpose of chapter.

The purpose of this chapter is to preserve the environmental features of the city, allow more efficient park refuse collection, more effective and unhampered custodial care of the premises, and protect the health and welfare of the citizens of the city.

(Code 1969, § 17-2)

Sec. 86-3. - Prohibited activities generally.

(1) *Buildings and other property.*

a. *Removal of natural resources.*

1. No person in a park shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber, or other wood or materials.

2. No person in a park shall make any excavation by tool, equipment, blasting, or other means or agency.

b. *Erection of structures.*

1. No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands.

2. It shall be an affirmative defense to section 86-3(1)(b)1 above that the person had written permission of the city manager.

(2) *Trees, shrubbery, lawn.*

a. *Injury and removal.*

1. No person shall damage, cut, carve, transplant, or remove any tree, or plant or injure the bark, or pick the flowers or seeds of any tree or plant.

2. No person shall attach any rope, wire, or other contrivance to any tree or plant.

3. No person shall dig or otherwise disturb grass areas to the detriment of these areas, or in any way injure, or impair the natural beauty or usefulness of any area, provided that normal use of grassed areas will not be prohibited.

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4. It shall be an affirmative defense to section 86-3(2) 1-3 that the person was a regularly authorized party acting by and under the authority and regulation of the city manager.

b. *Climbing, etc.*

No person shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences, or upon any other property not designated or customarily used for such purposes.

c. *Hitching of animals.*

No person shall tie or hitch a horse or other animal to any tree or plant.

(3) *Wild animals, birds, etc.*

a. *Hunting.*

1. No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, reptile or bird.

2. No person shall remove or have in his possession the young of any wild animal, or the eggs, or nest or young of any reptile or bird.

3. Exception to the foregoing is made in that snakes known or reasonably believed to be deadly venomous, such as rattlesnakes or other deadly reptiles, may be killed on sight.

b. *Feeding.* No person shall give, or offer, or attempt to give to any animal or bird any tobacco, alcohol, or other known toxic injurious substance.

(Code 1969, § 17-3(a)(2), (3), (b), (c))

Sec. 86-4. - Sanitation.

(1) *Pollution of waters.*

No person shall throw, discharge to, 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, or any tributary, stream, storm sewer, or drain flowing into such waters any substance, matter, or thing, liquid or solid, which will or may result in the pollution of said waters.

(2) *Refuse and trash.*

No person shall have brought in or dump, deposit, or leave any bottles, broken glass, paper boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Code 1969, § 17-4)

Sec. 86-5. - Traffic.

(1) *Motorized vehicles or motorcycles.*

No person in a park shall ride a motorized vehicle or motorcycle on other than paved vehicular road or path designated for that purpose.

(2) *State and city vehicle laws apply.*

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No person in a park shall fail to comply with all applicable provisions of the state and city motor vehicle traffic laws.

(Code 1969, § 17-5)

Sec. 86-6. - Recreational activities.

(1) *Hunting and firearms.*

(a) No person in a park shall carry or possess at any time air rifles, spring guns, bows and arrows, slings, or any instrument that can be loaded with and fire blanks, cartridges, or any kind of trapping device.

(b) No person in a park shall shoot into, out of, or in park areas. This section shall not apply to any law enforcement officers while in performance of their duties.

(2) *Picnic areas and use.*

a. *Availability.*

No person shall prevent any person from using any park, or any of its facilities, or interfere with any use already engaged in that is in compliance with this chapter and the rules applicable to such use.

b. *Duty of picnicker.*

No person shall leave a picnic area before a fire is completely extinguished, and before all trash in the nature of boxes, papers, cans, bottles, garbage, and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

(3) *Horseback riding.*

a. No person shall ride a horse or any other animal except on designated bridle trails.

b. No person shall allow a horse to graze or be unattended.

c. No person shall hitch horses to any bench, fence, or other fixture or to any rock, tree, shrub, or any other object.

d. Where permitted, horses or any other animal shall be thoroughly broken and properly restrained, and ridden with due care.

(4) *Dangerous amusements.*

a. No person shall engage in activities that involve thrown or otherwise propelled objects such as hard balls, stones, arrows, javelins, or other objects likely to inflict injury, except in areas set apart for such forms of recreation.

b. No person shall roller skate, except in those areas specifically designated for such pastime.

c. No person shall operate a motor driven model airplane or hit a golf ball or golf balls in a city park, except in areas designated by the director of parks and recreation department for such purposes.

(5) *Boating and swimming.*

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No person shall swim, wade, boat or canoe in any area unless such area is designated for that purpose. It is an affirmative defense that the swimming, wading, boating, or canoeing was due to an emergency situation.

**(7) 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 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.

**(8) Dogs.** Except in designated off leash areas, no person shall permit any dog owned, possessed, or controlled by such person to run at large nor permit any such dog in a park unless it shall at all times be restricted and kept on a leash. This prohibition shall not apply to a police service dog while under the supervision of a duly authorized peace officer in the performance of official duties.

**(9) Fishing.** No person shall fish at the Bedford Boys Ranch Lake during the hours between sunset and sunrise.

**(10) Glass containers.** No person shall use or bring glass containers in recreational and playground areas of any park.

**Sec. 86-7. - Merchandising, advertising and signs.**

(1) No person in a park shall expose or offer for sale or hire any article, thing, or service, nor station or place any stand, cart, or vehicle for the transportation, sale or display of any article, thing or service, unless a permit has been obtained from the park board.

(2) No person in a park shall announce, advertise, or call the public's attention in any way to any article, thing, or service for sale or hire, unless done pursuant to a permit from the park board.

(3) No person in a park shall 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 park board.

(4) Any announcements, advertisements, temporary facilities, signs, or other items that are permitted for use by the park board must be removed at the end of the permitted use period.

(5) City sponsored events, recreation classes and regular activities at the Boys Ranch Activity Center and contract groups are not required to obtain a permit from the park board to merchandise, advertise, or erect signage but must receive permission from the park director.

**Sec. 86-8. – Closings and hours**

**(1) 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.

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**(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 city employee.**

**(2) Park hours.**

**(a) No person shall remain in, occupy, or use any public park in the city between 11:00 p.m. and 5:00 a.m., as may be applicable, unless present in the furtherance or enforcement of this chapter or irrigation of park lands and facilities, unless approval is obtained from the city manager.**

**(b) Special permission may be granted by the parks and recreation department for organized sports or special events which last past 11:00 p.m., in which case any park containing the permitted activities shall remain open until the activity shall cease, at which time the park shall be closed. No person other than law enforcement personnel or park employees shall enter or remain in a park at a time when it is closed.**

**(c) No person shall camp overnight in a park without first obtaining a permit from the park and recreation board or park director.**

**Sec. 86-9. - Alcoholic beverages.**

**No person shall sell or consume alcoholic beverages in any park.**

**The following facilities can sell or consume alcohol within those buildings with permission from the city manager:**

- (1) Trinity Arts Guild building,**
- (2) Bedford Onstage building,**
- (3) Senior Activity Center building, and**
- (4) Boys Ranch Activity Center building.**

**With approval from the City Council, alcohol may be sold or consumed during approved special events at any park.**

**Sec. 86-10. - Military maneuvers.**

**Military maneuvers are prohibited in any park.**

**Sec. 86-11. - Interference with users and permittees.**

**No person shall prevent, disturb or unreasonably interfere with any other person's occupying any area or participating in any lawful activity permitted within the park.**

**Sec. 86-12. - Permits—Required.**

**In addition to any other provision of this article 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 park board prior to the start of the activity:**

- (1) Any organized sporting event using park ballgame facilities which are designated for permit use only.**
- (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, or speeches.**

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- (4) Any use of an entire park facility by a group of persons to the exclusion of others.
- (5) Any use involving amplified sound.
- (6) City sponsored events, recreation classes and regular activities at the Boys Ranch Activity Center and contract groups are not required to obtain a permit from the park board but must receive permission from the park director.

**Sec. 86-13. - Same—Application procedure.**

- (a) A person seeking the issuance of a permit to carry on an activity in a park shall file an application with the director. The application shall state:
  - (1) The name, address, and telephone number of the person and organization and its officers 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 day and hours for which the permit is desired.
  - (5) The park and the portion of the park desired to be used to carry out the proposed use or activity.
  - (6) An estimate of the anticipated attendance.
- (b) Applications shall be filed with the director for the park board's consideration not less than 30 days or more than 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 days prior to such meeting in addition to meeting the above time limitations. Emergency hearings may be conducted at the board's discretion but must comply with Open Meetings Act which requires 72 hours in advance posting notice.
- (c) The park board shall evaluate the application and render a decision in accordance with section 86-14

**Sec. 86-14. - Same—Standards for issuance and procedures.**

- (a) A permit shall be issued unless it is found that:
  - (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.
  - (2) The facilities desired have been reserved for another activity or use at the day and hour requested in the application.
  - (3) The event would violate any federal, state or municipal law.
- (b) The board 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 reasonable deposit of security for the repair of any

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damage to park property or the cost of cleanup or both.

(3) A requirement that the applicant furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.

(c) Permits shall not be transferable without the written consent of the director or the park board.

(d) Within four business days after the hearing on an application, the park board shall apprise an applicant in writing of its approval, or reasons for refusing a permit, or of any conditions attached to the issuance of a permit, and any aggrieved person shall have the right to appeal in writing within six calendar days to the city council, which shall consider the application under the standards set forth herein, and sustain, or overrule the park board decision at the next 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 whatever 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.

**Sec. 86-15. - Same—Production.**

Permits required by this article shall be posted 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.

**Sec. 86-17. - Penalty.**

Any person convicted of a violation of sections 86-1 through 86-16 shall be punished by a fine not to exceed the amount allowed to be imposed under state law.

**Secs. 86-18—86-45. - Reserved.**

**SECTION 2.** This Ordinance and every provision hereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision, or portion of this Ordinance shall not affect the validity or constitutionality of any other portion of this Ordinance. If any term or provision of this Ordinance is held to be illegal, invalid or unenforceable, the legality, validity or unenforceability of the remaining terms or provisions of this Ordinance shall not be affected thereby.

**SECTION 3.** That this Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

**PASSED AND APPROVED** this 14th day of May 2013, by a vote of 6 ayes, 0 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Griffin, Mayor**

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**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**