

CITY OF SAGINAW ORDINANCE NO. 89-14

AN ORDINANCE CREATING THE ADVISORY RECREATION AND PARKS BOARD OF THE CITY OF SAGINAW, TEXAS, BY AMENDING IN ITS ENTIRETY ARTICLE II, OF CHAPTER 16, OF THE SAGINAW CITY CODE; PROVIDING FOR THE APPOINTMENT, TERMS OF OFFICE AND DUTIES OF THE BOARD AND ITS MEMBERS; ESTABLISHING RULES AND REGULATIONS FOR USE OF RECREATION AND PARKS FACILITIES OF THE CITY; AND INCLUDING AN EFFECTIVE DATE AND REPEALING AN SAVINGS AND PENALTY CLAUSES.

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

SECTION ONE. There is hereby created and established an Advisory Recreation and Parks Board of the City of Saginaw, Texas, in the manner hereinafter set forth in this ordinance, in place of the Saginaw Parks and Recreation Board, existing under the Saginaw City Code. This ordinance expressly repeals and amends in its entirety Article II, Sections 16-16 through 16-26, of Chapter 16, of the Saginaw City Code.

SECTION TWO. That Article II, of chapter 16, of the Saginaw City Code, shall hereafter read as follows:

ARTICLE II. ADVISORY RECREATION AND PARKS BOARD.

Sec. 16-16. Board created.

There is hereby created an Advisory Recreation and Parks Board of the City of Saginaw, consisting of seven (7) members and two (2) alternates to be appointed by the City Council, said members to serve without compensation. A member must be a qualified voter in the City and shall have resided in the city at least six (6) months prior to their date of appointment. They shall be subject to removal at any time by the City Council.

Sec. 16-17. Terms of members.

Members of said Board shall be appointed to places one (1) through seven (7), respectively. Those appointed initially to places 1, 3, 5, and 7 shall serve terms of office ending in May, 1991, and those appointed initially to places 2, 4, and 6 shall serve terms ending in May, 1992. Thereafter, members and alternates shall be appointed to the odd numbered places in odd numbered years and to the even numbered places in even numbered years, each to serve a term of two years from July 1 of the year of appointment until their successor is appointed in July of the succeeding odd or even numbered year, respectively.

It will be the duty of the Advisory Recreation and Parks Board to: (a) Make recommendations and suggestions to the City Council, on the use, control and regulation of the parks and recreation centers and facilities of the City;

(b) Review existing facilities to determine the need for expansion of the parks and recreation centers of the City;

(c) Administer all gifts, bequests and legacies made to the City for park and recreation purposes for the benefit of the park and recreation system, subject to review and audit by the City Manager and City Council.

(d) Administration of regular budget items for park and recreation purposes shall be under the control of the City Manager.

Sec. 16-19. Procedures of the Board.

Said Board shall elect annually from its members a chairperson, a vice-chairperson, and secretary. Four (4) members shall constitute a quorum for transaction of business. It shall prescribe its own rules as to meeting times and places, and procedures to be followed at the meetings. The board shall hold at least one regular meeting each quarter. Special meetings may be called as necessary.

Members shall complete the statutorily mandated open government training within 90 days of having been sworn in to service or from the date by which the member otherwise assumes responsibilities for the board, whichever is sooner.

The board shall post agendas, minutes and attendance on the board webpage on the city's website.

The board shall provide an annual report to the city council and may be required to provide additional reports upon request of the city council.

Sec. 16-20. Authority of the Board.

The Board is to be an advisory board only. All decisions and actions by the Board are presented as recommendations to City Council for action.

SECTION THREE. That Chapter 16, of the Saginaw City Code, entitled "Parks and Recreation", is hereby further amended by the addition of the following rules and regulations thereto as an additional Article III to said Chapter 16 to be entitled "Park, Playground and Recreation Area Rules and Regulations" The Codifier is expressly authorized to re-assign section numbers, article number and arrangement of these rules and regulations on supplementation of this amendment to be printed and published Code Until such occurs, the

said Article III, of Chapter 16, of said Code, shall read as follows:

ARTICLE III. PARK, PLAYGROUND AND RECREATION AREA RULES AND
REGULATION

Sec . 16-21 .

It shall be unlawful for any individual or group of individuals to participate in any activity on any park or playground area when such activity will create a danger to the public or may be considered a public nuisance. The City Manager or Parks and Recreation Director (designated by the City Manager) may designate particular locations within the park and playground areas for specific activities and when deemed necessary, he may limit the conduct of such activities by the issuance of special permits upon application, which permits shall set out particular conditions under which activity is permitted. Overnight camping is prohibited on any park property except by special permit issued for such activity on special occasions.

Sec. 16-22.

It shall be unlawful for any person to enter any portion of a park or recreation area which is designated as restricted, or to enter any area during the hours of the day when said area is not open to the public or to enter at any time any park and recreation area which is closed for the season. Hours during which the area is open to the public shall be posted by the Parks and Recreation Director.

Sec. 16-23. Concessions.

The City Council may from time to time upon the recommendation of the City Manager, grant concessions for the operation of amusements, refreshment stands, and related concessionaire facilities for operation in City parks and playgrounds. Any such concessions shall be granted upon a written contract detailing the privileges, duties, and responsibilities of the concessionaire, and providing adequate protection for the City and its citizens.

Sec. 16-24.

It shall be unlawful for any person to sell or offer to sell any food, drinks, confections, merchandise, or services in any park or playground, unless such person has a written agreement or a permit issued by the City permitting the sale of such items in the park or playground. Application for such permit shall be made to the Parks and Recreation Director.

Sec. 16-25.

Where vehicle parking lots or areas have been set aside in a park in the city, no vehicle shall be driven over or across the curbs, sidewalks, grass, or lawn within such park, but shall be parked in such parking lots or areas, and not otherwise.

Sec. 16-26.

It shall be unlawful to drive or propel any vehicle over or through any park or playground except along or upon park drives, parkways, or park boulevards, or to drive or propel along or over any park, parkway or park boulevard, any heavily laden vehicle or vehicles carrying merchandise, goods, material, or rubbish, or any market wagon, dirt cart, moving van, or track. It shall be unlawful for any person to ride or to lead or drive any horse or other animal over or through any park or playground except along and upon the designated paths.

Sec . 16-27.

It shall be unlawful to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatsoever in any park or playground or to attach to any tree, shrub, fence, railing, post, or structure within any park or playground; provided however, the Parks and Recreation Director may permit the erection of temporary decorations on occasions of public celebration or holidays.

Sec . 16-28.

It shall be unlawful to remove, destroy, mutilate, or deface any structure, monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, or other property in any park or playground.

Sec . 16-29.

It shall be unlawful for any person to cut, break, deface or in any way injure the trees, shrubs, plants, grass, turf, seats, fountains, fences, structures, improvements, ornaments or property within or upon any of the parks and playgrounds.

Sec . 16-30.

It shall be unlawful to tease, annoy, molest, catch, injure, or kill or throw any stone, object or missile of any kind at, or strike with a stick, object or weapon, any animal, bird, fowl, or fish in any park or playground.

Sec . 16-31.

It shall be unlawful for any person to make, continue or cause to be made or continue at any recreation facility, any loud unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others. It shall be unlawful for any person to use boisterous

insulting, profane language, or to conduct oneself in a disorderly, lewd, obscene or lascivious manner in any park or recreation area .

SECTION FOUR. This ordinance shall be in full force and effect Immediately upon its adoption and approval, and publication as required by law. Publication of the caption of the ordinance, and a brief summary of the subject regulated, and the penalty clause is hereby authorized.

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

SECTION SIX. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and the person shall be fined not in excess if two hundred dollars [\$200.00] and each day or fractional part thereof, failure or refusal to comply with said provisions will constitute a separate offense, and in case of willful or continued violations by any person, the City shall have the power to revoke any license or permit under which said person may be acting; and revoke all permits, privileges, and franchises granted to said person,

ADOPTED AND APPROVED this
5th of December, 1989

APPROVED:

Bill Flipppo
Bill Flipppo, Mayor of the City of
Saginaw, Texas

ATTEST: ..

Nelda Mays
Nelda Mays, City Secretary,

APPROVED AS TO FORM AND LEGALITY:

Clyde Marshall
Clyde Marshall, City Attorney