



CALL TO ORDER & INTRODUCTION OF MEMBERS

CITIZEN COMMENTS

This is an opportunity for citizens to address the committee on any matter over which they have authority, whether it is or is not posted on the agenda. The committee is not permitted to discuss or take action on any presentations concerning an item not listed on the agenda. Citizens may speak up to three (3) minutes or the time limit determined by the Mayor or presiding officer.

ACTION & BRIEFING ITEMS:

- A. Approval of the September 1, 2020 meeting minutes.**
- B. Discuss and take action recommending city council take action to modify the Westworth Village Code of Ordinances, Chapter 12, Section 12.04.032 Parking on residential private property and 12.04.033 Parking on public street or alley.** *(There has been a citizen request that the ordinances be strictly enforced. The city installed the sidewalks in a manner that created a hardship for residents to park in their driveways on several streets. The proposed ordinance change would correct the problem.)*
- C. Discuss and take action recommending city council take action to modify the Westworth Village Code of Ordinances, adding Chapter 1, Article 1.12 Parks, Trails, Greenways and Recreation.** *(The CCPD-Public Safety Committee is considering safety measures and signage for parks, trails, and greenways at the April 27th meeting; CCPD action on this issue will be considered on this agenda item.)*
- D. Discuss and take action recommending city council take action to modify the Westworth Village Code of Ordinances, Chapter 3, Article 3.03 Contractors and adding Section A3.07 Registration to Appendix A Fee Schedule.** *(There are currently no fees associated with the annual registration requirement for all licensed contractors. The processing time to validate license and insurance policies continues to increase.)*
- E. Discuss the citywide curfew ordinance: Westworth Village Code of Ordinances, Chapter 8, Article 8.02 Curfew.** *(In accordance with the Texas LGC 370.002, the existing ordinance must be reviewed and re-adopted every three years, it was last adopted in July of 2018. The Police Chief is proposing additional curfew restrictions be added regarding city parks. In accordance with Texas LGC 370.002 a public hearing will be held prior to any action being taken by city council action.)*
- F. Discuss possible additions to the Westworth Village Code of Ordinances regarding defining and limiting the planting of “invasive plant” species.** *(A citizen requested this item be considered, specifically restricting the planting of bamboo in residential zones.)*
- G. The next meeting is tentatively scheduled for July 8th at 6:00pm.**

ADJOURN:

The committee reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meeting Act.

This facility is wheelchair accessible and handicapped parking spaces are available. Requests for accommodations for the hearing impaired must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (817) 710-2526 for assistance.

A quorum of the council may be present at this meeting; however, no council discussion or action will be taken. I certify that the above notice was posted on the bulletin board at the Westworth Village City Hall, 311 Burton Hill Road, Westworth Village, Texas, and City website, on this, the 26th day of April 2021, by 5pm, in accordance with Chapter 551 of the Texas Government Code.



Brandy G. Barrett, City Secretary





ATTENDEES:	Rosa Mendez	Chair
	Sharon Schmitz	Member
	John Hendrix	Member
	Michael Dingman	Member
	Walt Feldman	Member
	Phillip Poole	Member
	Brandy Barrett	City Secretary
	Kevin Reaves	Police Chief
	Nader Jeri	Building Official
	L. Kelly Jones	Mayor

ABSENT: Dani Briones Member

CALLED TO ORDER at 6:00pm by Rosa Mendez.

CITIZEN COMMENTS

This is an opportunity for citizens to address the committee on any matter posted on the agenda or over which the committee has authority. Citizens may speak up to three (3) minutes or the time limit determined by the presiding officer.

- There were no citizen comments.

ACTION ITEMS:

A. Approval of the June 2, 2020 meeting minutes.

Motion to approve the minutes.

MADE by Phillip Poole. SECOND by Michael Dingman.

Motion passed by a vote of 6 Ayes and 0 Nays.

B. Discuss and make a recommendation to city council regarding the amendment of the Westworth Village Code of Ordinances, by adding a new article 3.08, “Water drainage, erosion, and sediment control” to chapter 3 “Building regulations”, requiring a permit and an erosion and sediment control plan for certain land-disturbing activities; providing for requirements, review, inspection, enforcement of the plan and amending Appendix A, “Fee Schedule”, setting the permit filing fee. *(On May 12th the City Council approved changes to require a controlled method of water disposal from roofs such as a rain gutter system on all new residential dwellings. Their action did not include this same requirement for additions to existing residential dwellings and any roof structure modifications/alterations that require a building permit. On June 2nd the Ordinance Committee appointed a panel to review, this is the proposal of the panel, which has been reviewed by the city attorney.)*

Motion to recommend the city council pass an ordinance amending the Westworth Village Code of Ordinances, by adding a ne

land-disturbing activities; providing for requirements, review, inspection, enforcement of the plan and

MADE by Phillip Poole. **SECOND** by Michael Dingman
Motion passed by a vote of 6 Ayes and 0 Nays.

BRIEFING ITEMS:

C. The next meeting will be scheduled as needed.

ADJOURNED at 6:31pm.

MINUTES APPROVED on this, the 29th day of April 2021.

Brian Libbey, Chair

ATTESTED TO BY:

Brandy G. Barrett, TRMC
City Secretary



History:

This item is being considered based on multiple concerns raised by a citizen regarding vehicle bumpers over hanging sidewalks. Since October of last year, multiply discussions, emails and meetings with the citizen regarding the spirit of the law and the hardships the city created on some properties due to the way the sidewalks were installed have taken place. Despite this information, the citizen continues to request the strict enforcement of the city ordinance that reads "in any manner."

Based on recent citizen comments on this issue, some property owners who have a hardship due to the installation of the sidewalks are concerned about parking in their driveways. This increases on-street parking, thereby narrowing passageways for first responders during an emergency.

Research:

Excerpt from § 545.302 Stopping, Standing, or Parking Prohibited in Certain Places of the Texas Transportation Code:

- (a) An operator may not stop, stand, or park a vehicle:
 - (1) on the roadway side of a vehicle stopped or parked at the edge or curb of a street;
 - (2) on a sidewalk;
 - (3) in an intersection;
 - (4) on a crosswalk;
 - (5) between a safety zone and the adjacent curb or within 30 feet of a place on the curb immediately opposite the ends of a safety zone, unless the governing body of a municipality designates a different length by signs or markings;
 - (6) alongside or opposite a street excavation or obstruction if stopping, standing, or parking the vehicle would obstruct traffic;
 - (7) on a bridge or other elevated structure on a highway or in a highway tunnel;
 - (8) on a railroad track; or
 - (9) where an official sign prohibits stopping.

Staff recommendations to City Ordinances:

Note **highlighted** items have been added, ~~red-lined~~ items are being removed.

Sec. 12.04.032 Parking on residential private property

- (a) Parking is allowed on a driveway, provided **it is not parked over the sidewalk.** ~~public sidewalks are not obstructed in any manner.~~
- (b) No person shall park, or allow to be parked, any vehicle in a yard for a period of more than three (3) hours except in the rear yard on a surface of concrete, asphalt or pavers, hidden from view of adjacent yards and/or public streets and alleys by a privacy fence or covering structure, which is in compliance with the building and zoning code currently in effect.
- (c) No vehicle shall be parked in such a manner as to present a hazard to persons or property.
- (d) Farm equipment may be parked on residential private property on unimproved surfaces provided that the lot is one contiguous property greater than five acres and has documented agricultural use.
- (e) Parking is not allowed on vacant lots unless in a driveway.

Sec. 12.04.033 Parking on public street or alley

- (a) Maximum distance from curb or edge of street. No vehicle shall be parked on a public street in such a way that any part of the vehicle or its load is located more than 90 inches from the curb or from the edge of the street except in the following allowed activities:
 - (1) Any activities of the fire department, police department, or ambulance service.
 - (2) Installation or maintenance of streets, water system, sewer system, or utilities.
 - (3) Service activities which are being performed in compliance with all local, state, and federal regulations. This would include, but not be limited to:
 - (A) Transport services such as parcel delivery or furniture moving.
 - (B) Plumbers, electricians, roofers, or other contractors while working on new or existing structures.
 - (C) Deliveries and services as needed for new construction.

- (b) Vehicles with gross weight over 8,000 pounds. No vehicle which has a gross weight in excess of eight thousand (8,000) pounds shall be parked on a public street except during the time that is necessary for performing allowed activities as listed in (a) above.
- (c) Obstructing traffic. No vehicle shall be parked on a public street in a manner that obstructs the flow of traffic on the street.
- (d) Obstructing use of driveway. No vehicle shall be parked on a public street in a manner that obstructs normal use of any driveway except with the permission of the owner or person having control of the property. In any case where permission cannot be clearly established, no vehicle may be parked in such a manner.
- (e) Obstructing use of a public sidewalk. No vehicle shall be parked in a manner that **impedes reasonable movement of pedestrians on the sidewalk**. ~~fully or partially obstructs or fully prevents the or interferes with unencumbered use of a sidewalk, to which the public or a substantial group of the public has access; this includes areas of driveways that connect public sidewalks.~~
- (f) Obstructing alley entrance or exit. No vehicle shall be parked on a public street in a manner that obstructs normal entrance to or exit from any opening of any alley.
- (g) Parking on or across curb. No vehicle shall be parked on a public street with any part of the vehicle resting upon or across a curb.
- (h) Hazardous parking. No vehicle shall be parked in such a manner as to present a hazard to persons or property.

Brandy Barrett, TRMC
City Secretary
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**History:**

With the completion of the citywide trail system and the addition of Melva Campbell Park, the CCPD-Public Safety Committee is meeting on April 27th to discuss safety recommendations for parks, trails and greenways. Based on their discussions, the staff will propose the addition of a new article in the ordinances.

Research:

Multiple area cities have ordinances and curfews in place for parks and recreational areas. This includes the following topic areas:

1. Alcoholic beverages
2. Motor vehicles
3. Fees for use
4. Horses
5. Firearms
6. Fireworks
7. Pets
8. Camping
9. Hours of operation
10. Curfews
11. Special events/permits
12. Enforcement procedures for children and responsibilities of parents/custodians
13. Littering
14. Sign restrictions
15. Prohibited activities (damaging, adding, cutting, marking or removing: trees, plants, rocks, benches, equipment, catching/releasing wild animals...)

As an example, the City of Pampa's Parks and Receptions ordinance is included with this report. Some of the items could be considered, and some are not applicable based on the different recreational opportunities. It is being provided as food for thought...

Staff recommendations will be dependent upon the CCPD-Public Safety meeting, and this item may require additional research and drafting prior to the Ordinance Committee taking any action.

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PAMPA TEXAS CODIFIED ORDINANCES:

ARTICLE 1.09 PARKS AND RECREATION*

Division 1. Generally

Sec. 1.09.001 Alcoholic beverages

(a) As used in this section, the following definitions will apply:

Alcoholic beverage. Alcohol, or any beverage containing more than one-half of one (1) percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Open container. Includes bottles or other containers of alcoholic beverage which have had the seal broken but have the cap or lid on the container and shall also include containers such as cups, mugs, glasses, thermos bottles, and flasks.

Parking lot. Includes parking areas provided by business establishments for the convenience of their customers, clients or patrons, parking lots owned and operated by the state or by the city or any other parking area owned and operated for the convenience of, and commonly used by, the public.

Possession. Care, custody, control or management. Ownership is unnecessary nor is the possession required to be exclusive.

Public park. That part of what is commonly referred to as "Central Park" bounded as follows: for its westerly boundary line, that portion of Cuyler Street with its intersection with Sunset Street to the intersection of Cuyler/Mary Ellen Streets and Georgia Street; for its northerly boundary line, that portion of Georgia Street from the intersection of Cuyler/Mary Ellen and Georgia Streets to the intersection of Georgia and Duncan Streets; for its easterly boundary line, that portion of Duncan Street from the intersection of Duncan and Georgia Streets to the intersection of Duncan and Sunset Streets; and for its southerly boundary line, that portion of Sunset Street from the intersection of Sunset and Duncan Streets to the intersection of Cuyler and Sunset Streets.

(b) It shall be unlawful for any person to drink or consume an alcoholic beverage or have in his possession an open container of an alcoholic beverage with the intent to drink or consume such alcoholic beverage while on any of the public highways, streets, alleys, sidewalks or parking lots of the public park, or at any other location in such park, or in any other public ground, commonly known as a city park.

(c) Possession of an open container of alcoholic beverage will be prima facie evidence of an intent to drink or consume such alcoholic beverage.

(1987 Code, sec. 15-1)

Cross references—Alcoholic beverages at Hidden Hills Public Golf Course, [sec. 1.09.034](#); alcoholic beverages, [art. 4.02](#).

Sec. 1.09.002 Motor vehicles

(a) As used in this section, a "motor vehicle" means every vehicle which is self-propelled.

(b) It shall be unlawful for any person to operate or park any motor vehicle on, across or in any public park or public lawn of the city, except such motor vehicles operated by an authorized agent or employee of the city necessary for the care, maintenance and operation of the park or lawn and of the utilities located therein.

(1987 Code, sec. 15-2)

Cross reference—Traffic and vehicles, [ch. 12](#).

Secs. 1.09.003–1.09.030 Reserved

Division 2. Hidden Hills Public Golf Course*

Sec. 1.09.031 Greens fees and annual permits

(a) Definitions.

Holiday. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Junior. A person eighteen (18) years of age or under and enrolled as a full-time student.

(Resolution R12-006, sec. 1, adopted 3/27/12)

(b) Fees established. The following fees are hereby established to be charged and collected from each person for play at the golf course:

- (1) Green fees.
 - (A) Daily (Monday through Friday): \$18.00.
 - (B) Weekend or holiday: \$21.00.
 - (C) Senior citizens (sixty-two (62) years of age or older): \$13.00.
 - (D) Juniors: \$10.00.

(Ordinance 1730 adopted 2/24/20)

- (2) Annual permits. To permit play in lieu of above green fees. The annual permit is nontransferable.
 - (A) Juniors: \$225.00.
 - (B) (i) Senior citizen (sixty-two (62) years of age or older): \$525.00.
 - (ii) Senior husband and wife: \$575.00.
 - (C) Single person: \$600.00.
 - (D) Husband and wife: \$700.00.
 - (E) Family (husband, wife, and dependent child or children living in the home): \$800.00.

The fee for renewal of annual permit holders in existence on March 1, 2019, may be paid in equal installments not to exceed twelve (12) monthly installments, which deferred unpaid balance shall bear interest at the prime rate of interest charged by the city's depository. The interest to be charged on each installment agreement made during the city's fiscal year shall be the prime rate charged by said depository on the beginning date of that fiscal year.

(Ordinance 1717 adopted 3/25/19)

- (3) Sunset/twilight. The golf pro may post a "sunset" or "twilight" time for commencing play for nine (9) holes or less with the following green fees to apply in lieu of the green fees provided above:
 - (A) Monday through Friday: \$14.00.
 - (B) Weekend or holiday: \$17.00.
- (4) Summer permits. To permit play in lieu of above green fees, for the summer (May 1st–September 30th). The summer permit is nontransferable.
 - (A) Single person: \$350.00
 - (B) Family (husband, wife, and dependent child or children living in the home): \$400.00.

(Ordinance 1714 adopted 2/25/19)

- (5) Annual all-inclusive membership permit. To permit play in lieu of above green fees, to permit the use of a golf cart in lieu of cart rental fees below, and to provide unlimited driving range privileges. The annual all-inclusive membership permit is non-transferable. The fee for the annual all-inclusive membership permit is \$1,500.00 per person.
 - (A) The fee for the annual all-inclusive membership permit may be paid in installments. If paid by installments, \$400.00 is due and payable upon purchase of the annual all-inclusive membership permit, with equal installments of \$100.00 per month during the remaining 11 months of that year's permit.

(Ordinance 1730 adopted 2/24/20)



Sec. 1.09.032 Cart rental fees

- (a) The following fees (tax included) are hereby established to be charged and collected for the rental of each golf cart for a single rider:
 - (1) For 9 holes or less: \$9.00.
 - (2) For 18 holes or less: \$18.00.
- (b) The following fees (tax included) are hereby established to be charged and collected for the rental of each golf cart for double riders:
 - (1) For 9 holes or less: \$15.00.
 - (2) For 18 holes: \$30.00.

(Ordinance 1714 adopted 2/25/19)



Sec. 1.09.033 Private carts

No privately owned golf carts will be permitted upon the golf course. (1987 Code, sec. 15-22)



Sec. 1.09.034 Alcoholic beverages

The sale of beer will be permitted at the Hidden Hills Public Golf Course. (Ordinance 1440, sec. 1, adopted 8/23/05)

Cross references—Alcoholic beverages in Central Park and other city parks, [sec. 1.09.001](#); alcoholic beverages, [art. 4.02](#).



Sec. 1.09.035 Course and cart rules

Local rules regulating the use of the course and the carts at the golf course shall be adopted and approved by resolution of the city commission. (1987 Code, sec. 15-24)



Sec. 1.09.036 Exemption from greens fees

At the discretion of the city's golf professional, other golf professionals and greenskeepers may be permitted to play without the payment of the greens fees as provided under [section 1.09.031](#) above. (1987 Code, sec. 15-25; Ordinance adopting Code)



Sec. 1.09.037 Public schools

In lieu of the fees provided in [section 1.09.031](#) above, the city manager is authorized to negotiate contracts with public schools for the use of the golf course by school-sponsored golf teams, which contracts shall be subject to approval by the city commission. (1987 Code, sec. 15-26)



Secs. 1.09.038–1.09.070 Reserved

  **Sec. 1.09.071 Definitions**

As used in this division, the following definitions shall apply, unless the context dictates otherwise:

Code. The Code of Ordinances of the city.

Group shelter. The area with restricted access to the facilities which provide both shower and restroom accommodations.

Motor vehicle. Every vehicle which is self-propelled.

Open fire. A fire other than in a self-contained camper-stove; stove within an RV; portable, metal charcoal cooker; or city-provided, permanently installed cookers at the park.



Owner. A person having the right of property to or custody of a dog, cat or other domestic animal.

Park. Recreation Park except for the areas leased to the Top O' Texas Rodeo Association, gun club, and indoor-shooting range; the Clyde Carruth Livestock Pavilion; and the Hereford Breeder's Association barn.

Person. An individual, association, partnership, company, or corporation.

RV. A recreational vehicle, camper truck, pickup with camper shell, and pickup with a tailgate tent.



(1987 Code, sec. 15-33)

  **Sec. 1.09.072 Motor vehicles**

Except as otherwise in this division expressly provided, the provisions of chapter 12 of the code shall be applicable to the park. (1987 Code, sec. 15-34)

  **Sec. 1.09.073 Motor vehicles on roadways***

Every motor vehicle shall be driven only upon the roadways within the park. "Roadways" are those portions of a road improved, designed or ordinarily used for vehicular travel. (1987 Code, sec. 15-35)



  **Sec. 1.09.074 Motor vehicle speed**

No person shall drive a motor vehicle on a roadway within the park at a speed greater than is reasonable and prudent under the circumstances then existing. The speeds authorized in this section for the roadways within the park shall be lawful, but any speed in excess of the limits specified in this section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

- (1) Twenty (20) miles per hour on all roadways except in the areas of the boat ramp, RV camping sites, group shelter, and softball complex parking.
- (2) Ten (10) miles per hour on all roadways in the areas of the boat ramp, RV camping sites, group shelter, and softball complex parking.


(1987 Code, sec. 15-36)

Cross reference—Speed of vehicles, [art. 12.05](#).



  **Sec. 1.09.075 Horses**

No person shall ride or walk a horse in or under the group shelter, on the hike-and-bike trail, fishing pier, siltation dam, or inside the softball complex fence. (1987 Code, sec. 15-37)

Cross references—Animal control, [ch. 2](#); [livestock, art. 2.03](#).

  **Sec. 1.09.076 Hunting**

No person may hunt, catch or trap any bird or game animal within the park. (1987 Code, sec. 15-38)

  **Sec. 1.09.077 Fishing**

(a) Fishing is subject to all laws, rules and regulations of the state parks and wildlife department, except as herein otherwise specifically provided.



- (b) No person may catch and retain in one (1) day more than five (5) fish.
- (c) No person may catch and retain a largemouth bass shorter than fourteen (14) inches.
- (d) No person may catch and retain a channel catfish shorter than nine (9) inches.
- (e) No person may use any fishing device other than a rod and reel or a fixed-line rod.
- (f) No person may fish between the hours of 11:00 p.m. to 5:00 a.m., central time.

(1987 Code, sec. 15-39)

  **Sec. 1.09.078 Firearms**



No person shall discharge a firearm within the park. The term "firearm" shall include, but not be limited to, BB guns, pellet guns, air rifles, air pistols, bows and arrows, and slingshots. (1987 Code, sec. 15-40)

Cross reference—Firearms and weapons, [art. 8.02](#).

  **Sec. 1.09.079 Boating on lake**

- (a) No person may operate on the lake:
- (1) A boat longer than twelve (12) feet;
 - (2) A canoe longer than seventeen (17) feet;



- (3) A paddleboat longer than ten (10) feet.
 - (b) No such vessel shall be equipped with a motor greater than an electric twelve (12) VDC motor of one and one-half (1-1/2) hp.
 - (c) No person may operate a vessel on the lake between dusk and dawn.
 - (d) No vessel will be loaded with more persons than permitted by the manufacturer's specifications.
 - (e) A vessel must have at least one (1) life preserver, life belt, or other device of the sort prescribed by the regulations of the commander of the coast guard for each person on board.
- (1987 Code, sec. 15-41)

  **Sec. 1.09.080 Prohibited lake uses**

No person may on the lake:

- (1) Windsurf, water ski, jet ski, operate a sailboat or use an inner tube floating device.
- (2) Swim in the lake.
- (3) Operate a gasoline-powered vessel of any type.

(1987 Code, sec. 15-42)

  **Sec. 1.09.081 Pets**

Every dog, cat, or other domestic animal shall be under the control of its owner by leash, cage or verbal restraint. (1987 Code, sec. 15-43)

Cross reference—Dogs and cats, [art. 2.02](#).

  **Sec. 1.09.082 Camping**

- (a) No person shall use a recreational vehicle hookup for more than sixty (60) consecutive days and without at least a three-day interval between uses.
- (b) No person shall use any other authorized campsite within the park for more than seven (7) consecutive days and without at least a three-day interval between uses.
- (c) No person shall use a recreational vehicle hookup without paying, in advance, the following fees:
 - (1) Fifteen dollars (\$15.00) per day per recreational vehicle for Sunday through Thursday.
 - (2) Twenty dollars (\$20.00) per day per recreational vehicle for Friday through Sunday.
- (d) Exclusive use of the group shelter may be arranged upon at least two (2) weeks' prior notice and payment of an advance fee of fifty dollars (\$50.00) per day. Such advance fee is nonrefundable.
- (e) No person shall park a recreational vehicle other than in the designated recreational vehicle area.
- (f) No person shall camp by any means other than with a recreational vehicle except in the designated tent camping area.



(1987 Code, sec. 15-44; Ordinance adopting Code; Ordinance 1588 adopted 3/5/13)



  **Sec. 1.09.083 Open fires**



No person shall have an open fire within the park. (1987 Code, sec. 15-45)

  **Sec. 1.09.084 Glass bottles**



Glass bottles within the park are prohibited. (1987 Code, sec. 15-46)

  **Secs. 1.09.085–1.09.110 Reserved**

  **Division 4. Closing of City Parks**

  **Sec. 1.09.111 Short title**

This division shall be known and may be cited as the "Park Closing Ordinance." (1987 Code, sec. 15-50)

  **Sec. 1.09.112 Definitions**

For the purposes of this division, the following words and phrases shall have the meanings respectively ascribed to them:

Child. A person under the age of seventeen (17) years.

Custodian. The adult with whom the child resides.

Guardian. The person who, under court order, is the guardian of the person of the child or the public or private agency with whom the child has been placed by a court.

Parent. The mother, the father, or an adoptive parent, but does not include an individual whose parental rights have been terminated.

Parks and playgrounds. All parks and playgrounds within the corporate limits of the city dedicated for public use and maintained and operated by the city as listed and described in exhibit A attached to Ordinance 1207, on file in the city secretary's office, and made a part hereof.

Person. An individual seventeen (17) years of age or older or a child if the context so requires or unless specifically provided otherwise.

Principal residence. A house, apartment or living quarters where the custodian, guardian, child, parent or person resides.

Remain. To stay behind, tarry, loiter, idle, wander, stroll or play.

Street. A way or place, of whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term “street” includes the legal right-of-way, including, but not limited to, the traffic lanes, curb, sidewalk, whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street. The term “street” applies irrespective of what the legal right-of-way is formally named or called, whether alley, avenue, court, road, or otherwise.

Time of night. The prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public in the city.

(1987 Code, sec. 15-51)



Sec. 1.09.113 Closing times; permits for special events

(a) It shall be unlawful for a person to enter into, remain in, or use any portion of a park or playground, including streets within the parks or playgrounds, parking areas within parks, and streets or parking areas adjoining a park, between the hours of 11:00 p.m. and 5:00 a.m., without a permit issued by the director of community services.

(b) Permits for special events in parks or playground shall be obtained by written application to the director of community services on a form promulgated for that purpose. The permit shall show the closing time of the event, after which the provisions of subsection (a) above shall apply.

(Ordinance 1636 adopted 7/13/15)



Sec. 1.09.114 Exceptions

This division shall not apply to:

- (1) Permitted events under [section 1.09.113\(b\)](#) above, except after the time of the closing of event as provided in said [section 1.09.113\(b\)](#).
- (2) Recreational vehicles (e.g., motor homes, travel trailers) which are located within the authorized campsites in Hobart Street Park and Recreation Park.
- (3) Regarding streets in or adjacent to the park or playground:
 - (A) When exercising First Amendment rights of free speech, freedom of assembly, or free exercise of religion. If a child, he or she shall evidence the validity of such exercise by carrying a written communication signed by such child and countersigned, if practicable, by a parent, guardian, or custodian which shall state:
 - (i) The name, address and telephone number of such child;
 - (ii) The name, address, and telephone number of the parent, guardian, or custodian of the child;
 - (iii) The height, weight, sex, color of eyes and hair, and other relevant physical characteristics of such child; and
 - (iv) Specifying when, where and in what manner said child will be out (during hours when this division would be otherwise applicable to said child) in the exercise of a First Amendment right specified in such communication.
 - (B) When the person is in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage along the street is the most direct route. This exception does not apply to persons who are idling, wandering, playing, loitering, lingering, or otherwise remaining (as defined in this division) in a motor vehicle.
 - (C) When engaged in an emergency errand. If the person is a child, the child shall have in his or her possession, if practicable, a written statement signed by the parent, guardian or custodian which states that the errand is directly related to the health or safety of the parent, guardian or custodian or a family member and that describes the nature of the errand and the safety emergency.
 - (D) When going to or returning from the person's place of employment. If a child, the child shall carry a written communication in the same manner as provided in subsection (3)(A) above except stating the nature of the child's employment.
 - (E) When the person is on the sidewalk of the person's principal residence where he or she resides or on the sidewalk of either next-door neighbor, which neighbor is not communicating an objection to the police officer.
 - (F) When going to or returning from attending an official school or religious activity, or returning home by a direct route from an official school or religious activity.

(1987 Code, sec. 15-53)



Sec. 1.09.115 Responsibility of parents, guardians and custodians

It shall be unlawful for the parent, guardian, or custodian of a child to knowingly suffer or permit or by inefficient control to allow the child to be in violation of the park closing imposed under [section 1.09.113\(a\)](#) of this division. (1987 Code, sec. 15-54)



Sec. 1.09.116 Enforcement procedures applicable to children

(a) Any law enforcement officer, upon finding a child in violation of this park closing division, shall ascertain the name and address of such child and warn the child that he or she is in violation hereof and shall direct the child to leave the area by the most direct route. The law enforcement officer shall report such action to the police department, which in turn shall notify the parent(s), guardian, or custodian of such child. Such notice shall be by certified mail, return receipt requested, and shall also include a warning that any

subsequent violation will result in full enforcement of parental, guardian or custodial responsibility and applicable penalties. It shall be a legal presumption that such warning sent by certified mail, return receipt requested, postage prepaid, was received by said parent, guardian or custodian.

(b) If such child refuses to heed such warning or direction by any law enforcement officer or refuses to give such law enforcement officer his or her correct name and address, or if the child has been warned on two (2) previous occasions that he or she is in violation of this division, he or she shall be taken into custody and delivered to the proper county juvenile authorities. If the child is under the age of ten (10) years of age, the law enforcement officer shall take the child to the police department if the child's parent, guardian or custodian cannot be located for release of the child. While the child is being detained at the police facility, the officer having custody of the child shall again attempt to contact the parent, guardian, or custodian into whose custody the child may be released. If unable to locate such parent, guardian or custodian, the officer shall notify the state department of family and protective services, child protective services division, for assistance in finding temporary housing for the child.

(1987 Code, sec. 15-55)



Sec. 1.09.117 Penalties for violations

(a) Any child violating the provisions of this division shall be guilty of a class C misdemeanor and shall be dealt with in accordance with the provisions of title 3 of the Texas Family Code.

(b) The parent(s), guardian, or custodian of a child violating this division shall commit a first offense upon the second violation of this division by a child, which first offense of said parent, guardian or custodian shall be punishable by a fine of not more than fifty dollars (\$50.00) and for each subsequent offense shall be punishable by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00).

(c) Except as provided in subsection (a) above as to a child and subsection (b) above of a parent, guardian or custodian violating [section 1.09.115](#) above, any person violating the provisions of this division shall be guilty of a class C misdemeanor which shall be punishable by a fine as provided in [section 1.01.009](#).

(1987 Code, sec. 15-56)



Sec. 1.09.118 Proof of violation by child

A law enforcement officer may enforce [section 1.09.113](#)(a) and [section 1.09.115](#) after finding a child in prima facie violation of this division in the absence of convincing evidence such as legal identification tending to show said person is seventeen (17) years of age or older or a valid written communication from the parent, guardian, or custodian which falls within the exceptions under [section 1.09.114](#) of this division. (1987 Code, sec. 15-57)



Secs. 1.09.119–1.09.150 Reserved



Division 5. Hobart Street Park



Sec. 1.09.151 Camping

(a) No person shall park a recreational vehicle, camper truck, truck cab with sleeping accommodations, pickup with camper shell or pickup with a tailgate tent at Hobart Street Park for longer than twenty-four (24) hours without at least a 48-hour interval between uses.

(b) No person shall camp in Hobart Street Park by use of a tent.

(1987 Code, sec. 15-60)


History:

The city has not charged a fee for the annual registration of licensed contractors who pull permits in the city. The process to verify the license and insurance or bond is increasing in time. Following a review of numerous other cities, the annual registration fee ranges from \$50 to \$100.

Staff recommendations to City Ordinances:

Note **highlighted** items have been added, **red-lined** items are being removed.

Article 3.03 Contractors
Sec. 3.03.001 Plumbing

It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of plumbing systems. The registration application shall require the plumbing contractor's name, local address and telephone number, and such other information as the building official may determine appropriate and proper with respect to background, experience, and previous registration of the applicant. It shall be unlawful for any person who is not licensed as a plumber in accordance with the provisions of the law of the state and having failed to register said license with the city to engage in plumbing work as described above.

Sec. 3.03.002 Mechanical

It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of equipment for environment air conditioning, commercial refrigeration, process heating or cooling systems, or ventilation systems. The registration application shall require the mechanical contractor's name, local address and telephone number, and such other information as the building official may determine appropriate and proper with respect to background, experience, and previous registration of the applicant. It shall be unlawful for any person who is not licensed as an air conditioning and refrigeration contractor in accordance with the provisions of the law of the state and having failed to register said license with the city to engage in mechanical work as described above.

Sec. 3.03.003 Electrical

(a) It shall be unlawful for any person, firm, or corporation who is not registered with the city to engage in the design, installation, construction, maintenance, repair, alteration, or modification of electrical systems. The registration application shall require the electrical contractor's name, local address and telephone number, previous registration of the applicant, and an appropriate showing of qualifications by the applicant.

(b) An appropriate showing of qualifications by an applicant shall be made by the presentation of a valid and current electrician's license issued by a city which first required the taking and passing of the Texas Standard Electrical Examination or any other test for the issuance thereof deemed appropriate by the building official or electrical board.

Sec. 3.03.004 Violations and penalties

Any person violating any provision of this article shall be fined for each and every day during which any violation of any provision of this article is committed, continued, or permitted in an amount not to exceed \$500.00.

Sec. A3.007 Registration Fee (required by all licensed contractors who pull a permit)

Annual Registration fee: \$100.00

Brandy Barrett, TRMC
 City Secretary
 817-710-2526
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History:

This item must be reviewed and approved following a public hearing every three years. This item is on the agenda for discussion only, as Chief Reaves would be proposing adding park curfews.

Copy of the last approved ordinance:

Division 2. Curfew

Sec. 8.02.031 Definitions

In this division:

Curfew hours.

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday, until 6:00 a.m. of the following day;
- (2) 11:59 p.m. on any Friday or Saturday, until 6:00 a.m. of the following day; and
- (3) 8:30a.m. until 3:00p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday during which time the public schools are in session.

Emergency. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment. Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian.

- (1) A person who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor. Any person under seventeen (17) years of age.

Officer. A police officer of the City.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting business as any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

Parent. A person who is:

- (1) A natural parent, adoptive parent, or stepparent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

Public place. Any place to which the public, or a substantial group of the public, has access and includes, but is not limited to, streets, highways, parks and the common areas and parking lots of schools, hospitals, apartment houses, office buildings, transportation facilities, commercial shopping centers, and shops.

Remain. To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by an officer or the owner, operator, or other person in control of the premises.

Serious bodily injury. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 8.02.032 Offenses

- a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during

curfew hours.

- b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 8.02.033 Defenses

- (a) It is a defense to prosecution under Section 8.02.032 that the minor was:
 - 1) Accompanied by the minor's parent or guardian;
 - 2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - 3) In a motor vehicle involved in interstate travel;
 - 4) Engaged in an employment activity, or going to or returning from home from an employment activity, without any detour or stop;
 - 5) Involved in an emergency;
 - 6) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - 7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, a school district or under similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City, a civic organization, a school district or another similar entity that takes responsibility for the minor;
 - 8) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - 9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code; or
 - 10) With respect to subsection (3) of the definition of "curfew hours" in Section 8.02.031 of this division, that the offense occurred at a time when the school in which the minor is enrolled was not in session, or that the minor has graduated from high school or received a high school equivalency certificate, or that the minor has permission to be absent from school or to be in a public place from an authorized school official. In the case of a child being educated in a home school, a parent shall be deemed a school official for the purposes of this section.
- (b) It is a defense to prosecution under Section 8.02.032(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 8.02.034 Enforcement

Before taking any enforcement action under this division, an officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this division unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 8.02.033 is present.

Sec. 8.02.035 Penalties

- (a) A person who violates Section 8.02.032 hereof is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine as provided in Section 1.01.009 of this Code.
- (b) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 8.02.032 of this division and shall refer the minor to juvenile court."

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