

AN ORDINANCE REPEALING ORDINANCE NO. O-2002-588; AUTHORIZING THE USE OF PARKS AND RECREATION AREAS OWNED AND CONTROLLED BY THE CITY OF KIRBY; REGULATING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN SUCH PARKS; STATING THE POLICIES AND REGULATIONS GOVERNING THE USE OF SUCH PARK, ESTABLISHING A CURFEW FOR PARK USAGE; AND PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE

WHEREAS, the City Council of the City of Kirby, Texas, finds a need for guidelines concerning the use of public parks and recreational areas, swimming pool, ball diamonds and picnic areas; and

WHEREAS, it is hereby declared to be the policy of the City of Kirby to provide, improve and maintain together with suitable recreational facilities therein, city parks, for the use and benefit of the public, and in connection therewith to fix and collect such reasonable charges as the governing body shall deem fit for the use of such facilities by members of the public; and

WHEREAS, there is a need to establish that no alcoholic beverages be permitted in or consumed within the pool area, except it may be consumed elsewhere in the city park during normal hours; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirby that:

SECTION 1. HOURS OF CLOSING

All City Parks will be closed between the hours of 11 P.M. and 8:00 A.M. with the exception of the John Sterling Building which must be vacated by 12 midnight. It shall be unlawful for any person or persons to occupy or use any parts of the parks or facilities therein during said closed hours. Provided however, it shall be unlawful for any person or persons to use the parks or facilities therein during said hours without prior written permission, said permission to be considered only for the following uses:

1. For large groups, special use activities, such as fairs, etc, when approved by the City Manager.
2. For special activities, e.g., scouting groups, when approved by the City Manager.
3. For other presently unforeseen special events, when approved by the City Manager and only when such permission would not constitute a nuisance to residences adjacent to any park area.

SECTION 2. REGULATIONS AND FEES FOR OBTAINING RESERVATIONS

A. REGULATIONS:

1. Lease agreements will be made with a minimum of 48 hours notice by adults only and in person.
2. Renter will be responsible for the clean-up of the park area or facility used.
3. Renter will be responsible for posting 4 hours in advance a "reserved" sign at the designated area indicating the name of renter, time, and date of reservation
4. City Secretary will notify the Police Department and the Public Works Department of date, time, and type of reservation.
5. Gambling. The only games permitted are those which have merchandise prizes. (Absolutely no gambling permitted.)
6. Renters will be required to engage at their expense duly sworn peace officers (Kirby Police Officers, Bexar County Sheriffs, or Bexar County Constables) to maintain order and help with parking: The number of peace officers required shall be in accordance with the schedule in Exhibit 'A' attached hereto and incorporated herein for all purposes. Names and badge numbers of officers must be provided on the reservation form the Monday before the requested reservation date.
7. Rules, policies, and fees for utilization of the baseball, softball areas are outlined in Exhibit "B"
8. Any activity where alcoholic beverages are to be sold must have a permit from the Texas Alcohol and Beverage Commission and said permit shall be visibly displayed at the location where the alcoholic beverages are sold. No alcoholic beverages will be sold to, consumed by or in the possession of minors.

B. FEES:

A deposit will be required from all renters at the time said application is granted. Said deposit will be refunded if the City Manager's office determines that the area is left in a clean and orderly manner. The amount of the deposit is as outlined in Exhibit "C". A non-refundable utility fee will be charged in accordance with Exhibit "C".

SECTION 3. In consideration of neighboring residents, volume from musical instruments or PA systems must be kept reasonable. All activity, music and public address systems must be turned off at 11:00 p.m. and the park vacated by midnight. Exceptions to this rule must be approved by City Manager.

SECTION 4. No motorized vehicles, with the exception of maintenance or emergency vehicles, will be allowed in any part of the park, except in designated parking areas.

SECTION 5. Horses and other livestock are hereby prohibited in the park, unless in

conjunction with a special function approved by the City Manager. The City of Kirby has an animal control ordinance that will be enforced. Pets should be on a leash at all times. In addition, all pet owners will be responsible for clean-up of their pet.

SECTION 6. Bicycles, go-carts and skateboards are hereby prohibited from park pavilions and ballfields. ~~Dirt motorcycles, four wheelers, go-carts and other recreation vehicles are prohibited in the park. any exceptions to this rule must be approved by the City Manager.~~

SECTION 7. Each facility should be used only for the purpose it was intended, unless prior approval is granted by the City Manager. Ex. Ballfields should be used for ballgames and practices. Pavilion should be used for picnics, birthday parties and other similar uses.

SECTION 8. Glass containers are hereby prohibited from city parks.

SECTION 9. Littering. No person shall litter in any City Park. Littering as used in this ordinance means the discarding of garbage, paper, cans and other forms of refuse in any place other than officially designated refuse containers or disposal units.

SECTION 10. All groups under the age of 18 must have proper adult supervision in attendance at all times during the gathering.

SECTION 11. The City of Kirby has an animal control ordinance that is enforced. Pets should be kept on a leash at all times. In addition, all pet owners are to clean up after their pets.

SECTION 12. Any person, firm, or corporation violating the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not to exceed Five Hundred Dollars (\$500.00)

SECTION 13. If for any reason any section, paragraph, subdivision, clause, phrase or provision of this or any other ordinance shall be held invalid, it shall not affect any valid provisions of this or any other ordinance of the City of Kirby to which these rules and regulations relate. This ordinance repeals Ordinance No. O-2002-588.

SECTION 14. Non-Profit Status: The lessee shall have on file at City Hall a completed application for non-profit, civic organization status for the City of Kirby, signed and approved by the City Manager. The application for non-profit status must be renewed annually.

PASSED AND APPROVED for the first reading this the 4th day of September 2008.

PASSED AND APPROVED for the second reading this the 18th day of September 2008.



Patty Cox, TRMC
City Secretary

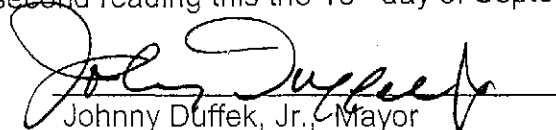

Johnny Duffek, Jr., Mayor

EXHIBIT A

NO ALCOHOLIC BEVERAGES CONSUMED

<u>NUMBER OF PEOPLE</u>	<u>NUMBER OF OFFICERS</u>
1-49	None required
50-99	1 officer required
100-149	2 officers required
150-199	3 officers required
200-249	4 officers required
250-299	5 officers required
300-349	6 officers required
350-399	7 officers required
400-449	8 officers required

ALCOHOLIC BEVERAGES CONSUMED

<u>NUMBER OF PEOPLE</u>	<u>NUMBER OF OFFICERS</u>
1- 49	1 officer required
50- 99	2 officers required
100-149	3 officers required
150-199	4 officers required
200-249	5 officers required
250-299	6 officers required
300-349	7 officers required
350-399	8 officers required
400-449	9 officers required

EXHIBIT "B"
REGULATIONS APPLICABLE FOR THE UTILIZATION
OF THE BASEBALL/SOFTBALL AREAS IN KIRBY CITY PARK

1. RESERVATION OF FIELDS:

Baseball/softball areas, hereafter referred to as ballfields, will be available to the public on a "first come" basis except as follows:

- a. Three types of permits will be issued under these regulations:
 - a. Seasonal- issued for a specific period of time (league duration)
 - b. Individual- issued on an individual basis for specific day or days
 - c. Tournament - issued on a day or days basis for the specific purpose of conducting a tournament.
- b. Organized leagues sponsored by organizations from Kirby will have first priority on the use of ballfields as outlined by schedules approved by and on file with the City Manager or the City Manager's designee.
- c. Organizations desiring use of a field or fields will be required to submit game and practice schedules to the City Manager or the City Manager's designee for review and approval.
- d. Whenever league schedules conflict (e.g. different local organizations request use of fields for the same time period), the City Manager or the City Manager's designee will contact the affected organizations and work out a mutual agreement.
- e. Individual or league requests for a "one time" and/or tournament usage will be submitted to City Hall at least 10 ten days in advance of the date requested.
- f. Organizations or individuals without proper documentation may be asked to vacate the ballfields.
- g. When fields are not reserved, they are open to the public except when City personnel are working or preparing to work on the fields. The months of December, January, and February are reserved by the City as maintenance months and will not normally have games or practice games scheduled or permits granted.
- h. Persons or organizations not holding field reservations must relinquish to reservation holders.

2. FIELD CHARGES FOR ORGANIZED LOCAL LEAGUES

Leagues will be assessed a seasonal fee of \$25.00 per team to defray cost of field equipment, pre-season field preparation and season field maintenance.

- a. Leagues provide necessary field equipment (i.e. home plate, pitching plate, chalk, chalker, etc.)
- b. Leagues provide daily conditioning of playing area (i.e. keep infield smooth and clean, etc).
- c. Leagues maintain parking area and field complex, to be cleaned after each day's use.

3. RESERVATION REQUEST PROCEDURES

All groups, leagues, individuals, or organizations wishing to use the fields for individual practice or play, league play, or tournament play, must submit a written request to the City Manager or the City Manager's designee outlining prescribed times listed within this ordinance. The following information must also be provided:

- a. Individual, group, organization, and type of permit requested.
- b. Name of League (if applicable).
- c. Name, address, home, and employment phone numbers of all league representatives.
- d. Number of teams and players in league.
- e. Date of season or tournament.
- f. Number and type of games that will be played on each field.
- g. Number of fields required.
- h. Schedule of dates and time of games.
- i. Leagues must provide the City Manager or the City Manager's designee a copy of their liability insurance policy before a permit will be issued.

4. PAYMENT PROCEDURES

The deadline for canceling reservations without forfeiture of the reservation fee is 48 hours prior to reserved day or time. Team or tournament representative must have permit "in hand" during reservation. If games are rained out, the fee will be refunded on a pro-rated basis for games that have not been played, provided that the City Manager or the City Manager's designee is notified the next business day. Required deposits will be refunded within 48 hours of approved inspection.

5. ADVERTISING SIGNS

Local leagues may install commercial advertising signs on the outfield fence during the scheduled league season. However, signs must be secured in such a manner as not to endanger players or create a condition harmful to users of fields. In addition, when signs become damaged or unsuitable (as determined by the City Manager or the City Manager's designee) for their advertisement value because of weather or other conditions, they shall be replaced or removed. Signs must be removed from the fence at the end of each season.

6. LEASE AGREEMENTS

Individuals or organizations issued a tournament or seasonal permit must sign a lease agreement with the City of Kirby after approval has been granted by the PRC. Ballfields will not be used for any purpose before these agreements have been signed.

7. RESERVED RIGHTS

The City of Kirby reserves the right to adjust schedules submitted for approval to provide equal participation of and use of ballfields. (i.e. Reserving one field one night for an adult league, etc)

8. INSURANCE REQUIREMENTS

Insurance and Indemnification: As a condition precedent to the use of the permission granted, Lessee agrees to indemnify and hold harmless City, its officials, employees, and agents from and against any and all costs, claims, and damages (including attorney's fees) that may be caused by the use of said property and shall protect and indemnify City from any and all claims costs, expenses, judgments, and causes of action arising out of the use of said property, and shall defend any litigation arising in connection with such use at its own cost and expense. In addition, Lessee agrees to obtain an insurance policy protecting City from any liability and to have City named as co-insured in said policy. Such policy shall be for not less than \$500,000.00 per person for bodily injuries and \$1,000,000.00 per occurrence and \$50,000.00 for property damages and proof of payment of premium for said policy (or said policy) shall be delivered to and kept by the City Manager or the City Manager's designee and such insurance policy shall be maintained in full force so long as this agreement is in effect.

EXHIBIT "C"
DEPOSIT FEES

A deposit of \$150.00 will be required from all renters at the time said application is granted. Said deposit will be refunded if the City Manager's office determines that the area is left in a clean and orderly condition. A non-refundable usage fee will be charged as listed below.

USAGE FEE

Friendship Park

\$50.00 for the first hour
10.00 for each additional hour

Hugo Lentz Parks

\$30.00 for the first hour
5.00 for each additional hour

John Sterling Hall

\$50.00 for the first hour
10.00 for each additional hour

John Sterling Pool

\$25.00 per hour up to 50 people
(Minimum 2 hours)
\$15.00 per hour will be assessed for each additional 25 people

Pool Season –End of School until School year begins

Daily entry fee -- \$2.00 per person

Baby to 2 years and adults no swimming – no charge

Season passes – \$35.00 per individual
\$25.00 for each additional
\$70.00 per family (maximum 4, additional pay additional \$25.00 ea)

Season passes for second half of season after July 15th shall be half of the regular charge.

NOTE: Minimum of two (2) lifeguards –up to fifty (50) people (25 per lifeguard)

Must be city lifeguards

More may be required based on Red Cross requirements.

Lifeguards must be paid at the conclusion of their shift
in cash the night of the reservation.

Ball Fields

Leagues (other than city softball leagues)

\$150.00 deposit

\$ 50.00 per team

All others

\$150.00 deposit

10.00 per hour (min. 2 hours)

Civic Organizations, upon completion of the application for Non-Profit status for the City of Kirby, will be assessed the following fees for the use of city facilities with the **exception of city pool:**

\$150.00 deposit waived

10.00 per meeting

40.00 per day

The President or the Chief Executive Officer of the organization will be responsible for the scheduling the use of city facilities. The fees will be assessed for non-profit organizations utilizing city facilities as a whole