

ORDINANCE NO. 16-3168

AN ORDINANCE AMENDING CHAPTER 86. "PARKS AND RECREATION," SECTION 86-1. "DEFINITIONS" AND SECTION 86-3. "PROHIBITED ACTIVITIES GENERALLY" OF THE CITY OF BEDFORD CODE OF ORDINANCES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; CONTAINING A SAVINGS CLAUSE; CONTAINING A PENALTY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the supplemental feeding of wildlife leads to overcrowding and increases the susceptibility for wildlife to contract life-threatening diseases; and,

WHEREAS, the City Council of Bedford, Texas desires to maintain and protect the public health, public property and wildlife; and,

WHEREAS, The Texas Department of Parks and Wildlife discourage supplemental feeding of wildlife in public and private places.

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

SECTION 1. That the findings above are found to be true and correct, and are incorporated herein.

SECTION 2. That Chapter 86. "Parks and Recreation," Section 86-1. "Definitions" and Section 86-3. "Prohibited activities generally" of the City of Bedford Code of Ordinances shall be repealed and replaced in their entirety to read as follows:

CHAPTER 86. PARKS AND RECREATION

Sec. 86-1. - 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:

Amplified sound means any sound projected or transmitted by artificial means, including but not limited to amplifiers, loudspeakers, or any similar devices.

City manager means the city manager or a duly designated representative or agent.

Department means the city department of community services.

Director means the city manager or designee.

Feeding means the act of depositing an edible product, either directly to wildlife or placed within a city park in a manner that provides an opportunity for wildlife to consume immediately or at a later time.

Park means any land selected, obtained or acquired by the city for use as a public park, or recreation, or playground area, and any building or facility thereon, owned and maintained by the city as a public park, or recreation or playground area, whether or not such areas have been formally dedicated to such purpose.

Park board means the park and recreation board established by chapter 2 of the code.

Parking area means any designated portion of any park, or any park road or drive that is set aside for the parking of vehicles.

Permit means written permission from the park and recreation board, or director to carry out a given activity in a park.

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

Pollution means contamination or other alteration of the physical, chemical, or biological properties of park waters, including changes in the temperature, taste, color, turgidity or odor of the water, or such discharge of any liquid, gas, solid, radioactive or other substance into any park waters that will or is likely to create a public nuisance or render such waters harmful, detrimental or injurious to the public health, safety, or welfare or to domestic, recreational, or other beneficial uses or to wild animals, birds, fish, or other aquatic life.

Vehicle includes any wheeled device of conveyance, propelled by motor or engine. The term shall include any trailer of any kind, size or description. Exception is made for vehicles in the service of the city.

Vessel includes any device of human conveyance on the water, whether propelled by motor, wind or human power. The term includes, but is not limited to, any boat, canoe, raft or other watercraft.

Wildlife means any nondomestic creature (mammal, amphibian, reptile or fowl) which is of a species which is wild by nature, which can normally be found in a wild state and which is not naturally tame or gentle.

Sec. 86-3. - Prohibited activities generally.

(1) Buildings and other property.

a. Removal of natural resources.

- 1. No person in a park shall dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber, or other wood or materials.**
- 2. No person in a park shall make any excavation by tool, equipment, blasting, or other means or agency.**

b. Erection of structures.

- 1. No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands.**
- 2. It shall be an affirmative defense to section 86-3(1)b.1 above that the person had written permission of the city manager.**

(2) Trees, shrubbery, lawn.

a. Injury and removal.

- 1. No person shall damage, cut, carve, transplant, or remove any tree, or plant or injure the bark, or pick the flowers or seeds of any tree or plant.**
- 2. No person shall attach any rope, wire, or other contrivance to any tree or plant.**
- 3. No person shall dig or otherwise disturb grass areas to the detriment of these areas, or in any way injure, or impair the natural beauty or usefulness of any area, provided that normal use of grassed areas will not be prohibited.**

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4. It shall be an affirmative defense to section 86-3(2) 1—3 that the person was a regularly authorized party acting by and under the authority and regulation of the city manager.
 - b. Climbing, etc. No person shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences, or upon any other property not designated or customarily used for such purposes.
 - c. Hitching of animals. No person shall tie or hitch a horse or other animal to any tree or plant.
- (3) Wildlife.**
- a. Hunting.
 1. No person shall hunt, molest, harm, frighten, tease, shoot, or throw missiles at any animal, including domestic or wildlife.
 2. No person shall remove or have in his possession the young of any wildlife, or the eggs, or nest or young of any reptile or fowl.
 3. Exception to the foregoing is made in that snakes known or reasonably believed to be deadly venomous, such as rattlesnakes or other deadly reptiles, may be killed on sight.
 - b. Feeding. The supplemental feeding of wildlife leads to overcrowding and increases the susceptibility for wildlife to contract life threatening diseases. The Texas Department of Parks and Wildlife discourages supplemental feeding of wildlife in public and private places. The purpose of this section is to control the feeding of wildlife in order to protect the public health, public property, and wildlife.
 1. No person shall engage in the feeding of any wildlife within any park within the city or within any public property.

SECTION 3. That this ordinance shall be cumulative of all provisions of other ordinances of the City of Bedford, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting revisions of such ordinances are hereby repealed.

SECTION 4. That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 5. That any person convicted of a violation of this ordinance shall be punished by a fine not to exceed the amount allowed to be imposed under state law.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage.

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PRESENTED AND PASSED this 11th day of July 2016, by a vote of 7 ayes, 0 nays and 0 abstentions, at a special meeting of the City Council of the City of Bedford, Texas.

Jim Griffin, Mayor

ATTEST:

Michael Wells, City Secretary

APPROVED AS TO FORM:

Stan Lowry, City Attorney