

CITY OF FOREST HILL, TEXAS

ORDINANCE NO. 2009026

AN ORDINANCE OF THE CITY OF FOREST HILL, TEXAS, ADOPTING A NEW ARTICLE III OF CHAPTER 90 “PARKS AND RECREATION” TO THE CITY OF FOREST HILL CODE OF ORDINANCES TO BE ENTITLED “PARK POLICIES, RULES AND REGULATIONS”; ESTABLISHING PARK AND RECREATION REGULATIONS AND PROCEDURES; CREATING OFFENSES FOR VIOLATING PARKS AND RECREATION REGULATIONS; ESTABLISHING REGULATIONS FOR PARK USE; PROVIDING FOR ENFORCEMENT BY THE CITY MANAGER OR POLICE CHIEF; PROVIDING A PENALTY NOT TO EXCEED \$500.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 51.076 of the Texas Local Government Code authorizes the City of Forest Hill (“City”) to manage and control property belonging to the City; and

WHEREAS, the City Council desires to adopt regulations and procedures to ensure the protection of the City’s park land; and

WHEREAS, the City Council, responding to the recommendation of the Parks/Clean City Committee, has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 90 of the Code to establish a new Article III relative to park land process, rules, regulations and procedures.

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

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied, in their entirety.

Section 2. The Code of Forest Hill, Chapter 90, “Parks and Recreation” is amended to establish a new Article III, entitled “Park Policies, Rules and Regulations” which is hereby adopted and shall read as follows:

“ARTICLE III. PARK POLICIES, RULES AND REGULATIONS

Division 1: General

§90.51. Enforcement of article; violations, penalties and culpable mental state.

- (a) The City Manager or his designated representative shall have the responsibility for the enforcement of all codes and ordinances regulating the conduct and use of City parks including but not limited to this Article.
- (b) Any conduct expressly prohibited or unauthorized herein shall be considered unlawful and a violation of this Article. Failure to comply with any requirement herein shall also be deemed to be unlawful and a violation of this Article.
- (c) Any person violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00). A separate offense shall be deemed committed upon each day during or on which a violation or failure to comply occurs or continues to occur. Allegation and evidence of a culpable mental state is not required for the proof of an offense defined by this Article.
- (d) The placement of a schedule or sign by the City Manager or his/her designee shall be prima facie evidence of the hours of operation or approved schedule pursuant to the authority granted herein, and in full force and effect.
- (e) Violations of this Article may result in the applicant’s loss of the security deposit as an offset against City’s costs in rectifying the violations. The retention of the security deposit does not preclude any additional lawful action being taken, including but not limited to criminal and injunctive relief.

§90.52. Restrictions and violations.

- (a) The City Manager or his/her designee may establish and post a schedule of visiting/occupancy hours and/or restrictions on the public’s use of park land. The City Manager or his/her designee may close or restrict the use of a park when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using park land in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.
- (b) It shall be unlawful for any person, firm or corporation to commit any act that is prohibited by this Article.

- (c) Excessive noise between the hours of 10:00 p.m. and 7:00 a.m. which unreasonably disturbs persons is prohibited.
- (d) Any act or conduct by any person which interferes with, impedes or disrupts the use of the park or impairs the safety of any person is prohibited. Individuals who are loud, boisterous, rowdy, disorderly, or otherwise disturb the peace may be requested to leave or be subject to ejection, consistent with state and local laws and ordinances.
- (e) The operation or use of any sound producing, amplification or motorized equipment, including but not limited to vehicles, in such a manner as to unreasonably annoy or endanger persons at any time, violate or exceed state or local laws governing noise levels from motorized, or sound amplification equipment is prohibited.
- (f) The possession and/or consumption of alcoholic beverages on any portion of park land is prohibited.
- (g) The Police Chief, or his/her designee, may refuse entry to any person for a period of up to one (1) year on the following basis:
 - (1) Any breach of the peace that has occurred on public lands within the preceding ninety (90) days;
 - (2) Any person who has violated any term or condition of the park facility application.
 - (3) Any person who has violated any term or condition of this Article.

§90.53. Liability.

All of the regulations provided in this Article are hereby declared to be governmental and for the preservation and protection of the health, safety and welfare of the general public in accordance with the City Council's police powers. Any member of the City Council or any City official or employee charged with the enforcement of this Article, acting for the City in the discharge of his duties, shall not thereby render himself personally liable, and he 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 duties.

§90.54. Fees.

- (a) A Park Fee schedule is attached hereto as Appendix A and incorporated herein by reference as if fully set forth herein. Reduction or waiver of fees may be considered by the City Manager or his/her designee, upon approval of application by person seeking the waiver or reduction.

- (b) It shall be unlawful and a violation of this Article to fail to pay required recreation use fees, or maintain the requisite insurance coverage as established herein or by separate City Ordinance relative to fees.
- (c) Currently seated City Council members are exempt from all fees except security deposits.

§90.55. Priority use.

- (a) The City has priority use of all parks and park facilities (“facilities”). Facilities are available to anyone on a first-come, first-serve basis for times not scheduled or reserved for City use, and as set forth in this Article.
- (b) Residents shall have priority over nonresidents for use of parks and recreation facilities unless deposits have already been accepted but the City.

§90.56. Refunds.

Refunds of fees paid are available due to inclement weather; provided however, that a request for refund is submitted to the department that oversees Parks and Recreation, in writing, within one business week after the scheduled session. Failure to timely submit a written request for refund forfeits the refund. Telephone requests for refunds will not be accepted. Rescheduling in lieu of a refund is permitted based upon availability of time slots. There shall be no refunds for cancellations unless expressly allowed by the City Manager or his/her designee.

Division 2: Park Usage

§90.57. Park hours.

- (a) Unless otherwise specifically identified in this Chapter, each and every park owned or operated by the City shall be open to the general public between the hours of 6:00 a.m. and 11:00 p.m. each day.
- (b) It shall be unlawful for any person, except a member of the police or fire departments, or other employees of the City engaged in the performance of official duty to be in or within the boundaries of a park in the City between the hours of 11:01 p.m. and 5:59 a.m.

§90.58. Rental of Park Pavilions.

- (a) All special event users, except City-related users, shall make a deposit and pay a fee to the City. Such deposit is to cover the cost of any necessary clean-up or vandalism. The City Manager or his/her designee shall designate a person or persons to inspect all premises after usage after which the deposit will be refunded within 10 days unless vandalism or other types of damages have occurred. In the event vandalism or damage has occurred, including clean-up of the site, the

deposit shall be forfeited and if deemed necessary, the user will be billed for the other damages.

- (b) City related or sponsored functions shall have first priority on the pavilion and shall use the pavilion without charge.
- (c) Fees for the use of the park pavilions shall be listed on the attached fee schedule.
- (d) All applicants who reserve the facility for business, commercial or professional gatherings may rent said pavilion during daytime hours between 8:00 am. and 8:00 p.m. The applicant may not charge, nor solicit, for money of any kind or character from any person attending an event for the use of the pavilion. A liability insurance policy naming the City of Forest Hill as an additional insured shall be purchased by all business, commercial or professional renters. Coverage amounts must meet those specified by the City Manager or his/her designee.
- (e) A request for a reservation must be made to the City of Forest Hill no earlier than sixty (60) days in advance of the intended use. City staff shall determine the priority of the requests if more than one (1) is received for the same date and time period. Requests made within (60) days of the event will be considered on an availability basis.
- (f) A permit shall be issued by the City stating the time, date, fee and amount of deposit and any other pertinent information desired by the City.
- (g) Music maybe played only between the hours of 9:00 a.m. and 10:00 p.m., unless otherwise approved by the City Manager or his/her designee, or as permitted under the City's noise and nuisance ordinances. No event shall create a noise or other nuisance as defined by applicable ordinance. The applicant shall be responsible for ensuring that no noise or other nuisance is created.
- (h) Vehicles will not be allowed off designated parking areas and drives except for Police, Fire emergency or maintenance vehicles from City Departments. Parking may only occur in designated parking locations on improved surfaces.
- (i) Decorations shall not be attached to any structure that would tend to deface the structure including, but not limited to, staples, tacks, crepe paper or any material that will stain. Approval shall be obtained from the City Manager or his/her designee for any special decorations.
- (j) Any open flames, candles (other than birthday cake candles), torches, etc., shall not be used in any structure, are strictly prohibited and use of any decoration or equipment that requires electricity must meet applicable fire and electrical codes and not create a fire hazard.

- (k) A permit shall be issued by the City stating the time, date, fee and amount of deposit and any other pertinent information desired by the City. The permit must be available during the event and presented upon request.
- (l) All decisions concerning the applicable fee, the non-refund of any portion of the deposit, or the denial of the use of the pavilion may be appealed to the City Manager or his/her designee. If applicant is not pleased with the decision of the City Manager or his/her designee, the applicant has 10 business days to file a written appeal to the City Council. The appeal will be scheduled for the next regularly scheduled City Council meeting.

§90. 59. Use of Parks and Park Facilities.

- (a) The use of picnic areas and play equipment (other than pavilion renters) shall be on a first-come, first-serve basis. No reservations are allowed.
- (b) Any group not sponsored by the City and desiring to use a City park as a gathering place or for an event or function of any kind shall be subject to the following requirements:
 - (1) The organizer or representatives of the group desiring use of the park for an event or function shall file an application for a special permit with the City at least (60) days prior to the proposed date of the event or function. The applicant is to use the form provided by the City and shall include the following information:
 - a. the name, address and telephone number of the person or persons responsible for the event or function;
 - b. a description of the event and its proposed date and hours of duration;
 - c. estimated number of people who will be in attendance;
 - d. a description of any special features which may be involved (e.g., pony rides, petting zoos, bounce machines, port-a-johns, tents, etc.);
 - e. the park and park area being requested for use;
 - f. a description of any voice or musical amplification equipment to be used;
and
 - g. any other information that may be required by the City Council, City Manager or any affected department of the City in order to establish additional requirements for the preservation of the public health, safety and welfare.

- (c) Within three (3) business days of the time the application has been filed with the City, the City Manager or his/her designee will be notified of the event or function and will be provided copies of the application for the purposes stated above and for the purpose of assessing the demand placed upon City services by the event and the impact upon the area surrounding the park.
- (d) In addition to the requirements set forth in this section, the group shall comply with any and all other applicable laws, statutes, ordinances, resolutions and rules governing use of the park. These requirements include, but are not limited to, the payment of any fees or deposits which may be required for the use of the City parks by this Code, state or federal laws.

§90.60. Sports Clinics.

- (a) Any individual or group seeking use of a park or playing field to conduct a sports clinic shall reserve the park or playing field by filling out the appropriate application forms with the City and pay a fee for each hour the clinic is to be held. If, after the clinic is completed, the number of hours during which the park or field was actually in use exceeds that allowed for the fee paid, the applicant shall be liable and responsible to pay an additional fee as determined by the City, within five (5) days after completion of the clinic. If the actual number of hours is less than that allowed for the fee paid, the applicant shall receive a pro rata refund. The application forms and all fees must be submitted to the City at least (60) days before the clinic is scheduled to begin.
- (b) Scheduling of clinics shall be determined and approved by the City. Clinics shall not conflict with any scheduled league play.
- (c) The applicant shall purchase a liability insurance policy naming the City of Forest Hill as an additional insured, in an amount to be determined by the Director of the Department of Parks and Recreation or his/her designated representative.

Division 3: Motor Vehicles

§90.61. Motorized vehicles and bicycles.

- (a) Motorized vehicles including, but not limited to, go-carts, motorcycles, minibikes, pocket bikes, four-wheelers, automobiles, pickup trucks and trucks, save and except City officials, official park maintenance vehicles and police and fire vehicles, are hereby prohibited from driving or being driven in each and every park within the City, except on designated hard-surfaced parking areas.

§90.62. Non-motorized scooters, bicycles, in-line skates, etc. prohibited near recreational fields.

- (a) During the hours of operation of the recreational fields in City parks, no person shall operate any non-motorized scooter, bicycle, in-line skates, skateboard, or other recreational vehicle with wheels within 100 feet of any recreational field, on any paved or unpaved surface.
- (c) The City Manager or his/her designee shall designate the area within 100 feet of a recreational field by appropriate “no bicycle” or other similar signs.
- (d) Notwithstanding other penalty provisions to the contrary, upon conviction for an offense under this section the maximum fine that may be imposed for the first offense is \$25.00. Each citation shall be considered a separate offense. Subsequent offenses are subject to the maximum penalty provided herein.

§90.63. Vehicles.

- (a) Vehicles shall obey posted restrictions and regulations and shall not be parked or operated in a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles so parked are subject to removal and impoundment at the owner’s expense.
- (b) The operation and/or parking of a vehicle off authorized roadways is prohibited except at locations and times designated by the City Manager or his/her designee. The operation or placement of any vehicle through, around or beyond a restrictive sign, barricade, fence, or traffic control device is prohibited.
- (c) Any motorized vehicle shall be operated only with a proper and effective exhaust muffler as defined and required by state and local laws.
- (d) All vehicles shall be operated in accordance with applicable federal, state and local laws.

Division 4: Rules and Regulations

§90.64. Alcoholic beverages.

The consumption or possession of alcoholic beverages including, but not limited to wine, beer, ale and mixed drinks, is prohibited in each and every park owned or leased by the City.

§90.65. Bounce Houses.

Bounce houses or other temporary play structures designed to be inflated are permitted on City park property, upon the completion of the permit application and a waiver of liability. The Bounce House may only be inflated on the day of the scheduled event and must be deflated within two hours after the conclusion of the event. The applicant and all

participants understand and agree that the City is not approving the use of Bounce Houses and shall not hold the City responsible for its use or misuse.

§90.66. Control of animals.

- (a) Domesticated animals, such as dogs and cats, shall be permitted in park areas provided the animal is penned, caged, on a leash under six feet in length, or otherwise physically restrained, and has been properly tagged and vaccinated in accordance with City ordinances. Animals shall not be allowed to impede or restrict full and free use of park land by the public. Unattended animals shall not be permitted on park land. Animals, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds and any other areas so designated by the City Manager or his/her designee. Abandonment of any animal on City-owned land is prohibited. Unclaimed or unattended animals are subject to immediate impoundment in accordance with City ordinances.
- (b) No person shall allow animals to bark or emit other noise, which unreasonably disturbs persons on park property. It shall be prima facie evidence of unreasonable disturbance if the animal barks, or emits other noise, for longer than 15 consecutive minutes.
- (c) Persons bringing or allowing animals in designated public use areas shall be responsible for proper removal and disposal of any waste/feces produced by these animals.
- (d) No person shall bring or allow cattle or other livestock except horses being used for equestrian purposes onto park land, except as designated by the City Manager or his/her designee as part of an approved special event.
- (e) Ranging, grazing, watering of, or allowing livestock on park land is prohibited except when authorized by lease, license or other written agreement with the City.
- (f) Unauthorized livestock are subject to impoundment in accordance with City ordinances.
- (g) Any animal impounded under the provisions of this section shall be subject to all appropriate fees and expenses upon recoupment by the owner or other person with care, custody or control of the animal. All fees shall be paid before the impounded animal is returned to its owner(s).
- (h) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from park land, unless otherwise permitted by

ordinance, and are subject to removal in accordance with federal, state and local laws.

- (i) No owner or possessor of any animal shall permit any animal to enter or remain in any area of a City park which is posted to indicate such restriction.

§90.67. Golfing in the parks.

No person shall play or practice the game of golf in any City park, which shall include but not be limited to driving, putting, and chipping.

§90.68. Swimming Prohibited in Streams or Lakes of Parks.

No person shall swim or wade in any lake, stream, or pond in the City park system, unless designated otherwise.

§90.69. Picnicking.

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the City Manager or his/her designee and so designated by a posted sign.

§90.70. Hunting, fishing and trapping.

- (a) Hunting and discharging firearms is prohibited in all park land.
- (b) Trapping is prohibited in all park land.
- (c) All applicable federal, state and local laws will regulate these activities on City-owned or leased property.

§90.71. Sanitation.

- (a) Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on park land and incidental to authorized recreational activities shall be either removed from park land or deposited in receptacles provided for that purpose. The improper deposit or disposal of such wastes, human and animal waste included, on park land is prohibited. For all purposes hereunder, the disposal of such waste shall be the responsibility of the person renting the park space, or using the facilities, when the waste was created or the registered owner of the vehicle from where the waste came from or was transported by, unless a specific violator can be identified.
- (b) No person may dispose of or dump onto park land any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind. Park land trash receptacles shall only be used for approved waste disposal as stated herein and not be used for waste generated by non-park land users. No person shall bring trash, rubbish, garbage or waste of any kind onto park land for disposal.

- (c) The spilling, pumping, discharge or disposal of contaminants, pollutants, gray-water, or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on park land is prohibited.
- (d) Picnickers and all other persons using City-owned property shall keep their sites free of trash and litter and shall remove all personal equipment and clean their sites upon departure. Failure to do so shall be a violation of this section.
- (e) The discharge or placing of sewage, waste, garbage, refuse, or pollutants onto park land from any vehicle is prohibited.

§90.72. Fires.

- (a) Gasoline and other accelerants, except that which is contained in the factory installed storage tanks of vehicles, shall not be carried onto or stored on the park land without written permission of the City Manager or his/her designee.
- (b) Fires, open flames, and barbeques are prohibited on all park property except in designated grills sites provided by the City. Applicant must provide a method of extinguishment that is approved by the Fire Department.
- (c) Use of tobacco or other smoking materials, matches or other burning material is prohibited, except as otherwise provided herein.

§90.73. Explosives, firearms, other weapons and fireworks.

- (a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:
 - (1) In the possession of a federal, state or local law enforcement officer;
 - (2) The person is in possession of the firearm consistent with the state's concealed handgun law, V.T.C.A. Government Code ch. 411, subch. H, as it exists and may be amended.
- (b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited. Fireworks may be allowed in conjunction with a city sponsored event by a licensed pyrotechnic company.
- (c) All such activities and possession shall be regulated by the applicable federal, state and local laws.

§90.74. Public property.

- (a) Destruction, damage, defacement, removal or any alteration of public property including, but not limited to, developed facilities, signs, structures and vegetative growth, is prohibited.
- (b) Cutting or gathering of trees or parts of trees and/or the removal of wood from City-owned lands is prohibited without written permission of the City Manager or his/her designee consistent with the City's tree preservation ordinances.

§90.75. Abandonment and impoundment of personal property.

- (a) The provisions of this section shall apply to all property not subject to V.T.C.A., Criminal Procedure Code § 18.17.
- (b) Lost and found articles. All articles found shall be deposited by the finder with the City's Police Department. Articles will be held for thirty (30) days. Disposition of the property may be had in accordance with the abandoned or unclaimed property procedures set forth herein.
- (c) Personal property of any kind shall not be abandoned, stored or left unattended upon park land. After a period of twenty-four (24) hours, or at any time after a posted closure hour in a public area or for the purpose of providing public safety or resource protection, unattended personal property shall be presumed to be abandoned and may be impounded and stored at a storage point designated by the City Manager or his/her designee, who may assess a reasonable impoundment fee against any person who provides proof of ownership and seeks to reclaim such property. Such fee shall be paid before the impounded property is returned to its owner.
- (d) Abandoned or unclaimed personal property may be disposed after thirty (30) days except that if it has a fair market value of \$100.00 or more the property may not be disposed of until ninety (90) days after the date it is received at the storage point designated by the city administrator. The net proceeds from the sale of property shall be conveyed into any fund consistent with City policy and ordinances.
- (e) The City Manager or his/her designee shall cause to, by public or private sale or otherwise, to dispose of all lost, abandoned or unclaimed personal property that comes into City custody or control, consistent with City policies and procedures. However, property may not be disposed of until diligent effort has been made to find the owner, heirs, next of kin or legal representative(s). If the owner, heirs, next of kin or legal representative(s) are determined but not found, the property may not be disposed of until the expiration of thirty (30) days after the date when notice, giving the time and place of the intended sale or other disposition, has been sent by certified or registered mail to the person at the last known address. When diligent efforts to determine the owner, heirs, next of kin or legal representative(s) are unsuccessful, the property may be placed in line

for sale, upon the expiration of thirty (30) days from the date of impoundment, consistent with City policies.

§90.76. Special events.

- (a) Special events including but not limited to music festivals, dramatic presentations or other special recreation programs, are permitted only by written permission from the City Manager or his/her designee, consistent with City policies and ordinances. The appropriate fees will be assessed in accordance with City ordinances.
- (b) The public may be charged a fee by the sponsor of special events. Proposed fee schedules must be approved in writing by the City Manager or his/her designee. The City Manager or his/her designee shall have authority to revoke permission, require removal of any equipment, and require restoration of an area to pre-event condition, upon failure of the sponsor to comply with terms and conditions of the permit/authorization.

§90.77. Unauthorized occupation of structures; trespass.

- (a) Occupation of any park lands shall be in strict conformance with the application for park use facility, the policies set forth herein and as may be published by the City Manager or adopted by City ordinance or resolution.
- (b) Use of City-owned lands shall not be for agricultural purposes, unless set forth by City ordinance or agreement.
- (c) It shall be unlawful for a person to enter onto or remain on park land if he receives notice to depart and fails to do so. Notice for purpose of this section shall mean the oral or written communication by the City Manager, the Police Chief, or their designee. Such may also constitute criminal trespass in accordance with V.T.C.A., Penal Code § 30.05. Written notice shall be deemed delivered when personal delivery is accomplished, a notice is posted on the vehicle occupying the site, on a public marker identifying the site, or on a stake in the ground within the site.
- (d) The construction, placement, or existence of any structure of any kind, whether permanent or temporary, under, upon, in or over the City-owned lands is prohibited unless a permit, lease, license or other appropriate written documentation is provided. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The City shall not be liable for the loss of, or damage to, any private structures, placed on City-owned lands whether authorized or not. Unauthorized structures are subject to immediate removal or impoundment by the City without notice. No device shall be permanently

affixed to any structure or tree on parklands and the nailing or affixing of any such device to any tree or structure is prohibited.

§90.78. Miscellaneous.

(a) Advertising and solicitation.

(1) Advertising and the distribution of printed matter must be in accordance with City ordinance.

(2) Engaging in or soliciting business on City-owned land is prohibited. It is an exception to this section if the solicitation is done by an approved vendor during a city sponsored event.

(c) State and local laws.

(1) These local laws and ordinances may be enforced by the City of Forest Hill Police Department, Fire Department, Public Works Department, Animal Control Division, Code Compliance Department, the Building Official or other persons designated by ordinance or the City Manager and other federal, state and local enforcement agencies established and authorized for that purpose.

Section 3. Penalty Provisions.

Any person, firm or corporation violating this Ordinance, or any portion thereof, shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) for each violation; each day that such violation continues shall be considered a separate offense and punishable accordingly.

Section 4. Repeal of Conflicting Ordinances.

This Ordinance, upon its enactment and effective date, shall repeal all conflicting ordinances relative to conflicts of interest.

Section 5. Severability.

If any word, section, article, phrase, paragraph, sentence, clause or portion of this ordinance or application thereto to any person or circumstance is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect for any reason, the validity of the remaining portion of this ordinance; and the City Council hereby declares it would have passed such portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6. Effective Date.

This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED this 15th day of December, 2009.

APPROVED:

James Gosey, Mayor

ATTEST:

Ofilia Rueda, Acting City Secretary

APPROVED AS TO FORM:

Bonnie Goldstein, City Attorney

APPENDIX A

AMENDED FEE SCHEDULE

- 1) Refundable security deposit: \$125
- 2) Non-refundable application fee: \$25
- 3) Field usage “coordinated organizations:”
\$15 per game daytime/\$20 per game evenings
- 4) Field usage “non-coordinated organizations:”
\$30 per game daytime/\$40 per game evenings
- 5) Light usage fee “coordinated organizations:”
\$10 per game evenings
- 6) Light usage fee “non-coordinated organizations:”
\$20 per game evenings
- 7) Field marking fee “coordinated organizations:”
\$30 per week
- 8) Field marking fee “non-coordinated organizations:”
\$40 per event
- 9) Pavilion usage fee “coordinated organizations:”
\$25 per hour with a minimum of 4 hours
- 10) Pavilion usage fee “non-coordinated organizations:”
\$25 per hour with a minimum of 4 hours
- 11) Non-refundable grill usage fee: \$25
- 12) Impoundment fee: \$10
- 13) Practice fee “coordinated organizations.”
\$10 per hour
- 14) Practice fee “non-coordinated organizations.”
\$15 per hour

Amended- February 2, 2010 by City Council