

RESOLUTION NO. 00-08-01

A RESOLUTION OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, APPROVING AN INTERLOCAL BOUNDARY AGREEMENT WITH THE CITY OF MCKINNEY RELATING TO THE BOUNDARY BETWEEN WESTON AND MCKINNEY, AND AUTHORIZING THE MAYOR OF WESTON TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF WESTON.

**WHEREAS**, the City of Weston and the City of McKinney have negotiated an Interlocal Boundary Agreement to adjust the boundary and extra territorial jurisdiction between the respective municipalities;

**WHEREAS**, the Weston City Council finds that the Interlocal Boundary Agreement is in the best interests of the City and its citizens; and

**WHEREAS**, the Weston City Council finds that the Interlocal Boundary Agreement should be approved.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Weston, Collin County, Texas, hereby in all things approves the attached Interlocal Boundary Agreement by and between the City of Weston and the City of McKinney.

**BE IT FURTHER RESOLVED** that the Honorable Patti Harrington, duly appointed Mayor of the City of Weston, is authorized to execute the Interlocal Boundary Agreement on the behalf of the City of Weston; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution and a certified copy of the Interlocal Boundary Agreement as fully executed by the City of Weston and the City McKinney shall be filed in the real property records of Collin County, Texas

**ADOPTED** by the City Council of the City of Weston, Collin County, Texas, on this the

8<sup>th</sup>

day of August, 2000.

**APPROVED:**

By: Patti Harrington  
Patti Harrington, Mayor

**ATTEST:**

Michelle Smith  
Michelle Smith, City Secretary

## **INTERLOCAL BOUNDARY AGREEMENT**

This Interlocal Agreement ("Agreement") is entered into to be effective the 7<sup>th</sup> day of August, 2000, under and in accordance with the provisions of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, by and between the CITY OF MCKINNEY, a Texas municipal corporation ("MCKINNEY"), and the CITY OF WESTON, a Texas municipal corporation ("WESTON").

WHEREAS, the Interlocal Cooperation Act authorizes any local government to contract with one or more local governments to perform governmental functions and services under the terms of the Act; and

WHEREAS, Section 42.023 of the Local Government Code authorizes a municipality to reduce its Extraterritorial Jurisdiction by a resolution adopted by the governing body of the municipality; and

WHEREAS, MCKINNEY and WESTON desire to enter into an Agreement concerning city services; and

WHEREAS, MCKINNEY and WESTON, in the true spirit of governmental cooperation, intend this Agreement to reflect sound growth management principles and inter-regional planning.

NOW, THEREFORE, this Agreement is made and entered into by MCKINNEY and WESTON upon and for the mutual consideration hereinafter stated, and both parties agree and understand as follows:

1. MCKINNEY and WESTON hereby agree to a common corporate boundary between Area 1 and Area 2 comprising the Subject Area depicted in the attached Exhibit A. Area 2 is more particularly described as being bounded on the North at the centerlines of County Roads 170 and 205, and on the East at the centerlines of County Roads 203 and 204, and on the South at a line parallel to and 500 feet North of the centerlines of FM 543 and County Road 203, and on the West at a line parallel to and 500 feet West of the centerline of FM 543. Area 1 comprises the remainder of the Subject Area. The attached Exhibit A is made a part hereof for all purposes.
2. MCKINNEY hereby recognizes WESTON'S corporate limits and Extraterritorial Jurisdiction (ETJ) in the Subject Area as being established as per Area 2 in Exhibit A. Future Boundary expansions by WESTON within the Subject Area will be only to the outer limits of Area 2 as shown on Exhibit A and WESTON shall have no ETJ extending from Area 2 in the Subject Area. WESTON agrees that the area depicted in Exhibit A as Area 2 is the only area adjacent to MCKINNEY's border in the Subject Area that may be annexed into the corporate city limits of WESTON in the future.
3. WESTON hereby recognizes MCKINNEY's corporate limits and ETJ in the Subject Area as being established as per Area 1 in Exhibit A. Future Boundary expansions by MCKINNEY within Area 1 of the Subject Area will be subject to State of Texas law regarding annexations but are not limited by the depiction of the McKinney planning boundary. MCKINNEY agrees that it will not annex property belonging to the WESTON by virtue of this Agreement, and shall have no ETJ extending into Area 2 of the Subject Area.

4. Within sixty (60) days of the date of this Agreement, WESTON shall disannex all properties within Area 1 of Exhibit A which have been petitioned to the Weston City Council for disannexation, including but not limited to the B.B. Owen Trust property. McKINNEY may enforce the specific performance of the terms of this paragraph.
5. Within one hundred eighty (180) days of the date of this Agreement, WESTON shall release all ETJ currently claimed within Area 1 of Exhibit A and disannex all remaining properties within Area 1 as depicted in Exhibit B attached hereto and made a part hereof. In particular, WESTON will disannex all strips along CR 206 and FM 543 in the Subject Area as depicted on Exhibit B. McKINNEY may enforce the specific performance of the terms of this paragraph.
6. Within one hundred eighty (180) days of the date of this Agreement, McKINNEY shall release all ETJ currently claimed within Area 2 of Exhibit A and disannex all properties within Area 2 as depicted in Exhibit B attached hereto and made a part hereof. In particular, McKINNEY will disannex a strip along CR 205 within Area 2 of the Subject Area as depicted on Exhibit B. WESTON may enforce the specific performance of the terms of this paragraph.
7. McKINNEY hereby allows WESTON citizens access to McKINNEY's parks and other City of McKinney recreational facilities. A copy of McKINNEY's parks policy is attached hereto as Exhibit C. WESTON agrees to make this policy available to any of its citizens wishing to use McKINNEY's parks and recreational facilities. WESTON residents shall be bound by the same rules and regulations as McKINNEY residents for park and recreational facilities. WESTON residents shall be bound by the same rules and regulations as McKINNEY residents for park and recreational facility usage. Any fees due for use of facilities shall be paid by WESTON citizens.
8. McKINNEY hereby allows WESTON citizens access to and enjoyment of McKINNEY library facilities. A Copy of McKINNEY's library policy is attached hereto as Exhibit D. WESTON agrees to make this policy available to any of its citizens wishing to utilize McKINNEY library facilities. WESTON residents shall be bound by the same rules and regulations as McKINNEY residents for library usage.
9. The Engineering Department of McKINNEY is in the process of updating the sewer and water master plan for the City of McKinney, which includes a low-density subdivision near the city limits of WESTON (see Exhibit A). McKINNEY will include the area on Exhibit A in its water and sewer system engineering studies to determine the future feasibility of WESTON's connection to McKINNEY's water and sanitary sewer systems. Both parties understand that this study is a feasibility study to determine if the system may be of sufficient capacity to accommodate the additional load of WESTON tying into the system sometime in the future. If it is found to be feasible, WESTON understands that it will pay the infrastructure costs necessary to connect into McKINNEY's system, as well as on-going use fees and all maintenance costs associated with WESTON infrastructure.
10. McKINNEY and WESTON shall co-plan the area between the cities in order to ensure compatible developments in the future. McKINNEY will take a leadership role in terms of planning and visioning for the area. Ten-year goals shall be established for the area. The goals would include a timetable to re-evaluate any interlocal agreements and any changes necessary to better serve the residents of the area.

11. The parties to this Agreement acknowledge and agree that the party paying for the performance of governmental functions or services, if any, shall make those payments only from current revenues legally available to the paying party.
12. To the extent allowed by law, each party agrees to defend, indemnify and hold harmless the other (and its officers, agents and employees) from and against all claims or causes of action for injuries, including death, property damages, including loss of use, and any other losses, demands, suits, judgments, and costs, including reasonable attorney's fees and expenses, in any way arising out of or related to, or resulting from its performance under this Agreement, or caused solely by its negligent acts or omissions, or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible in connection with performing this agreement.
13. Failure of either party to comply with or perform any term, obligation, or condition of this Agreement shall constitute an event of default. The non-defaulting party shall notify the other party of any default, and the defaulting party shall have fifteen (15) days to begin to cure said default. Should said default remain uncured, the non-defaulting party shall have the right to terminate this Agreement, or enforce specific performance as appropriate.
14. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this agreement. The parties agree that this Agreement is performable in Collin County, Texas, and that exclusive venue shall lie in Collin County, Texas.
15. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation have the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.
16. This Agreement embodies the entire agreement between the parties and may only be modified in a writing executed by both parties.
17. This Agreement shall be binding upon the parties hereto, their successors, personal representatives and assigns. Neither of the parties will assign or transfer an interest in this Agreement without the written consent of the other party.
18. It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied, other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.
19. This Agreement shall be effective upon execution by all parties and shall continue in effect for one (1) year annual terms thereafter. This Agreement shall automatically renew.

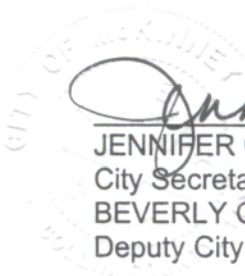
APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, in its meeting held on the 10<sup>th</sup> day of August, 2000, and executed by its authorized representative.

CITY OF MCKINNEY

By: Isaac D. Turner  
ISAAC D. TURNER,  
City Manager

Date Signed: 8/10/00

ATTEST:

 Jennifer G. Sproull  
JENNIFER G. SPROULL,  
City Secretary  
BEVERLY COVINGTON,  
Deputy City Secretary

APPROVED BY THE CITY COUNCIL OF THE CITY OF WESTON, TEXAS, in its meeting held on the 8<sup>th</sup> day of August, 2000, and executed by its authorized representative.

CITY OF WESTON

By: Patti Harrington  
Patti Harrington, Mayor

Date Signed: 8/8/00

ATTEST:

 Michelle Smith  
MICHELLE SMITH,  
City Secretary

STATE OF TEXAS           §  
COUNTY OF COLLIN       §

This instrument was acknowledged before me on the 10<sup>th</sup> day of August, 2000, by ISAAC D. TURNER, City Manager of the *CITY OF MCKINNEY*, a Texas municipal corporation, on behalf of said corporation.



Betty Cosgrove  
Notary Public, State of Texas

STATE OF TEXAS           §  
COUNTY OF COLLIN       §

This instrument was acknowledged before me on the 8<sup>th</sup> day of August, 2000, by PATTI HARRINGTON, Mayor of the *CITY OF WESTON*, a Texas municipal corporation, on behalf of said corporation.



Karen  
Notary Public, State of Texas

**EXHIBIT A**

Common Corporate Boundary between Area 1 and Area 2  
Comprising the Subject Area

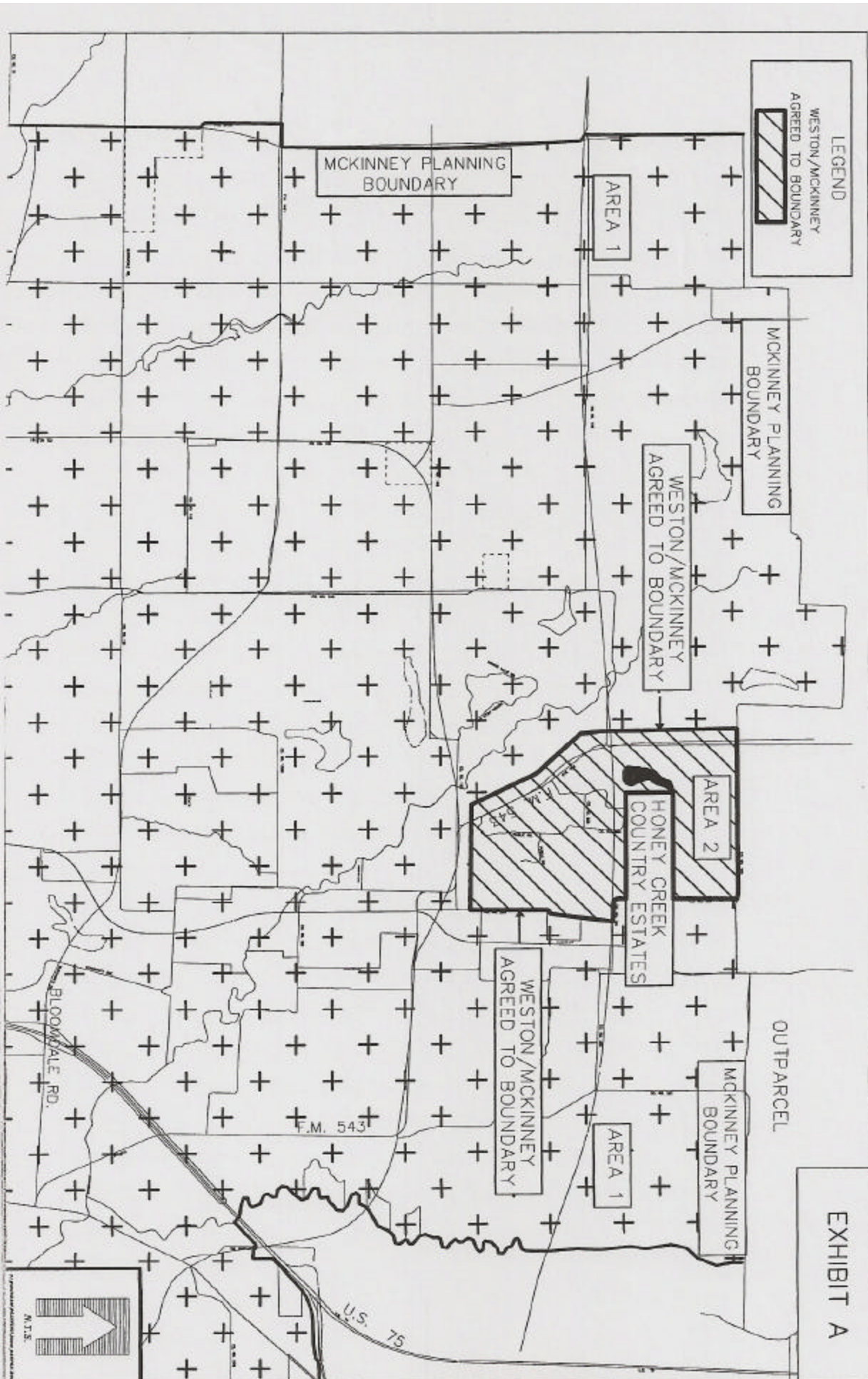


EXHIBIT A



**EXHIBIT B**

All Strips to be Disannexed

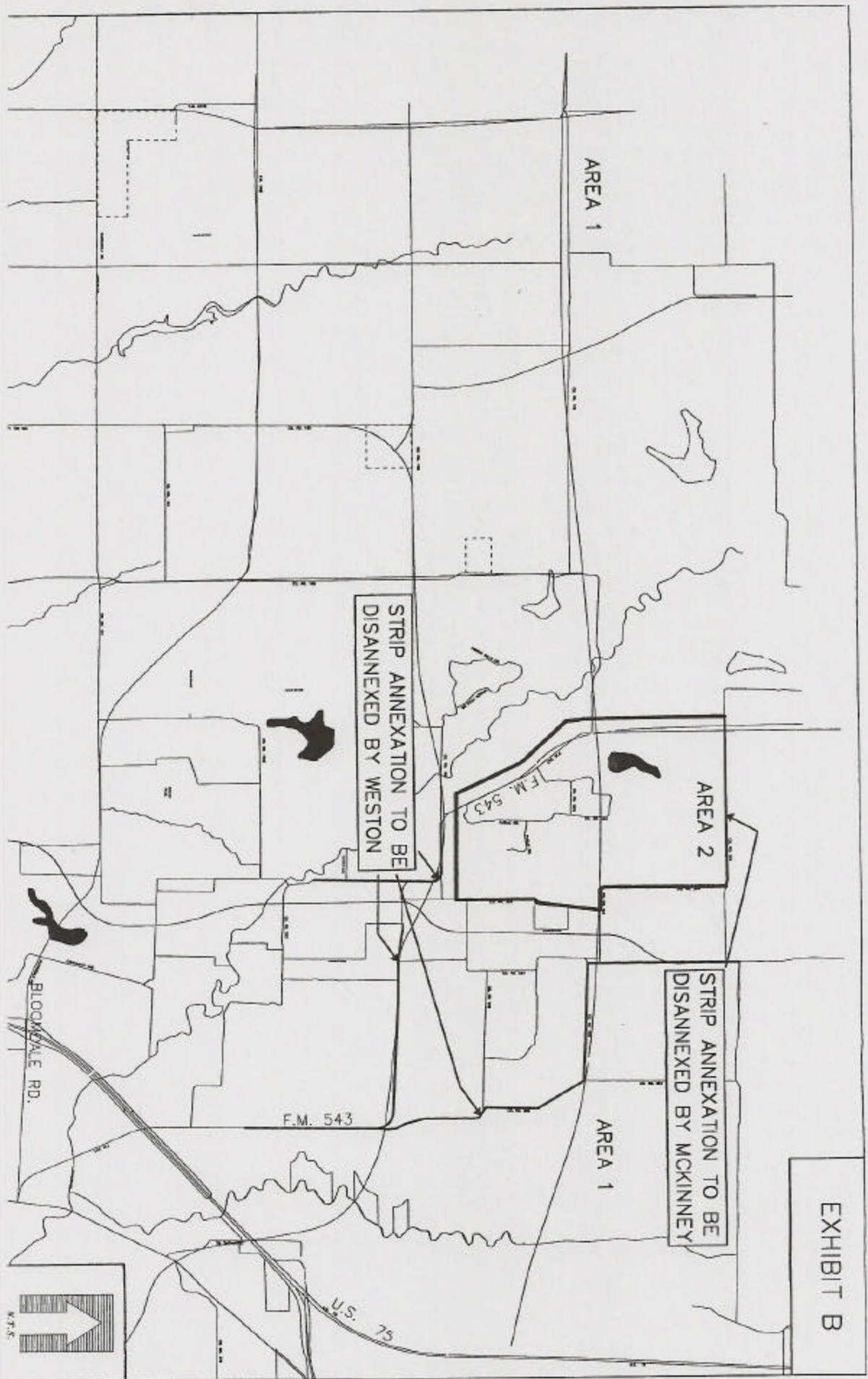


EXHIBIT B

**EXHIBIT C**

City of McKinney Parks Policy

**EXHIBIT D**

City of McKinney Library Policy



EXHIBIT A

OUTPARCEL

AREA 2

HONEY CREEK  
COUNTRY ESTATES

MCKINNEY PLANNING  
BOUNDARY

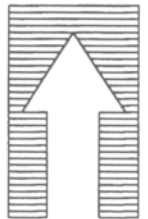
AREA 1

WESTON/MCKINNEY  
AGREED TO BOUNDARY

U.S. 75

F.M. 543

BLOOMDALE RD.



N.T.S.

LEGEND

WESTON/MCKINNEY  
AGREED TO BOUNDARY



MCKINNEY PLANNING  
BOUNDARY

WESTON/MCKINNEY  
AGREED TO BOUNDARY

AREA 1

MCKINNEY PLANNING  
BOUNDARY

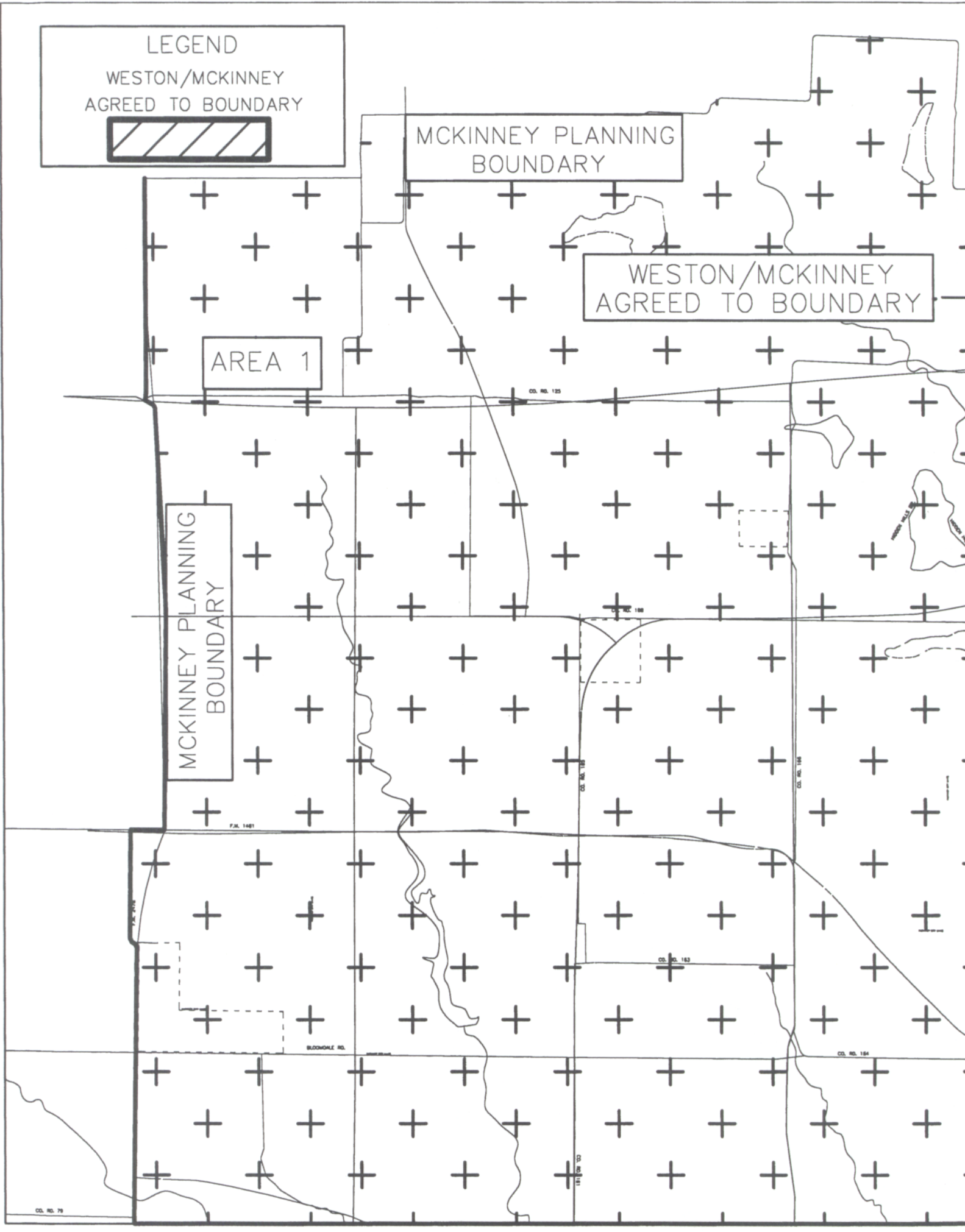


EXHIBIT B

AREA 2

STRIP ANNEXATION TO BE  
DISANNEXED BY MCKINNEY

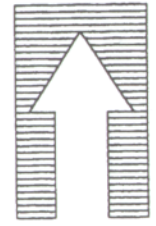
AREA 1

ANNEXATION TO BE  
DISANNEXED BY WESTON

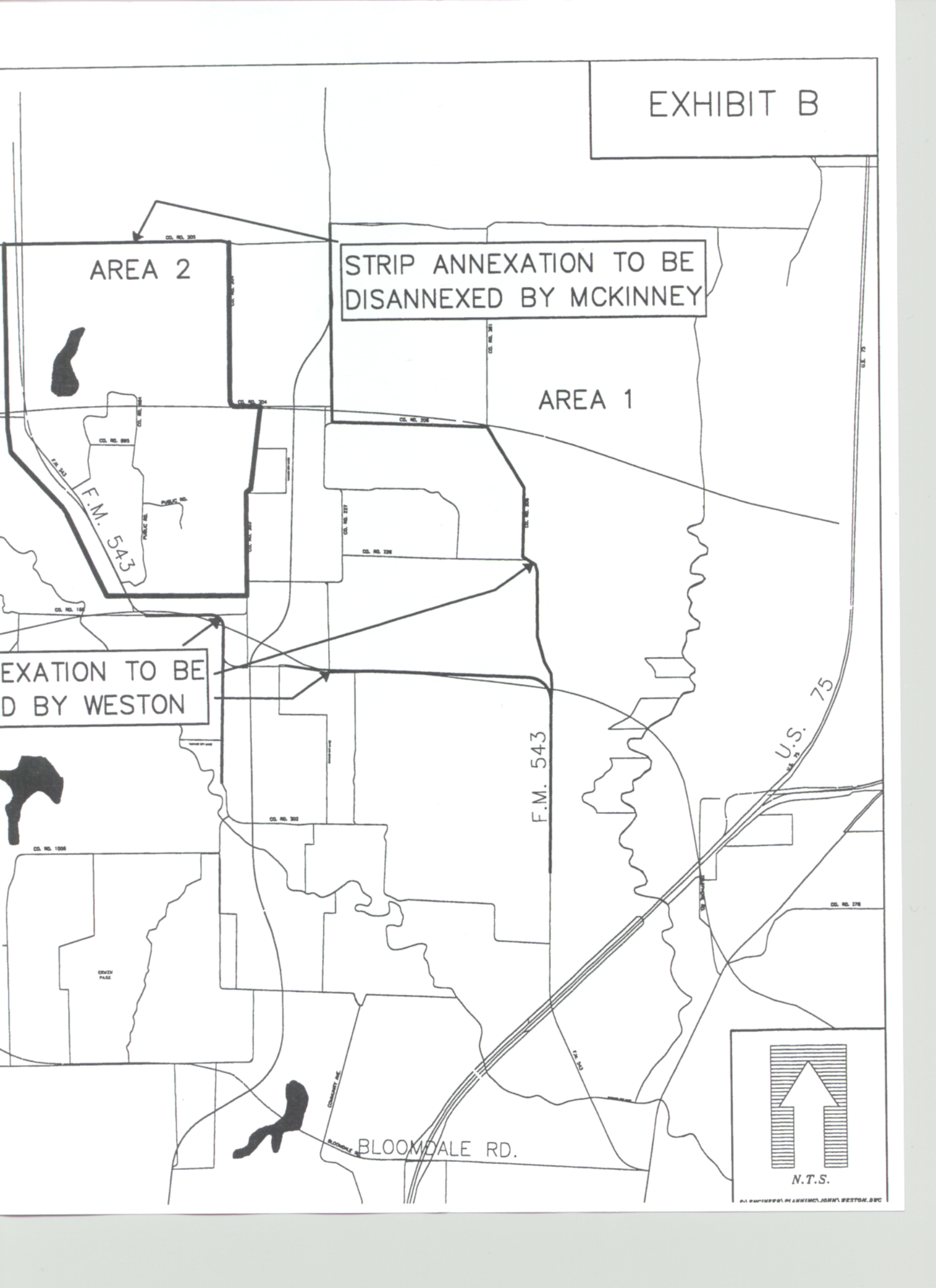
U.S. 75

F.M. 543

BLOOMDALE RD.



N.T.S.



# EXHIBIT C



## Chapter 21

### PARKS AND RECREATION\*

#### Article I. In General

- Sec. 21-1. Establishment of parks and recreation department.  
Sec. 21-2. Director of parks and recreation department.  
Sec. 21-3. Park names.  
Sec. 21-4. Park hours.  
Sec. 21-5. Community center hours.  
Sec. 21-6. Juanita Maxfield Swim Center hours.  
Sec. 21-7. Swimming, boating, and fishing in parks.  
Sec. 21-8. Disrupting or interfering with supervised play or amusement program conducted by parks and recreation department; expulsion from parks and recreation property.  
Sec. 21-9. Bicycle riding in parks and on bike trails.  
Sec. 21-10. Overnight camping.  
Sec. 21-11. Fires.  
Sec. 21-12. Unlawful to damage plants in parks or on other recreational facilities.  
Sec. 21-13. Unlawful to possess or break glass or glass beverage containers and other dangerous objects in swimming pools, recreation centers, and other designated park areas.  
Sec. 21-14. Request to charge admission to city owned or controlled facilities.  
Sec. 21-15. Unlawful to leave child under age seven unattended.  
Sec. 21-16. Unauthorized sale of goods within park unlawful.  
Sec. 21-17. Firearms, fireworks, etc.  
Sec. 21-18. Speed of vehicles.  
Sec. 21-19. Authority to prescribe additional rules and regulations.

**\*Editor's note**—Ord. No. 1667, §§ 1, 2, adopted Aug. 5, 1986, repealed ch. 21 in its entirety and enacted a new ch. 21 to read as herein set forth. Formerly, ch. 21, consisting of arts. I—VII, pertained to similar subject matter, and was derived from the following: Ord. No. 646, §§ 1—7, adopted 7-26-65; Ord. No. 798, §§ 1, 2, adopted 4-10-72; Ord. No. 901, §§ 1—7, adopted 1-27-75; Ord. No. 936, §§ 1—9, adopted 10-20-75; Ord. No. 1045, §§ 1, 2, adopted 1-31-78; Ord. No. 1135, §§ 1—5, adopted 10-16-79; Ord. No. 1255, §§ 1—5, adopted 9-1-81; Ord. No. 1307, §§ 1—6, adopted 9-7-82; Ord. No. 1376, § 1, adopted 9-6-82; Ord. No. 1432, § 1, adopted 4-17-84; Ord. No. 1519, §§ 10, 11, adopted 2-19-85; Ord. No. 1544, § 1, adopted 5-7-85; Ord. No. 1596, § 1, adopted 10-1-85; and Ord. No. 1648, §§ 12, 13, adopted 5-6-86.

**Charter references**—Power of city to acquire property for parks and playgrounds, § 7; park board, § 162; no lien on city parks, § 168.

**Cross references**—Motor vehicles and traffic, ch. 18; loudspeakers, § 20-96 et seq.; parades and processions, ch. 20.5; streets and sidewalks, ch. 28; subdivision regulations, ch. 40; conveyance of land for recreational areas and facilities, § 40-131; zoning regulations, ch. 41.

**State law references**—Right of eminent domain, V.T.C.A., Local Government Code § 251.001; local parks and recreation, V.T.C.A., Local Government Code ch. 331 et seq.; authority of city to police city owned property outside city, V.T.C.A., Local Government Code § 341.903; lease of park lands from state parks and wildlife department, V.T.C.A., Parks and Wildlife Code § 13.006; destruction of property, V.T.C.A., Penal Code § 28.03 et seq.; parks and recreation projects, Vernon's Ann. Civ. St. art. 1015c.

## McKINNEY CODE

- Sec. 21-20. Liability of city.
- Sec. 21-21. Use of city park property for flying remote controlled model aircraft.
- Sec. 21-22. Alcoholic beverages.
- Secs. 21-23—21-25. Reserved.

### Article II. Parks and Recreation Board

- Sec. 21-26. Membership.
- Sec. 21-27. Officers; terms of members; vacancies.
- Sec. 21-28. Duties.
- Secs. 21-29—21-34. Reserved.

### Article III. Rental and Usage Fees

- Sec. 21-35. Rental fees for group activities.
- Sec. 21-36. Fees generally.
- Sec. 21-37. Golf course fees.
- Sec. 21-38. Traffic control.
- Sec. 21-39. Picnic pavilion reservation fees.
- Sec. 21-40. Overnight camping fee.
- Secs. 21-41—21-45. Reserved.

### Article IV. Tennis Courts

- Sec. 21-46. Adoption of policy.
- Sec. 21-47. Reservations—Permitted.
- Sec. 21-48. Same—Priority.
- Sec. 21-49. Same—When valid.
- Sec. 21-50. Same—When made generally.
- Sec. 21-51. Same—Earliest time.
- Sec. 21-52. Same—Alteration or adjustment.
- Sec. 21-53. Private lessons.
- Sec. 21-54. Forfeiture of reservation.
- Secs. 21-55—21-60. Reserved.

### Article V. Athletic Fields

- Sec. 21-61. Adoption of policy.
- Sec. 21-62. Intent.
- Sec. 21-63. Sports seasons.
- Sec. 21-64. Field allocation.
- Sec. 21-65. Practice sessions.
- Sec. 21-66. User fees.
- Sec. 21-67. Facility maintenance.
- Sec. 21-68. Casual scheduling.
- Sec. 21-69. Concessions.
- Sec. 21-70. Insurance.
- Sec. 21-71. Hours and days for use of lights.
- Sec. 21-72. Facility utilization agreement required.
- Secs. 21-73—21-77. Reserved.

## PARKS AND RECREATION

### Article VI. Traffic Generally

- Sec. 21-78. Traffic permitted only on designated areas.
- Sec. 21-79. Traffic signs.
- Secs. 21-80—21-90. Reserved.

### Article VII. Special Events

- Sec. 21-91. Definitions.
- Sec. 21-92. Permit required; application; transferability; false statements.
- Sec. 21-93. Fee for permit; duration.
- Sec. 21-94. Suspension of permit.
- Sec. 21-95. Special events committee.
- Sec. 21-96. Special events agreement.
- Sec. 21-97. Violations.

## ARTICLE I. IN GENERAL

**Sec. 21-1. Establishment of parks and recreation department.**

There is hereby created for the city the department of parks and recreation.  
(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-2. Director of parks and recreation department.**

The city manager shall appoint the director of the department of parks and recreation to serve at the pleasure of the city manager, and the director shall have such duties and responsibilities as may, from time to time, be delegated to him by the city manager and the city council.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-3. Park names.**

It is appropriate to name or rename certain city parks in honor and recognition of several outstanding individuals who served the community well, and it is further appropriate to name other city parks with a geographical name. The following parks are hereby named as follows:

<i>Present Name</i>	<i>Location</i>
Finch Park	Standifer and Bengé
Wattley Park	Charleston
Fitzhugh Park	East Fitzhugh
Old Settlers Park	East Louisiana
Old Settlers Park Recreation Center	East Louisiana
Murphy Park	Josephine and Morris
Central Park	West Hunt
Mouzon Fields at Old Settlers Park	East Greenville
Community Park	212 McMakin Street
North Park	North Church
Erwin Park	Rt. 4, Box 101C
Municipal Golf Course	North Highway 121
Wilson Creek Soccer Complex	1986 Parkview Drive
Comegys Creek Park (community center site)	2001 S. Central Expwy.
Wilson Creek Greenway	Wilson Creek—Various locations
Towne Lake	Wilson Creek Pkwy. and Parkview Dr.
Valley Creek Park	2750 Valley Creek Trail
W. B. Finney Park (at Glen Oaks)	6350 Glen Oaks Drive
Winniford Park	4900 Highlands Drive
Mary Will Craig Park	2701 Bois D'Arc Road
Falcon Creek Park	301 Peregrine Drive

<i>Present Name</i>	<i>Location</i>
E. A. Randles Park (Ord. No. 1667, § 2, 8-5-86; Ord. No. 94-09-35, § 2, 9-6-94; Ord. No. 96-04-17, 4-2-96; Ord. No. 96-08-32, 8-6-96; Ord. No. 98-05-28, § 1, 5-5-98)	5400 Cedar Elm Drive

**Sec. 21-4. Park hours.**

Hours of general park use shall normally be from one hour before dawn until 11:00 p.m. The hours of general park use for Erwin Park shall be from 7:00 a.m. to 10:00 p.m. Parks shall be open for the public every day of the year during designated hours, except for unusual and unforeseen emergencies. Variation in hours may be permitted by the director of the parks and recreation department.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 97-10-56, § 1, 10-7-97)

**Sec. 21-5. Community center hours.**

It shall be unlawful for any person, other than authorized personnel and staff, to enter upon the premises of the McKinney Community Center building other than during the hours the facility is officially open.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-6. Juanita Maxfield Swim Center hours.**

It shall be unlawful for any person, other than authorized personnel and staff, to enter upon the premises of the Juanita Maxfield Swim Center other than during the hours the facility is officially open.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-7. Swimming, boating, and fishing in parks.**

It shall be unlawful for any person to utilize any creek, pond, lake or other body of water in any park in the city for swimming or boating, unless such activities are specifically authorized and permitted by other regulations or policies.

Electric or gas powered motor boats are unlawful on all water bodies except by approval from the director of the parks and recreation department or his authorized representative.

Fishing shall be permitted only from the banks of any creek, pond, lake or other body of water in any public park. No trotlines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any park.

The terms of this section shall not apply to any municipally owned or operated swimming pools or boat rental operations.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-8. Disrupting or interfering with supervised play or amusement program conducted by parks and recreation department; expulsion from parks and recreation property.**

(a) It shall be unlawful for any person to willfully interfere with, disrupt, or prevent the orderly conduct of any supervised play or amusement program conducted by the parks and recreation department of the city in any building, swimming pool, playground or park area located in or on any public property within the city.

(b) It shall be unlawful for any person to remain in any building, swimming pool, playground or park area in or on any public property within the city after being advised by the supervisor or center director or the parks and recreation department to leave such building, swimming pool, playground or park area located in or on any public property within the city.

(c) Public property, as used in this article, shall mean any property held for public use by any department or branch of an independent school district, community college district or municipal government within the city limits or the city government.

(d) Any person charged with violating any rule or regulation of the parks and recreation department may be expelled from any property and facilities of the parks and recreation department, provided a hearing is held before said department director and the person charged is given the opportunity to present his response to such charges. Upon a finding of grounds for expulsion, any person who is expelled from any public park or facility of the city by the parks and recreation director who comes onto any park property shall be guilty of a misdemeanor and upon conviction shall be fined as hereinafter provided. The expulsion shall be for a length of time as the parks and recreation director shall direct, but shall not exceed 90 days. This expulsion may be applied to the next session of league play, as may be determined by the director.

The park board will serve as the final appeal board for any person who is charged with a violation under this section and who has previously appeared before the parks and recreation director. The park board's ruling shall be final.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-9. Bicycle riding in parks and on bike trails.**

Bicycle riding shall be governed further by safe riding practices and consideration for use of park areas by others. Where special parking provisions have been made for bicycles, parking shall be limited to that area. Bicycle riding shall be prohibited in playgrounds, flower beds, sidewalks or display areas, on tennis courts or athletic courts or athletic fields or in picnic pavilions.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-10. Overnight camping.**

Overnight camping shall be unlawful except by special permit issued by the director of the parks and recreation department or his designated agent for designated park areas. All groups shall observe and obey all park rules and regulations and restore their campsite area to its original condition.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-11. Fires.**

Fires shall be permitted only in enclosed fireplaces or grills provided for this purpose, except with written permission of the fire marshal or his designated agent and the parks and recreation department's director, or his authorized representative, in designated areas. It shall be unlawful to leave an area without extinguishing a fire. After use, coals shall be thoroughly extinguished with water and cooled and disposed of in a trash can. Privately owned charcoal grills are not permitted on grass areas or on picnic tables.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-12. Unlawful to damage plants in parks or on other recreational facilities.**

It shall be unlawful to damage, cut, carve, mark, remove, transplant, break, pick, or in any way injure, damage or deface any plants or turf within or upon any parks, parkways, greenbelts or other recreational areas. It shall further be unlawful to bring in any plants to any park, parkway, greenbelt, or other recreational area or facility without prior approval of the parks and recreation director. For the purpose of this section, plants shall be defined to include any vegetation, shrubs, bushes, trees, vines, hedges, grasses, flowers, or the seed thereof. (Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-13. Unlawful to possess or break glass or glass beverage containers and other dangerous objects in swimming pools, recreation centers, and other designated park areas.**

It shall be unlawful to possess on the premises of any swimming pool, recreational center, or any other designated park area any glass beverage containers. It shall also be unlawful to willfully break any glass or glass container in any swimming pool, recreation center, or any designated park area. (Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-14. Request to charge admission to city owned or controlled facilities.**

The parks and recreation department may approve requests on the part of individuals or groups utilizing parks and recreation facilities to:

- (1) Charge admission to city owned or controlled facilities;
- (2) Control the movement of pedestrians in vehicles in or on the facilities included in the requests;
- (3) Sell tickets or otherwise make admission charges in amounts set by the then-current fee ordinance; or
- (4) Deny admission to persons who refuse to pay the approved admission charges, or any combination of the above.

The charges may be further subject to control as prescribed by the city council. (Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-15. Unlawful to leave child under age seven unattended.**

It shall be unlawful for a parent, guardian, or other adult having care, custody, and control of a child to abandon or in any way leave unattended a child (under seven years of age) in any park or recreational facility except for a supervised program or activity. (Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-16. Unauthorized sale of goods within park unlawful.**

It shall be unlawful to offer any goods or services for sale within parks, parkways, or other recreational facilities, or on public streets and rights-of-way within 300 feet of the boundary of



the same, except in commercial areas where property zoned for retail and commercial buildings has a certificate of occupancy for such business purposes or unless specifically authorized by the parks and recreation director.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-17. Firearms, fireworks, etc.**

(a) It shall be unlawful for any person to carry a concealed handgun, as that term is defined in section 20-2 of the Code of Ordinances of the City of McKinney, in a city park, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of Vernon's Ann. Civ. St. art. 4413, § 29ee, as amended, the Texas Concealed Weapons Act.

(b) It shall be unlawful for any person to carry or discharge firearms (unless permitted under subsection (a) of this section), fireworks, airguns, bows and arrows, slingshots or any device which would or could project any object which would or could create a fire hazard or any hazard or danger to the public in a city park, except with joint written approval of the parks and recreation director and the city fire marshal or their designated representatives.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 96-01-04, § 2, 1-2-96)

**Sec. 21-18. Speed of vehicles.**

It shall be unlawful for any person to drive any motor vehicle on park roads at a rate of speed in excess of that which is reasonable and prudent under the conditions and circumstances then prevailing, taking into account the conditions of the roadways and other motor and pedestrian traffic therein, and in no event shall any person drive in or through any park property at a rate of speed in excess of 20 miles per hour unless otherwise posted.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-19. Authority to prescribe additional rules and regulations.**

The city council shall have the right, power and authority by resolution or otherwise to prescribe additional reasonable rules and regulations or appeal regulations for the maintenance and operation of parks and recreation areas.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-20. Liability of city.**

The city shall not be held liable or bound for any loss or damage claimed by reason of the loss or damage to personal property taken or in any way on account of any personal injury of or death to any person entering the premises.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-21. Use of city park property for flying remote controlled model aircraft.**

(a) The City of McKinney authorizes persons, local clubs, or chapters, hereinafter referred to as "model aircraft users," to utilize the designated section of park property for the flying of remote controlled model aircraft upon executing a use agreement for such activity with the McKinney parks and recreation department and fulfilling the condition of this section.

(b) The model aircraft user will be responsible for furnishing an annual list of members of any club or chapter to the parks and recreation department of McKinney, Texas, upon execution of a required use agreement which may be renewed annually thereafter.

(c) The model aircraft user will be responsible for following all park rules and regulations, all national association rules and regulations, and any amendments thereto. It shall further be the responsibility of any club or chapter to adequately and fully inform all members of said rules.

(d) All persons flying remote controlled aircraft must restrict their use of Erwin Park to the established flight zone as established by the parks and recreation department.

(e) All model aircraft users shall furnish proof of liability insurance acceptable to the city naming the city and its employees and officers as co-insured, with a minimum amount of \$2,500,000.00 per occurrence.

(f) Failure to abide by provisions of this section or the conditions of any use agreement shall result in termination of said agreement and use of said facility for model aircraft.

(Ord. No. 93-10-35, § 1, 10-19-93)

**Editor's note**—Ordinance No. 93-10-35, adopted Oct. 19, 1993, added provisions designated as § 21-29. For purposes of classification, such provisions have been redesignated as § 21-21 at the discretion of the editor.

**Sec. 21-22. Alcoholic beverages.**

The consumption or possession of alcoholic beverages, including but not limited to wine, beer, ale and mixed drinks, is prohibited in each and every park located within the city limits of the City of McKinney.

(Ord. No. 95-11-65, § 1, 11-7-95)

**Cross reference**—Alcoholic beverages, ch. 4.

**Secs. 21-23—21-25. Reserved.**

**ARTICLE II. PARKS AND RECREATION BOARD\*****Sec. 21-26. Membership.**

The parks and recreation board may consist of five to nine members appointed by the city council.

(Ord. No. 1667, § 2, 8-5-86)

\***Cross reference**—Administration, ch. 2.

**Sec. 21-27. Officers; terms of members; vacancies.**

The parks and recreation board shall elect a chairperson and a vice chairperson from among its members.

All appointments to the parks and recreation board shall be for terms of two years, or until their successors are appointed.

All such terms shall expire on June 1 next succeeding the expiration of the appointed term, and all appointments of persons thereafter serving shall commence on June 1. Members shall serve until reappointed or replaced.

Vacancies on the parks and recreation board, occurring other than through expiration, shall be filled by the city council for that portion of the unexpired term remaining. (Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-28. Duties.**

It shall be the duty of the parks and recreation board to:

- (1) Provide advice and counsel to the director of the parks and recreation department and the city manager as requested in matters relating to the parks and recreation department.
  - (2) Assist in informing citizens of policies and functions of the parks and recreation department.
  - (3) Assist in the promotion of park-related bond programs and to encourage donations of land, equipment and resources in support of parks and recreation activities.
- (Ord. No. 1667, § 2, 8-5-86)

**Secs. 21-29—21-34. Reserved.**

**ARTICLE III. RENTAL AND USAGE FEES**

**Sec. 21-35. Rental fees for group activities.**

The following rental fees shall be applicable:

- (a) Picnic pack rental, per two hours (includes volleyball, net, horseshoes, etc.) ..... \$ 3.00
  - (b) Company picnic, per four hours (leader directs organized games for group) 100.00
  - (c) Birthday party, per four hours of supervised games ..... 50.00
- (Ord. No. 1667, § 2, 8-5-86; Ord. No. 1827, § 2, 3-7-89; Ord. No. 1881, § 4, 9-18-90; Ord. No. 1919, § 3, 9-17-91)

**Sec. 21-36. Fees generally.**

The following schedule of fees shall be paid before use of any of the following city recreational facilities shall be permitted. The city reserves the right to require provisions for security, as may be determined by the director of the parks and recreation department.

(1) *Municipal swimming pool/natatorium.*

a.	One-time visit:	
1.	Ages nine and younger when with paying adult .....	\$ 1.25
	(Two years of age and younger free when accompanied by paying adult 18 or older)	
2.	Ages ten and older .....	1.75
b.	Thirty-visit punch card:	
1.	Ages nine and younger .....	25.00
2.	Ages ten and older .....	35.00
c.	One-year unlimited pass:	
1.	Ages nine and younger .....	50.00
2.	Ages ten and older .....	75.00
	All passes are good for one year from the date of purchase. Only the individual with his picture on the 30-punch pass or one-year unlimited pass will be entitled to use it.	
d.	Family passes (one year only):	
1.	Two family members .....	110.00
2.	Three family members.....	160.00
3.	Four or more family members.....	170.00
	Family passes are good for immediate family members only. All family members included on the family pass will be required to have a picture I.D. pass.	
e.	Red Cross endorsed swim lessons, per series of lessons:	
	McKinney resident.....	25.00
	Nonresident .....	35.00
f.	Swim team member fee, per month:	
	Individual .....	1.50
g.	Pool rental fees at times other than scheduled operating hours:	
	1—25 participants, per hour .....	55.00
	26—50 participants, per hour .....	65.00
	51—75 participants, per hour .....	75.00
	76—100 participants, per hour.....	85.00

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101—150 participants, per hour.....	100.00
Inflatable slide with party reservations, per hour.....	25.00
Two-hour minimum rental; price includes required number of life-guards.	

- (2) *City-sponsored activities.* The fee for the city park and recreation department sponsored adult athletic activities shall be calculated for respective activity based on the estimated costs of conducting said activity (including such items as materials, instructors, umpires, scorekeepers, trophies and other direct program costs), plus an administrative fee of an average of 30 percent, or shall be as stipulated by nationally or statewide recognized athletic organizations. A 25 percent administrative fee will be charged for all other recreational classes and programs. Participants who reside outside the city limits will be charged an additional facilities maintenance fee as determined by the city council.
- (3) *Nonprofit organization sponsored activities.* Nonprofit organizations may be authorized by the director of parks and recreation to utilize city parks and recreation facilities for special events and also to charge attendance and participation fees. A fee shall be charged the sponsoring organization when any event is not cosponsored by the city.
- (4) *Athletic field rental.* Athletic field rental fees other than for scheduled league games for individuals and organizations are as follows:
  - a. Single game or practice for lighted field, per 1½ hours:
 

McKinney resident.....	\$ 30.00
Nonresident.....	50.00
  - b. Single game or practice only, no lights, per 1½ hours:
 

McKinney resident.....	15.00
Nonresident.....	25.00
  - c. Field preparation for single-game:
 

Softball, per field.....	15.00
Soccer, must provide net.....	N/A
  - d. Tournaments, soccer, per team.....
 30.00 |
  - e. Tournaments, soccer, lighting fee, per field, per day.....
 40.00 |
  - f. Tournaments, softball, per field, per day:
 

First field.....	180.00
Each additional field.....	100.00
Lighting fee, per field, per day.....	40.00
  - g. Deposit for tournaments.....
 100.00 |
  - h. Lighting fee for horseshoe courts, per night.....
 15.00 |

- i. Public admission daily fee, designated softball tournaments, ages 14 years and older ..... 2.00
- j. Public admission weekend fee, designated softball tournaments, ages 14 years and older ..... 3.00

The city shall be responsible for utilities only and no field maintenance will be performed except by special agreement between the participant and the city.

Teams with a paid or authorized reservation shall have priority over teams not holding a reservation.

Teams using athletic fields for practice only but not reserving same at designated times nor using same at any time when the use of outdoor lighting is or becomes necessary for proper visibility shall be excluded from the above recreational fee requirements.

(5) *Senior citizens.* A ten percent discount will apply to recreation fees paid by anyone 62 years of age or older.

(6) *Community center and recreation centers.*

a. Room availability. Operational hours will be posted at the individual facilities. Scheduled classes have first priority for room availability.

b. Building rental fees during scheduled operating hours:

1. Facility deposit\* ..... \$ 100.00

2. Meeting room, per hour:

	<i>Resident</i>	<i>Nonresident</i>
Up to 400 sq. ft. ....	\$10.00	\$15.00
Up to 700 sq. ft. ....	15.00	20.00
Up to 1,000 sq. ft. ....	20.00	25.00
Over 1,000 sq. ft. ....	25.00	30.00

3. Large gymnasium, per hour ..... 40.00

4. Small gymnasium, per hour ..... 20.00

5. Racquetball court, per hour ..... 6.00

6. Racquetball card for ten-hour play/person ..... 28.00

7. Weight room:

One-time initiation fee ..... 15.00

Six-month individual membership\*\* ..... 90.00

Six-month family membership\*\* ..... 150.00

One-year individual membership\*\* ..... 144.00

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One-year family membership**.....		225.00
One-day "walk-in" fee .....		3.00
Twelve-visit punch card.....		25.00
8. Identification card pass, each .....		2.00
9. Ten percent discount on building rental rates for nonprofit groups (with proof of 501-C3 certificate) and seniors (over 62).		
c. Building rental fees at times other than scheduled operating hours:		
1. Facility deposit*:		
Meetings, etc.....		100.00
Weddings, dances, etc.....		300.00
2. Meeting room, per hour (four-hour minimum):		
	<i>Resident</i>	<i>Nonresident</i>
Up to 400 sq. ft.....	\$10.00	\$15.00
Up to 700 sq. ft.....	20.00	25.00
Up to 1,000 sq. ft.....	25.00	30.00
Over 1,000 sq. ft.....	30.00	35.00
3. Large gymnasium, per hour (four-hour minimum) .....		40.00
4. Small gymnasium, per hour (four-hour minimum) .....		20.00
5. Ten percent discount on building rental rates for nonprofit groups (with proof of 501-C3 certificate) and seniors (over 62).		

\*Local groups or citizens may request a waiver of the required deposit. The director of parks and recreation is authorized to approve such a waiver on prior established use history or alternative security provisions.

\*\*Memberships not purchased at designated time periods will be prorated at \$15.00 per month until the next six-month membership period. Membership periods run from January 1 through June 30 and July 1 through December 31.

(7) *Facility maintenance fee.* There is hereby established the following maintenance fee which shall be charged by the city or sponsoring association or organization:

Youth.....	\$1.50
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(8) *Nonresident user fee.* There is hereby established a nonresident user fee which shall be charged by the city or sponsoring association or organization to noncity residents. The nonresident user fee shall be \$10.00 per participant per season and shall be in addition to any other league or field maintenance fees.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 1750, §§ 5, 6, 9-1-87; Ord. No. 1827, § 3, 3-7-89; Ord. No. 1881, § 5, 9-18-90; Ord. No. 1919, § 4, 9-17-91; Ord. No. 92-09-26, § 6, 9-22-92; Ord. No. 94-06-20, § 1, 6-21-94; Ord. No. 94-09-35, § 3, 9-6-94; Ord. No. 95-09-48, §§ 1, 2, 9-19-95; Ord. No. 96-09-41, §§ 1-3, 9-17-96; Ord. No. 97-10-58, §§ 1-3, 10-21-97; Ord. No. 98-11-58, § 1, 11-3-98)

**Sec. 21-37. Golf course fees.**

The following schedule of fees shall be paid before play is permitted at the McKinney Municipal Golf Course:

(1) *Daily green fees:*

a. Weekdays .....	\$9.00
b. Weekends and holidays.....	12.00
c. Weekend twilight .....	15.00
d. Senior citizen (60+), weekdays only.....	6.00
e. Ladies' day (Tuesdays) .....	6.00
f. Juniors (12 and under), weekdays only .....	6.00

(2) *Miscellaneous fees:*

a. Hand propelled golf carts, per day.....	3.70
b. Electric golf carts, for every nine holes .....	10.16
c. Large bucket of balls for use on driving range.....	4.00
d. Rental club fee, for 18 holes .....	5.00
e. Golf lessons .....	30.00

(3) *Annual green fee:*

a. City residents:	
1. First family member .....	650.00
2. Each additional family member .....	175.00
b. Any summer student through high school, weekdays only (June, July and August) .....	90.00
c. City employees:	
1. First family member .....	400.00
2. Each additional member.....	150.00

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 1750, § 4, 9-1-87; Ord. No. 1803, § 5, 9-6-88; Ord. No. 1842, § 2, 9-5-89; Ord. No. 1881, § 6, 9-18-90; Ord. No. 1919, § 5, 9-17-91; Ord. No. 92-09-26, § 7, 9-22-92; Ord. No. 93-09-29, § 1, 9-28-93; Ord. No. 94-09-35, § 4, 9-6-94; Ord. No. 95-09-48, § 3, 9-19-95; Ord. No. 96-09-41, § 4, 9-17-96; Ord. No. 98-02-08, § 1, 2-3-98; Ord. No. 98-05-29, § 1, 5-19-98; Ord. No. 98-09-52, § 1, 9-15-98)

**Sec. 21-38. Traffic control.**

Traffic pattern, parking and no-parking zones and no-loitering areas may be designated in the vicinity of special civic, recreational and sporting events for safety and crowd control by the director of parks and recreation in coordination with the city police and fire departments.

(Ord. No. 1667, § 2, 8-5-86)



**Sec. 21-39. Picnic pavilion reservation fees.**

A reservation fee of \$25.00 for a five-hour reservation (11:00 a.m. to 4:00 p.m. or 5:00 p.m. to 10:00 p.m.) shall be paid to confirm a reservation at the following picnic pavilions that are located at:

Finch Park.....	2 pavilions
Valley Creek Park.....	1 pavilion
Towne Lake Park.....	2 pavilions
Erwin Park.....	2 pavilions
Old Settlers Park.....	1 pavilion
W. B. Finney Park.....	1 pavilion

Reservations may be made up to three months in advance and the fee must be paid within 14 days of the requested reservation date. A 14-day written notice of cancellation must be given to the parks and recreation department in order to receive a refund of the reservation fee. (Ord. No. 1794, § 1, 7-5-88; Ord. No. 1881, § 7, 9-18-90; Ord. No. 1919, § 6, 9-17-91; Ord. No. 92-09-26, § 8, 9-22-92; Ord. No. 94-09-35, § 5, 9-6-94; Ord. No. 95-09-48, § 4, 9-19-95)

**Sec. 21-40. Overnight camping fee.**

A reservation fee of \$0.50 per person per night for overnight camping at Erwin Park will be charged to youth and nonprofit groups approved and permitted for camping privileges. These groups have the option of paying the fee or committing to a worksite agreement to perform various duties throughout the park system. A camping fee of \$6.00 per family per night will be charged for family primitive camping.

(Ord. No. 1919, § 7, 9-17-91; Ord. No. 92-09-26, § 9, 9-22-92)

**Secs. 21-41—21-45. Reserved.**

**ARTICLE IV. TENNIS COURTS**

**Sec. 21-46. Adoption of policy.**

The following policy elements are hereby adopted to serve as a guide for the comprehensive and effective usage of outdoor tennis courts and athletic fields owned, leased or scheduled or otherwise controlled by the city.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-47. Reservations—Permitted.**

The parks and recreation department may establish a court reservation system and establish time periods.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-48. Same—Priority.**

Reservations will have first priority on the use of all tennis courts. Reservations for the use of all McKinney Independent School District tennis courts will be governed by the city and the McKinney Independent School District joint-use agreement.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-49. Same—When valid.**

Reservations are valid only if the reservation form is in the possession of the tennis player while playing, unless regulatory staff is present at said facility.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-50. Same—When made generally.**

Persons wishing to make reservations for tennis may do so during the established operating hours of the community center.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-51. Same—Earliest time.**

Persons may not be allowed to make reservations for tennis courts more than three days in advance, except for the city's park and recreation department sanctioned tennis programs.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-52. Same—Alteration or adjustment.**

The parks and recreation department may from time to time alter or adjust reservations when multiple or consecutive reservations create scheduling problems.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-53. Private lessons.**

No person shall charge a fee for non-city-sponsored tennis lessons given on any public tennis court.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-54. Forfeiture of reservation.**

If a reservee has not occupied the reserved tennis courts within 15 minutes after the designated beginning reservation time, that reservation shall become void, and the court will be available to the public on a first-come, first-serve basis.

(Ord. No. 1667, § 2, 8-5-86)

**Secs. 21-55—21-60. Reserved.**

ARTICLE V. ATHLETIC FIELDS

**Sec. 21-61. Adoption of policy.**

The following policy elements are hereby adopted to serve as a guide for the comprehensive and effective usage of outdoor athletic areas owned, leased, scheduled, or otherwise controlled by the City of McKinney.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-62. Intent.**

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

- (a) A method of communicating the available inventory of allocatable athletic facilities to qualified requestors for usage of such facilities.
- (b) A disciplined method of communicating the forecasted and immediate facility needs for users of facilities to the appropriate department within the city administration.
- (c) The implementation of a system of facilities allocation producing results most beneficial to the city.
- (d) A program for continuously improving the utilization of existing facilities to the betterment of the city.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-63. Sports seasons.**

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

<i>Season</i>	<i>Primary Sport</i>	<i>Secondary Sport</i>
Spring	Adult softball: Last week in February through the second week of May	
	Youth and adult soccer: Last weekend in February through the end of April	
	Youth in-line hockey: Mid March through the end of May	
Summer	Youth baseball and softball: Second weekend in April through the last weekend in July	
	Adult softball: Second week in July through the first weekend in September	

<i>Season</i>	<i>Primary Sport</i>	<i>Secondary Sport</i>
Fall	Youth and adult soccer: Second weekend in September through second weekend in December  Adult softball: Third weekend in September through the second weekend in November	Youth and adult football: Second weekend in September through second weekend in December  Youth baseball: Second weekend in September through the second weekend in November  Youth in-line hockey: First week in September through mid-November  Youth tackle football (fifth and sixth grade): First weekend in September through mid-November

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

(c) Other sports will be addressed as need arises, subject to:

- (1) Facility availability.
- (2) Allocated maintenance funds.
- (3) Determination by the parks and recreation department of capacity of fields to withstand additional play.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 1891, § 1, 2-19-91; Ord. No. 94-09-35, § 6, 9-6-94; Ord. No. 95-09-48, § 5, 9-19-95; Ord. No. 96-09-41, § 5, 9-17-96)

**Sec. 21-64. Field allocation.**

(a) Organizations requiring facilities for league games will submit in writing their final registration figures (rosters and schedules), current insurance policies and appropriate fees 2 calendar weeks prior to the designated start of a specific sport season. Organizations will also submit with the above information a facility usage request form.

(b) The parks and recreation department shall consider all requests for facilities and allocate available facilities in the best interest of the city. Factors and steps to be considered shall include, but not be limited to, the following:

- (1) Preference will be given to programs accommodated the previous year. Efforts will be made to accommodate new programs according to facility availability and if requirements are met as determined by the parks and recreation department.
- (2) National and state affiliation with a particular association.
- (3) Unique characteristics of a particular league (age group) and/or facility features that specifically limits play to a particular facility within the community.

(4) Number of teams per league (age group) in a particular organization or association.

(5) Number of registered participants.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 98-11-58, § 1, 11-3-98)

**Sec. 21-65. Practice sessions.**

(a) *Youth practice.* Except with prior approval by the parks and recreation department, there shall be no practice upon park fields which have been prepared as game fields, McKinney Independent School District dedicated game or practice fields, or areas where games and practices have been cancelled due to rain.

- (1) Each organization shall require in its by-laws that any team guilty of violating the prohibitions of practicing on any of the listed facilities shall forfeit one league game. Penalties may also be assessed as authorized herein. The parks and recreation department may, however, allocate certain game fields as practice areas on a space available basis.
- (2) Organizations desiring such lighted practice areas shall comply with the following conditions:
  - a. Practices must be scheduled through the parks and recreation department for peak hours, evenings, and weekends during primary sport seasons.
  - b. Each organization will schedule their teams during its allotted time frames at each field and not otherwise.
  - c. Organizations may not schedule more than two teams per field per practice session.
  - d. Nonresident or out-of-town teams will not be allowed to schedule practices on city-owned facilities.
- (3) The scheduled turn-on and turn-off of lights shall be the responsibility of the parks and recreation department.
- (4) All team practices and games involving players under age 14 will not start any new innings after 9:30 p.m., except in a tie, on school nights. Violation will result in a one-game forfeiture.
- (b) *Adult practice.* All reservations for adult practice are subject to the following conditions:
  - (1) Reservation requests must be made through the athletic supervisor.
  - (2) The applicable light usage fee must be paid at least 24 hours in advance of a scheduled reservation; after adult sport entry fees are paid, no light fee will be assessed.
  - (3) An approved facility reservation form must be obtained from the parks and recreation office when the fee is paid.
  - (4) No refunds will be made unless the reservation is cancelled by the parks and recreation department or cancelled due to inclement weather, and, in either case, the reservation may be rescheduled on a space available basis.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 1891, § 2, 2-19-91; Ord. No. 1903, 5-7-91; Ord. No. 98-11-58, § 1, 11-3-98)

**Sec. 21-66. 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 who are members of any City of McKinney adult or youth athletic team will pay prescribed user fees as established by the city council.

(1) It shall be the responsibility of each sponsoring organization to collect all user fees and to submit these fees and team rosters to the parks and recreation department no later than one week before the start of the season.

(2) Nonresident adults (persons residing outside the City of McKinney and the McKinney Independent School District) may play on a McKinney team, after paying the nonresident user fee, subject to the approval of the parks and recreation department, and in accordance with league rules.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-67. Facility maintenance.**

(a) If an individual or group uses an available facility at a time other than within the specified sport season, that facility will not receive special maintenance, but will be subject to general park maintenance.

(b) Maintenance of all facilities owned by the city will be performed only by the parks and recreation department, except as approved by the director of parks and recreation and agreed to by specific individuals, groups, or recognized leagues.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 1891, § 3, 2-19-91)

**Sec. 21-68. Casual scheduling.**

Casual scheduling is the use of athletic areas on a nonrecurring basis. Any city group or resident may request use of an athletic facility through the parks and recreation department when available, providing those who request and use the facility live in the city or the McKinney Independent School District. Such request will be considered on a space available basis. The nature of such use shall be purely recreational and not for profit. The applicable light and field rental fee will apply.

(Ord. No. 1667, § 2, 8-5-86; Ord. No. 94-09-38, § 2, 9-20-94)

**Sec. 21-69. Concessions.**

The city council shall control all concession rights for all athletic facilities. No concessions may be sold in any park or facility by any group or individual except with the approval of the director of the parks and recreation department and subject to the approval of the city council.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-70. Insurance.**

Organizations or associations conducting organized leagues must provide and keep in force for the duration of the season, with a reputable insurance company, public liability insurance in an amount not less than \$100,000.00 per person, and not less than \$300,000.00 for any single occurrence for any injury to or destruction of property. Insurance amounts will be reviewed on an annual basis. In addition, the policy shall include the City of McKinney as an additional insured party. An accident insurance policy must be available to each participant. No games may be played until the acceptable proof of insurance has been received and approved by the parks and recreation department.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-71. Hours and days for use of lights.**

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

- (a) All use of lights, whether for practice or games, shall cease and lights shall be turned off at 12:00 midnight on any and all fields, unless prior approval has been granted by the parks and recreation department.

- (b) All play shall cease at 10:30 p.m. on any and all lighted facilities now or hereafter used by the department for activities covered by this chapter and being used to play a scheduled game, unless prior approval has been granted by the parks and recreation department.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-72. Facility utilization agreement required.**

All youth and adult sports associations who desire to use any City of McKinney athletic facilities will be required to sign a facility utilization agreement. This agreement will outline the duties and responsibilities of both the association and the City of McKinney. This agreement must be signed at least 14 days before starting play on said City of McKinney athletic facilities.

(Ord. No. 1667, § 2, 8-5-86)

**Secs. 21-73—21-77. Reserved.**

**ARTICLE VI. TRAFFIC GENERALLY**

**Sec. 21-78. Traffic permitted only on designated areas.**

It shall be unlawful for any unauthorized person to ride, use or operate any horse, motorcycle, motorscooter or any other vehicle in or upon the public parks, municipal golf course, school or college property or athletic field, except on the designated roadway, parking areas or equestrian trail.

(Ord. No. 1667, § 2, 8-5-86)

**Sec. 21-79. Traffic signs.**

It shall be unlawful for any person to fail to comply with the directions of any sign. The existence of any sign purporting to direct or regulate vehicular or pedestrian traffic shall be prima facie evidence that the same was posted by or at the direction of the director of the parks and recreation department.

(Ord. No. 1667, § 2, 8-5-86)

**Secs. 21-80—21-90. Reserved.**



## ARTICLE VII. SPECIAL EVENTS\*

**Sec. 21-91. Definitions.**

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

*Special event* means any event that operates wholly or partially within the incorporated city limits of the City of McKinney which may require the use of or assistance from the parks and recreation department, police department, fire department, or any other public service department.

(Ord. No. 92-04-11, § 1, 4-21-92)

**Cross reference**—Definitions generally, § 1-3.

**Sec. 21-92. Permit required; application; transferability; false statements.**

(a) A person commits an offense if he conducts, operates, or causes to be operated a special event without first obtaining a permit from the parks and recreation department. A separate permit is required for each special event.

(b) Upon receipt of the required fee and completed application form, the special events committee shall review the proposed event and prescribe specific requirements for the special event. Once the conditions are established for the event, an agreement shall be executed prior to the issuance of a permit.

(c) Each permit application must contain the name, address, and telephone number of the person who will be the permit holder and responsible for the proper operation of the special event and payment of fees or charges levied under this article.

(d) A special event permit is nontransferable. A permit holder shall inform the parks and recreation department in writing of any changes that alter information listed on the permit application. No fee will be assessed for such changes.

(e) Any false statement or misrepresentation of a material fact made by an applicant or person for the purpose of obtaining a permit shall be sufficient cause for refusal to grant or suspension of a permit.

(Ord. No. 92-04-11, § 2, 4-21-92)

**Sec. 21-93. Fee for permit; duration.**

A nonrefundable fee of \$25.00, plus any costs incurred by the City of McKinney, is required for each permit or renewal of a permit, which permit shall extend only to those dates requested in the application and which are approved by the special events committee.

(Ord. No. 92-04-11, § 3, 4-21-92)

**\*Editor's note**—Ordinance No. 92-04-11, adopted April 21, 1992, did not specifically amend this Code; hence inclusion of §§ 1—7 as ch. 21, art. VII, §§ 21-91—21-97, was at the discretion of the editor.

**Sec. 21-94. Suspension of permit.**

The special events committee may suspend or refuse to renew a special events permit for failure to comply with the special events agreement or this article.

(Ord. No. 92-04-11, § 4, 4-21-92)

**Sec. 21-95. Special events committee.**

The city manager is hereby authorized to appoint a three-member special events committee that would insure compliance with each special events agreement.

(Ord. No. 92-04-11, § 5, 4-21-92)

**Sec. 21-96. Special events agreement.**

After approval of a permit, the applicant and the city shall enter into a special event agreement incorporating the terms and conditions of said permit, and which, among other terms, will release and hold harmless the city from any liability for the special event.

(Ord. No. 92-04-11, § 6, 4-21-92)

**Sec. 21-97. Violations.**

A person, firm, or corporation violating any provision of this article shall upon commission be deemed guilty of a misdemeanor and shall be subject to a fine not to exceed to the sum of \$500.00 for each offense, and each day such violation continues committed or permitted shall constitute a separate offense.

(Ord. No. 92-04-11, § 7, 4-21-92)

# EXHIBIT D

## Chapter 15

### LIBRARIES\*

#### Article I. In General

- Sec. 15-1. Library created.
- Sec. 15-2. Library department created.
- Sec. 15-3. Budget.
- Sec. 15-4. Fees.
- Sec. 15-5. Failure to return property.
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#### Article III. Director

- Sec. 15-41. Position created.
- Sec. 15-42. Qualifications.
- Sec. 15-43. Recruitment and selection.
- Sec. 15-44. Appointment.

\*Charter reference—Public library, § 177.

State law references—Authority of city to take public or private property for libraries, V.T.C.A., Local Government Code § 251.001; state plan for library services and construction, V.T.C.A., Government Code § 441.009.

## McKINNEY CODE

- Sec. 15-45. Duties generally.
- Sec. 15-46. Policies; procedures; general responsibility.
- Sec. 15-47. Budget.
- Sec. 15-48. Personnel.

## ARTICLE I. IN GENERAL

**Sec. 15-1. Library created.**

Pursuant to the Texas State Constitution and section 177 of the city Charter, there is hereby created and established, in and for the city, a free public library to be named the McKinney Memorial Public Library. In this chapter it may be referred to as "the library." (Ord. No. 949, § 1, 3-23-76)

**Sec. 15-2. Library department created.**

A city department, to be referred to as the library department, is hereby created and established.

(Ord. No. 949, § 2, 3-23-76)

**Charter references**—Power of city council to establish departments, § 34; library considered as a city department for budget purposes, § 177.

**Cross reference**—Administration, ch. 2.

**Sec. 15-3. Budget.**

Funds for the operation, maintenance and expansion of the library department shall be appropriated by the city council in the same manner as is provided in the city Charter for all departments of the city.

(Ord. No. 949, § 6, 3-23-76)

**Charter reference**—Similar provisions, § 177.

**Cross reference**—Finance, § 2-31 et seq.

**Sec. 15-4. Fees.**

The following schedule of fees and fines shall be administered by the director of the McKinney Memorial Public Library:

<i>Item</i>	<i>Fee/Fine</i>
(1) Overdue materials other than videocassettes	\$0.25 per day, \$10.00 maximum per item.
(2) Overdue videocassettes	\$1.00 per day, no maximum fee.
(3) Replacement library card	\$1.00 per replacement.
(4) Lost materials	Current replacement cost plus \$5.00 processing fee.
(5) Audio/visual equipment	\$5.00 per loan plus \$10.00 loan deposit.
(6) Late return of audio/visual equipment	Forfeiture of deposit.
(7) Rental of meeting room (to include the Dulaney Room)	\$5.00 per rental.

<i>Item</i>	<i>Fee/Fine</i>
(8) Library card initial issuance	No charge to residents of McKinney and Collin County; \$10.00/card or \$18.00/family for all residents outside of county.
(9) Library card lamination	No charge.
(10) Lamination of other cards	\$1.00 per card.
(Ord. No. 949, § 7, 3-23-76; Ord. No. 1519, § 9, 2-19-85; Ord. No. 1609, § 1, 12-3-85; Ord. No. 1648, § 1, 5-6-86; Ord. No. 1750, § 3, 9-1-87; Ord. No. 1803, § 4, 9-6-88; Ord. No. 1881, § 1, 9-18-90; Ord. No. 92-09-26, § 5, 9-22-92; Ord. No. 94-09-35, § 1, 9-6-94)	

**Sec. 15-5. Failure to return property.**

(a) Library materials are checked out or borrowed by presenting a library card. The library card number assigned to such property, bearing the due date for the return of such property and reflecting the name and library card number of the person who took the said property, shall be prima facie evidence of the checking out or borrowing of said property.

(b) Any person who checks out materials from the McKinney Memorial Public Library commits an offense if he knowingly and intentionally fails to return any property, including, but not limited to, books, pamphlets, periodicals, papers, audio visual materials and equipment or other property, within 30 days after the property is due to be returned.

(c) Any parent or guardian of a child under the age of 17 years, whose child or ward has checked out materials from the McKinney Memorial Public Library, commits an offense if he knows his child or ward has checked out property or materials and knowingly or intentionally fails to return said property or materials within 30 days after the property is due to be returned.

(d) Any person who shall fail to return the property from the McKinney Memorial Public Library for more than 30 days after the property was due to be returned shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-15 for each offense. Each book, pamphlet, periodical, paper or other property not returned in accordance with the provisions of this section shall constitute a separate offense. Such fine shall be in addition to the regular library fine and replacement cost set out hereinabove. (Ord. No. 1609, § 1, 12-3-85; Ord. No. 1813, § 1, 10-4-88)

**Sec. 15-6. Illegal removal of material.**

Any person who shall take or borrow from the McKinney Memorial Public Library any book, pamphlet, periodical, paper or other property, except in accordance with the rules of such library, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-15 for each offense. Each book, pamphlet, periodical, paper

or other property not returned in accordance with sections 15-4 through 15-8 shall constitute a separate offense. Any such fine shall be in addition to the regular library fine or replacement costs set out hereinabove.

(Ord. No. 1609, § 1, 12-3-85; Ord. No. 1813, § 2, 10-4-88)

**Sec. 15-7. Damage or injury to library and/or materials.**

Any person who shall knowingly, intentionally or recklessly cut, mutilate, mark, tear, write upon, deface or otherwise destroy or injure in whole or in part any book, pamphlet, periodical, map or document, picture or written, or engraved or printed paper belonging to the public library or shall suffer any such injury to be inflicted while such property is in his custody or shall knowingly, intentionally or recklessly injure any of the furniture or property in the building of the public library or shall knowingly, intentionally or recklessly mark or deface or in any way injure the public library or any part thereof or any fixture therein or appurtenances thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$200.00 for each offense. Each book, pamphlet, periodical, paper or other property injured under this section shall constitute a separate offense.

(Ord. No. 1609, § 1, 12-3-85)

**Sec. 15-8. Penalty.**

Any person who violates any of the provisions of section 15-5 shall be subject to the penalties as provided for herein and, where the amount of the penalty is not specifically provided for herein, any person guilty of violating any of the provisions of said section shall be punished as provided in section 1-15 for each offense. It shall be presumed that the person whose name appears on the library card is the person who took or borrowed the book or other library material and equipment from the library.

(Ord. No. 1609, § 1, 12-3-85)

**Secs. 15-9—15-15. Reserved.**

**ARTICLE II. LIBRARY BOARD\***

**Sec. 15-16. Created.**

An advisory board to be known as the library board is hereby created.  
(Ord. No. 949, § 4, 3-23-76; Ord. No. 1104, § 1, 4-17-79)

**Sec. 15-17. Membership.**

The library board shall consist of seven voting members appointed by the city council.  
(Ord. No. 949, § 4, 3-23-76; Ord. No. 1104, § 1, 4-17-79; Ord. No. 1886, § 1, 12-11-90)

\*Cross reference—Administration, ch. 2.



**Sec. 15-18. Officers.**

The library board shall elect a chair and a vice-chair from among its members, each to serve a term of one year, but not more than two consecutive terms in one office. No such officer shall serve for a total period of more than two years in a single board office.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-19. Regular and special meetings.**

The library board shall conduct bimonthly meetings at the McKinney Memorial Public Library, and such other special meetings as may be appropriate.

(Ord. No. 1023, § 1, 9-27-77)

**Sec. 15-20. Quorum.**

Four voting members shall constitute a quorum of the library board and shall be a majority in voting.

(Ord. No. 949, § 5, 3-23-76; Ord. No. 1886, § 2, 12-11-90)

**Sec. 15-21. Minutes.**

Minutes of regular or special meetings of the library board shall be delivered to the city secretary's office for acceptance and entry into the official minutes of the city council at the earliest feasible date after each meeting.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-22. Responsibilities generally.**

The library board shall have the responsibilities provided in this article.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-23. Advice and counsel.**

The library board shall provide advice and counsel to the director of the library(s), the city manager and the city council in matters relating to the services rendered by the library.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-24. Rules; regulations; bylaws.**

The library board shall follow such rules and regulations as may be prescribed by the city council for the conduct of its business; however, it may adopt its own bylaws within the framework provided by the council.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-25. Library facilities.**

The library board shall study the needs for, and encourage the development of, adequate library facilities.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-26. Policies of service.**

The library board shall recommend general policies of library service for approval by the city council.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-27. Recommendations of programs, etc.**

The library board shall recommend to the city council suggested programs for the development of library facilities and programs and necessary financial support for those facilities.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-28. Recommendations generally.**

The library board shall make any recommendations to the city council regarding library matters that it deems advisable.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-29. Public information.**

The library board shall assist in interpreting the policies and functions of the library department to the public.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-30. Fees; fines.**

The library board shall recommend to the city council various fines and the amounts to be charged as fees for the use of library facilities.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-31. Gifts.**

The library board may receive, in the name of and for the city, donations, gifts and bequests either of land, money, securities, books, manuscripts, collections of historical nature or materials, or local historical relics to be devoted to library uses or purposes.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-32. Dulaney fund.**

The library board shall administer expenditures from the Joseph F. Dulaney Fund.

(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-33. Terms.**

The term of office of the members of the library board shall commence on June 1 of each year and shall be for a term of two years or until their successors are appointed.  
(Ord. No. 949, § 4, 3-23-76; Ord. No. 1104, § 1, 4-17-79)

**Secs. 15-34—15-40. Reserved.**

**ARTICLE III. DIRECTOR**

**Sec. 15-41. Position created.**

The position of director of library(s) is hereby created and established.  
(Ord. No. 949, § 3, 3-23-76)

**Sec. 15-42. Qualifications.**

The director of the library(s) shall be a professional librarian and shall possess a master's degree in library science from an accredited college or university.  
(Ord. No. 949, § 3, 3-23-76)

**Sec. 15-43. Recruitment and selection.**

The library board shall advise and counsel with the city manager in the recruitment and selection of a qualified director.  
(Ord. No. 949, § 5, 3-23-76)

**Sec. 15-44. Appointment.**

The city manager shall appoint, after considering the recommendations of the library board, a library director to administer the library(s).  
(Ord. No. 949, § 3, 3-23-76)

**Sec. 15-45. Duties generally.**

The director shall serve as a department head of the city and shall be directly responsible for administration of the library(s) to the city manager. The library director shall serve as staff officer to the library board, attending all board meetings and taking part in discussion, but having no vote.  
(Ord. No. 949, § 3, 3-23-76)

**Sec. 15-46. Policies; procedures; general responsibility.**

The director of the library(s) shall seek the advice and counsel of the library board in matters pertaining to proposed policies and procedures, but shall be responsible to the city manager for the proper administration of approved policies and procedures.  
(Ord. No. 949, § 3, 3-23-76)

**Sec. 15-47. Budget.**

The director of the library(s) shall prepare a proposed annual budget for submission to the city manager.

(Ord. No. 949, § 3, 3-23-76)

**Charter reference**—Library budget, § 177.

**Sec. 15-48. Personnel.**

The director of the library(s) shall recommend all personnel to be employed by the library and shall have responsibility for supervision of such personnel.

(Ord. No. 949, § 3, 3-23-76)

**Cross reference**—Personnel generally, ch. 23.