

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, REVISING TITLE XIII, CHAPTER 133 PARKS AND RECREATION OF THE CARROLLTON CITY CODE TO AMEND SECTION 133.31 TO INCORPORATE THE PROVISIONS OF CHAPTER 34 OF THE CARROLLTON CITY CODE AND TO CORRECT A TERM IN THE PROVISION; TO AMEND SECTION 133.32 TO REVISE THE GENERAL POLICIES AND GUIDELINES REGARDING YOUTH ASSOCIATIONS, ADULT SPORTS, ANNUAL INFORMATION SUBMISSIONS, PRACTICE FIELD AVAILABILITY, NOTICE REQUIREMENTS, KEY RETURNS, AND FACILITY ALLOCATION; AND TO IMPROVE THE GENERAL ORGANIZATION OF THE ABOVE STATED SECTIONS; PROVIDING PENALTY, SAVINGS, SEVERABILITY AND REPEALER CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council finds that amending Chapter 133 of the Carrollton City Code will increase the effectiveness and clarity of the rules, general policies, and guidelines of usage of athletic and recreational facilities controlled by the City; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendments to the Sign Regulations would provide for and would be in the best interest to safeguard life, health, property and public welfare.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARROLLTON, TEXAS, THAT:

SECTION 1.

Section 133.02 Definitions of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“Section 133.02. Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Association. A group of sports coaches, players, volunteers, and board members who represent a specific sport.

Director. The Parks and Recreation Director or his designee.

League. An organization that provides sports programming for people who participate in a specific sport.

Loiter. The walking around aimlessly without apparent purpose; lingering; hanging around; lagging behind; the idle spending of time; delaying; or sauntering and moving about where such conduct is not due to physical defects or conditions.

Organized Game. Any sporting event where two teams are playing each other and may have uniforms, officials, or spectators present.

Park. A park, reservation, playground, recreation center or any area in the City owned or used by the City, and devoted to active or passive recreation, including all planted medians, parkways, triangles and traffic circles maintained by the City.

Person. Any person, firm, partnership, corporation, association, company or organization of any kind.

Vehicle. Any conveyance employing wheel, track, laying devices, runners, fans or propellers, whether motor-powered, animal-drawn or self-propelled. The term shall include trailers of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the City.”

SECTION 2.

Section 133.15 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“Section 133.15 - Promulgation and posting of rules and regulations.

The Parks and Recreation Director shall recommend to the City Manager such rules and regulations as it deems best for the management of the public parks, and where these rules have been adopted for a specific park area and posted in a manner sufficiently to be seen by an ordinarily observant person within the specific park so regulated, any person found guilty of violating these rules shall be guilty of a misdemeanor.”

SECTION 3.

Section 133.31 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“Section 133.31 Responsibility of Parks and Recreation Board.

It shall be the responsibility of the Parks and Recreation Board to:

- A. Act in accordance with Chapter 34 of the City Code of Ordinances;
- B. Periodically audit and review the effectiveness of this ordinance;
- C. Evaluate problems encountered by users and/or requesters of facilities; and
- D. Recommend changes to this ordinance to the City Council at those times as it or the Council deems necessary.”

SECTION 4.

That Section 133.32 of the Code of Ordinances, City of Carrollton, Texas, is hereby amended to read as follows:

“Section 133.32 General policies and guidelines.

- A. The Recognized Youth Associations within the City of Carrollton are as follows:
 - 1. Carrollton Aqua Racers
 - 2. Carrollton Farmers Branch Baseball Association
 - 3. Carrollton Farmers Branch Girls Softball Association
 - 4. Carrollton Farmers Branch Soccer Association
 - 5. Carrollton Youth Football League
- B. Associations desiring the use of City facilities must agree to and sign a facility use agreement and their association must be located within the City of Carrollton corporate limits.
- C. All associations must be recognized by the state of Texas as a non-profit organization.
- D. Eligibility requirements for youth sports participants:
 - 1. Youth eligibility is regulated by each individual association's organizational rules, but must allow for all Carrollton residents.
- E. All associations or teams playing on City fields must submit the following annually:
 - 1. Contact information of all board members in the association.
 - 2. Master schedule of all games to be played including dates, times, facilities, and teams are due to the City electronically **one week** prior to first scheduled game.
 - 3. All rosters that include the listing of the city of residence for each participant.
 - 4. Proof of non-profit status.
 - 5. All associations must submit a copy of bylaws and all bylaws must be in harmony with the policies of the City.
 - 6. Insurance: All associations or organizations must provide (and keep in force for the duration of the playing season) general liability insurance of the occurrence type written by an insurance company acceptable to the City. This insurance must have insurance limits of not less than \$1,000,000 CSL (combined single limit). The insurance certificate must list the City as an Additional insured with a notice of cancellation clause

of not less than 30 days. Insurance certificate must be on file prior to any practices or games.

F. Any participant of an association shall have the right to request and receive a report of all revenues, expenses, and any other financial information from any association using City facilities for leagues, tournaments, or concessions.

1. All associations must submit an annual report to the City to include all of the above information along with a copy of their most recent tax return.

G. The City may terminate the use of City facilities for any failure to comply with established policies.

H. Facility use guidelines

1. Closed Fields

- i. A closed field will be any field that is not open due to a determination made by the Director,
- ii. The Director is authorized to close any athletic field for inclement weather, maintenance requirements, or to protect the playing surface from damage.
- iii. In most cases, the City will update the rainout line and lock gates for closed fields.
- iv. No association shall provide maintenance on any field unless authorized in advance and in writing by the Director.
- v. If there has been rain before a weekday game, coaches may check the rainout line after 4:00 p.m. to verify whether facilities are playable. Some decisions may be made as late as 6:00 p.m. in extreme cases.
- vi. Prior to each season, the City may designate rest days for maintenance during that season.
- vii. If fields are damaged during a closure for any reason, the repair of damages will be charged to the person responsible for the field rental.

2. Parking

- i. All participants must park in designated areas.
- ii. Motorized vehicles are prohibited on walkways, grass and trails.
- iii. All vehicles are subject to ticketing and/or towing at the owner's expense.

3. Practices

- i. Rosemeade Practice fields are available for teams under 9 years of age that are registered with a recognized youth baseball, softball or soccer association. Each team is limited to one (1) hour per week and space is available to be reserved Monday – Friday evenings during the spring and fall seasons.
- ii. All teams, other than those described in H(3)(i) of this section, must request a permit and pay for any practice time on or in City athletic facilities. **It is unlawful for any team or association to conduct organized practices on any athletic field without the required permit.**

- iii. Practice fields in neighborhood parks shall not require a permit. They are first come, first served. There shall be no organized games on neighborhood practice fields.
 - iv. Each Recognized Youth Association will be allotted one free week of practices/scrimmages the week prior to their regular season(s). Associations are responsible for scheduling teams and communicating their facility needs with the City no less than one week in advance.
 - v. Due to the specialized nature of their sports, Carrollton Youth Football and Carrollton Aqua Racers will be provided access to facilities for practice. Practice schedules must be provided to the City by the association no less than one week in advance.
4. Make-up Games
- i. **All league make-up games and non-scheduled games must be approved in advance by the City. Notice of make-up games must be provided at least 48 hours in advance.** No game shall be rescheduled for any reason other than inclement weather or electrical failures. Any other reason for rescheduling must be submitted in writing for review and approval by the Director.
 - ii. All associations wanting to extend the season from its original request must submit a request in writing to the City.
 - iii. Granting or denying the association's request shall be within the discretion of the City.
5. Keys
- i. The president of each association must submit a key request to the parks office for review and approval by the Director.
 - ii. Keys need to be returned at the end of each season.
 - iii. Lost keys may result in a complete changing of the locks at the association's expense and loss of key privileges.
6. Litter Removal
- i. All associations and individual user-groups are responsible for cleaning up playing surface and surrounding areas of athletic complexes. Failure to comply may result in loss of playing privileges. Absolutely no glass containers shall be allowed at any park.
7. Lights
- i. Access will be given to two (2) specified board members to control lights using the Musco Control Link System at designated facilities during league games only.
 - ii. Any association that abuses the use of the lights will lose access to the Musco Control Link System.
8. Concessions
- i. Recognized Youth Associations may operate their designated concession stands on a schedule determined by the Director. If the association chooses not to operate the stand during league games,

tournaments or special events, the City may operate the concession stand in whatever manner the Director deems appropriate.

- ii. In the case where associations share a concession stand, the two associations must come to an agreement amongst themselves. In cases in which there is no agreement, the City may operate the concession stand in whatever manner the Director deems appropriate. Game days supersede practices when deciding who will have use of the stand.
- iii. All concession stands must meet the City's Environmental Services Department Guidelines.
- iv. All associations are responsible for the cleanliness of each stand they operate. Failed Health inspections may result in loss of rights to operate.
- v. All associations are required to purchase all soft drink supply from the City's current contracted vendor unless otherwise approved by the City.
- vi. The City may supply water, electricity, and make needed repairs to the concession stand. If the City finds the concession stand dirty from food or other items, the association will be charged \$25 per hour for each employee needed to clean the facility.
- vii. All associations must collect and remit all applicable sales tax for items sold on City property.
- viii. Failure to comply with State law, the Carrollton Code of Ordinances, or park rules established by the City may result in the loss of rights to operate.

9. Field Maintenance

- i. No association shall provide any type of field maintenance, including the use of any product for drying infields and marking lines, unless a written request is submitted and approved by the Director.

10. Alcohol in Parks

- i. It is unlawful to possess or consume alcoholic beverages within any City park or athletic/recreation facility.

11. Scoreboard Control Boxes

- i. Control boxes will be available to each association throughout each season.
- ii. If an association loses or damages the control boxes, that association will reimburse the City for replacement parts or repairs, including wires and inserts to boxes.

12. Goal Posts

- i. All goal posts shall remain secured in the ground at all times. No association or any user-group is permitted to move goal posts without express approval from the Director. Failure to comply may result in loss of rights to use the facility.
- ii. Tape is not permitted as a method of securing nets to soccer goal posts.

13. Coaches Certification for Recognized Youth Associations

- i. Each association is responsible for having all coaches certified through a state or national organization, or through the City's certification program. The association is responsible for all costs of the certification.
- ii. Certifications must include a minimum of \$1,000,000 of liability insurance and background checks.
- iii. Each association shall submit rosters of certified coaches to the City.

14. Criminal History Background Checks for Recognized Youth Associations

- i. All recognized youth associations are required to conduct criminal history background checks on all coaches and volunteers associated with any team or association.

15. Age Cut-off

- i. All associations set age cut-off dates in conjunction with their governing body or parent organization.
- ii. All participants are placed in age divisions based on their age as of the current year of each date set by the association by laws.
- iii. Dates can be changed subject to approval by the City.

16. Facility Allocation

- i. Primary Facilities used by Recognized Youth Associations for league games
 1. Carrollton Farmers Branch Youth Soccer
Veterans Soccer Complex Fields A-E and R.E. Good Soccer Complex Fields 1-5
 2. Carrollton Farmers Branch Baseball Association
McInnish Baseball Fields 6-9, and 12-15
 3. Carrollton Farmers Branch Girls Softball
Josey Ranch Fields 1-4
 4. Carrollton Youth Football
Josey Ranch Field 5 and Thomas Football Field 3
 5. Carrollton Aqua Racers
Rosemeade Rainforest Aquatic Complex
- ii. The Director may make changes to the allocations based on registration numbers for each association.

I. Scheduling/Reservations

1. The Director will make final decisions regarding permit issuance, scheduling, and field allocation.
2. All season requests must be made in writing by each association and submitted to the City no later than one month prior to opening day of each season. Requests must include the following information:
 - i. Specific facilities being requested
 - ii. Beginning and ending dates of season
 - iii. Estimated days and times each facility is needed
3. All associations must submit game schedules to the City no less than one week prior to opening day each season.

4. All City programs or events scheduled by the City have first priority on any athletic facility.
5. All Recognized Youth Associations will have second priority on any athletic facility listed in this subsection.
6. All primary seasons will have priority over secondary or off-season sports. Each association must designate primary season.
7. All other user-groups must obtain a permit from the Director. Individual teams of associations must obtain and pay for field use.
8. The Director may restrict any reservation length, time, and/or frequency.
9. All playoff dates must be submitted as part of the season schedule.
10. Failure to meet required deadlines could result in loss of priority use or use of facilities.

J. Tournaments

1. Each association may hold one tournament per year with no field rental charge.
2. The City may host any Regional, State, or National tournament which would take precedence over any other tournament.
3. Tournament requests follow the same guidelines stated in this subsection.

K. Clinics or Camps

1. Any clinic or camp request must be submitted to the City for approval.
2. The clinic or camp host will pay field rental fees and a negotiated fee from sales or gate fees.
3. Clinics and camps are secondary to all league play

L. Vendor Fee

1. A negotiated fee will be paid to the City when money is taken for goods or services on City owned park property.

M. Field Rentals

1. Any person who does not sign a facility use agreement may rent fields based on availability in accordance with the policies and guidelines (except insurance and audit requirements) and after paying the fees in accordance with Chapter 31 of the City's Comprehensive Fee Schedule and signing a field rental agreement. All field rentals must be approved by the Director. A field rental permit issued by the Director must be shown if asked for by a representative of the City.

N. Annual Meeting

1. Upon request by the Director, each Recognized Youth Association shall meet with the City staff to review City ordinances and discuss expectations and field closures for the upcoming season/year.”

SECTION 5.

Any person violating a provision of this ordinance, upon conviction, is guilty of a misdemeanor offense punishable as provided in Section 10.99 of the Carrollton City Code.

SECTION 6.

Save and except as amended by this ordinance, all other ordinances of the City of Carrollton, Texas shall remain in full force and effect.

SECTION 7.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code. If any section, sub-section, paragraph, clause, phrase or provision of this ordinance, or its application to any person or circumstance shall be adjudged or held invalid, that invalidity shall not affect the provisions that can be given effect without the invalid provision or application.

SECTION 8.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 9.

This ordinance shall take effect immediately from and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this _____ day of _____, 2019.

Kevin W. Falconer, Mayor

ATTEST:

Laurie Garber, City Secretary

APPROVED AS TO FORM:

Susan Keller
Assistant City Attorney

APPROVED AS TO CONTENT:

Scott Whitaker
Parks and Recreation Director