

## Chapter 50 PARKS AND RECREATION<sup>1</sup>

### ARTICLE I. IN GENERAL

#### Sec. 50-1. Definitions.

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

*Director* means a person so designated and in charge of the parks and recreation department and its divisions.

*Disrupt* means to interrupt the orderly course of, by action or noise.

*Disturb* means to throw into disorder; to move from a state of rest or regular order; to interrupt a settled state of, to throw out of course or order; to cause annoyance, disquiet, agitation or derangement to any person or group of persons, or interrupt his or their peace, or to interfere with him or them by the use of loud or vociferous or obscene, vulgar or indecent language, or by the use of yelling or shrieking or any other loud, unreasonable or otherwise disruptive action or noise.

*Park* means a playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation, including all planted expressways, parkways and traffic circles maintained by the city, except the parkway strips between curb and sidewalks along the several streets and expressways of the city.

*Smoking* means the combustion of any cigar, cigarette, pipe or other similar article, using any form of tobacco or other combustible substance in any form. This includes the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or device, and the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

*Tobacco products* mean any cigar, cigarette, chewing tobacco, snuff or other tobacco derivative.

*Vehicle* means any wheeled conveyance, whether motor-powered or drawn. Exception is made for baby carriages, bicycles and tricycles on designated paths, and vehicles in the service of the city.

(Code 1969, § 18-2; Ord. No. 98-094, § 3, 9-21-1998)

Cross reference(s)—Definitions generally, § 1-2.

#### Sec. 50-2. Enforcement of chapter.

- (a) *Officials*. The director and park attendants shall in connection with their duties imposed by law, diligently enforce the provisions of this chapter with the limitations described in this section.

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<sup>1</sup>Charter reference(s)—Power of city to acquire land for parks, playgrounds, etc., § 1.08; notice of damage or injury required prior to suit, § 9.04.

Cross reference(s)—Streets, sidewalks and other public places, ch. 70.

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- (b) *Ejectment.* The director and any park attendant shall have the authority to order from the park any person acting in violation of this chapter. If such person refuses to leave, then the director or park attendant shall contact the police for ejectment.
  - (c) *Seizure of property.* The director and any park attendant shall have the authority to seize and confiscate any property, thing or devices in the park, or used in violation of this chapter unless the violator refuses to voluntarily relinquish such property in which case the director or attendant shall contact the police for involuntary confiscation.
  - (d) *Issuance of permits.* The director is authorized to issue all permits and other consents with respect to the reservation and use of the city parks and recreation facilities for events including, but not limited to, permits related to the service of alcoholic beverages in city parks.

(Code 1969, § 18-3; Ord. No. 3054, § 1, 11-3-2009)

### **Sec. 50-3. Penalty for violation of chapter.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished according to the provisions of section 1-14.

(Code 1969, § 18-4)

### **Secs. 50-4—50-33. Reserved.**

## ***ARTICLE II. RULES AND REGULATIONS***

### **Sec. 50-34. Use of tobacco products.**

Smoking and the use of tobacco products at any city-owned or city-operated athletic complex or Don Showman Park, including but not limited to those listed in section 50-35, shall be prohibited at all times.

(Ord. No. 98-094, § 4, 9-21-1998)

### **Sec. 50-35. Signs posted.**

Signs will be posted at all city-owned or city-operated athletic complexes and at Don Showman Park stating that smoking and tobacco use is prohibited. This will include Cox, Farmers Branch, Jaycee, Oran Good, Pepper, and Don Showman parks; leased facilities located at Dallas Christian College; and Carrollton-Farmers Branch Independent School District property utilized as part of Oran Good and Cox parks. The ban includes athletic fields, dugouts, team benches, spectator areas, restrooms, concession stands, and all of Don Showman Park including the areas surrounding the recreation center and swimming pool. The absence of such signage shall not be an affirmative defense to an offense under this section.

(Ord. No. 98-094, § 5, 9-21-1998)

### **Sec. 50-36. Prohibited acts within city parks.**

Within the limits of any of the parks, it shall be unlawful for any person, except as otherwise provided, to:

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- (1) Hitch, fasten, lead, drive or let loose any animal of any kind. Dogs shall be permitted if they are kept on a leash by a cord or chain not to exceed six feet in length. On special occasions and under special situations, the director of the parks and recreation department shall be authorized to issue a special permit to allow other animals in the park.
  - (2) Discharge any firearms, firecrackers, rockets, torpedoes, or any other fireworks, or airguns or slingshots or any device which would or could project any object which would or could create a fire hazard or any hazard or danger to the public, except for special circumstances and occasions when under specific supervision, the director shall be authorized to issue written permission.
  - (3) Damage, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or to pluck, pull up, cut, take or remove any shrub, brush, plant or flower, or to mark or write upon, paint, or deface in any manner any building, monument, fence, bench, or other structure without written permission of the parks and recreation director, except for city employees engaged in city work.
  - (4) Swim, bathe or pollute the water of any fountain, pond or stream.
  - (5) Make or kindle a fire, except in picnic stoves, braziers or fire pits provided for that purpose without written consent of the parks and recreation director.
  - (6) Leave garbage, cans, bottles, papers or other refuse elsewhere than in receptacles provided for such refuse.
  - (7) Participate in any activity on any public park area when such activity may create a danger to the public or may be considered a public nuisance. The director of parks and recreation may designate particular locations within areas for specific activities. Overnight camping is prohibited on any park property except by written permission issued by the director of parks and recreation.
  - (8) Sell or offer for sale any food, drinks, confections, merchandise or services unless the person has a written agreement or permit issued by the parks and recreation director.
  - (9) Remain, stay, or loiter in any public park between the hours of 10:00 p.m. and 5:00 a.m. of the following day, unless a written authorization has been issued by the director of parks and recreation.
  - (10) Use the restrooms and washrooms designated for the opposite sex if the person is over the age of six years.
  - (11) Consume or possess an alcoholic beverage; provided, however, it shall be an affirmative defense if the person is consuming or possessing an alcoholic beverage obtained from a person authorized to serve or sell the alcoholic beverage at an event being held in the park pursuant to a permit approved by the director of parks and recreation in accordance with authority granted to the director of parks and recreation by the city council.
  - (12) Use any type of sound amplification system without the written consent of the director of parks and recreation.
  - (13) Ride or drive any horse or other animal without the written consent of the director of parks and recreation.
  - (14) Ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon any bicycle, motorcycle or any other vehicle whatsoever, upon any drive or street in any park of the city, or to ride or drive any wheeled vehicle upon any walk except baby carriages, bicycles or tricycles on designated bicycle or tricycle paths at the posted speed limits and except for special occasions and under special situations, the director may be authorized to issue written permission.
  - (15) Cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer without written permission of the director of parks and recreation.

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- (16) Play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, or other device, for money, chips, shells, credit or any other representative of value, or to maintain or exhibit any gambling table or other instrument of gambling or gaming without written permission of the director of parks and recreation.
  - (17) Use or speak any threatening, abusive, insulting, or indecent language in any of the public parks, and no person shall commit, in any such parks, any obscene, lewd or indecent act or create any nuisance.
  - (18) Disturb or disrupt, as defined in section 50-1, any picnic, meeting, service, concert, exercise or exhibition.
  - (19) Distribute, post, place or erect any advertising, handbill, circular, bill, notice, paper or other advertising device without written consent of the director of parks and recreation.
  - (20) Capture, maim, destroy, kill, poison or injure any animal, except city employees who are permitted to capture at-large animals.

(Code 1969, § 18-5; Ord. No. 3054, § 2, 11-3-2009)

### **Sec. 50-37. Commercial vehicles prohibited in parks; exception.**

All vehicles used for the purpose of transporting freight and merchandise, or brick, stone or gravel, and all those commonly known as floats, moving wagons and express or delivery wagons are prohibited from entering upon or being driven through any of the public parks of the city, except by special permission of the director of parks and recreation, subject to appropriate conditions and safeguards.

(Code 1969, § 18-6)

### **Sec. 50-38. Parking of vehicles in city parks.**

Where vehicle parking lots or areas have been set aside in public parks in the city, no vehicle shall be driven over or across the curbs, sidewalks, grass or lawn within such park, but shall be parked on such lots within and between the lines designating a single vehicle parking space and not otherwise. Where parking lots or areas within public parks of the city have been designated for head-in parking to front on a visible parking line without delineated single vehicle spaces, the front of the vehicle shall be placed on the parking line and as near as practicable to the side of the last parked vehicle in line. No vehicle shall be parked or left behind any other vehicle in the parking line or back of such parking line in any manner so as to obstruct, block or hinder ingress or egress from the line. Officers of the police department of the city shall issue to violators of this section traffic tickets or notices to answer to charges in the manner prescribed by the applicable ordinances and the case shall proceed in accordance with such applicable sections. Where a vehicle is parked or left in violation of this section in such a manner as to obstruct or block traffic, and the owner or operator of the vehicle refuses to or will not move such vehicle or cannot be found, police officers of the city may move or impound the vehicle so that traffic will not be impeded.

(Code 1969, § 18-7)

### **Sec. 50-39. Certain rules and regulations to be posted.**

The director of parks and recreation shall recommend to the city manager such rules and regulations as he deems best for the management of the public parks, and where such rules have been adopted for a specific park area and posted within the specific park so regulated, any person found guilty of violating such rules or any rules in this article shall be guilty of a misdemeanor.

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(Code 1969, § 18-8)

**Sec. 50-40. Skateboards, roller skates, in-line skates, and similar devices.**

No person shall knowingly skate by means of roller skates, roller blades, skateboard, or similar devices upon the sidewalks, areas, or streets of the city designated by the city manager as provided for herein. Upon recommendation of the director of parks and recreation, the city manager is authorized to designate locations that skateboards, roller skates, in-line skates, and similar devices should be prohibited for the protection of city-owned/operated facilities. Where this is deemed necessary, signs will be posted prohibiting such activities. Any person found in violation of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500.00. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(Ord. No. 2665, § 1, 5-7-2002)

**Sec. 50-41. Parks and recreation user fees.**

User fees for use of parks and recreation services are hereby established and approved as delineated in appendix A.

- (1) *Fees; generally.* User fees are established as those fees charged for the use of parks and recreation services, rentals, facilities, membership fees and other recreational uses as specified in this section and listed in appendix A as amended with said amendment being attached hereto.
- (2) *Collection; disposition.* All user fees listed in appendix A shall be collected and credited to the appropriate funds of the city.
- (3) *Fees for residents and nonresidents.* Different user fee amounts may be established for residents and nonresidents as recommended by the parks and recreation board and approved by the city council.
- (4) *Fee reductions.* User fees may be reduced for residents of the City of Farmers Branch who demonstrate a limited income. Procedures for said reductions, including amount of the reduction and eligibility criteria, have been established by the city council and are administered by the director of parks and recreation.
- (5) *Fee adjustments.* The city manager or his/her designee may establish and adjust individual class, activity, user and special event fees not listed in appendix A.
- (6) *Compliance.* Any individual or organization not in compliance with this section and appendix A shall be denied use of the city's parks and recreation facilities or shall be denied participation in a program sponsored by the parks and recreation department.

(Ord. No. 2780, § 1, 9-20-2004)

**Sec. 50-42. Policy regarding service of alcoholic beverages in public parks adopted.**

The "Policy Regarding Service of Alcoholic Beverages in Public Parks in the City of Farmers Branch," attached to Ordinance 3054 as Exhibit "A" and incorporated herein by reference, is hereby adopted as an official policy of the City of Farmers Branch.

(Ord. No. 3054, § 3, 11-3-2009)

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**Secs. 50-43—50-70. Reserved.**

***ARTICLE III. YOUTH PROGRAMS***

***DIVISION 1. GENERALLY***

**Secs. 50-71—50-90. Reserved.**

***DIVISION 2. STANDARDS OF CARE<sup>2</sup>***

**Sec. 50-91. Adopted.**

The Farmer's Branch Youth Programs' Standards of Care, attached to 3761 as Exhibit "A" and on file in the city secretary's office, is hereby adopted and included herein as if set out in its entirety.

(Ord. No. 2696, §§ 1, 2, 10-28-2002; Ord. No. 2750, §§ 1, 2, 12-15-2003; Ord. No. 2798, § 2, 12-6-2004; Ord. No. 2849, §§ 1, 2, 12-5-2005; Ord. No. 2890, §§ 1, 2, 11-13-2006; Ord. No. 2928, §§ 1, 2, 9-18-2007; Ord. No. 3065, § 1, 11-17-2009; Ord. No. 3449, § 1, 6-21-2017; Ord. No. 3536, § 1 (Exh. A), 11-6-2018; Ord. No. 3604, § 1 (Exh. A), 11-12-2019; Ord. No. 3648, § 1 (Exh. A), 8-10-2020; Ord. No. 3713, § 1 (Exh. A), 11-16-2021; Ord. No. 3761, § 1(Exh. A), 11-15-2022)

**Secs. 50-92—50-143. Reserved.**

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<sup>2</sup>Editor's note(s)—Ord. No. 2696, §§ 1, 2, adopted Oct. 28, 2002, repealed Div. 2, §§ 50-91—50-95, 50-106—50-112, 50-126—50-130, and 50-141—50-143, and enacted a new Div. 2 as set out herein. The former Div. 2 pertained to similar subject matter and derived from Ord. No. 2631, § 2, adopted Sept. 24, 2001. See the Code Comparative Table for further information.

State law reference(s)—Exemption of certain youth programs from child care licensing, annual adoption of standards of care, V.T.C.A., Human Resources Code § 42.041(b)(14).