



A G E N D A

PARKS AND RECREATION ADVISORY BOARD REGULAR MEETING

CITY OF HIGHLAND VILLAGE, TEXAS

MONDAY, July 18, 2016 at 6:00 p.m.

HIGHLAND VILLAGE MUNICIPAL COMPLEX

COUNCIL CHAMBERS

1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

- 1. Call to Order & Roll Call for Parks and Recreation Advisory Board.**
- 2. Visitors' Comments.** *(Anyone wishing to address the Parks and Recreation Advisory board must complete a Speaker's Request form and return it to the Administrative Assistant. In accordance with the Texas Open Meetings Act, the Parks and Recreation Advisory Board is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Chairperson may impose a three (3) minute limitation on any person addressing the Board.)*
- 3. Consider Approval of Minutes from the March 21, 2016 regular meeting of the Parks and Recreation Advisory Board.**
- 4. Review and Provide Recommendation to City Council on Proposed Amendments to Article 14.04, Parks and Recreation of the Code of Ordinances.**
- 5. Receive Information on Resolution No. 2016-2639, Guidelines and Procedures Relating to the Naming and Renaming of City Facilities.**
- 6. Parks and Recreation Projects and Activities Up-date**
- 7. Discussion on Future Agenda Items (A Board member may inquire about a subject of which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)**

Next Regular Parks and Recreation Advisory Board meeting is scheduled for August 15, 2016

- 8. Adjournment**

I HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE, CHAPTER 551, ON THE 15th day of July 2016 before 5:00 p.m.

Terry Golden
Parks Administrative Assistant

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.



MINUTES

PARKS AND RECREATION ADVISORY BOARD REGULAR MEETING

CITY OF HIGHLAND VILLAGE, TEXAS

MONDAY, MARCH 21, 2016 at 6:00 p.m.

HIGHLAND VILLAGE MUNICIPAL COMPLEX

COUNCIL CHAMBERS

1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

1. Call to Order & Roll Call for Parks and Recreation Advisory Board.

Chair McKibben called the meeting to order at 6:03 pm.

Roll Call

Present

Kim McKibben, Chair
Gary Patz
Dave Rush
Tamara Lisby
Kenneth Green, Alternate

Absent

Ross Pittman, Vice-Chair
Adam Auten, Alternate

Staff Present:

Linda Cornelius, Director Parks and Recreation
Ken Heerman, Assistant City Manager
Terry Golden, Administrative Assistant

2. **Visitors' Comments.** *(Anyone wishing to address the Parks and Recreation Advisory board must complete a Speaker's Request form and return it to the Administrative Assistant. In accordance with the Texas Open Meetings Act, the Parks and Recreation Advisory Board is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Chairperson may impose a three (3) minute limitation on any person addressing the Board.)*

No Visitor Comments.

3. **Consider Approval of Minutes from the November 16, 2015 regular meeting of the Parks and Recreation Advisory Board.**

Ms. Lisby motioned to approve the minutes from the November 16, 2015 regular meeting of the Parks and Recreation Advisory Board.

Mr. Rush seconded the motion.

Approved 5-0

4. Consider Approval of Minutes from the November 3, 2015 Special Joint Meeting of the Parks and Recreation Advisory Board and the Planning and Zoning Commission.

Mr. Green motioned to approve the minutes from the November 3, 2015 Special Joint Meeting of the Parks and Recreation Advisory Board and the Planning and Zoning Commission.

Ms. Lisby seconded the motion.

Approved 4-1

5. Receive Tennis Program Update from Gray Event Management.

David Grey and Christopher Brown provided the Board with an informal update of the Tennis Program. Parks and Recreation Director Linda Cornelius also provided the Board with a landscaping plan for the Highland Village Tennis Center.

6. Receive Update on Unity Park Dog Park.

Parks and Recreation Director Linda Cornelius stated that she had recently met with the Dog Park enthusiasts. Director Cornelius provided the Board with an updated plan stating the changes to Dog Park will be a little smaller for the small dogs and a double gate will connect the small and large area; this will allow more space for the dogs to run back and forth. Ms. Cornelius hopes to accomplish the decomposed granite strip along the fence line to help combat wear. Director Cornelius stated the plan provided tonight is the final plan and will go out to bid when all the documents are complete. Director Cornelius also provided a presentation to the Board with cost estimates and sponsorship opportunities. The Board asked some general questions regarding location, maintenance, shade structures, fundraising plans and budget implications.

7. Receive Update on Park Projects and Special Events.

Director Cornelius provided the Board with Doubletree Ranch Park Grand Opening details and The Celebrate Highland Village event.

8. Discussion on Future Agenda Items (A Board member may inquire about a subject of which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.)

Boards and Commissions Training will be held March 31, 2016 at 6:30 pm in Council Chambers.

Next Regular Parks and Recreation Advisory Board meeting is scheduled for April 18, 2016.

9. Adjournment

6:48 pm

Kim McKibben, Chairperson

ATTEST:

Terry Golden, Administrative Assistant

DRAFT

CITY OF HIGHLAND VILLAGE

PARKS AND RECREATION ADVISORY BOARD BRIEFING

**AGENDA
#4**

MEETING DATE: July 18, 2016

SUBJECT: Review and Provide Recommendation to City Council on Proposed Amendments to Article 14.04, Parks and Recreation of the Code of Ordinances.

PREPARED BY: Linda Cornelius, Director of Parks and Recreation

BACKGROUND

Operational procedures and guidelines for Parks and Recreation programs and facilities are better enforced if they are included in the official code of ordinances.

With the opening of Doubletree Ranch Park and anticipated opening of the Unity Dog Park it is necessary to amend Article 14.04 of the code of ordinances to reflect necessary rules and procedures in order to operate these new facilities adequately.

Due to the need to amend Article 14.04 we did an overall review of the Article. With that, we also propose additional guidelines for un-manned aircraft in an effort to keep our active park areas safe for park patrons.

RECOMMENDATION:

Provide recommendation to the City Council on proposed amendments to Article 14.04, Parks and Recreation Code of Ordinances.

ARTICLE 14.04 PARKS AND RECREATION*

Division 1. Generally

Sec. 14.04.001 Definitions

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

Board. The parks and recreation board as established in accordance with [section 4.06.B.](#) of the city charter.

Closed field. A playing field or a game field that has been closed for any use due to inclement weather or maintenance requirements by order of the director.

Commercial unmanned aircraft. An unmanned aircraft that is used for business purposes and has gained Federal Aviation Administration approval for flying civil unmanned aircraft systems.

Community program. A department activity offered as a free service to the public with no admission or registration fee and which is considered to be a minimum essential level of park and recreation opportunities in a municipal environment. Attempts are made to cover expenses for a community program through subsidies/sponsorships by businesses and corporations. Examples of community programs include department-sponsored citywide special events and educational and community service programs.

Copperas Branch Park (west side). All of that property, including Lewisville Lake, Denton County, Texas, which is owned by the United States government under the supervision of the Department of the Army, Fort Worth District Corps of Engineers and was annexed by the city by Ordinance 83-249 of the city, passed and approved by the city council on March 14, 1983.

Department. The parks and recreation department of the city.

Director. The director of the department or his or her authorized designee.

Dog Owner. Any person who is supervising, controlling, or in possession of any dog which the person has placed within the boundaries of a dog park regardless of whether or not the person actually holds title to the dog.

Dog Park. A public park specifically designated by the City Council as a place for dogs to exercise and play off-leash in a controlled environment under the supervision, possession, or control of their owner(s).

Fees. Charges assessed or levied by the city through the department to one or more people and/or entities for participation in programs, receipt of services, and/or use of a public park or recreational facility. Fees generally fall into one of the following categories:

- (1) Administration fee means a portion of a fee retained to cover administrative costs incurred in processing certain program registration and facility reservation refund requests;
- (2) Admission fees, which are charges made to enter a building, structure, event, or other controlled area;
- (3) Nonresident fee is a fee charged to a nonresident for reservation and use of public park or recreation facilities, and programs and/or services provided or operated by the parks and recreation department;
- (4) On-line convenience fee means a fee charged to an individual or entity for utilizing the city's online registration/payment service;
- (5) Permit fees are charges for a permit issued by or under the authority of the director of parks and recreation;
- (6) Rental fees, which are charges for the privilege of exclusive use of any public park or recreation facility or equipment;
- (7) Sales revenues, which are revenues obtained from the operation of stores, concessions, etc. and from the sale of merchandise or other property;
- (8) Special service fees which are charges made for supplying extraordinary, commodities, activities or services as an accommodation to the public; and
- (9) User fees, which are charges for the non-exclusive use of a public park or recreation facility, participation in a program or activity, or a controlled area for which an admission fee is not otherwise charged.

Game field. Any portion of a public park that is either owned or leased by the city that has been designated as an area in which athletic league games are played, including fields for football, soccer, softball, baseball or any other sport activity, whether or not sponsored or cosponsored by the department.

Glass beverage container. A container made of glass and designed for the holding of a liquid for drinking purposes.

Nonresident. A person who:

- (1) Lives outside of the incorporated limits of the city; and
- (2) Does not own or lease real property located within the incorporated limits of the city.

Proof of residency. A current Texas driver's license or Texas state-issued identification card, recent utility bill, current lease accompanied by other identification bearing the person's photograph, property tax statement, or such other documentation request by an employee of the department to establish the person's place of residence when:

- (1) Residence is a criteria for using or reserving for use a public park or facility, obtaining services from the department, participating in a program sponsored or cosponsored by the city; or
- (2) The amount of the applicable fee is based on the residency of the person.

Public park or recreation facility (when used together or separately). Any of the parks, playgrounds, recreation facilities and recreation areas owned, leased or under the control of the city and includes, but is not limited to, all trails, athletic fields, tennis courts, natural areas and/or open spaces, and other similar playground, athletic and/or recreational facilities owned, leased and/or operated by the city.

Resident. A person who:

- (1) Lives on and/or or owns real property within the incorporated limits of the city; or
- (2) Leases real property located within the incorporated limits of the city for purpose of operating a business owned by the person on the leased property; provided, however, a person residing in a hotel or motel located within the city is not considered to be a resident unless the person provides the director proof of residency showing the hotel or motel to be more than a temporary dwelling.

Unmanned aircraft. An aircraft that is operated remotely through (i) use of an electronic controller device with no physical attachment between the controller device and the aircraft such as a string or wire or (ii) autonomously through the use of an on-board computer.

Noncommercial unmanned aircraft. Any unmanned aircraft that is not a commercial unmanned aircraft and includes, but is not limited to, all hobby and recreational uses of unmanned aircraft and any business uses of unmanned aircraft that has not gained Federal Aviation Administration approval for flying civil unmanned aircraft systems.

Vehicle. Any motorized or non-motorized wheeled conveyance, including, but not limited to automobiles, trucks, recreational vehicles, motorcycles, mini-bikes, skateboards, all-terrain vehicles, dune buggies, trailers, campers, bicycles, or any other such similar vehicles.

Vessels. Watercraft including but not limited to powerboats, cruisers, houseboats, sailboats, rowboats, canoes, kayaks, personal watercraft, and any other such equipment capable of navigation on water, whether in motion or at rest.

Sec. 14.04.002 Voluntary monthly contribution to parks and recreation fund

- (a) The city manager is hereby authorized to place a \$2.00 voluntary monthly surcharge on all water and sewer bills rendered after the effective date of Ordinance 89-560. The charge shall be displayed on the bill in such a manner as to be optional with the customer.
- (b) The funds collected from the \$2.00 voluntary charge shall be kept in a designated parks and recreation fund and only be used for developing, maintaining and implementing a public park system.

Sec. 14.04.003 Naming of parks and recreation facilities

(a) Procedures for naming public park and recreation facilities:

(1) The board will be responsible for recommending a name for public park and recreation facilities.

(2) The board shall be responsible for research, study and recommendation of a proposed name to the city council. Rationale for the recommended name shall be given in writing and accompany the recommendation.

(3) The recommended name will be forwarded to the city council for its consideration and approval.

(4) Public park and recreational facilities may be named immediately prior to or during development, generally not later than 60 days after acquisition or commencement of construction or as otherwise approved by the city council.

(5) Public parks and recreational facilities shall be named in their entirety. Sections of a named park may be eligible for a different name than the name given to the entire park.

(6) The name adopted for a public park or recreation facility may be changed no more frequently than once every ten years.

(b) Guidelines for naming public park and recreation facilities:

(1) Names of public parks and recreation facilities should be familiar to the majority of citizens, easy to recall, unique and lasting.

(2) Public park and recreational facilities may be named:

(A) By outstanding and/or predominate physical characteristics of the land such as:

(i) Those naturally occurring, such as forested areas, streams, rivers, lakes and creeks;

(ii) Manmade features such as subdivisions, streets, office/industrial or commercial complexes;

(iii) Landmark significance, such as an identifiable manmade or naturally occurring monument; or

(B) Historical significance, such as the names of early residents or citizens and/or a significant event;

(C) In honor of a deceased community leader;

(D) In honor of a deceased national or state leader; or

~~(E) Based on the activity, event, or function of the land.~~

Secs. 14.04.003–14.04.030 Reserved

Division 2. Parks and Recreation Board*

Sec. 14.04.031 Membership; compensation

The number, method of appointment, method of filling vacancies, method of removal, and compensation of the board shall be as established by [section 4.06](#).B. of the city charter and applicable provisions of [article 2.04](#) of this code.

Sec. 14.04.032 Powers and duties

The board shall act in accordance with the provisions of the city charter, and only in an advisory capacity to the city council, in all matters pertaining to parks and recreation, and shall:

- (1) Acquaint itself with, and make a continuous study and inspection of the city parks system;
- (2) Follow a master plan for park property, structures, facilities, athletic areas or other improvements on public park and recreation facilities;
- (3) Recommend the adoption of standards on areas, programs and financial support;
- (4) Recommend to the city council rules and regulations governing the use of public park and recreation facilities;
- (5) Advise the city staff of recommendations and reasons therefor; and
- (6) Perform such other duties as the city council may prescribe.

Sec. 14.04.033 Officers; duties

(a) Officers enumerated. The board shall annually elect the following officers:

- (1) Chairman; and
- (2) Vice-chairman.

(b) Officer duties.

- (1) Chairman. The board chairman shall preside at all meetings, and shall perform all other duties as usually pertain to the office, or as may be instructed by the board.
- (2) Vice-chairman. It shall be the duty of the vice-chairman to perform the duties of the chairman in absence of the chairman.

Sec. 14.04.034 Meetings

- (a) On as-needed basis. The board shall meet as necessary to conduct the business of the board, or by written request sent to the chairman or vice-chairman by three members of the board or the director.
- (b) Notice. Notice of meetings of the board shall be posted as required by law and shall be held at city hall unless otherwise specified in the notice of the meeting.
- (c) Quorum. A majority of the five voting members shall constitute a quorum. The members absent from any meeting shall be so noted in the minutes of the meeting.
- (d) Director. The director or, when the director is unable to attend, a designated senior staff person from the department, shall attend all meetings of the board, and provide staff support and assistance, reports and recommendations.

Sec. 14.04.035 Committees

- (a) Appointment. The board, by majority vote of the quorum present at any regular or special meeting, may appoint such members and residents to committees and subcommittees of the board to serve the purposes of the board.
- (b) Termination. The board may terminate committees and subcommittees in the same manner as they are appointed.

Secs. 14.04.036–14.04.060 Reserved

Division 3. General Use Regulations

Sec. 14.04.061 Responsibility for enforcement

The director shall have the primary responsibility for the enforcement of all codes and ordinances regulating the conduct and use of city parks including, but not limited to, this article. The chief of police or his designated representative shall have secondary responsibility for such enforcement.

Sec. 14.04.062 Responsibility for use

- (a) Responsibility for use of vehicle or vessel. The operator of any vehicle or vessel shall be presumed to be responsible for its use within any public park or recreational facility. In the event an operator cannot be determined, the registered owner of the vehicle or vessel whether attended or unattended, will be presumed responsible for the operation of the vehicle or vessel.
- (b) Responsibility for use of facility. The registered user of a campsite, picnic area, pavilion, playing field, or other recreational facility shall be responsible for its use and for any damages to such campsite, pavilion, playing field, or recreational facility that occurs during the period of such use.

(c) Presumptions. The presumptions stated herein are rebuttable and shall have the effects and consequences set forth in V.T.C.A. Penal Code section 2.05. The state department of transportation's computer-generated record of the registered vehicle owner is prima facie evidence of the contents of the record.

Sec. 14.04.063 Non-discrimination clause

All public park and recreation facilities shall be available to the public without regard to sex, race, color, creed, age, nationality or place of origin. No lessee, licensee, or concessionaire shall discriminate against any person because of sex, race, color, creed, age, nationality or place of origin.

Sec. 14.04.064 Park hours

(a) Each and every park owned or operated by the city, with the exception of the portion of Unity Park known as Kids Kastle, shall be open to the general public between the hours of 5:00 a.m. and 11:00 p.m. each day. Kids Kastle shall be open to the general public between the hours of 7:00 a.m. and 9:00 p.m. during the months of April through October and 7:00 a.m. until 7:00 p.m. during the months of November through March.

(b) It shall be unlawful for any person to be in or within the boundaries of a park in the city other [than] between the hours of 11:01 p.m. and 4:59 a.m. This subsection (b) shall not apply to a person in or within the area of Kids Kastle at Unity Park.

(c) It shall be unlawful for any person, to be in or within the boundaries of Kids Kastle at Unity Park between the hours of 9:01 p.m. and 6:59 a.m. during the months of April through October and between the hours of 7:01 p.m. and 6:59 a.m. during the months of November through March.

(d) It shall be a defense to a violation of this section if the person is in attendance at an event in a public park pursuant to the authority of a permit or other written consent issued the department.

(e) This section shall not be applicable to a certified law enforcement officer of any federal, state, county, or city law enforcement department or agency, a member of any fire department, or an employee of the city when such person is engaged in the performance of the person's official duties.

Sec. 14.04.065 Reservations

(a) Reservations for use of public parks and recreation facilities for which reservations are required shall be made through the department or its designated representative.

(b) Athletic fields will be available for organized sports league games and practices during months deemed appropriate by the department except when closed by the director pursuant to [section 14.04.071](#) of this article.

(c) An individual or team desiring to reserve an athletic field or game field is limited to two time slots per week (Sunday through Saturday) per calendar month for practices. Residents may make reservations, one week (seven calendar days) prior to the succeeding month.

(d) Except for pavilion rentals, no reservations shall be allowed for picnic areas and play equipment which shall be available on a first-come, first-served basis.

Sec. 14.04.066 Priority use

(a) The city has priority use of public parks and recreation facilities. Public park and recreation facilities are available to anyone on a first-come, first-serve basis for times not scheduled for city use, and as set forth in this article.

(b) Residents shall have priority over nonresidents for use of public parks and recreation facilities. Residents will be allowed the opportunity to make athletic facility reservations prior to extending this benefit to nonresidents.

(c) A special events permit is required for any organized group not sponsored by the city desiring to use a public park or recreation facility for a gathering place, event or function of any kind including, but not limited to, commercial use and scheduling of sports clinics. A special event application form shall be used to process these requests as required by this article. Scheduling of commercial use and/or sports clinics shall not conflict with any scheduled league play or city-sponsored event.

(d) Non-profit organizations or for-profit entities that offer recreational services that benefit city residents may be allowed to enter into a facility use agreement as authorized by the city manager. Facility use agreements for athletic facility use shall address appropriate field allocations for practice and game fields, scheduled season and blackout dates, applicable user fees, payment requirements, and other terms and conditions required by the city manager.

Sec. 14.04.067 Motorized vehicles and bicycles

(a) It shall be unlawful to drive or otherwise operate a motorized vehicle within a park except on designated hard-surfaced park roads and parking areas. It shall be a defense to this subsection (a) if the person with a mobility disability is operating a motorized wheelchair or other type of mobility devices and can show "credible assurance" by producing a state-issued, disability parking placard or card, or other state-issued proof of disability; or

(b) It shall be unlawful to ride a bicycle within or on:

(1) Any playground, special display area, tennis court, hockey courts, athletic fields, pavilion or other monument-type structure, or in any area where other activities are in progress; or

(2) Any area within a park designated by the director or pursuant to other ordinance and posted with a sign stating "no bicycles" or similar sign.

(c) No vehicle shall be operated with a public park or recreation facility except in accordance with applicable federal, state and local laws or posted restrictions and regulations.

(d) No vehicle shall be parked or operated in a public park or recreation facility manner as to:

(1) Obstruct or impede normal or emergency traffic movement or the parking of other vehicles;

- (2) Create a safety hazard; or
- (3) Endanger any person, property or environmental feature.

Vehicles parked in violation of this subsection are subject to removal and impoundment at the owner's expense.

(e) It shall be a defense to a violation of this section if the operation and/or parking of a vehicle off authorized roadways has been authorized in writing by the director and such operation and/or parking is within the area and during the time designated by the director.

(f) The operation or placement of any vehicle through, around or beyond a restrictive sign, barricade, fence, or traffic-control device is prohibited.

(g) This section does not apply to the operation of a city-owned or city-leased vehicle operated by a city employee while in the act of performing the employee's official duties.

Sec. 14.04.068 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 public park or recreational facility owned or managed by the city unless permitted by [section 6.02.004](#) of this code.

Sec. 14.04.069 Unlawful acts

It shall be unlawful for any person to do any of the following acts within any public park or recreation facility except as may be otherwise provided:

- (1) To intentionally or knowingly dump or otherwise dispose of trash, junk, garbage, refuse, unsightly matter, or other solid waste except in a designated trash receptacle or dumpster;
- (2) To intentionally or knowingly pick, damage, cut, break, injure, deface, or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus, or property; or to pluck, pull, cut, take or remove any shrub, plant or flower; or to mark or write upon, paint, or deface any building, monument, fence, bench or other structure;
- (3) To swim, wade, or boat in any lake, stream, or pond except in areas designated by a posted sign for such activities;
- (4) To make, kindle, or maintain a fire, except in picnic stoves/grills, brazier, fire pits or designated areas provided for that purpose;
- (5) To charge fees or solicit donations or contributions for any activity; to sell or offer for sale any food, drinks, confections, merchandise or commercial services; to conduct any commercial business activities of any kind; and/or post, place or erect on any public park or recreation facility any advertising, notice, billboard, paper or other advertising device without the written consent and approval of the director or pursuant to a written agreement with the

city; provided, however, this subsection shall not apply to city officials, employees or agents performing authorized activities or providing notice of official city meetings or functions;

(6) To distribute, post, or erect any advertising handbill, circular, billing notice, paper or other advertising device without prior permission of the director;

(7) To practice, carry on, conduct or solicit for any trade, occupation, business or profession or to circulate any petition of whatsoever kind or character without approval of the director;

(8) To cut, excavate or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer from a public park or recreation facility;

(9) To use or speak any threatening, abusive, insulting or indecent language;

(10) To commit or perform any obscene, lewd or indecent act or create any nuisance that would disrupt, interfere with or obstruct in any manner any authorized, permissible and/or organized activity, program or use;

(11) To use or possess any glass beverage container except where any such glass beverage container is used or possessed inside a motor vehicle;

(12) To play golf or hit golf balls without the approval of the director;

(13) To use any public tennis court for any purpose other than playing tennis;

(14) To wear any footwear on the playing surface of a tennis court other than tennis shoes except with the approval of the director as indicated by appropriate signage;

(15) To use metal detectors without the written permission of the director;

(16) To enter any portion of a public park or recreation facility posted as "closed" unless approved in writing by the director;

(17) To cause or participate in the construction, placement, or existence of any permanent or temporary structure (including, but not limited to, roads, trails, signs, non-portable hunting stands or blinds, buoys, docks, or landscape features) of any kind under, upon, in or over public parks and recreation facilities, or waters except in accordance with the terms and conditions of a city-approved permit, lease, license or other appropriate written documentation. Unauthorized structures are subject to summary removal or impoundment by the director;

(18) To erect and/or use an inflatable recreational attraction commonly (sometimes referred to as a "bounce house" prior to:

(A) Obtaining written approval from the city;

(B) Submitting to the city proof of insurance and certificates of inspection as required by the state department of insurance;

(C) Naming the city as additional insured on the person's or entity's general liability insurance; and

(D) Providing the city an original certificate of insurance showing the insurance required by subsection (C) above, has been endorsed as required.

Sec. 14.04.070 Game fields

(a) The director is authorized to designate any playing field or game field owned or leased by the city a closed field for purposes of maintenance or to protect the surface of the playing field or game field from damage.

(b) It shall be unlawful to enter upon a playing field or game field on which has been posted a sign designating the field as closed except for the purpose of repairing or maintaining such field pursuant to authority granted by the director.

Sec. 14.04.071 Closed fields

(a) The director is authorized to designate fields as game fields and shall post thereon a sign stating that game fields are restricted to city-sponsored league play or city-cosponsored athlete events only.

(b) It shall be unlawful to enter upon a field which has been designated and posted as a game field except for the purpose of observing or participating in league play or tournament play in a city-sponsored or city-cosponsored league play athletic event or an athletic event authorized pursuant to a rental or use agreement with the city.

Sec. 14.04.072 Animals

(a) No owner or possessor of any animal shall permit any animal to enter or remain in any area of a public park or recreation facility where a sign is posted prohibiting the presence of animals.

(b) It shall be unlawful for any person to bring any animal into any public park or recreation facility that is not under the immediate control of a responsible individual by means of a cage, leash or rope at all times. This subsection shall not apply to guide dogs or other animals used to assist handicapped or disabled persons, **or animals that are (i) part of an activity authorized by the director, (ii) in park areas or recreation facilities designated as leash free, or (iii) in an off leash dog park.**

(c) With the exception of horses located in designated equestrian areas, the person in possession and control of an animal within a public park or recreation facility shall immediately remove and place in a waste receptacle any fecal matter deposited by the animal on the surface of a public park or recreation facility.

(d) It shall be unlawful to ride or allow any type of livestock in any public park or recreation facility except in areas designated for such purpose or with written authorization of the director.

(e) It shall be unlawful to frighten, annoy, injure, hunt, trap, kill, remove or release any wild or native animal or bird in any public park or recreation facility. This subsection shall not apply to:

(1) City employees or approved representatives of the city performing wildlife management activities; or

(2) The catching of fish in a public park except in swimming areas, on board ramps or docks, or other areas where the director has indicated fishing is prohibited by the posting of a sign, and the person has in the person's possession any required federal, state, or local fishing permit.

(f) 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, shall not be brought onto or allowed to enter any public park or recreation facility except when otherwise permitted by ordinance. Any animal described in this subsection shall be subject to removal in accordance with federal, state and local laws.

(g) Dog Park

(1) In general, all dog parks are open for public use each day from 5 a.m. to 11 p.m. unless otherwise posted. The dog park will close without prior notice when wet, icy, when hazardous conditions exist, or maintenance needs are necessary.

(2) No person nine (9) years of age or younger is allowed in the off leash area of a dog park.

(3) People who are older than nine (9) years but not older than fifteen (15) years of age must be under adult supervision at all times while with the off-leash area of a dog park.

(4) It shall be unlawful for any person to bring a dog into the dog park area which does not have current rabies vaccination, is aggressive, or has a contagious condition, disease, parasites, or open wound.

(5) Female dogs in season are not allowed in the off-leash dog park area.

(6) No animals other than dogs are allowed in the dog park.

(7) No dogs younger than four (4) months of age are allowed in the dog park.

(8) A maximum of two (2) dogs per owner are permitted in the dog park at any one time.

(9) Dogs must be leashed when entering or leaving the dog park and off-leash while inside the dog park.

(10) No person shall run with or chase dogs within the dog park.

(11) A dog owners must pick-up and dispose of the feces excreted by the dog owner's dog regardless of whether inside or outside the boundaries of the dog park.

- (12) No carriages, bicycles, skate boards, scooters, skates, roller blades, sport activities, children's toys, or any motorized vehicles are allowed in the dog park, unless necessary by reason of handicap or disability.
- (13) No food or treats for dogs or humans is allowed in the dog park.
- (14) Digging is not allowed in the dog park. A dog owner must repair any damage caused by his dog resulting from digging.
- (15) A person may not groom a dog within the boundaries of the dog park.
- (16) A dog owner must remain within the dog park with the dog owner's dog(s).
- (17) While within a dog park, a dog must at all times be within view and under voice control of the dog's owner.
- (18) No dog owner shall use a spiked, prong, choke, or pinch collar to hold and control a dog while in the dog park.
- (19) A person must wear shoes at all times while in the dog park.
- (20) No person may use the dog park for commercial purposes, including the conduct of dog training classes.
- (21) No person shall solicit business from and/or advertise to people while in the dog park.
- (22) No dog designated, declared, or found to be a "dangerous dog" or "dangerous animal" in accordance with Art. 4.04 Domestic Animals of this Code shall be allowed in the dog park.
- (23) Park users and dog owners assume all risk related to the off leash area and park use.

Sec. 14.04.073 Use of park pavilions

- (a) Amplified music may be played only between the hours of 9:00 a.m. and 10:00 p.m., unless otherwise approved by the director, or as permitted under [sections 12.05.071](#) and/or [12.05.072](#) of this code.
- (b) Decorations shall not be attached to a pavilion 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 director prior to installation or placement of any special decorations on or in a pavilion.
- (c) No open flame, candle (other than birthday cake candles), torch, etc., shall be used in a pavilion.
- (d) Use of any decoration or equipment that requires electricity must comply with applicable city fire and electrical codes.

Sec. 14.04.074 Explosives, firearms, other weapons and fireworks

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons within a public park or recreation facility is prohibited unless:

- (1) In the possession of a federal, state or local law enforcement officer;
- (2) Written permission has been received from the director; or
- (3) The person is in possession of the firearm consistent ~~with the state's concealed handgun law, V.T.C.A. Texas~~ Government Code chapter 411, subchapter H, as it may be amended.

(b) Possession of explosives or explosive devices of any kind within a public park or recreation facility is prohibited unless written permission has been received from the director, the fire chief or fire marshal.

(c) The provisions of this section shall apply unless expressly preempted by applicable federal or state law.

(d) It shall be unlawful to discharge a firearm in a public park or recreational facility.

Sec. 14.04.075 Nonmotorized scooters, bicycles, in-line skates, etc. prohibited near recreational fields

(a) It shall be unlawful to operate or ride any non-motorized scooter, bicycle, in-line skates, skateboard, or other recreational vehicle with wheels within 100 feet of any recreational field, regardless of whether on any paved or unpaved surface, during the hours of operation of the recreational field.

(b) The director shall designate the area within 100 feet of a recreational field by signs stating "pedestrians only, nonmotorized scooters, bicycles, in-line skates, skateboards or other recreational vehicles prohibited during game or practice times" or other similar signs.

Sec. 14.04.076 Unauthorized occupation and trespass

(a) Occupation of any public park or recreational facility shall be in strict conformance with the permit issued, the regulations set forth in this article and as may be published by the director or set forth in other city ordinances.

(b) Use of city-owned or city-leased lands or waters shall not be for agricultural purposes unless authorized by city ordinance or agreement.

(c) It shall be unlawful for a person to enter onto or remain in a public park or recreational facility if the person receives notice to depart and fails to do so. Notice for purpose of this section shall mean oral or written communication by the director, the police chief, or their designee. The continued presence of a person within a public park or recreational facility after notice to depart has been given shall also constitute criminal trespass in accordance with V.T.C.A. Penal Code section 30.05. Written notice shall be deemed delivered when personal delivery is accomplished, [or] a notice is posted on the vehicle located within the public park or recreational facility, on a public marker located where the person's presence is not authorized, or on a stake in the ground within area of the public park or recreation facility where the person's presence is not authorized.

Sec. 14.04.077 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 section 18.17.

(b) Personal property of any kind shall not be abandoned, stored or left unattended upon parkland or waters. Personal property left unattended for a period of 24 hours or at any time after a posted closure hour on a public park or recreational facility shall be presumed to be abandoned.

(c) Personal property that is presumed abandoned, or personal property that is left unattended and appears, in the opinion of the director or other city employee, to pose a danger to person or property or a security risk, may be impounded and stored at a storage point designated by the director, who may assess a reasonable impoundment fee in accordance with the city's fee ordinance 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: (1) 30 days if it has a fair market value of less than \$100.00; or (2) 90 days if the property has a fair market value of \$100.00 or more after the date it is received at the storage point designated by the director. The net proceeds from the sale of property shall be conveyed into the City of Highland Village Corps Leased Parks Fund, or other fund consistent with city policy and ordinances.

(e) The director shall dispose of all lost, abandoned or unclaimed personal property that comes into city custody or control by public or private sale or other manner consistent with city policies and procedures. However, the director may not dispose of such property until diligent effort has been made to find the owner of the property or the owner's 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 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 30 days from the date of impoundment, consistent with city policies.

Sec. 14.04.078 ~~14.04.100~~ Reserved Unmanned aircraft

(a) No person may operate an unmanned aircraft in the area of a park where recreation facilities are located or where scheduled recreational activities are occurring.

(b) No person may operate an unmanned aircraft in a public park without the prior written approval of the director.

Sec. 14.04.079 Splash Pad

The use of the splash pad facility at Doubletree Ranch Park shall be subject to the following:

(a) No animals other than service animals are permitted within the area of the splash pad.

(b) No person ten (10) years of age or younger shall be on the splash pad unless accompanied and supervised by a person who is 18 years of age or older.

- (c) Changing of soiled diapers within six (6) feet of the edge of the splash pad water features is prohibited.
- (d) Use of the splash pad water features when ill with diarrhea, or contagious disease is prohibited.
- (e) No food, beverages, and glass containers are allowed in the splash pad area.
- (f) Children who are not toilet trained must wear swim diapers within the splash pad.
- (g) No rough-housing, aggressive behavior and or profanity is allowed.
- (h) No furniture or chairs allowed in the splash pad play area.
- (i) No skateboards, roller blades, skates, bicycles, scooters and similar recreational equipment are allowed in the splash pad area.
- (j) No inflatable pool toys, water balloons, beach balls, pool noodles, cups, buckets, water guns, permitted in splash pad area.
- (k) No soap, detergents, and shampoos allowed in splash pad area.

Secs. 14.04.080 – 14.04.100 Reserved

Division 4. Use Regulations for Copperas Branch Park and Pilot Knoll Park

Sec. 14.04.101 Enforcement

The public use of Copperas Branch and Pilot Knoll Parks shall be subject to the provisions of this division in addition to the other provisions of this article. The director, the city police, fire and code enforcement departments, as well as all applicable federal, state and local agencies, shall diligently enforce the provisions of this division and shall have the authority to issue or cause to have issued citations or to eject or cause to have ejected from any park area any person acting in violation of this division, in accordance with law.

Sec. 14.04.102 State and local laws applicable

Except as otherwise provided in this division or by federal law or regulation, state and local laws and ordinances shall apply in public park and recreational facilities and [shall] be enforced by city's police, fire and code enforcement departments and by federal, state and county law enforcement agencies established and authorized for that purpose[. Regulations which] shall apply on parkland, include but [are] not limited to state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, and vessels;
- (2) Hunting, fishing and trapping;
- (3) Use or possession of firearms or other weapons;

- (4) Civil disobedience and criminal acts;
- (5) Littering, sanitation and pollution;
- (6) Alcohol or other controlled substances;
- (7) Fires; and
- (8) Explosives, firearms, other weapons and fireworks.

Sec. 14.04.103 Restrictions and violations

(a) The director may establish and post a schedule of visiting hours and/or restrictions on the public use of parkland. The director may close or restrict the use of parkland when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using parkland in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

(b) Quiet shall be maintained in all public use areas between the hours of 10:00 p.m. and 6:00 a.m. It shall be unlawful to cause noise between the hours of 10:00 p.m. and 6:00 a.m. which unreasonably disturbs persons in other camp sites.

(c) 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.

(d) The operation or use of any sound-producing or motorized equipment, including but not limited to generators, vessels, or vehicles, in such a manner as to unreasonably annoy or endanger persons at any time or exceed state or local laws governing noise levels from motorized equipment is prohibited.

(e) Smoking is prohibited in the gatekeeper offices, restrooms, enclosed park buildings, playgrounds and in those areas posted to restrict smoking.

(f) If a check in payment of a fee is returned for insufficient funds and the person does not within ten days of demand pay the city the amount due resulting from the refusal of the check by the financial institution on which the check was drawn, the city may require such person to make all future payments of fees by money order or cash.

(g) The director may refuse entry to any person for a period of up to one year on the following basis:

- (1) Any breach of the peace that has occurred in a public park or recreational facility within the preceding 12 months;
- (2) Any person who occupies a camp site without a valid permit and/or fails to leave upon the expiration of a permit;
- (3) Any person who has failed to pay the appropriate fee and failed to cure within ten days of demand; or

- (4) Any person who has violated any term or condition of a permit.

Sec. 14.04.104 Reservations; permit; fees

(a) Reservations and permit.

(1) Reservations for campsites at Pilot Knoll Park may be made on-line at www.highlandvillage.org, through the department or at the gate attendant's office. Reservations may be made four (4) to two hundred and forty (240) days in advance for a period of no more than 14 consecutive days.

(2) Check-in time for reservations is 3:00 p.m. on the arrival date. Normal check-out time is 2:00 p.m. on the scheduled date of departure; however extensions may be granted by the gate attendant office or the director. Failure to depart a site without an extension as provided herein shall be a violation of this division and may subject the occupant being charged with criminal trespass.

(3) A permit shall be issued for the use of camping sites at Pilot Knoll Park upon the payment of the appropriate fees. The permit holder must display the permit as instructed, as well as any other permit identification documentation that is issued, such as a vehicle decal.

(4) Payment of the appropriate fees is required to confirm and hold a reservation.

(b) Recreational use fees. The city will collect day use fees and special event permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at the city's expense established pursuant to this article. Refunds for cancellations may be given based upon the refund policy established under [division 5](#) of this article.

Sec. 14.04.105 Vessels or watercraft

(a) The placement and/or operation of any vessel or watercraft for a fee or profit upon parkland is allowed only by permit, lease, license, or concessions contract with the city.

(b) No person shall operate any vessel in a careless, negligent, or reckless manner so as to endanger any person, property, or environmental feature. Vessels shall be operated in a manner consistent with state and federal water safety laws.

(c) Vessels shall not be used as a place of habitation or residency.

(d) Vessels shall not be attached or anchored to structures such as locks, dams, buoys, or other structures unless authorized by the director.

(e) All vessels when not in actual use shall be removed from parkland unless securely moored or stored at designated areas approved by the director.

(f) No person may place a floating or stationary mooring facility on, adjacent to, or interfering with a buoy, channel marker or other navigational aid.

(g) All vessels shall be operated in accordance with applicable federal, state and local laws.

Sec. 14.04.106 Swimming

- (a) All swimming, wading, snorkeling or scuba diving shall be undertaken at the person's own risk.
- (b) Swimming, wading, snorkeling or scuba diving is permitted except at launching sites, designated mooring points and public docks, or other areas so designated by the director.

Sec. 14.04.107 Picnicking

Picnicking and related day-use activities are permitted, except in those areas where prohibited by the director.

Sec. 14.04.108 Camping

- (a) Camping is permitted only at sites and/or areas designated and marked by the director.
- (b) All persons in any area designated for overnight camping shall sleep inside a camper, tent, or similar unit designed for overnight sleeping accommodations.
- (c) No more than two (2) camping structures are permitted to be located within a campsite. For purposes of this division, a camping structure is defined as:
 - (1) A travel trailer with its towing vehicle;
 - (2) A self-propelled mobile camper;
 - (3) A pop-up trailer;
 - (4) A pickup camper; or
 - (5) A tent.
- (d) The site carrying capacity of a camp space or stall is ten people at any one time, inclusive of visitors, and up to three vehicles. It shall be unlawful to exceed the capacity limitation, unless written authorization has been obtained from the director, consistent with public health and safety, taking into consideration the nature, size and location of the particular camp space. If sufficient parking space is not available at the site, vehicles shall park in parking lots within the park.
- (e) Camping at one or more campsites at any park for a period longer than 14 consecutive days during any 28-consecutive-day period during the months of May through September, and any 56-consecutive-day period during the months of October through April, is prohibited unless an extension is approved by the director.
- (f) Campers may apply for a 14-day extension after the camper has stayed 11 consecutive days within a 28-consecutive-day period from May through September, or within a 56-consecutive-day period from October through April. This extension must be approved in writing by the director.
- (g) The digging or leveling of any ground or the construction of any structure without written permission of the director is prohibited.

(h) It shall be unlawful to occupy or place any camping equipment or personal property at a campsite for which a permit has not been issued or has expired in accordance with the provisions of this division.

(i) No person younger than 19 years of age may rent a campsite. Campers 18 years or younger must have a parent or guardian present and on site during camping stays.

Sec. 14.04.109 Sanitation

(a) Garbage, trash, rubbish, litter, graywater, or any other waste material or waste liquid generated on parkland and incidental to authorized recreational activities shall be either removed from parkland or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on parkland is prohibited.

(b) No person may dispose of or dump onto parkland any household or commercial garbage, trash, rubbish, debris, dead animals or litter of any kind. Parkland trash receptacles shall only be used for approved waste disposal as stated herein and not be used for waste generated by non-parkland users. No person shall bring trash, rubbish, garbage or waste of any kind onto parkland for disposal.

(c) The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on parkland is prohibited.

(d) Campers, picnickers, and all other persons using city-owned or city-leased 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, galley waste, garbage, refuse, or pollutants onto parkland from any vehicle or vessel is prohibited.

(f) The disposal of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be the responsibility of the person to whom a permit has been issued or the registered owner of the vehicle or vessel.

Sec. 14.04.110 Fires

(a) Gasoline and other accelerants, except that which is contained in storage tanks of vehicles, vessels, camping equipment, or hand portable containers designed for such purpose, shall not be carried onto or stored on the parkland without written permission of the director, the fire chief or fire marshal.

(b) Fires shall be confined to those areas designated by the director, and shall be contained in fireplaces, grills, or other facilities designated for this purpose. Fires shall not be left unattended and must be completely extinguished prior to departure. The burning of materials that produce toxic fumes, including but not limited to tires, plastic and other floatation materials or treated wood product, is prohibited.

(c) Open burning of any type is prohibited.

(d) Improper disposal of lighted smoking materials, matches or other burning material is prohibited.

(e) All fires shall be contained, to the extent permitted, in accordance with the fire code, as it may be adopted or amended, and all fire-related activities shall be conducted and regulated in accordance with and by applicable federal, state and local laws.

Sec. 14.04.111 Control of animals

(a) Domesticated animals, such as dogs and cats, shall be permitted in developed recreation areas or adjacent waters provided the animal is penned, caged, [or] on a leash as required by [section 4.04.002](#) of this code. Animals shall not be allowed to impede or restrict full and free use of parkland and waters by the public. No person shall permit any animal to remain outside of a camping structure unless such animal is on a chain or leash that restricts the animal to the campsite. Unattended animals shall not be left outside of the camp structure. Animals, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, swimming beaches and any other areas so designated by the director. Abandonment of any animal on city-owned or city-leased land or waters 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 at other camp sites. It shall be prima facie evidence of unreasonable disturbance if the animal barks, or emits other noise, for longer than 15 minutes or in violation of [section 4.01.005](#) of this code.

(c) 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).

Sec. 14.04.112 Lost and found property

All personal property found shall be deposited by the finder at the gatekeeper's office or with the parks supervisor and held for 30 days. Disposition of unclaimed personal property shall be in accordance with [section 14.04.077](#) of this article.

Secs. 14.04.113–14.04.130 Reserved

Division 5. Fees and Charges

Sec. 14.04.131 Rationale and purpose

(a) Fees shall be charged to the general public, individuals and groups to the extent reasonable to recover all or a portion of direct and/or indirect costs associated with the delivery of programs, services or events. Fees are to be evaluated from time to time and revised to remain competitive. User fees are intended to be equitably assessed. Fees for residents shall be kept to a minimum. Nonresidents may be required to pay a higher fee because of their non-resident status or because they do not own property within the city against which city ad valorem taxes may be assessed. The department shall have some flexibility in adding programs, increasing participation numbers for existing programs, and omitting programs throughout the year, pursuant to the cost recovery goal established herein.

(b) The purposes of fees shall be:

- (1) To obtain revenue to supplement or completely replace maintenance and operational costs;
 - (2) To reduce the program impact on the general fund;
 - (3) To enable the department to provide facilities or programs for which funds might not otherwise be available; and
 - (4) To provide sufficient revenue to cover costs and provide surplus revenue for expansion of programs and services, and amortize capital investments.
- (c) Public funds will be used for basic services and to acquire, improve, and manage basic parkland and recreation facilities. Examples of basic services and use of facilities where fees would not be charged would include, but are not be limited to, the following:
- (1) General park maintenance;
 - (2) Gardens, trails, and playgrounds; or
 - (3) Unreserved use of tennis courts, shelters, picnic units and athletic fields/open space.
- (d) A fee would typically be charged if the following rationale prevails:
- (1) The process requires the expenditure of administrative resources to create the benefit;
or
 - (2) The patron(s) enjoys the added value of exclusive, reserved use of the park area or facility.

Sec. 14.04.132 Determining fees, service classifications and cost recovery

- (a) Fees and charges are evaluated annually using the following process and then charges are presented to the city council for approval:
- (1) Determine the service classification or cost recovery level;
 - (2) Determine the direct costs of providing the service;
 - (3) Compare the current market rate or fee being charged for a similar service and adjust accordingly;
 - (4) Determine the non-resident cost/fee, if any, which shall be not less than 20% higher of the resident rate or fee established for a program, activity.
- (b) Fees charged for programs, facilities or activities will be placed in the following service classifications to help determine the level of cost recovery appropriate. The percentage of cost recovery within each tier/program classification will take into consideration the level of direct and indirect costs associated with each.

(1) Tier 1 (basic community benefit) 0% – 50% cost recovery.

(A) Tier 1 programs, facilities and services are those that are determined to benefit the community as a whole and can increase property values, provide safety, address social needs, and improve quality of life within the city. Tier 1 programs, facilities, or services may be provided free of charge and provide little or no instruction. The community generally pays for these basic services through ad valorem taxes assessed by the city. Examples of tier 1 programs, facilities and services may include, but not be limited to, health fairs, special events (festivals, movies in the park, photo contests, Easter egg hunt, etc.), environmental stewardship programs, and unreserved use of public parks and/or recreational facilities and the cost associated with their maintenance.

(B) Cost for special events classified as tier 1 will typically be subsidized by the city through expenditures from the city's general fund budget. While alternative methods of funding tier 1 special events may be aggressively pursued, the funding of tier 1 special events will not be dependant on alternative methods of funding. Careful planning of tier 1 special events with a high attendance of city residents is of primary importance. The funding of tier 1 special events shall be addressed through the city's budget process.

(2) Tier 2 (select programs) 51% – 100% cost recovery. Tier 2 programs and services generally represent a basic level of leisure opportunity available to all residents and that contribute to quality of life in the city. Tier 2 programs and services are generally the more traditionally expected services and beginner instructional levels that are more self-paced and where everyone plays. These services may require considerable staff planning and supervision and benefit both the participant and the community due to their educational and/or safety value. Tier 2 programs and services provide beginning to intermediate levels of instruction and/or may address community-wide issues such as health/wellness, fine youth athletic leagues and programs, outdoor education programs, family and senior events and activities.

(3) Tier 3 (exclusive programs) 101% – 150% cost recovery. Tier 3 programs and service are those where the individual participant or user group enjoys the exclusive benefits of the program or service. Tier 3 programs or services also provide advanced, high levels of personal instruction, are geared to developing personal skills and may require a person to have prerequisite skills in order to participate. Such programs include, but are not limited to, sports leagues, advanced instructional classes or sessions such as for golf or tennis, private facility rentals/reservations (pavilions/picnic shelters, fields, lighted fields, indoor facilities such as the Robert and Lee Duvall center), Senior All Star trips (casino, out of town, etc.), community education classes.

Sec. 14.04.133 Non-sponsored park and recreation functions

(a) Approved non-sponsored parks and recreation functions, activities or services shall be required to pay fees or enter into a facility use agreement with the city to provide for recovery of all direct and indirect city expenses associated with providing the program or service as determined by the department, utilizing normal and customary methods: criteria for approving non-sponsored parks and recreation functions are as follows:

(1) The function, activity, or service shall not conflict with city-sponsored programs;

- (2) The function, activity, or service shall not restrict the public use of city-owned or city-leased facilities for unreasonable periods of time;
 - (3) The function, activity, or service should provide a positive public service and meet a legitimate public need;
 - (4) The function, activity, or service may not have any expressed or implied endorsement of commercial products, services or activities;
 - (5) Commercial functions, activities, or services may receive a special event permit and provide comprehensive general liability insurance as required by division 6 of this article;
 - (6) Sponsors of commercial functions, activities, or services may be charged a percentage of gross revenues and/or rents as deemed appropriate by the director.
- (b) The department will not supplement non-sponsored functions, activities, or services with public funds.
- (c) Special considerations in the form of reduced rates or free services may be given to non-city community-sponsored non-profit groups and organizations including but not limited to:
- (1) Lewisville Independent School District;
 - (2) Highland Village Business Association;
 - (3) Highland Village Parks Foundation;
 - (4) Highland Village Parks and Recreation Board;
 - (5) Highland Village Lions Club;
 - (6) Highland Village Women's Club; and
 - (7) Other community-sponsored non-profit groups as approved by the city council.

Sec. 14.04.134 Refunds

- (a) Refund for fees paid for classes, recreation programs, and athletic leagues shall be made or denied subject to the following:
- (1) No refunds will be given for canceled transactions less than seventy-two (72) hours prior to the program start date.
 - (2) Cancellation of program participation and a request for a refund received more than seventy-two (72) hours prior to the program start time will receive a full refund less a 20% administrative fee.
 - (3) The portion of a fee constituting an online convenience fee is non-refundable and will not be added to calculate the refund authorized by subsection (2) above.

(4) No refund shall be granted for a call class or recreation program after the class or program has commenced. Except as provided in subsection (8) below, fees paid for classes or programs with multiple sessions will not be prorated for purposes of making any partial refunds after the first session has commenced.

(5) Failure to attend a class, program, or activity for which a person has registered will be considered a forfeiture of materials supplied and all fees paid.

(6) Requests for a refund must be made in writing by completing a refund request form provided by the department.

(7) No refunds will be issued for team fees after the league schedule is finalized.

(8) A refund will be granted on a prorated amount for the portion of a class or program if a doctor's letter is provided to the director stating that the person is medically unable to participate in the remainder of the class or program as the result of illness or injury. The amount to be prorated will be based on the date the department received written notice that the person cannot participate in the class or program, regardless of when the injury occurred.

(b) Refunds for fees paid for reservation of pavilions, athletic fields, and tennis-volleyball-hockey courts shall be subject to the following:

(1) Refund requests may be accepted because inclement weather prevented use of the reserved facility if made in writing and received by the department not later than one (1) week after the scheduled rental. Failure to timely submit a request for refund pursuant to this subsection (1) forfeits the refund.

(2) Subject to the availability of the field or facility originally reserved, the person or organization may reschedule the original event/game in lieu of obtaining a refund.

(3) The online convenience fee is non-refundable.

(c) Refunds for fees for use of the Robert and Lee DuVall Center **and indoor rental spaces at Doubletree Ranch Park located in the concession/restroom "Barn" facility** shall be subject to the following:

(1) In order to receive a full refund of rental fee(s) and deposits(s) for rentals at the Robert and Lee DuVall Center **and Doubletree Ranch Park facilities**, written notification of cancellation must be received by the department no later than thirty (30) days prior to the event date. Notification of cancellation received by the department less than thirty (30) days prior to the date of the event will result in a forfeiture of the entire deposit.

(2) Notification of cancellation received by the department less than seventy-two (72) hours prior to the time the reservation was to commence will result in a forfeiture of the entire deposit and any rental fee paid to date.

(3) The online convenience fee is non-refundable regardless of when the request for refund is received.

(d) Refunds of Pilot Knoll Campsite reservation fees shall be subject to the following:

- (1) Full refunds will be given, less a \$10.00 administrative service fee, for written cancellation requests received by the department more than seventy-two (72) hours before the commencement of the reserved session date.
- (2) General change in plans, early departures, etc. do not constitute the grounds for receiving a refund.
- (3) Refund requests must be in writing and submitted to the department addressed to the attention of the director. Requests for refunds must include the reservation receipt or a copy of the reservation receipt.
- (4) The online convenience fee is non-refundable.

Sec. 14.04.135 Adoption of fees

Fees and charges for the reservation and use of the City's public parks and recreation facilities shall be adopted and amended from time to time by resolution of the City Council and published in the City's Official Fee Schedule maintained in the Office of the City Secretary. The fees adopted pursuant to this section may be reduced or waived by the City Manager or designee with respect to special events and park and recreation programs with a community wide interest which the City Manager reasonably determines will have a significant benefit to the City.

Sec. 14.04.136 Failure to pay fees

It shall be unlawful to fail to pay an authorized recreation use fee as established herein.

Secs. 14.04.137–14.04.160 Reserved

Division 6. Special Events

Part I. In General

Sec. 14.04.161 Definitions

The following words and phrases, when used in this division, shall have the following meaning:

Applicant. A person who has filed a written application for a special event permit.

Block party. The use of a residential street for a neighborhood function for which traffic control is required.

Community-sponsored not-for-profit organization. A non-profit organization existing or operating within the city that has received recognition as a "recognized parks and recreation department affiliate" by the city council as recommended by the board.

Concession. A facility at a special event where food or drink is offered to the public.

Parade. The assembly of three or more persons whose gathering is for the common design and purpose of traveling or marching in procession from one location to another location.

Permit. Written approval from the city or its designated representative for a special event.

Person. Any individual, assumed name entity, partnership, association, corporation or other organization.

Promoter. The person seeking to hold a special event, including the promoter's employees, agents, affiliates, successors, permitted assigns and other persons controlled by the promoter.

Reimbursable costs. Costs incurred in the staging of the event, including, without limitation, the following:

- (1) Utility services provided to the special event, including all of the costs of installation, maintenance and connection;
- (2) Food services inspection;
- (3) Repair, maintenance and removal of facilities in the event of a failure of promoter;
- (4) Repair of streets, alleys, sidewalks, parks, and other public property;
- (5) Police protection;
- (6) Fire protection;
- (7) Emergency medical service;
- (8) Garbage disposal and cleanup;
- (9) Traffic control;
- (10) Equipment, including but not limited to bleachers, sound equipment, tents, tables and chairs; and
- (11) Other direct costs associated with the special event.

Sidewalk. That portion of a street intended for the use of pedestrians that is located between the curblines, or lateral lines of a roadway, and the adjacent property lines.

Special event. A temporary event or gathering, including a block party and parade, using either private or public property, which involves one or more of the following activities, except when the activity is for construction or house moving purposes only:

- (1) Closing a public street;
- (2) Blocking or restricting access to public property and streets;

- (3) Offer of merchandise, concessions on public property or on private property where otherwise prohibited by ordinance;
- (4) Erection of a tent on public property, or on private property where otherwise prohibited by ordinance;
- (5) Installation of a stage, band shell, trailer, van, portable building, grandstand or bleachers on public property, or on private property where otherwise prohibited by ordinance;
- (6) Placement of portable toilets on public property, or on private property where otherwise prohibited by ordinance;
- (7) Placement of temporary “no parking” or “parking” signs in a public right-of-way.

Street. The entire width between the boundary lines of every way publicly maintained, when any part is open to the use of the public for purposes of vehicular travel.

Sec. 14.04.162 Operating procedures

- (a) A special event shall not substantially interrupt the safe and orderly movement of traffic near the special event.
- (b) A parade shall move from its point of origin to its point of termination without unreasonable delays en route.
- (c) A special event shall not interfere with proper fire and police protection of, or ambulance service to, areas near the special event or unreasonably require the diversion of police and fire protection and ambulance service from other parts of the city.
- (d) A promoter shall comply with all directions and conditions contained within the special event permit and with all city ordinances and other applicable laws.
- (e) The city when reasonably necessary may prohibit or restrict the parking of vehicles along a street or highway or part thereof on a parade route or part thereof or on the approach to a special event. The city shall post notice to such effect; and it shall thereafter be unlawful for any person to park, leave, or stand any unattended vehicle in violation thereof.
- (f) For special events held on city or other public property, the promoter shall return the property to at least as good a condition as before the special event. The permit holder shall be liable for the costs of any damage to property or waste removal not performed by the permit holder at the conclusion of the special event.
- (g) Use of tents requires a flame-retardant certificate per tent if the tent covers a ground area greater than 10 foot by 10 foot or has a minimum of one wall as required under the International Fire Code, section 2404 Temporary and Permanent Tents, Canopies and Membrane Structures.
- (h) Amusement rides must comply with the Amusement Ride Safety Inspection and Insurance Act. Rides in compliance will be issued a state department of insurance compliance sticker. All rides must have the compliance sticker affixed to a major component of the ride and be visible to all ride

participants. All amusement ride owners/operators must make available a copy of their insurance policy and a copy of the ride's inspection certificate.

Sec. 14.04.163 Offenses

A person commits an offense if the person:

- (1) Commences or conducts a special event without the appropriate permits or fails to comply with any requirement or condition of a permit or this division; or
- (2) Participates in a special event for which a permit has not been granted.

Secs. 14.04.164–14.04.190 Reserved

Part II. Permits

Sec. 14.04.191 Required; exemptions

(a) A person engaging in or sponsoring a special event shall apply for and receive a special event permit from the city, and pay all fees as applicable.

(b) No permits shall be required under this division for the following:

- (1) The Armed Forces of the United States of America, the military forces of the state, political subdivisions of the state, and the forces of the police and fire departments acting within the scope of their duties;
- (2) A funeral procession proceeding by vehicle under the most reasonable route from a funeral home, place of worship, or residence to the place of service or place of internment;
- (3) A peaceful demonstration at a fixed location which is not a street; or
- (4) Sidewalk procession which observes and complies with the traffic regulations and traffic-control devices, using that portion of a sidewalk nearest the street, but at no time using more than one-half of the sidewalk.

Sec. 14.04.192 Application

(a) A person desiring to hold a special event shall apply for a special event permit by filing with the department a written application upon a form provided for that purpose. Each application shall be accompanied by a non-refundable application fee in the amount determined from time to time by resolution of the city council. An application for a permit for special events shall be made not less than 60 days prior to the date and time of the commencement of the special event. The city may waive the 60- and 21-day filing requirements for school functions or charitable fundraisers; however, in no case may an application be filed less than 30 days before the special event unless approved by the city manager.

(b) An application to conduct a special event must contain the following information:

(1) The name, home address and telephone number, office address and telephone number, and date of birth, ~~and driver's license number~~ of the promoter, and of any other persons responsible for the conduct of the special event;

(2) Criteria:

(A) A description of the special event;

(B) Requested date, location, and hours of operation;

(C) Route to be used for a parade, if applicable, including starting and termination locations;

(D) Proposed number, size, type, and location of structures to be used in during the special event, including, but not limited to tents, fences, barricades, signs, banners and restroom facilities;

(E) The estimated number of persons participating in or expected to attend the special event;

(F) Details of how the promoter proposes to provide security and traffic control;

(G) The time and location of street closings, if any are requested;

(H) Details of the offering, merchandising, or serving of concessions or alcoholic beverages at the special event, designating any street vendors or peddlers involved, and whether or not a permit has been obtained or being sought in accordance with [article 6.02, division 1](#) of this code, if required;

(I) Description of animals to be used with proof of vaccinations or health status records;

(J) Details of how the promoter will clean up the area used after the conclusion of the special event;

(K) Proof that the promoter possesses or is able to obtain all licenses and permits required by this code or other city ordinance or by state law for the conduct of the special event;

(L) The estimated number of persons to participate in the parade, if applicable, and the estimated number of animals that will be used;

(M) The estimated number of spectators;

(N) The estimated number, if any, of animals and riders, animal-drawn vehicles, floats, motor vehicles, motorized displays, and marching units or organizations such as bands, color guards and drill teams;

(O) If applicable, proof of notification signed by substantially all of the households or businesses of the area affected by a block party;

(P) Proof of insurance or hold harmless agreement as deemed appropriate by the city. When deemed appropriate, a certificate of insurance shall be submitted to the city listing the city as an additional insured. Acceptability of insurance is subject to approval by the city attorney.

(c) An application except for one submitted by a community-sponsored non-profit organizations recognized by city ordinance must also be accompanied by either a performance bond or security deposit in the amount of \$1,000.00.

(d) An application for a residential block party shall be accompanied by a deposit of \$50.00 and a signed hold harmless agreement as deemed appropriate by the city.

(e) An application for a permit for a parade or a block party shall be made not less than 21 days prior to the date and time of commencement of the parade or block party.

Sec. 14.04.193 Approval of plans

(a) Issuance of a permit shall be subject to promoter receiving city approval of the plans submitted to the city pursuant to this section not less than 30 days before the start of the special event.

(b) The city assumes no liability or responsibility for the conduct of the special event merely by approving the plans submitted with an application for a special event as required by this section.

(c) The promoter permit shall prepare and submit to the director for approval the following plans when applicable to the type of special event:

(1) Facilities. A set of plans and specifications relating to all temporary facilities to be constructed or utilized for the special event.

(2) Fire protection. A plan for prevention of fires and for adequate protection of persons and property in the event of a fire, including, without limitation, adequate exits, fire extinguishers, adequate access for fire trucks and emergency vehicles.

(3) Concession service. Plans related to the provision of food and beverages.

(4) Emergency medical service. A plan to provide adequate emergency medical services at the special event.

(5) Parking. A plan to provide adequate parking for the proposed special event including written permission in the form provided by the city executed by all of the owners of the land to be used for the special event.

(6) Police and fire protection; emergency medical service. A plan providing for adequate safety, security, traffic and crowd control in connection with the special event. All public safety services shall be provided by city police and fire personnel. Crowd management requires a minimum of two officers per 500 participants. Emergency medical service, police

protection and fire protection beyond that level normally provided will be supplied by the appropriate city department as deemed necessary by the chief of police and fire chief at applicant's expense.

(7) Promotional. If applicable, a plan to promote, market and advertise the special event.

(8) Sanitation plan. A plan to insure that the highest standards of cleanliness and sanitation are maintained at the special event, including adequate restroom facilities, and a plan to empty refuse containers frequently so as to prevent overflow.

(d) City staff shall determine whether the application and plans meet city safety and other requirements. A promoter may be requested to modify an application to meet the requirements of this division. Should any of the submitted plans fail to give, and after notice, the promoter is unable to provide for, adequate assurances that the plans will be implemented and carried out, the permit application may be denied.

Sec. 14.04.194 Issuance, denial and revocation

(a) Upon receipt of an application for a special event, the director shall forward a copy of the application to the city departments that may be affected by the special event or asked to provide support for the special event and shall issue its approval or denial of the application within 21 days of receipt.

(b) A requirement to obtain licenses and permits required by other city ordinances or applicable law, restrictions, regulations, requirement to pay the cost for city services, safeguards, and other conditions determined necessary by the director for safe and orderly conduct of a special event may incorporated a condition for issuance of a permit for a special event.

(c) The promoter shall make full payment of any applicable fees, submit the required liability waiver and submit proof of insurance prior to the issuance of the special event permit. Applicable fees are in addition to the deposit or security bond due at the time of permitting.

(d) The city may deny a special event permit if:

(1) A special event permit has been granted for another special event at the same place and time or within two hours of commencement or conclusion of a previously permitted special event;

(2) The proposed special event will unreasonably disrupt the orderly flow of traffic and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;

(3) The promoter fails to comply with, or the proposed special event will violate, a city ordinance or other applicable law, unless the prohibited conduct or activity would be allowed under this division;

(4) The promoter makes a false statement of material fact on an application for a special event permit;

(5) The promoter has had a special event permit revoked within the preceding 12 months or the applicant has committed two or more violations of a condition or provision of a special event permit or of this division within the preceding 12 months;

- (6) The promoter fails to arrange for adequate:
 - (A) Protection of event participants;
 - (B) Maintenance of public order in and around the special event location;
 - (C) Crowd security; taking into consideration the size and character of the event;
 - (D) Emergency vehicle access; or
 - (E) Safe sanitary conditions for preparation or operation of food concessions;
- (7) The promoter fails to provide proof that the promoter possesses or is able to obtain a license or permit required by city ordinance or other applicable law for the conduct of all activities included as part of the special event;
- (8) The promoter fails to pay any outstanding costs owed to the city for a past special event permit;
- (9) The promoter fails to submit the required deposit (if charged) and agree in writing to reimburse the city for the estimated costs to be incurred by the city for the special event;
- (10) The proposed special event would unduly burden city services; or
- (11) The special event begins or ends outside the city limits, unless the promoter supplies proof of approval of any other affected governmental entity.

Sec. 14.04.195 Appeals

If the city denies the issuance of a permit or revokes a permit, it shall send to the promoter by certified mail, return receipt requested, written notice of the denial or revocation and of the right to appeal. The promoter must appeal the decision in writing to the city manager not later than three days after receipt of the notice of denial or revocation. The city manager will present the appeal to the city council at its next regular meeting. The city council shall consider all the evidence in support of or against the action appealed and render a decision either sustaining or reversing the denial or revocation. The decision of the city council shall be final.

Sec. 14.04.196 Indemnification

An applicant for a special event permit shall execute a written agreement to indemnify the city and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the special event as approved by the city attorney.

(Ordinance 2012-1121 adopted 3/13/12)

Secs. 14.04.197–14.04.220 Reserved

Division 7. Youth Services Standards of Care

Sec. 14.04.221 Purpose

The following standards of care (“standards”) have been adopted by the city council, to comply with section 42.041(b)(14) of the Texas Human Resources Code. The standards are intended to be minimum standards by which the city parks and recreation department will operate the city’s youth programs. The programs operated by the city are recreational in nature and are not licensed by the state as certified day-care programs. The state department of family and protective services has issued an exemption determination certificate to the city.

Sec. 14.04.222 General administration; definitions

(a) Definitions. The following words and phrases as used in these standards shall have the following meaning:

Department. The parks and recreation department of the city.

Director. The director of the department or the director’s designee.

Parent. One parent or both parents or other adult with legal custody and authority to enroll their child(ren) in the youth programs.

Participant. A child age five (5) to thirteen (13) whose parent(s) have completed all required registration procedures and determined to be eligible for a youth program.

Program manual. The notebook of policies, procedures, required forms, and organizational and programming information relevant to the youth programs.

Program site. The physical location where the youth program is being conducted.

Program staff. The person or persons who have been hired or have volunteered to work for the city and been assigned responsibilities for managing, administering, or implementing some or all portions of one or more youth programs.

Recreation coordinator. The full-time department employee who performs the functions responsible for administration and implementation of the youth programs.

Site director. The person who has been hired to directly administer and oversee the daily operations of a youth program to include, but not be limited to, the supervision of staff, safety of participants, and programming.

Youth program or program. A fee based children’s program or activity offered and supervised by the department that requires a participant to enroll or register in order to participate, including, but not limited to, city’s youth programs consisting of the Kid’s Kamp and other non-school day programs which last one week (5 days) or longer.

(b) Organization.

- (1) The governing body of the youth program is the city council.
- (2) Implementation of the youth programs standard of care is the responsibility of the director and program staff.
- (3) Youth programs to which these standards of care will apply are the Kid's Kamp and other non-school day programs that last one week (5 days) or longer.
- (4) Each program site will have a current copy of these standards available for the public and program staff.
- (5) Parents of participants will be provided a current copy of these standards prior to the start of the youth program, preferably during the registration process.
- (6) Program staff must pass a background investigation including testing for illegal substances.

(c) Inspection/monitoring/enforcement.

- (1) The recreation coordinator will perform weekly inspections of the program to confirm adherence to these standards.
 - (A) Inspection reports will be sent to the director for review and kept on record for at least two years.
 - (B) The director will review the report and establish deadlines and criteria for compliance with these standards.
- (2) Complaints regarding enforcement of these standards will be directed to the recreation coordinator. The recreation coordinator will be responsible for taking the necessary steps to resolve the problems. The recreation coordinator will record complaints regarding enforcement of these standards and their resolution. The director will address serious complaints regarding enforcement of these standards and the complaints and the resolution will be noted.
- (3) The director may make a report during the annual budget process to the city council on the overall status of youth programs.

(d) Enrollment. Before a child may become a participant, the parent must complete and sign registration forms that contain information pertaining to the participant and their parent(s). The following information must be provided:

- (1) Name, address and home telephone number.
- (2) Name, address and telephone number of parent(s) where the parent(s) may be contacted during the hours the participant is participating in the youth program.

(3) In case of emergency, contact names and telephone numbers of one or more people who are not a parent of the participant who may be contacted regarding the participant during the hours the participant is participating in the youth program.

(4) The names, telephone numbers and driver's license numbers of people to whom the participant may be released to.

(5) A statement of the participant's special problems or needs, including allergies.

(6) Emergency medical authorization, the name and phone number of the doctor to be called regarding the participant.

(7) A liability release that encompasses all personal injury, including death, and property damage resulting from the participant's participation in the program signed by a person authorized to grant such release on behalf of the participant.

(e) Suspected abuse.

(1) Program staff will report suspected child abuse to the state department of family and protective services, in accordance with the Texas Family Code.

(2) Program staff will receive basic training related to child abuse prevention and how to report suspected abuse.

Sec. 14.04.223 Staff responsibilities and training

(a) Site director qualifications. A site director must meet the following minimum qualifications:

(1) Must be an employee of the city.

(2) Must be at least 19 years of age.

(3) Must have a high school diploma or GED.

(4) Must have two years experience planning and implementing recreational activities.

(5) Must have previous experience in supervising children and possess knowledge of recreational games, crafts and activities.

(6) Must be skilled in supervising children of varying age levels in a group setting.

(7) Must pass a background investigation including a test for illegal substances.

(8) Must have a current certification in first aid, cardio pulmonary resuscitation (CPR) based on either American Heart Association or American Red Cross standards.

(b) Site director responsibilities.

- (1) A site director administers the daily operations of the program in compliance with these standards.
- (2) A site director recommends for hire, supervises, and evaluates program staff.
- (3) A site director plans, implements, and evaluates the daily activities of programs.
- (4) A site director will investigate allegations or concerns regarding suspected child abuse and will report suspected child abuse or neglect in accordance with the Texas Family Code.

(c) Program staff.

- (1) Program staff will be part-time or temporary employees of the department.
- (2) Program staff working with children must be 17 years of age or older; however, each program site will have at least one employee 18 years or older present at all times during the hours a program is conducted at the program site.
- (3) Program staff must pass a background investigation including a test for illegal substances.
- (4) Program staff must have successfully completed a course in first aid and CPR based on either American Heart Association or American Red Cross standards. An exception can be made for no more than one staff person at each program site, and that person shall successfully complete a first aid and CPR course within four weeks of starting work.

(d) Program staff responsibilities.

- (1) Program staff must be able to consistently exhibit competency, tolerance, and patience.
- (2) Program staff must relate to children with courtesy, respect, tolerance, and patience.
- (3) Program staff will provide participants with an environment in which they can feel safe, can enjoy wholesome recreation activities, and can participate in appropriate social opportunities with their peers.
- (4) Program staff will be responsible to know and follow all city, departmental, and program standards, policies and procedures that apply to the youth programs.
- (5) Program staff must ensure that participants are released only to a parent or an adult designated by the parent. All program sites will have a copy of the department approved plan to verify the identity of a person authorized to pick up a participant if that person is not known to the program staff.

(e) Training/orientation.

- (1) The department will provide training and orientation to program staff in working with participants and for specific job responsibilities. Each program staff will be provided with a program manual specific to each youth program.

- (2) Program staff will be trained in appropriate procedures to handle emergencies.
- (3) Program staff will receive a two-day training course in areas including city, departmental, and program policies and procedures, provision of recreation activities, safety issues, child psychology, and city organization.
- (4) Program staff will be required to sign an acknowledgment that they received the required training and are expected to conduct activities in accordance with training and these standards.

Sec. 14.04.224 Operations

(a) Staff-participant ratio. In a youth program, the standard ratio of participants to counselors will be twenty (20) participants to one (1) program staff member. In the event a program staff member is unable to report to the program site, a replacement will be assigned.

(b) Discipline.

- (1) Program staff will implement discipline and guidance in a consistent manner based on the best interests of participants.
- (2) There shall be no cruel or harsh punishment or treatment.
- (3) Program staff may use brief, supervised separation from the group if necessary.
- (4) As necessary, program staff will initiate discipline reports to the parent(s) of participants. Parents will be asked to sign discipline reports to indicate they have been advised about specific problems or incidents.
- (5) A sufficient number and/or severe nature of discipline reports as detailed in the program manual may result in a participant being suspended from a program.
- (6) In instances where there is a danger to participants or program staff, the offending participant will be removed from the program site as soon as possible.

(c) Programming.

- (1) Program staff will attempt to provide activities for each group according to the participants' ages. The activities must be appropriate to participants' health, safety, and wellbeing. The activities also must be flexible and attempt to promote the participants' emotional, social, and mental growth.
- (2) Program staff will attempt to provide that programs include:
 - (A) Alternating active and passive activities;
 - (B) Opportunity for individual and group activities; and
 - (C) Outdoor time each day if weather permits.

(3) Program staff will be attentive and considerate of the safety of participants on field trips and during any transportation provided by the program.

(A) During trips, program staff supervising participants must have immediate access to emergency medical forms and emergency contact information for each participant.

(B) Program staff must have a written list of the participants in the group and must check the roll frequently.

(C) Program staff must have first aid supplies and a guide to first aid and emergency care available on field trips.

(d) Communication. Each program site will have a mobile phone or radio to allow program staff at the program site to be contacted by department personnel. Each program site will have access to a telephone or radio for use in contacting the municipal complex or making emergency calls. The recreation coordinator will post the following telephone numbers adjacent to a telephone accessible to all program staff at each program site:

(1) City ambulance or emergency medical services;

(2) City police department;

(3) City fire department;

(4) City municipal complex;

(5) City parks and recreation department;

(6) Numbers at which parents of participants attending the program(s) at the program site may be reached; and

(7) The telephone number for the program site itself.

(e) Transportation.

(1) Before a participant may be transported to and from a youth program by program staff, a transportation release form, completed by the parent of the participant, must be filed with the site director.

(2) First aid supplies and a first aid and emergency care guide will be available in all vehicles used by program staff to transport participants.

(3) All vehicles used by program staff for transporting participants must have available a 6-BC portable fire extinguisher which is easily accessible.

Sec. 14.04.225 Facility standards

(a) Safety.

- (1) Program staff will inspect program sites daily to detect sanitation and safety concerns that might affect the health and safety of the participants.
- (2) Buildings, grounds, and equipment on the program site will be inspected, cleaned, repaired, and maintained to protect the health and safety of the participants.
- (3) Program equipment and supplies must be safe for the participants' use.
- (4) Program staff must have first aid supplies and a guide to first aid and emergency care readily available at each site, during transportation to an off-site activity, and for the duration of any off-site activity.

(b) Fire.

- (1) In case of fire, danger of fire, explosion, or other emergency, the first priority of program staff is to evacuate the participants to a designated safe area.
- (2) Emergency evacuation and relocation plans will be posted at each indoor facility of a program site.

(c) Health.

(1) Illness or injury to participant.

- (A) A participant who is considered to be a health or safety concern to other participants or program staff will not be admitted to the program.
- (B) Illnesses and injuries will be handled in a manner to protect the health of all participants and program staff.
- (C) Program staff will follow plans to provide emergency care for injured participants with symptoms of an acute illness as specified in the program manual.
- (D) Program staff will follow the recommendation of the state department of health concerning the admission or readmission of any participant after a communicable disease.

(2) Medication. Program staff will administer medication to a participant only if:

- (A) Parent(s) complete and sign a medication form that provides authorization for program staff to dispense medication with details as to time and dosages. The form will include a hold harmless clause to protect the city.
- (B) Prescription medications are in the original containers labeled with the participant's name, a date, directions, and the physician's name. Program staff will administer the medication only as stated on the label. Program staff will not administer medication after the expiration date.

(C) Nonprescription medications are labeled with the participant's name and the date the medication was brought to the program site. Nonprescription medication must be in the original container. Program staff will administer it only according to label direction.

(D) Medication dispensed will be limited to routine oral ingestion not requiring special knowledge or skills on the part of program staff. No injections will be administered by the program staff.

(E) Program staff must ensure medications are inaccessible to participants or, if it is necessary to keep medications in the refrigerator (when available). Medications will be kept separate from food.

(3) Toilet facilities.

(A) The program site will have inside toilets located and equipped so participants can use them independently and program staff can supervise as needed.

(B) There must be one flush toilet for every 30 participants. Urinals may be counted in the ratio of toilets to participants, but they must not exceed 50 percent of the total number of toilets.

(C) Exceptions on flush toilet to participants may be adjusted when program activities take place at primitive or outdoor park locations.

(4) Sanitation.

(A) The facilities at the program site must have adequate light, ventilation, and heat.

(B) The program site must have an adequate supply of water meeting the standards of the state department of health for drinking water and ensure that it will be supplied to the participants in a safe and sanitary manner.

(5) Special needs. Participants with special needs requiring personal assistance, i.e., feeding, changing of clothes, using the restroom, must provide an attendant for the duration of the program. Program staff will not provide personal assistance. The attendant will be admitted to the program free of charge.

(Ordinance 2012-1122 adopted 5/22/12)

CITY OF HIGHLAND VILLAGE

PARK AND RECREATION ADVISORY BOARD BRIEFING

AGENDA #5	MEETING DATE: July 18, 2016
SUBJECT:	Receive Information on Resolution 2016-2639, Guidelines and Procedures Relating to the Naming and Renaming of City Facilities and Streets
PREPARED BY:	Linda Cornelius, Director of Parks and Recreation

BACKGROUND:

As a result of two recent requests for naming and renaming of a City facility and/or street, the City Council directed City Staff to revise the current ordinance found in Article 14.04 Parks and Recreation to establish procedures and guidelines for addressing the renaming of streets and other City facilities. The proposed text of a revised set of guidelines and procedures were presented and discussed by City Council at its April 12th and May 10th meetings.

At the June 28th City Council meeting Council approved Ordinance No. 2016-1198 Repealing Code of Ordinances Section 14-03003 Establishing Procedures and Guidelines for the Naming of Municipal Parks. Resolution Number 2016-2639 provides for the adoption of new guidelines and procedures relating to the naming and renaming of city streets and all City owned or leased facilities.

CITY OF HIGHLAND VILLAGE, TEXAS

RESOLUTION NO. 2016-2639

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS ADOPTING GUIDELINES AND PROCEDURES RELATING TO THE NAMING AND RENAMING OF CITY FACILITIES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 01-857, later codified as Section 14.04.003 of the Code of Ordinances, was enacted to establish a policy and procedure for the naming of City parks and other parks and recreation facilities and improvements; and

WHEREAS, the City has recently received various requests to name City-owned facilities which are not parks or parks and recreation facilities; and

WHEREAS, the City Council of the City of Highland Village finds it to be in the public interest to establish a guidelines and procedures for the naming and renaming of city streets and all City-owned or leased facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGHLAND VILLAGE, TEXAS, THAT:

SECTION 1. The following shall constitute guidelines for the naming of municipal parks, buildings, and other facilities, significant structures or landmarks, and streets ("City Facilities"):

- A. Names of City Facilities should be familiar to the majority of citizens, easy to recall, unique and lasting.
- B. In order of importance, City Facilities should be named as follows:
 - 1. By referring to outstanding and/or dominant physical characteristics of the property or structure constituting the City Facility such as:
 - a. Naturally occurring features, such as forested areas, streams, rivers, lakes and creeks;
 - b. Man-made features such as subdivisions, streets, office/industrial or commercial complexes in or adjacent to which the City Facility is located;
 - c. Landmark significance, such as an identifiable man-made or naturally occurring monument; and/or
 - d. Historical significance, such as the names of early residents or citizens and/or a significant event;
 - 2. In honor of a person who provided extraordinary service to the community, state, or country or died in the line of duty while serving the City, the State of Texas, or the United States of America while performing a heroic act subject

to the following:

- a. The person's name is not eligible for consideration until one (1) year after the person's death;
 - b. The person must not have been convicted of a felony or a misdemeanor involving a crime of moral turpitude;
 - c. The person must have been a resident of the City for ten (10) years or more unless the person was a first responder employed by the City who died in the line of duty;
 - d. The recommendation of the person is accompanied by a biographical sketch and other information which can be used to corroborate the occurrence of the acts for which the person is being honored;
 - e. The recommendation is accompanied by a letter of support from a spouse or other close family member (e.g., parent, child, sibling, etc.) for the proposed honor if required by the City Council; and
 - f. If the person served in one of the branches of the United States Armed Forces and was discharged from that service, the person must have received an Honorable Discharge.
3. In honor of a person or family, living or deceased, who was significant in making, arranging for, or facilitating the acquisition, development and/or construction of the City Facility; and/or
 4. In a manner descriptive of the nature of the activities or events likely to occur at the City Facility or the function served by the City Facility.
- C. City parks shall be named in their entirety; provided, however, a City Facility located within a City park which is clearly identifiable (e.g. a playing field, pavilion, concession stand, trail segment, etc.) may bear a different name than the park within which it is located. Trail segments which are named shall, to the extent possible, begin and end at identifiable geographic landmarks or features such as intersections with streets or other roadways.
 - D. Compliance with the provisions of any deed, grant agreement, or gift agreement approved by the City Council which include requirements for naming of a City Facility or street shall take precedence over these guidelines including any restrictions relating to the future renaming of such City Facility or street.
 - E. A City Facility or street named for a person or business entity should not be changed unless it is found the character or reputation of the person or business entity is, or was, such that the continued use of the name for a City Facility would not reflect positively on the City. Likewise, consideration for the renaming of a City Facility should be considered if the character of the person or entity for which the City Facility is named changes such that continued presence of the name in association with the City and the City Facility will reflect negatively on the City.

- F. Street names shall not duplicate or cause confusion with names of existing streets within the City or, in the case of streets and highways which run continuously from the City into adjacent cities or unincorporated areas of Denton County, such that there may be a tendency to negatively impact or delay responses from law enforcement, fire, or emergency medical services personnel. Similarly, street names which have different spellings but similar pronunciation should be avoided.
- G. The renaming of a street must include the entire length of the street unless the street is adjacent to a significant landmark, commercial business, or other City Facility such that the segment of the street is to be renamed in order to associate that street with such adjacency.
- H. The naming of a City Facility in honor of a living person should be exercised in a manner to ensure that the person is of such a character that the name shall still hold honor upon the person's death.
- I. The costs related to renaming a City Facility, especially the renaming of a street and the impact such renaming will have on residents and businesses affected by such remaining, shall be taken into consideration in any recommendation to the City Council. The City Council may require as a condition for approval of the renaming of a street or City Facility that the applicant provide the funding to pay for some or all of the cost associated with such renaming.

SECTION 2. The following procedures shall be followed with respect to the naming or renaming of City Facilities.

- A. Initially, an application must be submitted to the Office of the City Secretary, completed in its entirety, accompanied by a petition containing no fewer than twenty-five (25) residents of the City in support of the naming proposal; provided, however, a request for the renaming of a street must be accompanied by a petition containing the signatures of 100% of the owners of the property adjacent to the street to be renamed and whose property addresses would be affected by the name change. The person submitting the application must be a resident of the City who owns the property in which the person resides.
- B. Once the application is determined to be complete, the City Secretary shall refer the application to the appropriate department director for the purpose of administering the application through the process set forth in this policy until a final decision is made on the application by the City Council, which shall be as follows:
 - 1. Parks, recreational facilities, pavilions, playing fields, trail segments, and other City Facilities under the management of the Parks and Recreation Department shall be referred to the Director of Parks and Recreation;
 - 2. Streets and buildings under the management of the Public Works Department shall be referred to the Director of Public Works; and
 - 3. All other naming/renaming applications shall be referred to the City Manager.

- C. With respect to new City Facilities or City Facilities which have not previously been named but which the City Council or Committee desires to solicit suggested names or receive public input on submitted names, the City Secretary shall, upon direction of the City Council or Committee, as the case may be, provide a public notice for the solicitation of names, which notice shall contain:

1. A statement explaining the process for naming the City Facility;
2. A description of the City Facility, or part thereof, being named and its general location;
3. A list of any names which have been submitted prior to publication of the notice, if applicable;
4. The date, time, and place of the meeting when consideration of the suggested names will occur;
5. A statement that the meeting shall be open to the public and shall provide time for public comments; and
6. Information directing that any written response in favor of or against a submitted name may be sent to the department director or city manager to whom the naming request application was referred at a corresponding mailing address up until and including the scheduled Committee hearing date.

If the naming of more than one (1) City Facility or any part thereof is to be considered at the same Committee meeting, the notice published by the City Secretary may include all City Facilities where naming is being considered. The department director responsible for handling the application process for the renaming as cited in Paragraph B, above, shall be responsible for preparation and ensuring the publication of such notice.

- D. Regardless of whether the City Facility is being named for the first time or being renamed, a review committee shall be formed for the purpose of reviewing names, including names submitted by the public for consideration, and making a recommendation to the City Council ("the Committee"). The Parks and Recreation Advisory Board shall serve as the Committee for purposes of recommending names for the City's parks, recreational facilities, and trails. A committee of two residents of the City and two Councilmembers appointed by the City Council and three City employees appointed by the City Manager, shall serve as the Committee for purposes of naming City Facilities not under the administrative management of the Parks and Recreation Department.
- E. The Committee, supported by the department director to whom the application is referred, shall be responsible for research, study and recommendation of a proposed name to the City Council. Rationale for the recommended name shall be given in writing and accompany the recommendation. The Committee shall prepare a report regarding the Committee's findings relating to the naming/renaming request and make a recommendation to the City Council on

whether to approve or deny the request. Such report shall include any public and private costs associated with affecting the naming/renaming of the City Facility and identify the source of funding which may be used to pay such costs.

- F. The recommended name, along with the accompanying report from the Committee, will be forwarded to the City Council for its consideration on whether to approve or deny the request.

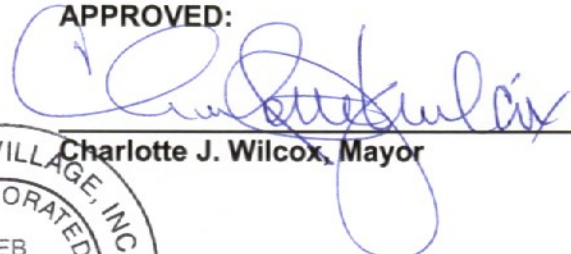
SECTION 3. This resolution shall not apply to the initial naming or renaming of public or private streets dedicated as part of the approval of a plat or replat of land pursuant to the City's Subdivision Ordinance, as amended.

SECTION 4. Nothing in this resolution shall be construed as limiting the City Council in the exercise of its legislative authority to name and rename City Facilities in a manner without complying with the process established by this resolution under such circumstances as may be determined by the City Council, it being the intent of the City Council in the passage of this resolution to primarily establish a procedure wherein City residents may petition the City Council to name and rename City Facilities.

SECTION 5. This resolution shall be effective upon the effective date of the ordinance repealing Section 14.03.003 of the Code of Ordinances.

PASSED AND APPROVED this the 24th day of May, 2016.

APPROVED:



Charlotte J. Wilcox, Mayor

ATTEST:


Angela Miller, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Kevin B. Laughlin, City Attorney
(kbl: 5/24/16:76979)