

ORDINANCE NO. 21-02

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS REPEALING ORDINANCE NOS. 69A, 93, AND 93-11 AND AMENDING ORDINANCE NOS. 7, 93, 87-8, 97-9, 89-5, 10-01, 14-08, AND 16-13; REVISING CHAPTER 15, PARKS AND RECREATION, OF THE BRECKENRIDGE CODE OF ORDINANCES; UPDATING AND REORGANIZING SAME; CLARIFYING NUISANCE ANIMAL ABATEMENT BY DESIGNATED CITY EMPLOYEES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge (the “City”) is a home-rule municipality which has exclusive control over City parks, inside and outside of the City limits, pursuant to Section 3.20 of the City Charter, and the power to enact and enforce ordinances necessary to protect health, life, and property, pursuant to Section 3.2 of the City Charter;

WHEREAS, the City also has the authority police parks and lakes owned by it which are outside of its city limits pursuant to Section 341.903 of the Texas Local Government Code;

WHEREAS, the City owns parks both inside and outside the city limits and a lake which is outside of the city limits and has adopted ordinances in the past to attempt to protect that property and citizens using said property;

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) finds that these ordinances are outdated and should reorganized and updated; and

WHEREAS, the City Commission finds it necessary to clarify and reaffirm the rights the City, through its employees, has to take action to protect these properties in terms of abatement of nuisance animals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

- I. Repeal.** The following ordinances are hereby repealed:
Ordinance No. 69A, adopted on August 9, 1960
Ordinance No. 93, adopted on May 21, 1963
Ordinance No. 93-11, adopted on June 7, 1993

All other ordinances or parts of ordinances in conflict herewith shall be and are hereby repealed to the extent of such conflict.

- II. Enactment.** This Ordinance shall be known as the “Parks and Recreation Ordinance of the City of Breckenridge” and shall be codified as Chapter 15 of the Breckenridge Code of Ordinances.

CHAPTER 15 – PARKS AND RECREATION

Article I. In General

Sec. 15-1. Scope.

The rules and regulations in this Chapter shall apply to any designated City park or lake.

Sec. 15-2. Enforcement.

Compliance with the rules and regulations of this Chapter is a condition of the use of any City park or lake. The Breckenridge Police Department is hereby authorized and directed to enforce the provisions of this Chapter.

Sec. 15-3. Penalties.

Any person, firm, or corporation violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00). Each day such a violation is committed shall constitute a separate offense and shall be punishable as such hereunder.

Sec. 15-4. Littering.

It shall be unlawful for any person to deposit organic matter, animal carcasses, paper, glass, metal, litter or trash of any description on any driveway, path, lane, water, or other place in a City park or lake, except in receptacles provided therefor.

Sec. 15-5. Advertising Material.

It shall be unlawful for any person to display any advertising material by signs or distribute advertising material of any character using any parkways, medians, parks, swimming pools, or other recreation areas of the City, without the written permission of the City Manager.

Sec. 15-6. Selling goods or services.

It shall be unlawful for any person to sell, or offer for sale, any goods, wares, services, or merchandise within any parkways, medians, parks, playgrounds, swimming pools, or other recreation areas of the City, without the written permission of the City Manager.

Sec. 15-7. Entering closed areas; hours of operation.

(a) It shall be unlawful for any person except a city employee to enter any area of a City park or lake which is designated as restricted, or to enter any area in a City park or lake during the hours of the day when such area is not open to the public, or to enter at any time a City park or lake when it is closed for the season.

(b) Hours during which the area is open to the public shall be posted by the City Manager. Unless otherwise posted by the City Manager, the hours during which City parks, including Lake Daniels, are open to the public are from 7:00 a.m. to 11:00 p.m.

Sec. 15-8. Pets to be on restraint.

It shall be unlawful for any owner or person in control of any pet to keep or permit the same in or about a City park or lake, unless such pet is kept under restraint at all times.

Sec. 15-9. Washing vehicles.

It shall be unlawful for any person to wash a vehicle in any City park or lake area not designated for the purpose.

Sec. 15-10. Kites; model airplanes.

It shall be unlawful for any person to fly a kite or propel or guide a model airplane in areas traversed by high voltage transmission lines in any City park or lake.

Sec. 15-11. Carrying, discharging firearms; exception.

(a) Unless as otherwise provided by subsection (b), below, it shall be unlawful for any person to carry on or about his person or to discharge firearms, as defined in subsection 14-2 of this Code, within or about a City park or lake.

(b) The City Manager may designate employees of the City who are authorized to discharge firearms at a City park or lake to abate nuisance animals when necessary to protect the health and safety of users of the park or lake or when necessary to protect or preserve the City's property.

Sec. 15-12. Traffic regulations.

(a) It shall be unlawful for any person to drive or propel any vehicle in, over, or through any park or recreation area except along and upon park drives, streets, or boulevards or other areas designated for driving purposes.

(b) It shall be unlawful for any person to stop, stand, or park any motor vehicle, or to permit any such motor vehicle to stop, stand, or park, within the confines of any park or recreation area, except such as may be necessary or incidental to park visits, or such as may be due to the accidental or temporary mechanical failure of such vehicle, or such as may be occasioned by the order of any police officer.

(c) If any motor vehicle is found within the confines of any park or recreation area in violation of any prior provisions of this section, and the identity of the operator of such vehicle cannot be determined, then the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

(d) It shall be unlawful for any person to operate a motor vehicle at a City park or lake at a speed greater than what is reasonable and prudent given the conditions or at a speed greater than a speed limit duly posted.

Sec. 15-13. Possession or use of glass containers of any kind.

It shall be unlawful for any person to possess or use any glass containers of any kind at a City park or lake.

Sec. 15-14. Reserved.

Sec. 15-15. Reserved.

Sec. 15-16. Intoxicating substances prohibited; intoxication prohibited.

It shall be unlawful for any person to possess or be under the influence of alcoholic beverages or other intoxicating substances in or on a City park or lake. Signs may be conspicuously posted at each entrance to said properties, prohibiting the possession of alcoholic beverages or other intoxicating substances, as follows:

“POSSESSION OF ALCOHOL OR OTHER INTOXICATING SUBSTANCES AND/OR CONSUMPTION OR USE OF ALCOHOLIC BEVERAGES OR INTOXICATING SUBSTANCES WITHIN THESE PREMISES IS PROHIBITED UNDER SECTION 15-16 OF THE CODE OF THE CITY OF BRECKENRIDGE, TEXAS. PERSONS IN VIOLATION MAY BE FINED UP TO \$500.00.”

Secs. 15-17—15-19. Reserved.

Article II. Lake Daniel

Sec. 15-20. Definitions.

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

Grounds: All of the land adjacent to Lake Daniel, whether island or shore line, and belonging to the City.

Lake: The surface waters and basin of Lake Daniel located in this county.

Set pole: A pole, stick, rod, or shaft or any similar shaft with a line attached and having no more than two (2) hooks attached to the line.

Sec. 15-21. Camping and fire area restricted.

It shall be unlawful for any person to camp on the grounds of Lake Daniel or to have a fire of any kind on any grounds surrounding said lake except in designated areas.

Sec. 15-22. Erecting cabins; maximum time for tent, etc.

It shall be unlawful for any person to erect or maintain any dwelling house or cabin on Lake Daniel grounds, or to keep camp of any nature, such as a tent, trailer, or uncovered camp thereon continuously for over fourteen (14) days.

Sec. 15-23. Illegal fish-taking equipment.

It shall be unlawful for any person to use or have in his possession in or on Lake Daniel or the lake grounds any seine, net, trap, poison, explosive, or electrical device for the purpose of taking fish from said lake.

Sec. 15-24. Use of set poles limited.

It shall be unlawful for any person or entity to set out or to use for fishing purposes more than six (6) set poles, or to set or use said poles other than from above the water level, or to set or use said poles stuck in or placed in the waters of Lake Daniel, or to set or use any set poles stuck in the ground under the water's edge of Lake Daniel.

Sec. 15-25. Sale of fish.

It shall be unlawful for any person to take, catch, retain, or have in his possession any fish of whatsoever kind from Lake Daniel for the purpose of sale, barter, or exchange.

Sec. 15-26. Activity near water supply tower.

It shall be unlawful for any person to fish, or hunt, or drive, operate or propel a boat, in or on the waters of Lake Daniel within two hundred (200) feet of the concrete water supply outlet tower located at the western end of the dam of said lake or in any area where there are clearly posted signs indicating an area is restricted.

Sec. 15-27. Docks, ramps, etc.

It shall be unlawful to place upon the waters or on the shore of Lake Daniel any structure used or to be used for landing, docking, or storing of boats other than those facilities such as boat trailers which are not of a permanent nature and can be and are removed when the fisherman or boater leaves the lake.

Sec. 15-28. Maintenance of personal property.

It shall be unlawful for any Lake Daniel user to allow his, her, or its property, such as a boat, to become a nuisance by being abandoned or by being in a rundown, unsightly, or rotting condition. Said owner shall remove such property from the waters or grounds of said lake when requested to do so by the City Police Department.

Sec. 15-29. Reserved.

Article III. Breckenridge Park

Sec. 15-30. Description and designation.

The following described land situated in the corporate limits of the City and belonging to the City is hereby made a public park to be known as Breckenridge Park:

East Breckenridge Addition

Block A, Lots 1 – 10, 21, 22;

Block B, Lots 1 – 4, 7;

Block 93, all;

Block 94, all;

Block 95, Lots 1 – 6, 8, S 100 feet of Lot 7;

Block 102, all;

Block 111, all;

And that portion of Albany Avenue lying between blocks A and B, East Breckenridge Addition, and blocks 93 and 94, East Breckenridge Addition, and Blocks A and 93, East Breckenridge Addition; and that portion of Butte Avenue lying between blocks 94 and 95, East Breckenridge Addition.

Secs. 15-31—15-34. Reserved.

Article IV. Baseball Fields

Sec. 15-35. Public park designated; description.

The following described land situated adjacent to the corporate limits of the City and belonging to the City is hereby made a public park:

Beginning at a point 1,320 feet west of the southwest corner of the northeast quarter of Section 4, Lunatic Asylum Lands, said point being also the northwest corner of the Breckenridge Independent School tract.

Thence north 850 feet to the northwest corner of this tract.

Thence east 550 feet to the northeast corner of this tract.

Thence south 799.3 feet to point in north line of said Breckenridge School District tract.

Thence west 400 feet.

Thence south 50.7 feet.

Thence west 150 feet to the place of beginning and containing 10.27 acres of land.

III. Severability. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the

remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect notwithstanding the validity of any part.

IV. *Effective Date.* This Ordinance shall take effect upon its adoption by the City Commission and publication as may be required by the City Charter or the Local Government Code.

The above and foregoing ordinance was duly proposed, read in full, and adopted on the 2nd day of February 2021 at a regular meeting of the City Commission.

Bob Sims,
Mayor

ATTEST:

Heather Robertson-Caraway, CCCII, TRMC
Interim City Manager / City Secretary

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