

CITY OF FOREST HILL

ORDINANCE NO. 2009001

AN ORDINANCE OF THE CITY OF FOREST HILL, TEXAS, AMENDING CHAPTER 90 "PARKS AND RECREATION," ARTICLE I, "IN GENERAL" TO ESTABLISH A NEW SECTION 90-3 ENTITLED "PARK HOURS OF OPERATION" RELATIVE TO ESTABLISHING TIMES PARKS WITHIN THE CITY WILL BE OPEN AND ACCESSIBLE FOR PUBLIC USE AND ESTABLISHING TIMES PARKS WILL BE CLOSED AND NOT USED, ACCESSED, OR ENTERED BY THE PUBLIC; PROVIDING DEFINITIONS; REQUIRING THAT NO PERSONS SHALL ACCESS, USE OR ENTER PARKS DURING THE TIMES PARKS ARE CLOSED; PROVIDING A PENALTY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PUBLICATION CLAUSE

WHEREAS, Texas law delegates powers to cities for the operation and use of public facilities within the jurisdiction of the city, which public facilities include, without limitation, public parks; and

WHEREAS, it is within the police powers of the City, as well as for the health and safety of the citizens of the City of Forest Hill, to control the operation and use of its public parks; and

WHEREAS, it is reasonable and necessary under such police powers and for the health and safety of its citizens to prohibit the use, access, or entrance into parks during the times herein after established and to impose a penalty for violation of this Ordinance.

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

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.

SECTION 2. Chapter 90, "Parks and Recreation," Article I, "In General" shall be amended to establish a new Section 90-3, "Park Hours of Operation" which shall hereinafter read as follows:

“Sec. 90-3 Park Hours of Operation

- (1) Definitions:
 - a. *Municipal Parks* shall mean any portion of a city park which has been dedicated for park purposes, including walks, drives, roads and parking facilities within and adjacent to park facilities if such areas have been dedicated for park purposes.
 - b. *Members of the public* means and includes any person or user of a municipal park other than persons employed by the city for park maintenance and construction or authorized law enforcement officers conducting official law enforcement activities.
- (2) All municipal parks located within the City will be open to members of the public and accessible, used, and entered only between the hours of 6:00 a.m. and 11:00 p.m. Monday through Sunday.
- (3) It shall be prohibited and a violation of this Section for a member of the public to access, use, be present, enter or remain within any municipal park between the hours of 11:01 p.m. and 5:59 a.m. on any day of the week or closed by order of the City Manager.
- (4) Notwithstanding the foregoing, the city shall remain entitled to close parks or extend the hours of operation when deemed reasonable or necessary by the City Council, City Manager or a City Manager designee and authorized in writing. Notice to the public of such closure shall be by those means deemed reasonable and necessary, including but not limited to posting of temporary signs, utilization of the public access notification system, website, and/or community bulletin board.”

SECTION 3. *Penalty.* Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue, shall constitute a separate and distinct offense and shall be punishable as such hereunder. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Section.


SECTION 4. All ordinances, orders, or resolutions heretofore passed and adopted by the City Council of the City of Forest Hill, Texas, are hereby repealed to the extent that said ordinances, orders, or resolutions, or parts thereof, are in conflict herewith.

SECTION 5. If any section, subsection, clause, phrase, or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void, or unconstitutional, the remaining sections, subsections, clauses, phrases, and provisions of this Ordinance, or the application thereof to any person or

circumstance, shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

SECTION 6. This Ordinance shall take effect and be in full force from and after the date of its passage and publication as required by Charter and by law.

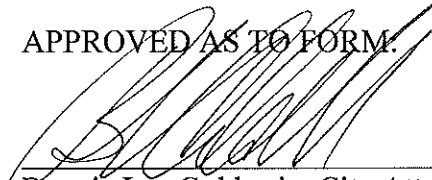
PASSED, APPROVED AND ADOPTED THIS 22nd DAY OF JANUARY, 2009.


James Gosey, Mayor

ATTEST:


Debra W. Maness, City Secretary

APPROVED AS TO FORM:


Bonnie Lee Goldstein, City Attorney