

ORDINANCE NO. 100918

AN ORDINANCE OF THE CITY OF FRANKSTON, TEXAS ESTABLISHING DEFINITIONS, GENERAL PARK RULES, ENFORCEMENT, PARK PROPERTY, SANITATION, AND PROHIBITED BEHAVIOR IN THE PARKS OF FRANKSTON, TEXAS AND THE FRANKSTON CITY CEMETERY AND PROVIDING A PENALTY FOR VIOLATIONS.

WHEREAS, the City of Frankston has no established ordinance governing the parks and public cemetery; and

WHEREAS, this City desires to promote the public health, safety, and general welfare of the community.

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

SECTION 1.

DEFINITIONS

The following definitions shall apply unless the context clearly indicates or requires different meaning.

Director – A person immediately in charge of any cemetery, park area and its activities, and to whom attendants of such areas are responsible.

Park Attendant – Any employee of the city whose job functions include maintenance, repairing or supervising a park or whose job functions include enforcing this ordinance.

Park – A park, playground, recreation center or any other area the city, owned or used by the city, and devoted to active or passive recreation. The term **PARK** shall also include Frankston Cemetery.

Vehicle – Any wheeled conveyance, whether motor-powered, animal-drawn, or self-propelled. The term shall include any trailer in tow of or description. Exception is made for baby carriages and vehicles in the service of the city parks.

Section 2.

GENERAL PARK RULES

- (A) *Park Hours* – City parks shall be open daily to the public between the hours of 7:00 a.m. and 10:00 p.m. No person shall occupy or be present in any park during the hours it is not open to the public, provided that city personnel, police officers on official duty, or other city officers, or employee on duty, or other persons with special permits from the City of Frankston who are conducting city business are not so restricted.
- (B) *Closed Areas* - Any section or part of any park may be declared closed to the public by the Director at any time, and for any interval of time, either temporarily, or at a regular and stated intervals, and either entirely, or merely to certain uses, as the Director shall find reasonably necessary.
- (C) *Authority for use of facilities* – Any organization, club, school, association, or recognized group desiring the use of specific areas of any park, such as picnic areas, playground or pavilions shall file an application with the City of Frankston, and shall not use said park or area until said permit is granted.
- (D) *Exclusive use of park* – No permit shall be issued for the exclusive use of any park and no permittee shall exclude the public from the park, charge any admittance fee, sell tickets or otherwise require anyone to pay any fee for entering any park.
- (E) *Granting of permits* – The authority of granting permits shall be with the City of Frankston.
- (F) *Cleanup by permittee* – All permits shall require the permittee to clean up the park area after the activity has terminated and all applications for permits must give the name, address and phone number of the permittee responsible for the necessary policing thereof. The permittee shall be required to pay a security deposit for cleaning up the area.

Section 3.

ENFORCEMENT

- (A) *Officials* – The Director and park attendants shall take such actions as are necessary for the enforcement of this chapter consistent with city ordinances and state law.
- (B) *Ejection* – The Director and park attendants shall have the authority to eject for a period of 24 hours from the park any person who violates this ordinance. Repeated violations of this ordinance may result in permanent ejection from any park.
- (C) *Seizure of property* – The Director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park used in violation of this ordinance.

Section 4.

PARK PROPERTY

No person in the park shall:

- (A) *Buildings and other property.*

- (1) *Disfiguration and removal.* Willfully mark, deface, disfigure, injure, tamper with, or displaced or remove, any buildings, bridges, tables, benches, railings, paving or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property whatsoever, either real or personal.
 - (2) *Restrooms and washrooms.* Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
 - (3) *Removal of natural resources.* Dig, or remove any plants, rocks, trees, shrubs, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.
 - (4) *Erection of structures.* Construct or erect any building or structure of whatever kind, whether permanent or temporary in character or run or string any public service utility to, upon or across such lands, except on special written permit issued hereunder.
- (B) *Trees, shrubbery, lawns.*
- (1) *Injury and removal* – 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. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
 - (2) *Climbing* – Climb any building or walk, stand or sit upon railing, fences, and monuments or upon any other property not designated or customarily used for such purposes.
- (C) *Wild animals, birds and the like.*
- (1) *Hunting* – Hunt, molest, harm, frighten, kill, chase, trap, chase, tease, shoot or throw objects at any animal, reptile, or bird; nor shall anyone remove or have in their possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.
 - (2) *Feedings* – Give or offer, or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

Section 5.

SANITATION

No person in park shall:

- (A) *Pollution of waters* – Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, stream, lake or other body of water in or adjacent to any park or 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.

- (B) *Refuse and trash* – Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, 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 thereof.

Section 6.

PROHIBITED BEHAVIOR

No person in a park shall:

- (A) *Intoxicating beverages* – Be under the influences of intoxicating beverages or controlled substances. No person shall possess or consume beer, wine or other alcoholic beverages within the parks located in Frankston.
- (B) *Fireworks and explosives* – Bring in, or have in his/her possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.
- (C) *Domestic animals* – All dogs or other domestic animals shall be restrained at all times by adequate leashes. Owners of such animals shall be responsible to clean up the defecation left by their animals.
- (D) *Reservation of facilities* – Occupy any seat or bench, enter into or loiter, or remain in any pavilion or other park structure or section thereof which may be reserved.
- (E) *Fires* – Build or attempt to build a fire. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material, within any park area or on any roadway, road or street abutting or contiguous thereto.
- (F) *Closed areas* – Enter an area posted as “Closed to the Public”, nor shall any person use, or abet the use of any area in violation of posted notices.
- (G) *Disorderly conduct* – Engage in any disorderly conduct or behavior tending to a breach in public peace.
- (H) *Causing or risking public inconvenience, annoyance or alarm* - Cause, recklessly create a risk of, or knowingly contribute to inconvenience, annoyance or alarm to any person in a park by:
 - (1) Engaging in fighting or threatening, or engaging in violent or tumultuous behavior;
 - (2) Jostling or roughly crowding persons unnecessarily;
 - (3) Making an obscene communication or display; or
 - (4) Creating a hazardous condition by any act which serves no legitimate purpose.
- (I) *Exhibit permits* – Fail to produce and exhibit any permit from the Director which she/he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.

- (J) *Interference with permittees* – Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.
- (K) *Advertisement* – Announce, advertise or call the public attention in any way to any article or service for sale or hire.
- (L) *Signs*– Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatsoever, nor shall any person erect or cause to be erected any sign whatsoever on any public lands, highways or roads adjacent to a park.
- (M) *Camping* – No person shall set up tents or any other temporary shelter. No camping allowed.
- (N) *Jumpy Houses* –No jumpy houses in park unless authorized by City.
- (O) *Glass Containers* – Do not bring glass containers in the park.

Section 7.

EFFECTIVE DATE

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

Section 8.

PENALTY

Any person, corporation or association violating any provision of this Ordinance shall be deemed guilty of an offense, and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). The violation thereof shall be deemed a separate offense, and shall be punished accordingly. Provided, however, compliance may be further sought through injunctive relief in the District Court.

PASSED AND APPROVED this 9th day of October, 2018

/s/ Eugene Brooks
Eugene Brooks
Mayor

ATTEST:
/s/ Kelli Landreth-Smith
Kelli Landreth-Smith
City Secretary