

CITY OF SEGUIN

AN ORDINANCE OF THE SEGUIN CITY COUNCIL AMENDING THE SEGUIN CODE OF ORDINANCES CHAPTER 74, PARKS, TO ADD NEW PARK FACILITIES AND MODERNIZE THE RULES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND AUTHORIZING CITY STAFF TO PREPARE THIS ORDINANCE FOR SUBMISSION AS A SUPPLEMENT TO THE CODE OF ORDINANCES.

WHEREAS, the City of Seguin is in the process of adding new parks and facilities to its park system; and

WHEREAS, many of the rules governing the use of City Parks have not been amended in a number of years; and

WHEREAS, some of the rules need to be updated in order to better protect the city’s park facilities and maintain a safe and healthy environment for city residents, particularly children.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE. The Seguin Code of Ordinances, Chapter 74, Parks and Recreation, Article I, In General, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 74-2. - Definitions.

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

Park means and refers to any park, reservation, playground, skatepark, athletic field, splash pad, pool, recreation facility or any other open space area owned, leased or under control of the city, whether located within or without the corporate boundary limits of the city, which is devoted to recreation and leisure-time use by the public.

Child area means any lot or tract of land that is used as a:

(a) School, playground, youth center, or video arcade facility, as defined by Section 481.134, Texas Health and Safety Code;

(b) Public park; or

(c) Private recreational facility, including a park, pool, playground, skatepark, or youth athletic field;

(1) Owned by a residential property owners association; or

(2) For which an entrance, admission, or rental fee is charged.

Director means the director of the parks and recreation department or the Director’s designee.

Department means the parks and recreation department.

Facilities means and refers to any park areas available for reservation.

Tobacco Products include cigarettes, cigars, chewing or pipe tobacco, snuff, dip and any other product that contains tobacco, regardless of the frequency or method of use.

E-cigarettes means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. Regardless of whether the devices is manufactured, distributed or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description.

Organized Team Play means scheduled and/or planned athletic practices and games with a coach, participants, referees, etc.

Sex offender means an individual who is required to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure, or by a state or federal agency. Sex offender shall also refer to civilly committed sexually violent predators, as referenced under V.T.C.A., Health and Safety Code ch. 841

SECTION TWO. The Seguin Code of Ordinances, Chapter 74, Parks and Recreation, Article II, Parks and Recreation Advisory Board, is amended as follows (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 74-27. - Members.

- (a) *Residency ~~and employment~~; appointment.* Each member of the parks and recreation advisory board shall reside within the corporate limits of the City of Seguin. The members shall be appointed by the mayor with approval of city council. Vacancies resulting in unexpired terms shall be filled by the mayor with the approval of city council. All terms expire on September 30. Appointments will be made in September of each year. The terms of office of such members shall be three years and the terms shall be staggered. Members shall be limited to serving no more than two full consecutive terms, not including any time served to complete an unexpired term created by a vacancy.
- (b) *Filling vacancy.* Upon the death, resignation, removal or expiration of the term of office of any member of the parks and recreation advisory board, the mayor, with approval of the city council, shall appoint a successor as a member of the board, who shall hold his membership for the unexpired term of the member he is appointed to succeed or for a period of three years when the appointment is made due to the expiration of a term of office.

Sec. 74-28. - Officers.

The officers of the parks and recreation advisory board shall consist of a chairperson, vice-chairperson and a secretary. The officers shall be elected by the board at the first regular meeting in ~~June~~ October of each year. Officers will serve for a one-year period. If an office is vacated, a special election will be held by the parks and recreation advisory board to elect an officer who will serve until the next regular election.

Sec. 74-29. - City staff.

- (a) The Director ~~city manager~~ shall be an ex officio member of the parks and recreation advisory board without voting privileges and shall act in an advisory capacity to the board.
- (b) The parks and recreation advisory board shall receive reports, advice and available services from the various city departments as required and as directed by the city manager. When directed by the city manager, any department head or official of the city shall be available to the board for advice and consultation, and they shall cooperate with and render such services for the board as shall come within the scope of the duties of the city manager.
- (c) The parks and recreation advisory board shall have no authority in the choice of employees who may be assigned to parks and recreation activities or in the establishment of salary ranges for such employees. The board may offer advice to the city manager and city council as to needs in the area of parks and recreation that might be met by additional employees.

Sec. 74-30. - Duties and responsibilities.

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

- (1) Make studies and project plans for the improvement and acquisition of the public parks, open spaces, ~~and facilities,~~ and trails with a view of their development and extension, and recommend all matters for the development and advancement of the city park and open space facilities and trails, layouts and appearance to perform the duties of advance planning for future acquisition and development of potential park and open space lands, ~~and facilities,~~ and trails.
- (2) Act with and assist all other municipal boards, governmental agencies, regional associations and especially the city council in formulating proper plans for municipal park and open space development.
- (3) Respond to any requests from the planning and zoning commission for recommendations regarding dedications of park property in any newly platted or replatted subdivision within the city.
- (4) Recommend general rules and regulations governing use of parks, open spaces, community recreational facilities, ~~and buildings,~~ and trail systems.
- (5) Recommend programs to the city council to originate, plan and coordinate a recreation program for all segments of the population throughout all seasons of the year. Efforts by the board should be made to ensure that all recommendations will utilize existing facilities and organizations to provide recreational and leisure-time activities to the citizens. The board should concern itself with the possibilities of gaining cooperative use of non-city-owned facilities and implementing proven programs to attract participants for recreational activities.
- (6) Make recommendations to the Director ~~city manager~~ concerning annual park and recreation capital appropriations.

Sec. 74-31. - Rules and regulations.

- (a) *Authority to make; quorum.* The parks and recreation advisory board shall make such rules and regulations for its own government and designate such time and place for holding regular meetings as it deems proper. Four members of the parks and recreation advisory board shall constitute a quorum for the transaction of business.
- (b) *Absence of members.* Should any member of the parks and recreation advisory board be absent for one-third of all regular meetings during one 12-month period, it shall be the responsibility of the chairperson to notify the city council through the city manager or designee with a record of such absences and of any and all extenuating circumstances related to the absences.
- (c) *Option of chairperson to vote.* The chairperson of the board has the option to vote on all matters brought before the board.
- (d) *Recommendations.* All recommendations made by the board to the city council shall be by the majority vote of a quorum of the board, and such recommendations shall normally be made through the Director ~~city manager~~.

SECTION THREE. The Seguin Code of Ordinances, Chapter 74, Parks and Recreation, Article III, Use Regulations, is amended as follows (sections not listed herein remain as is) (underlining indicates added text, ~~strikethrough~~ indicates deleted text):

Sec. 74-51. - Fees and charges.

(a) The Director ~~of parks and recreation~~ is authorized, with the consent of the city manager, to recommend to the city council all fees charged for the use of parks, recreational facilities and for recreational programs of the city. Any fee structure shall be adopted by the city council and set forth in appendix C to this Code.

~~(a) — Nonprofit groups wishing to utilize city parks and recreational facilities for fund-raising functions will be offered an additional option for use of the park areas or facilities:~~

~~(1) Twice a year, a nonprofit group will be allowed the use of any city park area or facility free of charge if the nonprofit group will agree to contribute 50 percent of the net revenue that is generated at the fund raiser to the city to be used for continued improvement of park areas and recreational facilities in Max Stareke Park as approved by the parks and recreation director.~~

~~(2) If, for any reason, a nonprofit group is unable to generate enough net revenue for the fund-raising group, the nonprofit group will be required to pay the full rental fee for use of the park area or facility.~~

~~(3) The subsection shall apply to nonprofit groups only.~~

(b) Use of ball field complexes and/or athletic fields for organized team practice or play are by reservation only through the Department. Use, regulations of, and scheduling for ball field and/or athletic fields shall be coordinated by the Department.

(c) The reservation fee for park facilities, as set forth in Appendix C, may be refunded under the following conditions:

- (1) Full refund of the reservation fee in those cases where the Director is notified in writing of cancellation of reservation not less than the 14 days prior to the date of use of the reserved area.
- (2) If a cancellation of the reservation occurs less than 14 days prior to the date of use of the reserved area, there is an option to reschedule to a later date that must be exercised when the cancellation occurs.
- (3) If inclement weather causes cancellation, the reservation holder may reschedule for a later available date or request a full refund provided the Department is notified in writing within the first three (3) working days of the cancellation.
- (4) The only exception to the refund provisions as set forth in this subsection shall be with the approval of the Director.

Sec. 74-52. - Hours.

- (a) The parks and recreational areas which are the subject of this chapter shall be open daily to the public from 6:00 a.m. through 11:00 p.m., Monday through Thursday, and 6:00 a.m. through 12:00 midnight Friday, Saturday, and Sunday. The hours of operation shall apply to the following parks:
 - (1) Central Park Downtown
 - (2) Max Starcke Park
 - (3) Manuel C. Castilla Park
 - (4) Blumberg Park
 - (5) Veterans Park
 - (6) Memorial Rose Garden Park
 - (7) Walnut Springs Park
 - (8) Park West
 - (9) MTR Skatepark
 - (10) Softball 4-Plex Facility
 - (11) Volleyball Complex
 - (12) Juan Seguin Burial Site
 - (13) Townwood Village East Open Space
 - (14) Blue Star Memorial Park
 - (15) Juan Seguin School Site
 - (16) Fairgrounds Ball Park

Only those persons authorized by the Director of parks and recreation shall be allowed to remain in such park or recreation area after such hours.

- (b) Nothing in this section shall prevent or make unlawful the conduct of or attendance at a nighttime athletic event or activity in areas set aside and lighted for such events or activities where such events or activities have been approved by the Director of parks and recreation.

- (c) In the case of emergency or inclement weather or where, in the judgment of the Director of ~~parks and recreation~~, city manager or ~~director of police services~~ police chief, the public interest and safety demands it, the roadways or other portions of any park may be closed to the public. This includes the closure of all ball field complexes and/or athletic fields due to inclement weather or unplayable field conditions.

Sec. 74-53. - Destruction of park property.

- (a) It shall be unlawful for any person to deface, tear down, remove, destroy or injure in any manner whatsoever or to cause to be defaced, torn down, damage, ~~destroyed~~ or ~~injured~~ in any manner whatsoever any fence, building, furniture, seat, sign, structure, excavation, post, bracket, lamp, awning, fireplug, hydrant, water pipe, tree, turf, shrub, plant, flower, railing, bridge, backstop, goalpost, coin meter, asphalt, culvert or any other property whatsoever belonging to the city in, at or upon any of the parks, trails, parking lots, pavilions, athletic fields, equipment, amenities, or recreation facilities owned or controlled by the city.
- ~~(b) No person shall pick or take away from any park premises any vegetation or drive vehicles, motorcycles, all-terrain vehicles, etc., off the paved roads, unless given specific permission by the director of parks and recreation.~~
- (b) It shall be unlawful for any person to willfully pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, destroy, or hang items on any tree, shrub, plant, vine, flower, moss or vegetation, or portion thereof, including but not limited to leaf, mold, foliage, berries, fruit, grass, turf, roses, except by written approval issued of the Director for scientific or educational purposes.

Sec. 74-55. - Fires.

- (a) The Director of ~~parks and recreation~~ or his ~~duly authorized agent~~ is authorized to post signs within any park during periods of extreme fire danger directing that no fires shall be built, started or maintained in the park or portion thereof and that it is unlawful to build, start or maintain a fire in any area so posted.
- (b) It is unlawful for any person to start or maintain or cause to be started or maintained any fire in or on any park, unless confined within a fire pit permanently erected for such purpose, if available.
- (c) Cutting of green or living firewood is prohibited, except by written consent of the Director.

Sec. 74-56. - Refuse and trash disposal.

It shall be unlawful for any person to:

- (i) Throw, discharge, ~~or otherwise place~~, drop, deposit, or cause to be placed in the waters of any public fountain, pond, lake, stream, pool, river or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters any substance, matter or thing, liquid, ~~or solid~~, or granules which will or may result in the pollution of such waters.

- (2) Dump, deposit or leave any bottles, glass containers, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in ~~any waters in or contingent to~~ any park or park land. Such refuse or trash shall be placed in the proper receptacles where these are provided, and otherwise it shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

Sec. 74-57. - Motor vehicles.

(a) It shall be unlawful for any operator to drive any motor-driven vehicle into, along, or across any grassy area of a public park, playground, trail system or public recreation area which is owned, operated, or maintained by the ~~city~~, except upon public roadways and parking lots maintained by the city for the operation of such vehicles. No motor driven vehicle shall be driven upon any hike-bike trail, sidewalk, footpath or footbridge spanning a creek or stream located therein. For the purposes of this section wheel chairs and motorized bicycles and scooters with motors smaller than 3 H.P. shall not be considered as a motor driven vehicle. It is unlawful for any operator of a motor vehicle to park or drive within or upon any part of a park except in designated roadways. This subsection shall not apply to any areas specifically designated and marked for parking purposes by order of the Director ~~of parks and recreation~~. This prohibition does not apply to the use of golf carts in designated areas of the Max Starcke Golf Course.

(b) It is unlawful to remove or relocate any barrier or other device erected for the purpose of controlling motor vehicle traffic.

~~(c) It is unlawful to leave or park a vehicle in any park between the hours of 11:00 p.m. and 7:00 a.m. of the following day, except by city employees in the course of their employment.~~

(c) It is unlawful to leave or park a vehicle overnight in any park after 11:00 p.m., Monday through Thursday and after 12:00 midnight Friday, Saturday, and Sunday without written consent of the Director, except by city employees in the course of their employment.

(d) Motor driven vehicle restrictions shall not apply to city owned vehicles being used strictly for emergencies or for the purpose of loading or unloading freight therein or in the construction, maintenance or repair of such public parks, public playgrounds, trail systems or public recreation areas owned or maintained by the ~~city~~.

(e) All other requirements of this Code shall apply to all roadways in all parks.

Sec. 74-58. - Swimming or wading.

It is unlawful for any person to enter, swim or wade in any lake, stream, pond, irrigation ditch, reservoir or other body of water in a park, unless the lake, stream, pond or other body of water has been designated and posted by the Director ~~of parks and recreation~~. The Director ~~of parks and recreation~~ may designate and post areas where persons may enter the bodies of water whenever he finds that recreational interests may be served without constituting a hazard to public safety,

welfare, health and sanitation. This section shall not apply to persons wading for the purpose of any rescue or officially sanctioned demonstration operations.

Sec. 74-60. - Watercraft.

It is unlawful to bring into or operate any passenger-carrying, motor-powered watercraft or non-motor-powered watercraft upon any water in any park, parkway or other recreational facility within the city, unless an area has been designated and posted by the Director ~~of parks and recreation~~ allowing the watercraft. However, this section will not apply to any rescue or officially sanctioned demonstration operations.

State Law reference – Water Safety Act, GBRA, Parks and Wildlife Code §31.066; local regulation of boating restricted, GBRA, Parks and Wildlife Code §31.092; identification number required for motorboats, GBRA, Parks and Wildlife Code §31.022 et seq.; water skis, skiing regulated, GBRA, Parks and Wildlife Code §31.103.

Sec. 74-61. - Abandoning or disturbing animals and defecation by animals on park property.

- (a) It shall be unlawful to abandon in any park or other recreational facility any dog, cat, waterfowl, birds, fowl, reptiles or any other animals whatsoever.
- (b) It shall be unlawful to disturb in any park or other recreational facility any fish, waterfowl, birds, fowl, reptiles or any animals whatsoever present in, belonging to or preserved in the parks or other recreational facilities owned or controlled by the city, except as otherwise provided in this article.
- (c) An owner, harbinger, or other person in possession of an animal commits an offense if he knowingly permits, or by insufficient control allows the animal to defecate in the city on park property and fails to remove and dispose of any excreta the animal deposits.
- (d) It is an affirmative defense to prosecution under subsection (c) that:
 - (1) The animal was specifically trained to assist a person with a disability and was in possession of that disabled person at the time it defecated or was otherwise present on park property;
 - (2) The Director had given prior written consent for the animal to defecate on park property;
 - (2) The animal is a police canine being used in official law enforcement activities.

Sec. 74-64. - Prohibited conduct.

Within any park, or other city-owned property ~~other than street right-of-way~~, it is unlawful for any person, family, group, organization, association, business, etc. to:

- (1) Camp or lodge in the park without first having obtained written approval from the city.
~~approval of the a permit from the director of parks and recreation.~~
- (2) Drive or hit golf balls, except at such place as shall be designated by the city.

- (3) Wash dishes, empty waste liquids or in any other manner pollute the water of any fountain, pond, lake or stream.
- (4) Sell or offer for sale any merchandise, article, goods, services or thing without the express written permission of the city.
- (5) ~~Build or place any tent, building, booth, stand or other structure in or upon any of the parks or other recreational facilities without first having obtained a permit from the director of parks and recreation.~~
- (5) Fly model airplanes in any park except at locations specifically designated by the Director. ~~of parks and recreation.~~
- (6) Fish in any lakes, streams and bodies of water in any park at locations designated and posted by the Director ~~of parks and recreation~~ as prohibiting fishing.
- (7) Pick or otherwise harvest pecans on the golf course.
- (8) Thrash, shake or otherwise disturb or damage trees.
- (9) Build, construct or place any structure or improvement, temporary or permanent, in any public park without the written consent and approval of the city.
- (10) Prevent, disrupt, interfere with or obstruct in any manner any authorized, permissible, and/or organized activities, programs or uses in any public park.
- ~~(10) Climb any tree.~~
- (11) Metal detect in any public park without first obtaining a permit from the Department.
- (12) Directly or indirectly be responsible for disruptive, destructive, or violent conduct in a city park, park facility, skatepark, splashpad, playground, or pool, which endangers public property, health or safety.
- (13) Use any ball field complexes, athletic fields, golf courses, skateparks, basketball courts, playgrounds, trails, or tennis courts for any sport or activity other than its intended use (that could be considered destructive to the park and/or facility and park amenities) except as authorized in writing by the Director. Some examples include golf on soccer fields, skateboarding and soccer on tennis courts, etc.
- (14) Fail to obey any other rules, either temporary or permanent, that are posted on signs duly erected on any city-owned property.

Sec. 74-65. - Permit required for scheduled events.

- (a) It shall be unlawful to hold any organized, scheduled event and/or public special event within the parks and recreational facilities and city streets or right of ways unless and until a permit has been issued by the city as provided in this section. All events shall be conducted in an orderly and law-abiding manner.
- (b) Facilities are rented on a first paid, first served basis. Scheduling of events is coordinated through the ~~parks and recreation office~~ Department.
- (c) Additional arrangements may be required, depending on group size and purpose, including but not limited to:
 - (1) Proof of insurance.

- (2) Adequate security as required by the police department.
- (3) Health permits as required by the ~~assistant health officer~~ Planning and Codes Department.
- (d) If the request is denied, the applicant will be advised in writing within five days of receipt of the application.

Sec. 74-66. - Lighting turned off at midnight.

The police department is authorized and directed to ensure that the recreational lighting at the ~~Nelda Street ball diamonds~~ Softball 4-Plex Facility, fairgrounds ball diamond, ~~Riverview Park ball diamonds~~ Little League fields, fairgrounds volleyball complex and Max Starcke Park volleyball courts and tennis courts is turned off by midnight each night, unless some arrangement has been made by the Director of parks and recreation for teams to make up a particular game or to conduct tournaments.

Sec. 74-67. - Possession of certain drinks.

- (a) It shall be unlawful for anyone to exhibit, use, carry or dispose of glass beverage containers in all city parks, playgrounds, MTR Skatepark, trail systems, and at all ball field and/or athletic fields. Possession of a soft drink or alcoholic drinks in glass containers in, at or on the grounds of any city park is prohibited.
- (b) It shall be unlawful for any person to possess, use or consume any alcoholic beverage or intoxicating liquor, or possess an open container of intoxicating liquor or alcoholic beverage, as defined by the Alcoholic Beverage Code, as amended, within the boundaries of the public parks and trails within the city limits maintained by the city except in designated areas by permit only obtained from the Department. Possession of any alcoholic beverage is prohibited in, at or on the grounds of any park specifically designated for minors.
- (c) For the purpose of this Section ~~regulation~~, the city golf course is not considered a city park. ~~Alcoholic beverages may be allowed in said areas provided an approved permit is obtained from the parks and recreation department. The possession of alcoholic beverages are allowed in designated areas by permit only:~~
 - (1) *Designated areas at softball 4-plex complex.*

Location: Northeast corner of the complex, excluding parking areas. Entire parking lot on Nelda Street outside the softball complex fencing.

 - a. Permits shall be available in the parking area only for single-day, fund raising events open to the general public for the benefit of nonprofit Internal Revenue Code section 501(c) organizations excluding events that include softball tournaments;
 - b. Sponsoring organizations shall provide proof of liability insurance naming the city as co-insured in amounts not less than \$1,000,000.00 per occurrence in a form and through a carrier satisfactory to the city;
 - c. Sponsoring agency will provide proof of all required licenses and permits for the sale of alcoholic beverages or food items;

- d. Sponsoring organizations shall pay the designated fee per day for the entire softball complex when utilizing the parking area;
- e. Security shall be provided in accordance with requirements of the police chief at the expense of the sponsoring organization;
- f. Sponsoring organization must provide that event is concluded no later than ~~6:00 p.m.~~ normal park operating hours and that the parking area is cleared of litter and debris immediately.

(2) Central Park.

(3) Walnut Springs Park.

(4) Fairpark.

Location: Concession area and bleachers.

(5) Volleyball Complex.

Location: Within the fenced complex.

(6) Max Starcke Park West.

Location: ~~All areas of park on west side, excluding the miniature golf, playground and basketball court.~~ Pavilion #3, #2, the Bowl Pavilion area, the Triangle Picnic area and all picnic areas along River Road and the Guadalupe River.

(7) Max Starcke Park East - Pecan Bottom.

Location: ~~All areas east of the Pecan Bottom gate and the Little League fields separating the playscape, Little League ballfields, and wave pool from the restrooms, multiuse trail and large pavilion.~~ All of the area within the Pecan Bottom gates to the east separating the Little League fields and Kids Kingdom Playscape.

(8) Max Starcke Park East - Wave pool parking lot and vicinity.

Location: That area defined by the boundaries of the wave pool paved parking lot, then easterly along the northern fence line of the Little League complex, then northerly to the wave pool fence line, ~~then encompassing the fenced area east of the pool building and designated as picnic/volleyball area, and then along the southern fence of the wave pool facility to starting point.~~ Alcoholic beverages shall be authorized in this area only under the following conditions:

- a. Permits shall be available only for fund raising events open to the general public for the benefit of nonprofit Internal Revenue Code section 501(c) organizations;
- b. Sponsoring organizations shall provide liability insurance naming the city as co-insured in amounts not less than \$1,000,000.00 per occurrence in a form and through a carrier satisfactory to the city;
- c. Security shall be provided in accordance with requirements of the police chief at the expense of the sponsoring organization using city police officers;
- d. Within these boundaries, no alcoholic beverages shall be allowed in any designated areas where a carnival containing children's rides is ~~location~~ located. The sponsoring organization shall post "No Alcoholic Beverages Beyond This Point" signs at the entrances to said areas.

- (d) An alcoholic beverage permit shall not be required when an adult athletic association and/or league organization agrees to employ a certified police officer to be present during scheduled games and activities according to the policies as set by the police department. This agreement shall be a part of any approval granted for use of city park facilities to such adult associations or organizations.

Sec. 74-68. - Use of tobacco products and E-cigarettes

(a) Tobacco products and E-cigarettes are prohibited where children typically gather and play in the following park facilities (with the exception of paved parking areas):

- (1) On and within 50 (fifty) feet of any park playground.
- (2) On and within 50 (fifty) feet of any skatepark.
- (3) On and within 50(fifty) feet of any splash pad.
- (4) On and within 50 (fifty) feet of any basketball court (not inclusive of the Patricia K. Irvine-King Large Group Pavilion when rented).
- (5) On and within 50 (fifty) feet of the Little League Fields.
- (6) On and within 50(fifty) feet of the Softball 4-Plex (when children are practicing and/or playing games).
- (7) Within the Wave Pool.
- (8) On and within 50 (fifty) feet of the sports fields at Park West.

Sec. 74-70. - Sexual Offenders prohibited from entering public parks.

(a) It is unlawful for any person to enter or remain within 500 (five hundred) feet of a child area, park, or city library if the person is required by law to register on the department of public safety's sexual offender database because of a violation involving a victim or an intended victim who was 17 years of age or younger.

(b) It is an affirmative defense to prosecution under this article that the sex offender was a minor when the offense was committed, and does not qualify as a sex offender under this article as an adult.

(c) It is an affirmative defense to prosecution under this article that the sex offender is under an order of a court in the state or of the Texas Department of Criminal Justice Parole Board, permitting the person to be within the park safety zone.

(d) Affirmative defenses have the same effect as specified in V.T.C.A., Penal Code § 2.04.

(e) Exemptions from the terms of this chapter shall not be contrary to the public interest but may be granted where, owing to special conditions, or when a literal enforcement of the provisions of

this chapter will result in unnecessary hardship. A sex offender shall have the right to make an appeal for an exemption from a provision of this chapter by making a request to the Chief of the Seguin Police Department, in writing, stating why an exemption should be granted. The decision of the chief of police, which may be made based solely on the written appeal without further hearing, shall be final.

(f) This section does not apply to a sex offender who has a right to be present at an official meeting or a polling place that is located within a Child Area as defined herein. In such case that person may approach and enter a park safety zone for such time as is necessary to attend the official meeting or vote. This exemption shall only apply to those areas of the park safety zone that are necessary for attendance at the official meeting or polling place, and any sex offender found outside such areas shall be in violation of this article.

Sec. 74-71. - Penalties.

Any person who knowingly or intentionally violates any rule set forth in this chapter may be charged with a misdemeanor and upon a finding of guilt may be fined in accordance with the general penalties set forth in section 1-14 of the Seguin Code of Ordinances.

SECTION FOUR. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION FIVE. All ordinances and resolution or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION SIX. City staff is authorized to prepare this Ordinance for submission as a supplement to the Seguin Code of Ordinances.

SECTION SEVEN. This ordinance shall be effective upon ten (10) days following passage on second reading.

PASSED AND APPROVED on first reading on the 5th day of May, 2015.

PASSED, APPROVED AND ADOPTED on second reading on the 19th day of May, 2015.

DON KEIL
Mayor

ATTEST:

THALIA STAUTZENBERGER
City Secretary