

# City of *OVILLA* City Council

Rachel Huber, Place One  
Larry Stevenson, Place Two  
David Griffin, Place Three, Mayor Pro Tem

Richard Dormier, Mayor

Doug Hunt, Place Four  
Dean Oberg, Place Five  
City Administrator, Vacant

105 S. Cockrell Hill Road, Ovilla, TX 75154

Monday, February 09, 2015

6:30 P.M.

Council Chamber Room

## ADDENDUM TO AGENDA

NOTICE is hereby given of a Regular Meeting of the City Council of the City of Ovilla, to be held on Monday, February 09, 2015 at 6:30 P.M. in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items.

### Regular Agenda:

The following item is hereby added to the previously posted agenda for the Regular City Council Meeting on Monday, February 9, 2015:

11. **DISCUSSION/ACTION** – *Consideration* of and action on Ordinance 2015-008, amending Chapter 15 to the Code of Ordinance of the City of Ovilla, Texas, providing definitions; providing for the establishment of a Park Board; providing procedures for the naming of parks; providing park regulations and procedures; providing for park and recreation facility use fees and charges; providing for penalties, reward for information, and enforcement; providing for permitting; providing a savings clause; providing a severance clause, providing for incorporation into the Code of Ordinances; providing for an effective date; and providing for publication.

### I. ADJOURNMENT

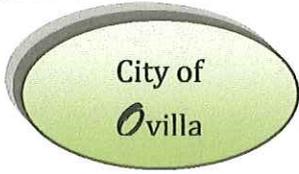
THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF the February 09, 2015 Regular City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofovilla.org](http://www.cityofovilla.org), on the 6<sup>th</sup> day of February 2015 prior to 6:00 p.m., in compliance with Chapter 551, Texas Government Code.



Pamela Woodall, City Secretary

DATE OF POSTING: 2-6-2015 TIME: 2:30 am/pm  
DATE TAKEN DOWN: \_\_\_\_\_ TIME: \_\_\_\_\_ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL PAGERS, CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.



# Ovilla City Council

## AGENDA ITEM REPORT

### Item 11

Meeting Date: February 09, 2015

Department: Administration

Discussion  Action

Budgeted Expense:  YES  NO  N/A

Submitted By: Staff

Amount: N/A

Reviewed By:  City Administrator  City Secretary  City Attorney

Accountant

Other: \_\_\_\_\_

#### Attachments:

1. Ordinance 2015-008

#### Agenda Item / Topic:

ITEM 11. **DISCUSSION/ACTION** – *Consideration* of and action on Ordinance 2015-008, amending Chapter 15 to the Code of Ordinance of the City of Ovilla, Texas, providing definitions; providing for the establishment of a Park Board; providing procedures for the naming of parks; providing park regulations and procedures; providing for park and recreation facility use fees and charges; providing for penalties, reward for information, and enforcement; providing for permitting; providing a savings clause; providing a severance clause, providing for incorporation into the Code of Ordinances; providing for an effective date; and providing for publication.

#### Discussion / Justification:

Council reinstated the Parks Board Advisory Committee at their July 14, 2014 Council Meeting and has since appointed a five-member board to serve in an advisory and voluntary capacity to assist staff with the development of a master parks plan, as called for in Goal Statement 2 of the Strategic Guide.

The Parks Board has met twice since formation and during their January 05, 2015 meeting, they concluded recommendations for Article 15.04-15.06., establishing park regulations and procedures, permits, facility use and fees. The presented ordinance revises Ordinance 2014-012.

#### Recommendation / Staff Comments:

#### Sample Motion(s):

*I move to approve/deny Ordinance 2015-008, amending Chapter 15 to the Code of Ordinances of the City of Ovilla, Texas, providing definitions; providing for the establishment of a Park Board; providing procedures for the naming of parks; providing park regulations and procedures; providing for park and recreation facility use fees and charges; providing for penalties, reward for information, and enforcement; providing for permitting; providing a savings clause; providing a severance clause, providing for incorporation into the Code of Ordinances; providing for an effective date; and providing for publication.*

**ORDINANCE NO. 2015-008**

**AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, AMENDING CHAPTER 15 TO THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS, PROVIDING DEFINITIONS; PROVIDING FOR THE ESTABLISHMENT OF A PARK BOARD; PROVIDING PROCEDURES FOR THE NAMING OF PARKS; PROVIDING PARK REGULATIONS AND PROCEDURES; PROVIDING FOR PARK AND RECREATION FACILITY USE FEES AND CHARGES; PROVIDING FOR PENALTIES, REWARD FOR INFORMATION, AND ENFORCEMENT; PROVIDING FOR PERMITTING; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE, PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City of Ovilla, Texas, is a Type-A General Law Municipality within the State of Texas; and

**WHEREAS**, the City Council of the City of Ovilla, Texas, finds and determines that the City is in need of a comprehensive Parks & Recreation Ordinance; and

**WHEREAS**, the City Council of the Ovilla, Texas, finds and determines that it is in the best interest of the public health, safety and general welfare of the citizens of Ovilla, Texas, to adopt a Parks and Recreation Ordinance.

**NOW, THEREFORE**, be it ordained by the City Council of the City of Ovilla, Texas, that:

**SECTION 1. AMENDEMNT OF CHAPTER 15 TO THE CODE OF ORDINANCES OF THE CITY OF OVILLA, TEXAS**

Chapter 15 of the Code of Ordinances of the City of Ovilla, Texas is hereby amended to read as follows:

**CHAPTER 15  
PARKS AND RECREATION**

**ARTICLE 15.01. DEFINITIONS.**

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

*Alcoholic Beverage*: Any beverage containing more than one-half of one (1) percent of alcohol by volume.

*All Sports Association*: An association consisting of various sports associations within the City.

*Amplified Sound*: Music or speech projected or transmitted by artificial means including, but not limited to, amplifiers, loudspeakers or any similar devices.

*Applicant*: A Person who has filed a written application for use of a Park for a specific purpose.

*Assembly*: A group or gathering of Persons for the purpose of deliberations, legislations, worship or entertainment.

**ORDINANCE NO. 2015-008**

*Board:* The Park Board.

*City:* The City of Ovilla, Texas

*Concession Stand:* A facility at a Park where food or drink is offered to the public.

*Department:* The City of Ovilla Public Works Department.

*Director:* The Director of the Ovilla Public Works Department or his/her authorized representative.

*Event:* An organized activity, gathering or parade that requires closure of a Park area to the general public, that effectively precludes normal use of a Park area, or that requires dedication of City resources beyond those normally associated with a Park area.

*Motor Vehicle:* Any wheeled device of conveyance propelled by motor or engine, including without limitation, any automobile, motorcycle, motor bike, or trailer of any kind, size, or description. The term does not include vehicles owned by the City or operated on the City's behalf.

*Parade:* The assembly of 30 or more Persons whose gathering is for the common design and purpose of traveling or marching in procession from one location to another location and whose route includes a portion of a Park.

*Park:* Any land held, used, owned, leased, maintained or acquired by the City for use as a public park, trail, recreation or playground area, and any building or facility thereon, whether or not such areas have been formally dedicated to such purpose.

*Parking Area:* Any portion of any Park or any Park road or drive designated by the Department for the parking of Motor Vehicles.

*Park Street:* A road that was designed to allow the travel of Motor Vehicles, was constructed entirely within the property lines of a Park, and that serves primarily the Park within which it is located.

*Permit:* Written permission from the Department to carry out a specified activity in a Park.

*Person:* Any individual, legal entity, partnership, association, corporation or other organization.

*Reimbursable Cost:* Any costs incurred by the City in the staging of an Event or activity, including, without limitation, the following:

- (1) Utility services provided to the 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 by the Applicant;
- (4) Repair of streets, alleys, sidewalks, Parks, and other public property;
- (5) Park staff support;
- (6) Police protection;
- (7) Fire protection;
- (8) Emergency medical service;

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- (9) Garbage disposal and cleanup;
- (10) Traffic control;
- (11) Equipment, including but not limited to bleachers, sound equipment, tents, tables and chairs; and
- (12) Other direct City costs associated with an Event.

*Sidewalk:* That portion of a Park Street intended for the use of pedestrians that is located between the curb lines or lateral lines of a roadway and the adjacent property lines.

### ARTICLE 15.02. PARK BOARD

#### **Sec. 15.02.001. Creation of Park Board.**

There is hereby created a Park Board.

#### **Sec. 15.02.002. Members.**

Members of the Board shall be appointed by a majority of the City Council, and the Board shall consist of three (3) to seven (7) members. An individual must be a resident of the City in order to be eligible for appointment to the Board.

#### **Sec. 15.02.003. Term of members; removal.**

The term of office of members of the Board shall be two (2) years from the date of their appointment. Members may be re-appointed for additional terms. Each member shall serve on the Board until removed by the City Council or until expiration of the member's term, whichever occurs first. Members serve at the pleasure of the City Council and may be removed from the Board at any time by a majority vote of the City Council.

#### **Sec. 15.02.004. Officers and duties.**

- (a) *Officers enumerated.* The Board shall elect annually the following officers:
  - (1) Chairman; and
  - (2) Vice-chairman.
- (b) *Duties described.*
  - (1) *Chairman:* The Chairman shall preside at all meetings, shall appoint standing committee members and shall perform all other duties as usually pertain to his/her office, or as may be instructed by the Board or City Council.
  - (2) *Vice-chairman:* It shall be the duty of the Vice-chairman to perform the duties of the Chairman in his/her absence.

#### **Sec. 15.02.005. Compensation.**

Members of the Board shall serve without compensation.

#### **Sec. 15.02.006. Powers and Duties.**

The Board shall act in an advisory capacity to the City Council in matters pertaining to parks and recreation, and shall:

- (a) Become familiar with the location and current condition of the parks system;
- (b) Utilize a master plan for the purpose of recommending sites to be purchased and used as City parks; improvements to existing park property, structures, facilities, athletic areas or other improvements on parks; and removal of Parks from the City's park system for purposes that protect the interest of the public;
- (c) Recommend rules and regulations governing the use of parks and recreation facilities, as necessary;
- (d) Perform other duties as the City Council may prescribe; and

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- (e) Establish goals and standards for the Board's governance and for the performance of its duties, as necessary.

### **Sec. 15.02.007. Meetings.**

- (a) The Board will meet each month, as necessary, and at such other times as needed, or by written request sent to the Chairman or Vice-chairman by a majority of the Board or at the request of the City Council.
- (b) Notice of meetings shall be posted to the extent required by law, and shall be held at Ovilla City Hall unless otherwise specified.
- (c) A majority of the members shall constitute a quorum. The absence of any member from any meeting shall be noted in the minutes of the meeting. The Director shall submit to the City Council upon request information related to the Board.
- (d) The Director shall attend Board meetings, post notice of meetings and record minutes in accordance with state law.

### **Sec. 15.02.008. Subcommittees.**

- (a) The Board, by majority vote at any regular or special meeting, may appoint members to subcommittees to serve the purposes of the Board.
- (b) Subcommittees shall be terminated in the same manner as they are appointed.

## ARTICLE 15.03. NAMING OF PARKS

### **Sec. 15.03.001. Naming of Parks.**

The Board will be responsible for recommending names for Parks.

- (a) The Board shall be responsible, with the assistance of the Department, for research, study and recommendation of a proposed name to the City Council.
- (b) The recommended name will be communicated to the City Council for its consideration and approval.
- (c) A Park name may be changed for cause at any time.

## ARTICLE 15.04. PARK REGULATIONS AND PROCEDURES

### **Sec. 15.04.001. Park hours and Park closings.**

- (a) Parks shall be closed between the hours of 10:00 p.m. and 5:00 a.m. except as otherwise authorized by the Director.
- (b) The Director may temporarily close or limit the use of any section or part of any Park at any time if the Director finds it reasonably necessary to take such action for the purpose of hosting Events and activities; for the protection of public health and safety; or for Park maintenance. It shall be unlawful for any Person to use or be present in any closed area unless authorized by the Director.

### **Sec. 15.04.002. Fires.**

- (a) Unless authorized in writing by the Director and the Fire Department, no Person shall start or maintain in any Park any outdoor fire except for cooking fires, which shall be started and maintained only in a fire pit, outdoor fireplace, City installed barbecue pit or grill, or individually owned gas grills or portable camp stoves.
- (b) No Person starting or maintaining any fire in a Park shall leave the fire unattended.
- (c) Any Person who has started a fire within a Park shall not leave the premises without first completely extinguishing the fire.

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### **Sec. 15.04.003. Motor Vehicle operation within a Park.**

- (a) The maximum lawful prima facie speed limit in all Parks shall be fifteen (15) miles per hour.
- (b) It shall be unlawful and an offense for any Person to:
  - 1. Drive or operate any Motor Vehicle within a Park except on Park Streets, roadways designated for traffic, or designated Parking Areas;
  - 2. Drive, use, operate, park or stop any Motor Vehicle at any place in a Park in such a manner or condition as to endanger or interfere with the lawful traffic or use of a Park Street or Parking Area; or
  - 3. Stop, stand or park any Motor Vehicle in a Park, except in designated Parking Areas; or to fail to park the entire Motor Vehicle within the limit lines of a designated parking stall, where such lines have been provided.
- (c) If a Motor Vehicle is parked or left in violation of this section, and the owner or operator of the Motor Vehicle cannot immediately be found to move such vehicle, the Police Department of the City may remove or impound the vehicle in accordance with applicable laws.
- (d) If a Motor Vehicle is found unattended or unoccupied in a Park in violation of any provision of this article, the fact that such vehicle is unattended or unoccupied by any Person shall be prima facie evidence that the owner unlawfully stopped, placed or parked such vehicle. The records of the State Highway Department or the County Highway License Department showing the name of the Person to whom state highway license plates were issued shall constitute prima facie evidence of ownership by the Person therein named.

### **Sec. 15.04.004. Permit required; exemptions.**

A Person wishing to hold an Event in a Park must first obtain a Permit from the Director.

A Person must also obtain a Permit from the Director in order to engage in any of the following activities in a Park:

- (1) An exhibit, music event, play, or motion picture;
- (2) Any assembly or parade;
- (3) Use of amplified sound equipment;
- (4) Sale of food, drinks or goods;
- (5) Park use between 10:00 p.m. and 5:00 a.m.; and
- (6) Cutting or removal of any trees.

The holder of a Permit issued pursuant to this section must keep a copy of the Permit in the area where the Event or activity is conducted, and must produce the Permit upon demand of any authorized representative of the City.

The requirements of this section are in addition to the requirements of any other applicable law or ordinance.

### **Sec. 15.04.005. Additional prohibited acts.**

It shall be unlawful and an offense for any Person to do any of the following in a Park:

- a. Swim, wade, or use or operate a boat, in any lake, stream or pond located in any Park; except that model boats or radio-controlled sport boats which are incapable of carrying occupants may be used in water bodies located in Parks;
- b. Place or permit to be placed trash, garbage, debris or other waste materials not accumulated during the course of normal Park activities;
- c. Consume, sell or possess alcoholic beverages;

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- d. Possess any animal, or allow any animal to enter or remain, in any area of a Park where posted signs state that such an animal is prohibited;
- e. Cut, break, deface or in any way injure trees, shrubs, plants, grass, turf, fountains, seats, structures, improvements, ornaments, monuments or any other property of any kind;
- f. Construct or erect any building or structure of any kind, whether permanent or temporary, without the express, prior written consent of the Director; except that small, pop-up shade structures may be used in Parks without prior permission;
- g. Enter onto or remain in any Park with an unleashed or otherwise unrestrained dog. Without limitation, use of a leash or restraining device greater than 6'-0" long shall be considered a lack of restraint;
- h. Abandon or leave a domestic animal or pet unattended;
- i. Capture, attempt to capture, hunt, molest, injure, trap, or administer or set out any trap or harmful substance for, any wild or domesticated animal, or remove or possess the young, eggs or nest of any animal, without a permit from the Director; except that any Person is permitted to fish for and remove from the lakes, ponds and streams, any fish as allowed by state law (including all licensing requirements), or if posted "catch and release";
- j. Camp overnight except in a designated area with a Permit;
- k. Ride a horse or other animal except in areas or on paths or trails expressly designated as equestrian areas by posted Park signs, rules or regulations;
- l. Sell merchandise, food or beverages without a Permit from the Director;
- m. Cause unreasonably loud or raucous noise;
- n. Possess a glass container;
- o. Hit golf balls;
- p. Engage in any activity other than tennis on tennis courts, or enter a tennis court without wearing tennis shoes; or
- q. Explore, extract or conduct any other activity relating to exploitation of oil, gas or other minerals.

### ARTICLE 15.05. PENALTIES, REWARD FOR INFORMATION AND ENFORCEMENT

#### Sec. 15.05.001. Penalty for violation.

Any Person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction in municipal court shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each and every day a violation occurs or continues shall constitute a separate offense.

A Person who holds a Permit, but who fails to comply with any requirement or condition of that Permit, engages in activities that exceed the scope of the Permit, or damages City property or facilities while acting pursuant to the Permit, is guilty of a misdemeanor, and, in addition to being subject to the above penalty, shall make restitution to the City for all damages incurred by the City as a result of the Person's violation.

#### Sec. 15.05.002. Reward for information on vandalism in Parks.

- (a) The City does hereby offer a reward in the amount of not less than two hundred fifty dollars (\$250.00) to any Person providing information which leads directly to the arrest and conviction of any Person found guilty of the crime of vandalism when such vandalism has occurred in a Park. Such reward shall be considered a standing offer to any Person providing such information and shall be paid from the general fund of the City.

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- (b) Only one (1) reward shall be paid in connection with each conviction or group of related convictions, as determined by the Director in the exercise of his/her discretion, and such reward may be split among multiple informants.

### **Sec. 15.05.003. Enforcement of article.**

The Department, as well as the City's Code Enforcement Department, Fire Department, and Police Department shall be responsible for the enforcement of all codes and ordinances regulating the conduct and use of Parks.

## **ARTICLE 15.06. PARKS AND RECREATION FACILITY USE, FEES AND CHARGES**

### **Sec. 15.06.001. Facility use; fees.**

- (a) The Director is authorized to set and charge fees for use of Park facilities and for Department programs. The Director may submit a proposed schedule of fees to the Park Board and City Council for input and approval as part of the City's annual budget process, and the City Council may require the Director to adjust facility use fees at any time. Such fees may be charged to help offset some or all of the maintenance and operational costs associated with the facilities and resources used. The Director may evaluate fees from time to time and revise them as necessary to reflect changes in costs and/or competition. Nonresidents may be required to pay a higher fee due to the fact that they are not assessed City ad valorem taxes.
- (b) The Director is authorized to add Department programs, increase participation numbers for existing programs, and omit programs as necessary in the Director's discretion to meet the needs of the community and maintain appropriate cost recovery.
- (c) The City may, at its discretion, sponsor, subsidize, or reduce or eliminate fees for special Events or activities that further the City's mission, including without limitation Events or activities that are highly attended by Ovilla residents or that promote tourism. Such financial support of special Events may be addressed during the permitting process and/or the City's budget process.
- (d) Non-sponsored Events or activities will be required to pay fees that cover all measurable Reimbursable Costs associated with them. The Department, utilizing normal and customary methods, will determine the amount of Reimbursable Costs associated with an Event or activity. The Director is authorized to charge additional fees for commercial and "for profit" Events. The amount of such additional fees may be determined as a percentage of gross revenues, as a rental amount, or by any other method deemed appropriate by the Director.

### **Sec. 15.06.002. Priority use.**

- (a) Subject to Permits granted by the Director, agreements entered by the City, and the provisions of this chapter, Park facilities shall be available to anyone on a first-come, first-served basis.
- (b) Residents of Ovilla may be given priority in the use of Parks, including through preferential treatment in fees and the permitting process.

## **ARTICLE 15.07. PERMITTING PROCESS**

### **Sec. 15.07.001. Application.**

A Person desiring to hold an Event or engage in activity for which a Permit is required by this chapter shall apply for an Event Permit by filing with the Department a written application. The Director may require that applications be submitted using a form developed by the City.

## ORDINANCE NO. 2015-008

Otherwise, an application must generally contain the following information, subject to appropriate adjustment by the Director depending on the nature of the proposed Event or activity:

- a. Name, home address and telephone number; office address and telephone number; date of birth; and driver's license number of the Applicant, the promoter, and of any other Persons responsible for the conduct of the Event or activity.
- b. Detailed plans related to the Event or activity should address each of the following items:
  1. Facilities - A set of plans and specifications relating to all temporary facilities to be constructed or utilized for the Event or activity;
  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. Concessions - A plan to provide food and beverages, a health permit, and proof of insurance from the concession operator listing the City as an additional insured;
  4. Emergency medical service - A plan to provide adequate emergency medical services at the Event or activity;
  5. Parking – A plan to provide adequate parking for the Event or activity, including proof of consent by any private landowners whose property will be used for parking;
  6. Police protection - A plan providing for adequate safety, security, traffic and crowd control in connection with the Event or activity. All public safety services shall be provided by Ovilla Police and Fire personnel. Crowd management requires a minimum of two officers per 500 participants;
  7. Promotional - If applicable, a plan to promote, market and advertise the Event or activity;
  8. Sanitation plan - A plan to insure that the highest standards of cleanliness and sanitation are maintained at the Event or activity, including adequate restroom facilities, and a plan to clean and stock public restrooms, police and maintain litter-free grounds, empty refuse containers frequently so as to prevent overflow, contain all on-site waste, and provide proper containers for recycling if available;
  9. Estimated number of Persons participating;
  10. Estimated number of spectators;
  11. Proof of insurance with the City listed as an additional insured;
  12. Proof of vaccinations if Event includes use of animals; and
  13. Any other information reasonably requested by the Director.

An application must be filed at least 30 days in advance of the Event or activity for which a Permit is sought in order to be considered timely. Failure to timely file an application is sufficient grounds for denial of the application.

### **Sec. 15.07.002. Approval, denial and revocation of Event Permit.**

City staff shall determine whether the application and plans meet City safety and other goals. Criteria used by the City for assessing applications may include, without limitation, the following:

- a. Any scheduling conflicts with City sponsored programs, events, or other Park uses;
- b. The extent to which the Event or other activity would restrict the public use of City owned or leased facilities;

## ORDINANCE NO. 2015-008

- c. The extent to which the Event or other activity would provide a positive public service and meet a legitimate public need;
- d. Any public safety issues created by the Event or activity; and
- e. Any involvement or endorsement of commercial enterprise(s).

The Director may require the Applicant to modify an application in order to assist the Director in reaching a decision on the application.

If the Director determines that issuance of a requested Permit is appropriate and in the best interest of the public, the Director may issue the Permit. If the Applicant fails to provide viable plans and sufficient assurances to satisfy the Director that the Event or activity will be carried out in a manner that is in the best interests of the public, the application may be denied. The decision to grant or deny a permit is at the discretion of the Director, subject to the appeal provisions herein.

The Director may require the Applicant to satisfy certain conditions before issuing a Permit, or the Director may issue a Permit subject to stated conditions. Appropriate conditions include, but are not limited to:

- a. Compliance with other applicable laws and ordinances;
- b. Advance payment of Reimbursable Costs and/or any applicable fees;
- c. For commercial or "for-profit" activities, payment of a percentage of gross revenues and/or rents as deemed appropriate by the Director;
- d. Execution of an indemnification agreement in favor of the City;
- e. Restrictions on fires, fireworks, Amplified Sound, dancing, sports, use of animals, equipment or Motor Vehicles, the number of Persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of a Park;
- f. A requirement that the Applicant post a reasonable deposit or security for the repair of any damage to Park property or the cost of cleanup, or both in addition to any cost for City services paid in advance of the Event;
- g. A requirement that the Applicant furnish additional sanitary and refuse facilities that may be necessary, based on the use or activity for which the Permit is being sought; and
- h. Any other safeguard required for protection of the public interest.

If, after issuing a Permit, the Director becomes aware of new or additional information that demonstrates the Event or activity is not in the best interests of the public, the Director may revoke the Permit. Without limitation, the Director has authority to revoke a Permit upon a finding of violation of any rule, ordinance, or law, or upon the violation of any condition or restriction under which the Permit was issued. If the Director finds that an Applicant falsified any information related to a Permit application, the Director may revoke the Permit and deem any fees (including deposits and bonds) paid by the Applicant forfeited.

Permits are not transferable without written consent of the Director. An Applicant shall be bound by all Park rules and regulations and all applicable ordinances as fully as though the same were stated in the Permit. Issuance of a Permit pursuant to this Article does not waive the requirements of any other ordinance or law. The City, by issuing a Permit pursuant to this article, assumes no liability or responsibility whatsoever.

### **Sec. 15.07.003. Appeal of denial or revocation of Event Permit**

If the Director denies a Permit application or revokes a Permit, the Director shall notify the Applicant in writing of the Director's decision and of the right to appeal. Any appeal must be made

## ORDINANCE NO. 2015-008

within three (3) days by written notice of appeal to the City Administrator. The City Administrator will present the appeal to the City Council at its next regular meeting, or, if appropriate, at a special meeting. The City Council shall consider all the available 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. 15.07.004. Interference with Permitted use of Park Areas.**

It is unlawful for any Person to interfere with the exclusive use of and access to Park facilities of any other Person who holds a Permit or Facility Use Agreement that entitles such Person to exclusive use of those Park facilities.

### **Sec. 15.07.005. Simple facility reservations.**

The Director may, at his/her discretion, waive any requirement of this Article except for the provisions relating to appeal. In particular, for any Event or other activity for which a Permit is required, but which, in the Director's judgment, imposes minimal burdens on the City and the public, the Director may grant a Permit utilizing any reasonable reservation process, without requiring compliance with the other provisions of this Article.

## **SECTION 2. SAVINGS CLAUSE**

In the event that any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, this Ordinance shall prevail.

## **SECTION 3. SEVERANCE CLAUSE**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES**

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

## **SECTION 5. EFFECTIVE DATE**

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval and publication, as required by law.

## **SECTION 6. PUBLICATION**

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

**ORDINANCE NO. 2015-008**

**PASSED, ADOPTED AND APPROVED** by the City Council of Ovilla, Texas on this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Richard Dormier, Mayor

**ATTEST:**

\_\_\_\_\_  
Pamela Woodall, City Secretary

**APPROVED AS TO FORM:**

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Ron G. MacFarlane, Jr., City Attorney