

ORDINANCE NO. 2026-07

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 15 “PARKS AND RECREATION”, ARTICLE I “IN GENERAL” OF THE BRECKENRIDGE CODE OF ORDINANCES BY AMENDING SECTION 15-7 “ENTERING CLOSED AREAS; HOURS OF OPERATION” TO REVISE HOURS OF OPERATION FOR CITY PARKS; ADDING SECTION 15-17 “LOITERING” TO PROHIBIT LOITERING IN CITY PARKS; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has exclusive control over City parks, inside and outside of the City limits, and has the power to adopt ordinances “necessary to protect health, life, and property” within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

WHEREAS, the City Commission of the City of Breckenridge (the “City Commission”) has adopted regulations regarding parks as Chapter 15 of the Breckenridge Code of Ordinances;

WHEREAS, the City Commission finds that citizens generally seek to use City parks for recreational purposes or community gatherings, and these citizens should feel safe to do so;

WHEREAS, the City Commission finds that City parks should not be used by individuals seeking to harm other persons or destroy City property;

WHEREAS, the City Commission finds that Chapter 15 of the Code should be amended to prohibit loitering at City parks, if that loitering causes concern for the safety of persons or property; and

WHEREAS, the City Commission has determined that Section 15-7 of the Code should be amend to change the hours when City parks may be used by the public.

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

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Findings. After due deliberations, the City Commission has concluded that the adoption of this Ordinance is in the best interest of the City of Breckenridge, Texas, and of the public health, safety, morals, and welfare of its citizens.

III. Amendment of Section 15-7. Chapter 15 “Parks and Recreation”, Article I “In General”, Section 5-7 “Entering Closed Areas; Hours of Operation” of the Breckenridge Code of Ordinances

is hereby amended in the following, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

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 approved by the city manager, the hours during which city parks, including Lake Daniel, are open to the public are:

(1) Summer hours (second Sunday in March through the first Saturday in November): 5:00 a.m. to 11:00 p.m.

(2) Winter hours (first Sunday in November through the Second Saturday in March): 5:00 a.m. to 8:00 p.m.

IV. Addition of Section 15-17. Chapter 15 “Parks and Recreation”, Article I “In General”, Section 15-17 “Loitering” of the Breckenridge Code of Ordinances is hereby adopted to read as follows, and all articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

Sec. 15-17. – Loitering.

(a) Definition. Loitering shall mean walking about aimlessly without apparent purpose, lingering, hanging around, the idle spending of time, or sauntering and moving slowly about, where such conduct is not due to physical defect or condition.

(b) Prohibited. It shall be an offense for any person to loiter at any City park when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and wellbeing of persons or for the security of the property in the surrounding area.

V. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

VI. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Commission hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

VII. Open Meetings. It is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place and subject matter of the public business to be considered at such meeting, including this Ordinance was given, all as required by Chapter 551, as amended, Texas Government Code.

VIII. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Commission.

PASSED, APPROVED, AND ADOPTED on this the 7th day of April 2026.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary

S E A L