

## Chapter 15 - PARKS AND RECREATION<sup>[1]</sup>

### Footnotes:

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**Cross reference**— Administration, Ch. 2; animals and fowl, Ch. 4; enclosures for swimming pools, § 6-187; fire prevention and protection, Ch. 8; food and food establishments, Ch. 9; licenses and business regulations, Ch. 11; motor vehicles and traffic, Ch. 12; landscape development commission, § 16-81 et seq.; park and recreation fee, § 16-261 et seq.; solid waste, Ch. 18.

**State Law reference**— Parks and recreation, Vernon's Ann. Civ. St., art. 1015a et seq.; power of city to take private property for parks and playgrounds, Vernon's Ann. Civ. St., art. 1175(15); public improvements, bonds, Vernon's Ann. Civ. St., art. 1269j-4.1; city parks, Vernon's Ann. Civ. St., art. 6080 et seq.; lease of land from state parks and wildlife department, V.T.C.A. Parks and Wildlife Code, § 13.006; recreational boating fees, V.T.C.A. Parks and Wildlife Code, § 31.092.

### ARTICLE I. - IN GENERAL

#### Sec. 15-1. - Definitions.

*Archery facility* means a park facility specifically designed or designated to be used for the discharge of bows and arrows. An archery facility may be temporary or permanent.

*Authorized vehicles* means any vehicle approved by the director or his or her designee.

*Boat propelled by a paddle* means a watercraft constructed for the primary purpose of being used as a means of transportation on the water and which is propelled by a person engaged in paddling including, but not limited to, kayaks, canoes and stand-up paddle boards without sails or motors, which are more than seven (7) feet in length and are constructed of durable materials.

*Burn ban* means a ban on the making or kindling of fires at any park facility based upon the director's determination, in his or her sole discretion, that extreme dry weather, high winds or other conditions endanger public health and safety.

*Department* means the City of Plano Parks and Recreation Department.

*Director* means the director of the parks and recreation department for the City of Plano or his or her designee.

*Motor vehicle* means any self-propelled vehicle subject to the registration requirements of the V.T.C.A., Transportation Code ch. 502.

*Motorized device* means any device with a battery, electric or gas motor that does not fall under the definition of "motor vehicle" under this Code, including motorized scooters and electric bicycles. This definition, however, does not include any device designed to assist a person who has a physical disability with mobility.

*Park or park facility* means any and all land, areas, buildings, and facilities that are owned, leased, or otherwise controlled by the department, including, but not limited to, parks, athletic fields, tennis courts, golf courses, swimming pools, recreation centers, playgrounds, pavilions, medians, park parking lots and recreational trails.

*Permit* means written permission from the director or his or her designee issued pursuant to the provisions of this chapter and authorizing a person or organization to carry out the activity specified in the permit at a park or park facility. Permits may include, but are not limited to, site use permits, facility use agreements and concession agreements. Other city permits, which may be required in addition to the parks and recreation director-issued permit, may be required to carry out certain activities.

*Prohibited inflatable floating device* means an inflatable floating device which is not constructed or sold for the primary purpose of being used as a means of transportation on the water including, but not limited to, inflatable pool toys.

*Prohibited inflatable watercraft* means any inflatable watercraft which is less than seven (7) feet in length, is not constructed of durable, reinforced fabric, and does not have at least two separate buoyancy chambers exclusive of any inflatable floor and bottom.

*Prohibited watercraft* means a watercraft which is not permitted to be utilized in a park facility under the terms of this Code, including, but not limited to, watercraft with attached sails or motors, row boats, pontoon boats, fishing floats and inner tubes.

*Reserved facility or area* means a park location which may be reserved for the exclusive use of the reserving party and includes, but is not limited to, indoor and outdoor facilities, pavilions, meeting rooms, gathering areas, camps, classes, athletic fields, and their adjacent or support areas and facilities.

*Scheduled activity* means an activity at a park location which has been scheduled through the department for the particular and exclusive use of a person or persons.

*Special event* means an event conducted in accordance with chapter 11, article VIII of this Code.

(Ord. No. 2000-8-32, § I, 8-28-00; Ord. No. 2002-9-35, § I, 9-23-02; Ord. No. 2003-9-48, §§ I, II, 9-22-03; Ord. No. 2006-1-22, § I, 1-23-06; Ord. No. 2013-8-6, § I, 8-12-13; Ord. No. 2017-1-6, § II, 1-9-17)

#### Sec. 15-2. - Director responsibilities.

All parks and recreation activities shall be administered under the direction of the parks and recreation director. The director is responsible for carrying out approved policies under the direction of the city manager. The parks and recreation director shall provide staff support to the parks and recreation planning board.

(Ord. No. 2000-8-32, § I, 8-28-00)

#### Sec. 15-3. - Prohibited activities.

(a) It shall be an offense for any person to knowingly do any of the acts specified in this section in or upon any park facility, except as otherwise specifically provided:

(1) *Weapons.*

- a. *Offense.* Possess in or upon a park or park facility or premises a handgun, air gun, paintball gun, slingshot or any other device that could project any object that is hazardous or dangerous to the public, unless authorized by state law.
- b. *Applicability.* Nothing in subsection 15-3(a) shall be construed to prohibit or restrict the lawful carrying or possession of a firearm pursuant to state law.

(2) *Unauthorized entry of reserved facilities/scheduled activities.*

- a. Enter a reserved facility or area during the period that the facility or area is reserved; or
- b. Remain in or return to a location where scheduled activities are occurring after being given notice to leave.

(3) *Restroom use.*

- a. Enter, remain in, or loiter near or about a public restroom, locker room or washroom located at or in a park facility to

1. Engage in criminal activity; or
  2. Use the toilet facilities, locker room facilities, or washroom facilities for something other than their intended health purposes; or
  - b. Enter a restroom, locker room or washroom designated for the opposite sex. It is an affirmative defense to prosecution under this subpart that a person, regardless of age, entered an otherwise unoccupied restroom, locker room or wash room of the opposite sex
    1. For the purpose of assisting a disabled person of the opposite sex; or
    2. To render reasonably necessary assistance or supervision to a child under the age of eighteen (18) years.
- (4) *Tobacco use.* Use or consume any tobacco products (as defined in section 14-66 of this Code), including the use of an electronic vaping device,
- a. While seated in or within twenty (20) feet of a bleacher provided for spectators at outdoor athletic events or activities; or
  - b. In baseball/softball field plaza areas; or
  - c. In a park restroom, locker room, or washroom; or
  - d. Inside the border of a playground or other play feature; or
  - e. In an outdoor area of a park facility where it is posted as prohibited or is otherwise prohibited.
- (5) *Controlled access.* Enter without authorization any controlled access portion of a park facility or where prohibited by posting or signage.
- (6) *Environmental disturbance.* Destroy, damage, deface or remove shrubbery, trees, soil, grass, turf or other vegetation, rock, minerals or any other personal or real property, or dump any type of trash or debris.
- (7) *Fires.*
- a. Make or kindle a fire in an area which is not a public stove, grill, fire pit, or other designated area provided for that purpose; or
  - b. Leave a fire unattended; or
  - c. Make or kindle a fire during those periods that the director determines that a burn ban is appropriate and notice to the public of any such burn ban had previously been published on the city's web page.
- (8) *Golfing.* Hit golf balls of any type in a park facility not designated as a golf course.
- (9) *Signs.* Erect any permanent sign on or in any park facility or area.
- (10) *Watercraft, inflatable floating devices and watersports.*
- a. Operate any prohibited watercraft, prohibited inflatable watercraft or prohibited inflatable floating device; or
  - b. Engage in any watersports in any park architectural feature, pond, creek, lake or stream which is not specifically designated for this purpose pursuant to section 15-4 herein.
- (11) *Hunting.*
- a. *Offense.* Hunt, trap, kill, remove or release any animal.
  - b. *Applicability.* Nothing in subsection 15-3(11) shall be construed to prohibit or restrict lawful fishing, as may be allowed pursuant to subsection 15-4(4).
- (12) *Feeding animals.* Feed or leave food for a non-domestic animal.

- (13) *Use of bicycles.* Operate a bicycle where posted signage states bicycle use is prohibited.
- (14) *Block or obstruct a trail.* Maintain, permit, or cause to be placed or maintained any person or object on a recreational or soft surface trail or walkway in such a way as to block or obstruct the free passage on and use of that recreational or soft surface trail or walkway.
- (15) *Skateboarding in designated areas.* Operate a skateboard or other similar device (not including roller skates or in-line skates) at any time within the areas listed below:
  - a. Arbor Hills Nature Preserve.
- (16) *Improper use.* Use a city-owned or operated facility, structure, equipment, furniture, architectural feature, or natural feature for any purpose or in any manner other than that for which a reasonable person would believe it was designed or intended to be used.
- (17) *Fishing devices and cleaning.*
  - a. Use trotlines, throw lines, fish traps or nets, while fishing; or
  - b. Clean fish.
- (18) *Temporary closures.*
  - a. Enter or use a park or park facility when notice has been posted at the park or park facility that it is closed; or
  - b. Remain in or return to a park or park facility after being given notice that the park or park facility is closed.
- (19) *Alcohol.*
  - a. *Offense.* Sell, possess, or consume alcoholic beverages in a park or park facility.
  - b. *Applicability.* This prohibition shall not apply to the following parks or park facilities:
    - 1. City operated municipal golf courses;
    - 2. The Oak Point Park and Nature Preserve Alcohol Permit Area at Oak Point Park and Nature Preserve, if the sale, possession, and/or consumption of alcoholic beverages occurs pursuant to:
      - A. A special event permit issued pursuant to the terms of this Code; or
      - B. A city concessions contract; or
      - C. A facility use agreement;
    - 3. The Saigling House park facility located in Haggard Park, if the sale, possession and/or consumption of alcoholic beverages occurs pursuant to a city concessions contract or a facility use agreement for that park facility;
    - 4. The Heritage Yards softball complex, if the sale, possession and/or consumption of alcoholic beverages occurs pursuant to a city concessions contract or a facility use agreement; and
    - 5. Haggard Park, if the sale, possession, and/or consumption of alcoholic beverages occurs pursuant to a special event permit issued pursuant to the terms of this Code.
- (b) None of the above provisions apply to city employees, agents or contractors in the performance of maintenance, construction or repair duties for any park or park facility except subsections 15-3(A)(4), (8), (15) and (19).

(Ord. No. 2000-8-32, § I, 8-28-00; Ord. No. 2006-1-22, § II, 1-23-06; Ord. No. 2007-9-13, § II, 9-14-07; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2011-2-7, § I, 2-28-11; Ord. No. 2013-8-6, § I, 8-12-13; Ord. No. 2017-1-6, § III, 1-9-17)

Sec. 15-4. - Activities allowed with a permit or as posted by the director or his or her designee.

- (a) It shall be an offense for any person to do any of the acts specified in this section in or upon any park or park facility except with a permit or as posted by the director or his or her designee.
- (1) *Park hours.* Enter or remain in any park or park facility between the hours of 11:00 p.m. and 5:00 a.m. without a permit or unless different hours for the park facility have been posted on-site or on the department web site, except that parking in the Haggard Park parking lot bounded by 15th Street, H Avenue, 16th Street and the DART light-rail line is allowed as may be otherwise prescribed by ordinance, except between the hours of 2:00 a.m. and 5:00 a.m.
  - (2) *Sale of goods and services.* Sell or offer for sale any food, drinks, confections, merchandise, or services, unless provided through a city concessions contract or facility use agreement.
  - (3) *Commercial or business activities.* Conduct commercial or business activities without a permit for which:
    - a. Any participation or admission fee is charged or revenue is otherwise derived; or
    - b. Commercial promotional materials or advertising is distributed.
  - (4) *Fishing.* Fish where it is prohibited by posting.
  - (5) *Camping.* Camp overnight in any park facility without a permit.
  - (6) *Boats propelled by a paddle.* Utilize a boat propelled by a paddle in an area where it is not permitted by posting.
  - (7) *Swimming.* Swim, wade, or bathe in any park architectural feature, pond, creek, lake or stream, where it is not permitted by posting. It is an affirmative defense to prosecution that the swimming or wading was for the express purpose of launching or removing a boat propelled by a paddle as authorized by this Code or returning to such a boat as a result of an unintended or emergency reason.
  - (8) *Aircraft.* Launch or land any aircraft, including, but not limited to, hot air balloons, airplanes, paraplanes, ultralights, helicopters, and gliders, on the grounds of a park or park facility without a permit.
  - (9) *Models.* Launch or operate model rockets, model airplanes, model gliders, model boats or model vehicles, without a permit.
  - (10) *Sound amplification.* Use any type of sound amplification devices including, but not limited to, loudspeakers, amplifiers or microphones, without a permit.
  - (11) *Temporary markings.* Apply or cause to be created any markings, sidewalk chalk or temporary graffiti to any walkway, road, parking lot, trail, wall, field, or any other park facility, without a permit.
  - (12) *Park improvements.* Install permanent improvements on park property, including installing any plant material, without a permit.
  - (13) *Site and facility capacity.* Exceed the capacity of a park, site, or facility, without a permit.
  - (14) *Fireworks.* Discharge fireworks or explosives of any type without a permit and authorization as a special event.
  - (15) *Archery.* Carry or discharge bows and arrows outside of a designated archery facility without a permit.
- (b) *Establishment of other rules and regulations.* The department may adopt additional rules, regulations and policies governing the management and operation of park facilities, including the issuance of permits. A current copy of those rules and regulations shall be maintained on file in the administrative offices of the department. A violation of those rules is not subject to the enforcement provisions of subsection 1-4(b) of this Code.

(c) *Enforcement.* Any violation of the provisions or terms of this ordinance, except as described in subsection (b) immediately above, shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection 1-4(b) of this Code, in addition, the following non-exclusive remedies are available to the department:

- (1) The director or his or her designee shall have the authority to exclude from park facilities any person acting in violation of this article or the rules, regulations and policies adopted by the department. Any failure of such person or persons to then abandon the park facilities may be reported to the Plano Police Department; or
- (2) Where the violator has obtained a permit:
  - a. Violations of permit provisions may result in the director or his or her designee immediately cancelling or discontinuing the permitted activity; or
  - b. Violations of permit provisions may result in future permit requests being denied; or
  - c. Other restrictions or provisions may be added to the permit or future permits.

(Ord. No. 2000-8-32, § I, 8-28-00; Ord. No. 2002-9-35, §§ II, III, 9-23-02; Ord. No. 2003-5-4, § I, 5-6-03; Ord. No. 2003-9-48, § III, 9-22-03; Ord. No. 2006-1-22, § III, 1-23-06; Ord. No. 2007-9-13, § II, 9-14-07; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2012-11-19, § VI, 11-26-12; Ord. No. 2013-8-6, § I, 8-12-13; Ord. No. 2017-1-6, § IV, 1-9-17; Ord. No. 2017-10-4, § II, 10-23-17; Ord. No. 2018-6-4, § II, 6-12-18)

Sec. 15-5. - Permit application procedure.

- (a) A person wishing to conduct an activity in a park facility which requires a permit under sections 15-3 and 15-4 of this Code shall file an application with the director. The application shall at a minimum provide the following information:
  - (1) The name, address, and telephone number of the applicant. If the use or activity is to be conducted for, on behalf of, or by any person or organization other than the applicant, then the name, address and telephone number of that person or organization must be provided;
  - (2) The date(s) and hours for which the permit is requested;
  - (3) Type of proposed use or activity;
  - (4) The park facility and the portion of the park facility desired to be used to conduct the proposed use or activity;
  - (5) An estimate of the anticipated attendance;
  - (6) Any requested site support for the permitted activity, including the need for additional sanitary and refuse facilities; and
  - (7) Any additional information required by the director for organizational, health, safety and welfare purposes of the city related to the size and nature of the event.
- (b) Permit applications shall be filed with the director for consideration not less than thirty (30) business days nor more than three hundred sixty-five (365) days before the date of the proposed use or activity, except as otherwise provided in the rules and regulations of the City of Plano Parks and Recreation Department or if waived in writing by the director. The director shall evaluate the application and render a decision in accordance with section 15-6 within five (5) business days of receipt of such request.

(Ord. No. 2000-8-32, § I, 8-28-00; Ord. No. 2013-8-6, § I, 8-12-13)

Sec. 15-6. - Reasons for permit denial.

- (a) Upon receiving such written application, the director must grant a written permit to use the designated park facility unless:
- (1) The proposed activity or use of the park facility will unreasonably interfere with or detract from the general public use and enjoyment of the park facility; or
  - (2) The proposed activity or use of the park facility will unreasonably interfere with or detract from the public health, safety or welfare; or
  - (3) The park facility requested by the applicant has been reserved for another activity or for use at the day and hour requested in the application; or
  - (4) False or misleading information is contained in the application or required information is omitted; or
  - (5) The proposed activity or use would violate any federal, state, or municipal law, or
  - (6) The nature of the proposed activity or use, equipment needed for the event, and/or level of attendance would likely cause unreasonable or undue environmental damage to the park facility.
- (b) The director may impose reasonable conditions or restrictions on the granting of a permit including but not limited to any of the following:
- (1) A requirement that the applicant post a security deposit as determined reasonable by the director for the repair of any damage to the park facility or the cost of clean up or both. The amount of the security deposit shall be based upon the nature, attendance, and duration of the permitted activity;
  - (2) A requirement that the applicant pay a fee as set by the director to defray the cost of furnishing adequate city personnel at the proposed use of activity;
  - (3) A requirement that the applicant furnish additional sanitary and refuse facilities that may be reasonably necessary, based upon the use or activity for which the permit is being sought;
  - (4) A requirement that the applicant pay a fee as set by the director to cover the administrative costs of the permit application and site support by the city at the proposed use or activity.

(Ord. No. 2000-8-32, § I, 8-28-00)

Sec. 15-7. - Functions where security precautions necessary.

If the director determines that the conduct of the permitted activity may reasonably cause injury to persons or property, or be detrimental to the health, safety and welfare of the public, the director may require that additional security precautions be taken to permit the use of the designated area. In such event, the director may impose a fee defray the cost of furnishing adequate security forces by the city at the proposed function.

(Ord. No. 2000-8-32, § I, 8-28-00)

Sec. 15-8. - Appeal of permit denial or conditional approval.

Decisions of the director regarding the issuance of a permit or the imposition of additional restrictions or conditions upon the granting of a permit may be appealed to the city manager, or in his absence, an executive director. Such appeal shall be in writing and shall be filed within five (5) business days after the issuance of a decision by the director. When making a determination regarding the appeal, the city manager, or in his absence, an executive director, shall consider the application under the standards provided in this article and sustain or overrule the director's decision. The decision of the city manager or executive director shall be issued within five (5) business days and shall be final.

(Ord. No. 2000-8-32, § I, 8-28-00)

Sec. 15-9. - Adoption of park master plan; purpose.

- (a) The park master plan, having been reviewed by the city council and found to be acceptable and in the best interests of the City of Plano and its citizens is hereby approved and adopted.
- (b) The park master plan shall be utilized for the purpose of guiding future acquisition and development of parks within the city.

(Ord. No. 2000-8-32, § I, 8-28-00)

Sec. 15-10. - Animals.

- (a) It shall be an offense for any person to knowingly do any of the acts specified in this section with an animal in the person's possession, custody or control in or upon any park or park facility, except as otherwise specifically provided:
  - (1) Ride, drive, lead, or let loose any animal, reptile or bird of any kind, except as posted.
  - (2) Abandon any animal.
  - (3) Fail to immediately remove and dispose of any excreta an animal produces.
  - (4) Permit an animal which is not a service animal used to assist the person with a disability to enter or remain inside park facility buildings, swimming facilities, playground areas, sand volleyball courts or other marked boundaries of fields or structures which are demarked separately from the remainder of the park.
  - (5) Restraints.
    - a. Permit an animal to run at large; or
    - b. Fail to keep an animal restrained by a leash not more than six (6) feet long, which leash shall at all times serve as a connection between the animal and the person that accompanies the animal; or
    - c. Permit an animal to remain unattended; or
    - d. Tether an animal to any object.
- (b) The prohibition in subsection 15-10(A)(5) shall not apply if:
  - (1) The animal is a police service animal under the supervision of a peace officer in the performance of his official duties; or
  - (2) The animal is a dog lawfully allowed off-leash at a park facility designated as a "dog park"; or
  - (3) The animal is training in designated areas for search and rescue purposes that benefit the public good and is in accordance with chapter 4 article XII of this Code"; or
  - (4) The animal is engaging in activity for which a special event permit has been issued pursuant to the terms of this Code.
- (c) The prohibitions in subsections 15-10(a)(1) and 15-10(a)(4) shall not apply if:
  - (1) The animal is engaging in activity for which a special event permit has been issued pursuant to the terms of this Code.

(Ord. No. 2017-1-6, § V, 1-9-17)

Sec. 15-11. - Motor vehicles.

*Motor vehicle and motorized device use.* All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in all park facilities.

- (1) *Motor vehicles.* A person commits an offense by operating, driving, or riding any motor vehicle within a park facility on a surface other than a road, street, or parking lot. This provision is not applicable to city motor vehicles, emergency vehicles, or motor vehicles that have received a permit authorizing its operation.
- (2) *Motorized devices.* A person commits an offense by operating, driving, or riding any motorized device in a park facility on a surface other than improved roads, streets, park trails or parking lots. This provision is not applicable to city motorized devices, to motorized devices that have received a permit authorizing their operation, to golf carts operated on a city owned or operated golf course, or to motorized devices used to assist a person who has a physical disability with mobility.
- (3) *Speed limit.* A person commits an offense by operating a motor vehicle, motorized device, or bicycle within a park facility at a speed greater than fifteen (15) miles per hour, unless otherwise posted.
- (4) *Parking.* A person commits an offense by parking a motor vehicle, other than a city-owned vehicle, within a park facility at any place not designated as a parking area or otherwise authorized by permit. For a motor vehicle in violation of this subsection a citation may be issued and the motor vehicle may be towed and stored at the owner or operator's expense in accordance with state law.
- (5) *Overnight parking.* A person commits an offense by parking a motor vehicle within a park facility overnight without a permit. For a motor vehicle in violation of this subsection a citation may be issued and the motor vehicle may be towed and stored at the owner or operator's expense in accordance with state law.
- (6) *Freight vehicles.* A person commits an offense by operating or parking a motor vehicle or trailer designated for transporting freight, merchandise, brick, stone, or gravel within a park facility, including parking lots. This provision does not apply to motor vehicles or trailers used in the performance of city construction, repair or maintenance. For freight vehicles in violation of this subsection a citation may be issued and the motor vehicle may be towed and stored at the owner or operator's expense in accordance with state law.
- (7) *Double parking.* A person commits an offense by parking a motor vehicle in a manner whereby it occupies multiple parking spaces without a permit. Motor vehicles in violation of this subsection may be issued a citation or towed and stored at the owner or operator's expense in accordance with state law.

(Ord. No. 2017-1-6, § VI, 1-9-17)

Secs. 15-12—15-20. - Reserved.

ARTICLE II. - PARKS AND RECREATION PLANNING BOARD<sup>2</sup>

Footnotes:

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**Charter reference**— Creation of boards and commissions, § 3.07(f).

**State Law reference**— Park board of trustees, Vernon's Ann. Civ. St., art. 6081g-1, § 1 et seq.; creation of offices, Vernon's Ann. Civ. St., art. 1175(1).

Sec. 15-21. - Generally.

- (a) The parks and recreation planning board shall consist of seven (7) members, including a chairperson, each of whom shall have one (1) vote. The qualifications of said board members shall comply with the provisions of Section 4.07 of the City Charter. Four (4) members are required to establish a quorum, and a simple majority vote of those present is required for official approval of all matters.
- (b) The members of the parks and recreation planning board shall be appointed by the city council. Board members shall serve without compensation.
- (c) The director of parks and recreation shall provide staff support to the board.

(Ord. No. 86-1-10, § II, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92; Ord. No. 96-10-25, § I, 10-28-96; Ord. No. 98-5-21, § I, 5-26-98)

Sec. 15-22. - Officers.

A chairperson shall be appointed by the city council from the membership for a one-year term. The board shall also have a vice chairperson elected by its members for a one-year term.

(Ord. No. 86-1-10, § VI, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92; Ord. No. 2012-6-4, § II, 6-11-12)

Sec. 15-23. - Meetings.

The board shall hold quarterly meetings and may meet more frequently as needed for the conduct of its business, and shall establish rules and regulations for the performance of its duties.

(Ord. No. 86-1-10, § VI, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92; Ord. No. 2008-9-10, § I, 9-8-08)

Sec. 15-24. - Duties and responsibilities.

The parks and recreation planning board shall have the following duties and responsibilities:

- (1) Review and make recommendations regarding the acquisition of park land.
- (2) Periodically review and make recommendations regarding the park master plan.
- (3) Annually review and make recommendations regarding the parks and recreation capital improvement program.
- (4) Review and make recommendations regarding master plans for the development or improvement of parks and recreation facilities.
- (5) Analyze the long range parks and recreation facility needs of the community.
- (6) Make recommendations regarding parks and recreation board referenda to meet community needs for parks and recreation facilities.
- (7) Review and make recommendations regarding the establishment of or revisions to park facility user fees.
- (8) Periodically review the effectiveness of Article III—Athletic activities, and recommend changes to athletic policies to the city council at such times as deemed necessary.

- (9) Provide opportunities for citizen input regarding appropriate parks and recreation issues of major community importance.
- (10) Reserved.
- (11) Conduct special studies necessary to effectively plan for the future development of parks and recreation facilities.
- (12) Review and make recommendations regarding other appropriate long range planning issues of major community importance.

(Ord. No. 86-1-10, § VII, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92; Ord. No. 2003-5-4, § II, 5-6-03; Ord. No. 2007-2-9, § I, 2-12-07; Ord. No. 2013-8-6, § I, 8-12-13)

Sec. 15-25. - Removal of members.

All members of the board are subject to removal in accordance with the city's current policy with regard to required attendance at city board, commission, and committee meetings. In addition, the members of the committee may be removed at any time by the city council with or without cause.

(Ord. No. 86-1-10, § IV, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92)

Sec. 15-26. - Term of office of members.

The term of office for members of the parks and recreation planning board appointed on or after August 2003 shall be two (2) year terms. Terms will expire on October 31 of each year.

(Ord. No. 86-1-10, § III, 1-13-86; Ord. No. 92-4-51, § II, 4-27-92; Ord. No. 2005-4-28, § I, 4-25-05)

Secs. 15-27—15-50. - Reserved.

### ARTICLE III. - ATHLETIC ACTIVITIES

Sec. 15-51. - Penalty.

- (a) Any sponsoring organization, group or person violating any provision of the rules and regulations contained in this article may be penalized in the following manner:
  - (1) Any sponsoring organization, group or person may be notified of the violation in a written notice by the parks and recreation department.
  - (2) Any sponsoring organization, group or person, upon written notification, may be provided an opportunity to resolve the violation determined by the director of parks and recreation or the director's designee.
  - (3) Any sponsoring organization, group or person violating any of the rules and regulations contained in this article may be refused the scheduled usage of athletic facilities if such action is deemed necessary by the director of the parks and recreation department upon the review and disposition of the violation.
  - (4) Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(b) Reserved.

(Ord. No. 84-12-18, § XVII, 12-18-84; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 96-6-29, § I, 6-24-96; Ord. No. 99-1-2, § I, 1-11-99; Ord. No. 2013-8-6, § I, 8-12-13)

Sec. 15-52. - Purpose.

This article is hereby adopted to serve as a guide for the comprehensive and effective usage of indoor and outdoor athletic facilities owned, leased, scheduled, or otherwise controlled by the city.

- (1) *Outdoor athletic facilities* are defined as lighted and unlighted playing fields or swimming pools programmed for the purpose of conducting practices, league play, tournaments, meets, camps and clinics for competitive and recreational sports that include but are not limited to soccer, football, baseball, softball, swimming, lacrosse, cricket and rugby or any such use as deemed appropriate by the parks and recreation department.
- (2) *Indoor athletic facilities* are defined as swimming pools programmed for the purpose of conducting practices, meets and clinics for aquatic activities at the competitive and recreational level or any such, use as deemed appropriate by the parks and recreation department.

(Ord. No. 84-12-18, § II, 12-18-84; Ord. No. 99-1-2, § II, 1-11-99)

Sec. 15-53. - Intent.

It is the intent of this article to provide a basis for establishing the following objectives:

- (1) A method of communicating the available inventory of allocatable athletic facilities to qualified requesters for usage of such facilities;
- (2) Disciplined method of communicating the forecasted and immediate facility needs from users of facilities to the appropriate department within the city administration;
- (3) The implementation of a system of facilities allocation producing results most beneficial to the total city;
- (4) A program for continuously improving the utilization of existing facilities to the betterment of the total city.

(Ord. No. 84-12-18, § III, 12-18-84)

Sec. 15-54. - Policy administration.

The administration of this article shall be the responsibility of the parks and recreation department. The department shall prepare, implement, and enforce such specific rules and regulations for the use of facilities for each sport or type of facility as it deems necessary. The parks and recreation department may report periodically to the parks and recreation planning board on the effectiveness and difficulties of administering this policy.

(Ord. No. 84-12-18, § XIV, 12-18-84; Ord. No. 2008-3-10, § I, 3-25-08)

Sec. 15-55. - Reserved.

**Editor's note**— Ord. No. 2003-5-4, § III, adopted May 6, 2003, repealed § 15-55 in its entirety. Formerly, said section pertained to responsibility of parks and recreation board as enacted by Ord. No. 84-12-18, § XV, adopted Dec. 18, 1984; as amended.

Sec. 15-56. - Sports seasons.

(a) The following specific sports seasons and primary sports are established for the equitable use and allocation of athletic facilities:

Season	Primary Sport	Secondary Sport
Spring	<p><i>Adult softball</i> —Fourth Monday in February through third Sunday in May</p> <p><i>Youth soccer</i> —Second Tuesday in February through last Sunday in April; fields unencumbered by Summer sports season to third Sunday in May</p> <p><i>Adult soccer</i> —Second Tuesday in February through third Sunday in May</p>	<p><i>Competitive youth baseball/softball</i> —Third Monday in March through last Sunday in June</p> <p><i>Adult baseball</i> —Third Monday in March through third Sunday in August</p> <p><i>Youth and adult lacrosse, rugby, cricket, flag football, field hockey</i> —Second Tuesday in February through last Sunday in April; fields unencumbered by Summer sports season to third Sunday in May</p>
Summer	<p><i>Recreational youth baseball/softball</i> —First Monday in May through last Sunday in June</p> <p><i>Adult baseball and adult softball</i> —Third Monday in May through third Sunday in August</p>	<p><i>Youth and adult cricket, flag football</i> —Third Tuesday in May through third Sunday in August</p>
Fall	<p><i>Youth and adult football</i> —Third Tuesday in August through second Sunday in November</p>	<p><i>Youth and adult soccer</i> —Third Tuesday in August through second Sunday in November</p> <p><i>Youth and adult softball</i> —Third Monday in August through second Sunday in November</p> <p><i>Youth and adult baseball</i> —Third Monday in August through second Sunday in November</p> <p><i>Youth and adult lacrosse, rugby, cricket, field hockey</i> —Third Tuesday in August through second Sunday in November</p>

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(b) The primary sport within each season shall be given first priority with regard to field or facility allocation and scheduling. Secondary sports facilities will be allocated on a space available basis.

The director of parks and recreation or the director's designee shall determine the eligibility for classification within primary and secondary sports designations.

- (c) Time made available in public swimming pools for competitive or recreational aquatics programs will be allocated on a bi-annual basis with an annual review. The need for more frequent aquatic allocations may be conducted at the discretion of the director of parks and recreation as changes occur in the availability of time within facilities or as new facilities are added.
- (d) Sports other than primary or secondary will be addressed as the need arises, subject to:
  - (1) Facility availability.
  - (2) Allocated maintenance resources.
  - (3) Determination by the parks and recreation department of capacity of fields or facilities to withstand additional use.
- (e) The youth sports associations may enter into a written agreement with the parks and recreation department that allows use of designated fields or facilities outside of the official sports season under special circumstances deemed appropriate by the director of the parks and recreation department.

(Ord. No. 84-12-18, § IV, 12-18-84; Ord. No. 90-4-24, § I, 4-23-90; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 99-1-2, § III, 1-11-99; Ord. No. 2003-5-4, § IV, 5-6-03; Ord. No. 2008-3-10, § I, 3-25-08; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2011-2-7, § I, 2-28-11)

#### Sec. 15-57. - Allocations.

- (a) Organizations requiring facilities for league games shall submit, in writing, their registration figures at the designated time determined by the parks and recreation department.
- (b) The parks and recreation department shall consider all requests and will allocate facilities in the best interest of the city. Guidelines which will be considered may include, but are not limited to, items listed under subsections (1) through (3) of this section. The director of parks and recreation or the director's designee may also consider any other alternatives in implementing the field or facility allocation for the various users, or make such variations or exceptions as the director deems in the best interest of the city, giving due consideration to the number of participants, facility requirements, nature of the activity, innovation of the program and other relevant factors.

#### *Guidelines*

- (1) Programs conducted the previous year. Groups who must reduce the number of their allocated fields or facility time from the previous season may be allowed to protect up to fifty (50) percent of fields or facility time of their choice. This alternative is available at the discretion of the parks and recreation department when reduced participation of the user group warrants this type of allocation.
  - (2) Priority will be given to those individuals who reside within the city limits of the City of Plano. Participation by other individuals, teams and groups may be permitted by the parks and recreation department if facility availability permits.
  - (3) Teams or sports requesting regular season play or meets with out-of-town teams on facilities owned by, leased or otherwise controlled by the city will be given consideration after fields or facility time has been allocated for all other teams of organizations made up of residents. Participation by such out-of-town teams is subject to approval by the parks and recreation department. If approved, such teams shall pay fees and charges as established by the city council through the city's annual budget process.
- (c) The parks and recreation department may place more than one (1) organization on a given facility for the same sport. Primary sports will be accommodated prior to secondary sports.

- (d) Any existing organization wishing to initiate a new athletic program must meet with the parks and recreation department at least ninety (90) days prior to the proposed season starting date to discuss the availability of facilities. A new program is defined as any activity that is not currently offered by the requesting organization as determined by the parks and recreation department.

The parks and recreation department will attempt to accommodate new programs according to facility availability and considering participant registration.

(Ord. No. 84-12-18, § V, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 99-1-2, § IV, 1-11-99; Ord. No. 2003-5-4, § V, 5-6-03; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2011-2-7, § I, 2-28-11)

#### Sec. 15-58. - Requirements for organizations using facilities.

All groups or organizations desirous of establishing leagues and utilizing recreational facilities owned, leased, or controlled by the city for competitive or recreational league play must comply with the following requirements:

- (1) Be a nonprofit organization serving and operating exclusively for amateur sports competition.
- (2) If requested, file a yearly financial report with the parks and recreation department by January 31 each year, such report to include a breakdown of expenses and income;
- (3) Have a board of directors with a president or chairman, vice-president, or co-chairman, secretary, and treasurer.
- (4) Have on file with the parks and recreation department a copy of the organization's constitution, bylaws which must be in harmony with parks and recreation department policies, a certificate of liability insurance, and maintain a current listing of the organization's board of directors and mutually agreed to points of contact.
- (5) Have a policy that permits individuals to file for exemption from registration fees.
- (6) Have a non-discrimination policy in which programs operated by the organization are open to all residents of Plano regardless of race, age, socio-economic level, color, sex, national origin, religion, handicap status and geographic residency within the borders of the city.
- (7) Have policies that support the safety of its officials, referees and umpires in the performance of their assigned duties.

(Ord. No. 84-12-18, § V, 12-18-84; Ord. No. 90-4-24, § I, 4-23-90; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 96-6-29, § I, 6-24-96; Ord. No. 99-1-2, § V, 1-11-99; Ord. No. 2003-5-4, § VI, 5-6-03)

#### Sec. 15-59. - Tournaments/meets/camps/clinics/tryouts.

- (a) Youth and adult sports tournament, meet, camp, clinic or tryout requests will be considered on a space available basis subject to the following conditions:
- (1) The parks and recreation department may restrict the number, size, dates, and locations of tournaments or meets in order to protect field or facility conditions or to prevent overuse of fields or facilities. Defined criteria shall be utilized and communicated by the parks and recreation department in the process to approve or deny tournament, meet, camp, clinic and tryout requests.
  - (2) Requests for tournament play, meets, camps, clinics or tryouts will be restricted to Plano youth and adult athletic organizations meeting specified requirements of section 15-58, the Plano Convention and Visitor's Bureau, and Plano Parks and Recreation Department. Upon approval,

fees shall be charged to the sponsoring organization for the city's standardized services involving lighting, personnel, materials, equipment and contractual resources utilized in support of the tournament, meet, camp, clinic or tryout. The parks and recreation department shall estimate such expenses prior to approval based on the number of teams or participants, scheduled use of fields and facilities, and number of games played or hours of use.

- (3) Any request for tournament play or meets, camps, clinics or tryouts must be made in writing by the sponsoring organization no less than thirty (30) days prior to the scheduled tournament or meet. Existing tournaments, meets, camps, clinics or tryouts will receive first consideration. Approval of the requested activity does not guarantee field or pool condition or availability of parks and recreation personnel or equipment. Tournaments, meets, camps, clinics or tryouts with housing needs for teams, officials and administration must submit a plan for accommodating visitors to Plano subject to review by the Plano Convention and Visitor's Bureau that will be factored in the process for the event's approval or denial. Plano Convention and Visitor's Bureau may sponsor events with community economic impact once per sports season at each athletic-oriented facility and pre-empt league scheduling only if notice can be provided to the parks and recreation department prior to the allocation meeting for the respective season.
  - (4) Prior to fields or facilities being utilized for tournaments, meets, camps, clinics or tryouts, a usage agreement must be signed and on file with the parks and recreation department. Insurance meeting specifications of the city's risk manager is required for events prior to access to athletic fields or facilities.
- (b) Inclement weather provisions for outdoor events are as follows:
- (1) The parks and recreation department may cancel a tournament, meet, camp, clinic or tryout at any time in the interest of insuring the quality of the fields or pool and safety of the participants.
  - (2) The decision to cancel a tournament, meet, camp, clinic or tryout shall be made by authorized members from the parks and recreation department. Authorized representatives from the event sponsor may be contacted for their input in making the decision.
  - (3) When the decision to cancel a tournament, meet, camp, clinic or tryout due to inclement weather has been made, the parks and recreation department will notify the event director who will then cancel the activity at selected or all sites.
  - (4) Whenever possible, activity will first be delayed or postponed. The decision to resume activity will rest with the parks and recreation department.
  - (5) Failure to comply with this policy may result in the denial of future use of the facilities for tournaments, meets, camps, clinics or tryouts.
- (c) Churches, civic organizations, teams based in Plano, businesses located in Plano and individuals residing in Plano may request the use of athletic fields for the purpose of conducting professionally officiated tournaments subject to the following conditions. These conditions also apply to tournaments sponsored by local adult and youth sports organizations, Plano Convention and Visitors Bureau and the Parks and Recreation Department. A designated reservation fee per field will be assessed which will be applied toward the tournament fees and charges. The reservation fee is refundable only in the event of inclement weather as determined by the parks and recreation department.

#### *Tournament Regulations*

- (1) Tournament use of facilities is subject to availability as determined by the director of parks and recreation or authorized designee.
- (2) Designated tournament fees and charges shall be assessed the sponsor and must be paid within three (3) working days prior to the tournament. A tournament bracket must accompany this fee. After the bracket is submitted, no additional teams may be accepted into the tournament.

- (3) All adult and youth softball tournaments must be sanctioned by the Amateur Softball Association (ASA) and youth tournaments must be sponsored by locally recognized youth sports organizations meeting the requirements of section 15-58, or be sponsored by the City of Plano's Convention and Visitor's Bureau or Parks and Recreation Department.
- (4) If field space allows, more than one (1) tournament may be scheduled on any given date by the parks and recreation department.
- (5) The parks and recreation department may designate the maximum amount to be charged for entry fees.
- (6) Saturday games may not be scheduled to begin prior to 8:00 a.m. The final game or games may not be scheduled to start after 9:00 p.m. Sunday games may not be scheduled to begin prior to 8:00 a.m. Sunday games shall be complete and lighting extinguished by 9:00 p.m.
- (7) No rain dates will be allowed.
- (8) No refunds will be allowed after the reservation has been accepted by the parks and recreation department unless weather or city-related maintenance problems result in cancellation.
- (9) In the event that it rains within twenty-four (24) hours of the scheduled start of the tournament, permission to play must be gained from the athletic superintendent or designated representative. Only approved drying agents may be used on the fields in the event of rain. At no time may any type of dirt be placed on or removed from the fields.
- (10) In the sport of softball, umpires must be members of the Plano Softball Umpires Chapter of Dallas Metro ASA or affiliates. Two (2) umpires must be assigned to each game. In other sports, professional referees or umpires are required meeting certification standards of the sport's sanctioning body.
- (11) The sponsoring organization may not provide any type of concession services.
- (12) No special maintenance will be done to the fields during the tournament (dragging, marking, etc.) unless agreed to by the parks and recreation department. Tournament sponsors may employ approved independent contractors to drag and mark the fields or prepare the fields with hand tools following guidelines established by the parks and recreation department.
- (13) The City of Plano or the Plano Parks and Recreation Department's name shall not appear on any advertisement or promotion of the tournament.
- (14) Any individual or team involved in conducting the tournament shall not participate in the tournament as a manager, coach, player, referee or umpire.
- (15) The Plano Parks and Recreation Department reserves the right to cancel any tournament reservation at any time should any of the above conditions not be followed.

(Ord. No. 84-12-18, § VI, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 92-9-19, § V, 9-14-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 96-6-29, § I, 6-24-96; Ord. No. 99-1-2, § VI, 1-11-99; Ord. No. 2008-3-10, § I, 3-25-08; Ord. No. 2011-2-7, § I, 2-28-11)

**Editor's note**— Ord. No. 2011-2-7, § I, adopted February 28, 2011, changed the title of section 15-59 from "Tournaments/meets" to "Tournaments/meets/camps/clinics/tryouts." The historical notation has been preserved for reference purposes.

Sec. 15-60. - Practice sessions.

- (a) *Youth practices.* Baseball and softball game fields, unless they have been prepared that day or designated for scheduled use only, may be reserved for practice by sponsoring leagues during

identified sports seasons. Game fields for intensive turf sports such as soccer and football, unless they have been designated for scheduled use only, may be reserved for practice on Tuesday, Wednesday and Thursday afternoons or evenings for practice by sponsoring leagues during identified sports seasons. Teams scheduled for practices by sponsoring leagues must be documented with the parks and recreation department for purposes of assessing fees and charges. There shall be no practices upon (1) Plano Independent School District designated game or practice fields, or (2) areas where games and practices have been cancelled due to rain.

- (1) Each organization shall require in its bylaws that any team under its jurisdiction, after receiving one (1) warning for violating any part of section 15-60, shall forfeit one (1) league game. Penalties may also be assessed as authorized by section 15-51.
  - (2) Organizations desiring lighted practice areas shall comply with the following conditions:
    - a. Practices must be scheduled through the parks and recreation department no later than the Tuesday preceding the Monday through Sunday period in which the practices are to occur.
    - b. The applicable light usage fee and field reservation fee must be paid.
    - c. Each organization will schedule their teams during their allotted time frames at each field and not otherwise.
    - d. Organizations may not schedule more than four (4) teams per field per practice session.
  - (3) The scheduled turn-on and turn-off of lights shall be the responsibility of the parks and recreation department.
- (b) *Adult and general public practices.* All reservations for practices by the general public and adult practices are subject to the following conditions:
- (1) Reservation requests must be made through the athletic operations office.
  - (2) The applicable reservation and light usage fee must be paid at the time the reservation is made.
  - (3) An approved facility reservation form must be obtained from the parks and recreation department when the fee is paid.
  - (4) No refunds will be made unless the reservation is cancelled by the parks and recreation department or in case of inclement weather.

(Ord. No. 84-12-18, § VII, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 99-1-2, § VII, 1-11-99; Ord. No. 2001-2-14, § I, 2-12-01; Ord. No. 2008-3-10, § I, 3-25-08; Ord. No. 2011-2-7, § I, 2-28-11)

Sec. 15-61. - User fees.

- (a) The city council has determined that it is necessary and proper to establish and levy user fees to be charged for the use of the city's public parks and recreation facilities.
- (b) All individuals or teams who are participants of any city adult or youth athletic activity will pay prescribed user fees as established by the city council. User fees will be deposited by the parks and recreation department into the city's general fund.
  - (1) It shall be the responsibility of each sponsoring organization to collect all user fees and to submit these fees with corresponding documentation to the parks and recreation department no later than two (2) weeks after the start of season. A delinquent notice shall be mailed to any organization that fails to pay user fees and supply corresponding documentation within two (2) weeks after the start of the season. Delinquent notices shall specify a deadline upon which user groups must submit all user fees and corresponding documentation or pay a late fee of two hundred dollars (\$200.00) per day that city offices are open and available to accept payment

after the delinquent notice's stated due date. Payments of user fees and any delinquent penalty must be submitted with corresponding documentation or scheduled use of athletic fields may be refused as provided in section 15-51.

- (2) Rosters must be available for inspection by the parks and recreation department.
  - (3) Nonresidents may use Plano facilities as a participant in camps, clinics and classes or on a team in locally sponsored leagues if field availability permits. These individuals or teams will be assessed the non-resident user fee.
  - (4) Nonresident adults and teams may participate in Plano leagues and athletic activities if they work within the city or worship in Plano when participating, respectively, on a church-sponsored or business-sponsored team and shall pay resident user fees. All other non-resident adults and teams may play in locally sponsored leagues and participate in Plano athletic activities if field availability permits. These individuals and teams will be assessed the appropriate user fee.
- (c) Field use reservation fees established by city council shall be assessed per game or per practice for the scheduled use of athletic fields by leagues or athletic activities in which individual or team registration is not documented or cannot be verified.

(Ord. No. 84-12-18, § VIII, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 90-4-24, § I, 4-23-90; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 96-6-29, § I, 6-24-96; Ord. No. 2001-2-14, § II, 2-12-01; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2011-2-7, § I, 2-28-11)

**Cross reference**— User fees, § 15-81 et seq.

Sec. 15-62. - Facility maintenance.

Subject to the conditions and provisions set out in this article, maintenance of various athletic facilities owned by the city shall be subject to the following:

- (1) Maintenance of all facilities owned by the city will be performed only by the parks and recreation department unless user groups enter into a written maintenance agreement with the parks and recreation department. No modifications, alterations, additions, or deletions, temporary or otherwise, may be made to any facility scheduled by the city unless written approval is obtained from the parks and recreation department in accordance with the policy for construction/maintenance approval process for user groups.
- (2) Certain athletic sites or fields as determined by the director of parks and recreation department may receive enhanced maintenance in cooperation with specific user groups. These fields shall be used only on a scheduled basis and shall be identifiable by special signage. These fields or sites may be gated or fenced with controlled access to protect the benefits of enhanced maintenance from unauthorized practices and vandalism.

(Ord. No. 84-12-18, § IX, 12-18-84; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 96-6-29, § I, 6-24-96; Ord. No. 99-1-2, § VIII, 1-11-99)

Sec. 15-63. - Casual scheduling.

Casual scheduling is the use of athletic areas by residents, clubs or groups on an organized basis who are not participants in locally sponsored leagues. Any group or resident may request use of an athletic facility through the parks and recreation department when available, provided those who request and are to use the facility reside in the city or work, or worship in the city. Such requests will be considered on a space available basis. The nature of such use shall be purely recreational and not for

profit. The applicable light usage fee and an administrative reservation charge will apply. Unscheduled casual access of athletic ball fields or athletic turf areas by teams or drop-in groups is not allowed.

(Ord. No. 84-12-18, § X, 12-18-84; Ord. No. 2003-5-4, § VII, 5-6-03; Ord. No. 2008-3-10, § I, 3-25-08; Ord. No. 2009-4-22, § I, 4-27-09)

Sec. 15-64. - Concessions.

The parks and recreation department shall control all concession rights for all parks and facilities. No concession may be sold in any park or facility by any group or individual except with the approval of the parks and recreation director or his designee.

(Ord. No. 84-12-18, § IX, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94)

Sec. 15-65. - Insurance.

Organizations or associations conducting organized leagues, tournaments, practices or other activities must provide and keep in force for the duration of the season or event with an insurance company duly licensed in the State of Texas and rated A- or better by A.M. Best, general liability insurance in an amount specified by the city's risk manager. Insurance limits will be reviewed on an annual basis for leagues and on an activity basis otherwise. In addition, the policy shall include the City of Plano as an additional named insured. No games may be played or activity conducted until an acceptable proof of insurance has been received by the parks and recreation department and reviewed for adequacy by the city's risk manager.

(Ord. No. 84-12-18, § XII, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 2008-3-10, § I, 3-25-08; Ord. No. 2011-2-7, § I, 2-28-11)

Sec. 15-66. - Hours and days of use of lights.

Subject to the conditions and provisions set out in this article, the use of lights at various athletic facilities used in activities covered by this article shall be subject to the following:

- (1) All use of lights Mondays through Saturdays, whether for practice, tournaments or league games, shall cease and lights shall be turned off at 11:00 p.m. on any and all fields in use by adults and at 10:30 p.m. on any and all fields in use by youth. Use of lights Sundays shall be limited to league games until 7:30 p.m. and tournaments until 9:00 p.m. unless otherwise restricted to protect the quality of turf conditions. Lighting shall be turned on thirty (30) minutes prior to dusk but not earlier than 5:30 p.m. weekdays and 5:00 p.m. weekends.
- (2) There shall be no use of athletic field lights for practice sessions on Sundays.
- (3) Only with the approval of the parks and recreation director or designee under certain conditions and/or for certain special uses will light usage time be allowed or extended.
- (4) All use of lights is contingent upon leagues and tournaments utilizing daylight to schedule practices and games whenever practical.

(Ord. No. 84-12-18, § XIII, 12-18-84; Ord. No. 88-1-7, § I, 1-11-88; Ord. No. 90-4-24, § I, 4-23-90; Ord. No. 92-2-9, § I, 2-10-92; Ord. No. 94-5-26, § I, 5-23-94; Ord. No. 99-1-2, § IX, 1-11-

99; Ord. No. 2001-2-14, § III, 2-26-01; Ord. No. 2003-5-4, § VIII, 5-6-03; Ord. No. 2008-3-10, § I, 3-25-08)

Secs. 15-67—15-80. - Reserved.

ARTICLE IV. - USER FEES<sup>(3)</sup>

Footnotes:

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**Editor's note**— Ord. No. 92-4-51, § III, adopted April 27, 1992, has been treated as superseding the provisions of former Art. IV, §§ 15-81—15-88. Former Art. IV was concerned with similar provisions and derived from the following legislation:

<b>Ord. No.</b>	<b>Date</b>	<b>Ord. No.</b>	<b>Date</b>
82-9-34	9-27-82	89-4-10	4-10-89
85-3-9	3-19-85	90-3-14	3-12-90
86-1-26	1-27-86	91-1-35	1-28-91
86-12-7	12- 8-86	91-1-36	1-28-91
88-1-30	1-25-88		

Sec. 15-81. - Establishment of fees.

Fees for the use of parks and recreation facilities as specified in this article shall be established by city council resolution.

(Ord. No. 92-4-51, § III, 4-27-92)

Sec. 15-82. - Collection, disposition.

The fees established in this article shall be collected by the parks and recreation department and upon receipt thereof shall be credited to the appropriate funds of the city.

(Ord. No. 92-4-51, § III, 4-22-92)

Sec. 15-83. - Fees for residents and nonresidents.

Different fees may be established for residents and nonresidents. In such cases, resident shall be defined as any person residing within the city limits of the City of Plano. Non-resident shall be defined as any person residing outside of the city limits of the City of Plano. Any person residing in the Plano Independent School District but outside of the city limits of the City of Plano is a non-resident.

(Ord. No. 92-4-51, § III, 4-27-92; Ord. No. 2009-4-22, § I, 4-27-09)

Sec. 15-84. - Compliance with article required to use facilities.

Any individual or organization not in compliance with this article shall be denied use of the city's parks and recreation facilities or shall be denied participation in a class or activity sponsored by the parks and recreation department.

(Ord. No. 92-4-51, § III, 4-27-92; Ord. No. 92-9-19, § V, 9-14-92)

Sec. 15-85. - General facility user fee.

A user fee shall be charged to and paid by program participants. Program participant shall be defined as any person registering for city parks and recreation department sponsored classes, camps, and athletic teams that use facilities owned, leased, or otherwise controlled by the parks and recreation department of the city, as well as any person registering for non-city sponsored athletic teams that use facilities owned, leased, or otherwise controlled by the parks and recreation department of the city.

(Ord. No. 92-4-51, § III, 4-27-92; Ord. No. 2009-4-22, § I, 4-27-09; Ord. No. 2013-8-6, § I, 8-12-13)

Sec. 15-86. - Ballfield light fee.

A ballfield light fee shall be charged for the use of the city's ballfield lights and shall be paid by those individuals making use of said lights. Athletic league play for which user fees are paid shall be excluded from the ballfield light fee. Said fee may also be waived by the director of parks and recreation for parks and recreation department sponsored tournaments or special events.

(Ord. No. 92-4-51, § III, 4-27-92)

Sec. 15-87. - Swimming pool fees.

Swimming pool fees shall be charged for the use of the city's public swimming pools and shall be paid by those individuals making use of said pools. Said fees may be reduced or waived by the director of parks and recreation for parks and recreation department sponsored promotions or special events.

(Ord. No. 92-4-51, § III, 4-27-92)

**Note**— See editor's note to § 15-88.

Sec. 15-88. - Golf course fees.

Golf course greens fees and equipment rental fees shall be charged for the use of the city's municipal golf course and shall be paid by those individuals making use of said golf course and

equipment. Said fees may be reduced or waived by the director of parks and recreation for parks and recreation department sponsored promotions or special events.

(Ord. No. 92-4-51, § III, 4-27-92; Ord. No. 92-9-19, § V, 9-14-92)

**Editor's note**— Ord. No. 92-5-9, § I, adopted May 11, 1992, revised the golf course fees which were formerly set out in § 15-87, but are now maintained on file in the office of the city secretary.

Sec. 15-89. - Recreation center fees.

Recreation center fees shall be charged for the rental of recreation center rooms and swimming pools and for the reservation of racquetball/squash courts.

(Ord. No. 92-4-51, § III, 4-27-92; Ord. No. 2009-4-22, § I, 4-27-09)

Sec. 15-90. - Tennis facility fees.

Tennis facility fees shall be charged for the use of the city's municipal tennis center and shall be paid by those individuals making use of said tennis center. Said fees may be reduced or waived by the director of parks and recreation for parks and recreation department sponsored promotions or special events.

(Ord. No. 92-12-42, § I, 12-28-92)

Sec. 15-91. - Facility fee reductions.

Facility use fees may be reduced for residents of the City of Plano who have limited incomes or who are sixty (60) years of age or older. Procedures for said reductions, including amount of the reduction and eligibility criteria, will be established and administered by the director of parks and recreation.

(Ord. No. 92-12-42, § I, 12-28-92; Ord. No. 2013-8-6, § I, 8-12-13)

Secs. 15-92—15-100. - Reserved.

ARTICLE V. - LANDSCAPING STREETS<sup>41</sup>

Footnotes:

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**Cross reference**— Streets and sidewalks, Ch. 19.

Sec. 15-101. - Exemption.

This article shall not apply to the installation by the city, its officers, agents or employees of landscape materials and/or irrigation facilities within any publicly-owned area or any area dedicated to public use within the city or its extraterritorial jurisdiction.

(Ord. No. 79-6-20, § 6, 6-25-79)

Sec. 15-102. - Compliance with article required.

No person shall install landscape materials or irrigation facilities within any portion of a dedicated street, median or other public rights-of-way except in accordance with the provisions of this article.

(Ord. No. 79-6-20, § 1, 6-25-79)

Sec. 15-103. - Parks and recreation department to administer article.

The parks and recreation department is hereby authorized and directed to administer and supervise the policies enacted by this article.

(Ord. No. 79-6-20, § 3, 6-25-79)

Sec. 15-104. - Irrigation facilities required.

Any person desiring to provide, install and maintain landscape materials within a dedicated median, street or other public right-of-way must also provide and install irrigation facilities for such landscaped areas. Such irrigation facilities shall consist of an adequate number of heads and controllers to properly irrigate all areas landscaped, as determined by the parks and recreation department.

(Ord. No. 79-6-20, § 2, 6-25-79)

Sec. 15-105. - Agreement incorporated; terms and conditions adopted as policies.

- (a) The terms and conditions of the "Median and Right-of-Way Landscape and Irrigation Agreement," having been reviewed and considered by the city council, are hereby approved in all things. Such agreement is hereby incorporated into the body of this article for all purposes.
- (b) The terms and conditions set forth in such agreement are hereby adopted by the city council as policies under which developers shall be permitted to install, provide and maintain landscaping materials and irrigation facilities in dedicated streets, medians or other public rights-of-way.

(Ord. No. 79-6-20, § 4, 6-25-79)

**Editor's note**— The agreement incorporated in the above section is on file in the office of the city secretary.

Sec. 15-106. - Agreement required.

Any person desiring to provide, install and maintain landscaping materials and irrigation facilities within a dedicated street, median or other public right-of-way, must first enter into and execute a "Median and Right-of-Way Landscape and Irrigation Agreement" with the city, substantially according to the terms of the agreement incorporated by section 15-105.

(Ord. No. 79-6-20, § 5, 6-25-79)

Sec. 15-107. - Director of parks and recreation to execute agreement.

The director of parks and recreation is hereby authorized to execute, on behalf of the city, a "Median and Right-of-Way Landscape and Irrigation Agreement" with any developer of a residential or commercial

subdivision within the city or its extraterritorial jurisdiction desiring to execute such agreement. Such agreement shall be substantially according to the terms of the agreement incorporated by section 15-105.

(Ord. No. 79-6-20, § 5, 6-25-79)

Secs. 15-108—15-115. - Reserved.

#### ARTICLE VI. - PLANTING, MAINTAINING TREES, SHRUBS ON PUBLIC PROPERTY<sup>5</sup>

Footnotes:

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**Editor's note**— Ord. No. 89-11-15, §§ I—VI, VIII, adopted Nov. 13, 1989, not specifically amendatory of this Code, has been codified as Art. VI, §§ 15-116—15-122, of this chapter at the discretion of the editor.

**Cross reference**— Administration, Ch. 2; handbills, § 14-26 et seq.; hazardous material spills, § 14-106 et seq.; landscape development commission, § 16-81 et seq.; streets and sidewalks, Ch. 19; visibility obstructions, § 19-3; utilities, Ch. 21.

Sec. 15-116. - Grant of authority; coordination with public works department.

The department of the city parks and recreation department and/or his designees, hereafter referred to as the "director," is granted authority, control and supervision over all trees, plants and shrubs planted or growing in or upon the public highways and public places in the City of Plano. This authority includes, but is not limited to, the planting, removal, care, maintenance and protection thereof. The public works department will coordinate with the director and will provide services as required to assure compliance with this article as it relates to streets, alleys, rights-of-way, drainage, easements and other public properties not under direct jurisdiction of the director.

(Ord. No. 89-11-15, § I, 11-13-89)

Sec. 15-117. - Planting, preserving, removing, etc.—On public property.

- (a) The director shall have the authority to plant, preserve, spray, trim, cable or remove any tree, shrub or plant on any street, alley, public ground or easement belonging to or being under the jurisdiction of the city. If any tree, shrub or plant or any part thereof is in an unsafe condition, is injurious to the common good or to sewer pipes, public utility lines, drainage facilities, pavements, improvements, or is infested and dangerous to other trees, shrubs or plant, authority is hereby given to the director to remove or order removed said tree, shrub or plant or parts thereof or order to be sprayed said tree, shrub or plant.
- (b) It is unlawful to plant or remove, or permit or cause to be planted or removed any tree, shrub or plant on any public street, parkway area, park or other municipal property without the written approval of the director. This prohibition shall not apply to trees, shrubs or other landscaping planted in the parkway area adjacent to residential streets. In any event, no tree, shrub or other landscaping shall interfere with the free passage of vehicles on the street or of pedestrians on the sidewalk or obscure the view of motor vehicle operators of any traffic-control device or street sign, visibility triangle, or otherwise create a traffic hazard and shall at all times comply with city rules, regulations and ordinances. The parkway area is that area lying between the street right-of-way line of any public street and/or alley, and the curb line of the street and/or alley; or if there is no curb line, the paved portion of the street and/or alley. Generally, the parkway area is the area between the edge of the road/curb and the farthest edge of the sidewalk.

- (c) It is unlawful for each person owning property adjacent to the parkway area to fail to prune, trim and maintain the trees, shrubs and landscaping in the parkway area adjacent to their property. The city, without incurring liability, reserves the right to prune, trim or remove any tree, shrub or landscaping located in the parkway area. City costs incurred for pruning, trimming, or removing trees, shrubs and landscaping in the parkway area shall remain the responsibility of the adjacent property owner.
- (d) Firms contracted with any city department to construct new or additional roadways, utilities or facilities may be exempt from these regulations as may be allowed by said department's approval of construction plans and specifications identifying such construction.

(Ord. No. 89-11-15, § II, 11-13-89; Ord. No. 2002-4-14, § I, 4-22-02)

Sec. 15-118. - Same—On private property; notice of noncompliance; abatement; hearing; review board; lien for unpaid charges, etc.

- (a) If any tree or shrub on any private property is infested and, in the opinion of the director, is infectious and liable to spread any disease, or if any tree, plant or shrub is dangerous to the public, the authority, though not the obligation, is hereby given to the director to enter said property and spray said tree, plant or shrub or remove the same or any part thereof. In the event that any tree, plant or shrub is determined by the director to be infectious and liable to spread any disease, or if any tree, plant or shrub is dangerous to the public, the director shall give notice to the owner of the real property possessing the hazards causing the noncompliance with this section. Such notice shall be in writing and may be served upon such person in any one (1) of the following ways:
  - (1) Personal delivery;
  - (2) Addressed to such person at his post office address and deposited postpaid in the United States mail, certified, return receipt requested; or
  - (3) Publication in a newspaper of general circulation within the City of Plano no less than two (2) times within ten (10) consecutive days.
- (b) Such notice shall state the nature of the conditions in noncompliance, that said conditions must be abated within fifteen (15) days, and that a request for a hearing must be made in writing and received by the department before the expiration of the fifteen-day period ("request for hearing"). If such person fails or refuses to comply with the demand for compliance in the notice within fifteen (15) days of the date of delivery of such notice or publication, and if such person fails to request a hearing in accordance with this section, the director may do such work or cause such work to be done to remove said hazard, infestation or infection from public exposure. The request for hearing must include a correct name and address of the person requesting a hearing. If any notice is returned undelivered by the United States Post Office, official action to prune or remove the tree, plant or shrub shall be continued to a date of less than ten (10) days after the date of return. In the event a request for hearing is timely made, a public hearing shall be held before the pruning or removal of any tree, plant or shrub on private property.
- (c) The public hearing shall be held by the tree ordinance review board ("board"), which shall consist of three (3) persons, two (2) members of the Plano Parks and Recreation Planning Board, and a local practicing consulting arborist. The members may be recommended by the director and shall be appointed by the city council. The members of the board shall serve until they are either removed by the city council or resign their positions. The hearing shall be held no sooner than ten (10) days after receipt by the department of a request for hearing or ten (10) days after the return of an undelivered notice, whichever occurs later. All persons requesting a hearing shall be given written notice, by personal delivery or by regular first class mail, of the time and place of the hearing ("notice of hearing"). The notice of hearing shall be mailed or delivered at least five (5) days prior to the hearing. The board shall conduct the hearing. Adherence to the strict rules of evidence shall not be required. Two (2) members of the board shall constitute a quorum for conducting a hearing. A simple majority vote is necessary in order for the board to make a finding or ruling. If, after the hearing, the board finds that a tree, plant or shrub is infectious and liable to spread any disease or is dangerous to the

public, the board shall order the pruning or removal of the tree, plant or shrub. The order shall include a description of the tree, plant or shrub, the correct scientific name, the location, the ailment, and a description of the work to be performed.

(d) The costs, charges and expenses incurred in doing or having such work done or improvements made to real property shall be a charge to and personal liability of such person (called "charges"). If a notice as provided herein is delivered to the owner of such real property and he fails or refuses to comply with the demand for compliance within the applicable time period as herein provided, the aforementioned charges shall be, in addition to a charge to and personal liability of the owner, a privileged lien upon and against such real property, including all fixtures and improvements thereon. In order to perfect such lien, the director shall first give such owner written notice of demand for payment of such charges. Such written notice may be given by any one (1) of the methods provided for the initial notice requiring compliance. If the owner fails or refuses to make complete payment of the charges within twenty (20) days of the delivery of the notice, the director or his designee shall file a written statement of such charges with the county clerk of the county in which the real property is located for filing in the county land records. The statement shall be sufficient if it contains the following:

- (1) The name of the owner;
- (2) A description of the real property;
- (3) The amount of the charges;
- (4) A statement that all prerequisites required by this section for the imposition of the charges and the affixing of the lien have been met;
- (5) A statement signed by the director or his designee under oath that the statements made therein are true and correct.

The statement may also contain such other information deemed appropriate by the director. Any tree, plant or shrub removed by the director due to it being unsafe, injurious to the common good, infectious, or dangerous to the public is not required to be replaced by the director, and the director shall not be required to compensate the owner for said removal. All charges shall bear interest at the rate of ten (10) percent per annum from the date the director incurs the expense. The director may bring suit to collect the charges, institute foreclosure proceedings, or both. The statement, as provided herein, or certified copy thereof shall be prima facie evidence of the director's claim for charges or right to foreclose the lien. The owner or any other person responsible as provided herein shall be jointly and severally liable for the charges.

(Ord. No. 89-11-15, § III, 11-13-89; Ord. No. 2009-4-22, § I, 4-27-09)

Sec. 15-119. - Breaking, injuring, etc., trees, shrubs on public property.

Except to remove, prune, trim or maintain trees, shrubs or landscaping as required by section 15-117 of this article or as authorized by the director in writing, it shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of any tree or shrub growing on any public street, parkway area, park or other municipal property. No person, firm or corporation shall allow any injurious substance such as gas, salt, oil or other harmful substance to come in contact with any public tree, plant or shrub. Franchise utility companies are exempt providing there is an easement or right-of-way legally allowing the best practice pruning or removal of trees to protect the utility from damage caused by overgrown trees or landscaping. Utility companies shall provide advance notice to the city of their intended non-emergency tree pruning schedule and location of impacted area.

(Ord. No. 89-11-15, § IV, 11-13-89; Ord. No. 2002-4-14, § II, 4-22-02; Ord. No. 2009-4-22, § I, 4-27-09)

Sec. 15-120. - Attaching objects to public trees.

It shall be unlawful for any person, firm or corporation to attach any cable, wire, rope, sign or any other object to any public tree, plant or shrub without written permission from the director.

(Ord. No. 89-11-15, § V, 11-13-89)

Sec. 15-121. - Reserved.

**Editor's note**— Ord. No. 2002-4-14, § III, adopted April 22, 2002, repealed § 15-121 in its entirety. Formerly, said section pertained to the permit required to plant, prune, etc., trees, shrubs on public property, as adopted by Ord. No. 89-11-15, § VI, adopted Nov. 13, 1989.

Sec. 15-122. - Penalty for violation.

Any violation of the provisions or terms of this article by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with subsection 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

(Ord. No. 89-11-15, § VIII, 11-13-89; Ord. No. 2013-8-6, § I, 8-12-13)