

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY ADOPTING A NEW CHAPTER 36 REGARDING THE REGULATION AND OPERATION OF OPEN SPACE PROPERTIES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fort Worth (“City”) seeks to provide for the health, safety, and welfare of its citizens; and

WHEREAS, the City is the owner or operator of certain Open Space properties that are used: to preserve or restore natural areas and resources; to maintain or enhance air and water quality; to preserve the property’s aesthetic value and its contribution to the quality of life of the community; to mitigate erosion and enhance flood control efforts; and to prevent encroachment on floodplains or watersheds; and

WHEREAS, although incidental or programmatic use of Open Space properties for other purposes may occur, that use is intended to be secondary to the purposes identified above; and

WHEREAS, Open Space is not being owned, held, or claimed as a public square or park, nor is the Open Space land being acquired or designated as a park, recreation area, scientific area, wildlife refuge, or historic site;

WHEREAS, certain Open Space property is accessible to the public; and

WHEREAS, it is in the legitimate interest of the City of Fort Worth to protect the health, safety, and welfare of its citizens by placing reasonable rules and regulations for the use of and conduct on Open Space property; and

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary.

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

SECTION 1

The Code of the City of Fort Worth (2015), as amended, is hereby revised by the adoption of a new Chapter 36 “Open Space” to read as follows:

§ 36-1 JURISDICTION. The rules and regulations in this chapter shall be in force in all Open Space properties regardless of the City department charged with the day-to-day operations and maintenance of the properties.

§ 36-2 CONDITIONS FOR USE; ENFORCEMENT. Compliance with all laws, ordinances, rules, and regulations is a condition of the use of any Open Space property of the City. It shall be unlawful for any person to remain in any Open Space property within the City after being advised by an employee of the City or a peace officer that he or she is interfering with, disrupting, or preventing the orderly use of Open Space property and after having been asked to leave.

§ 36-3 DEFINITIONS.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated.

OPEN SPACE. An interest in land that the City of Fort Worth owns or maintains with the primary intent of meeting one or more of the following purposes:

- (1) to preserve or restore natural areas and resources;
- (2) to maintain or enhance air or water quality;
- (3) to preserve the property's aesthetic value and its contribution to the quality of life of the community;
- (4) to mitigate erosion or enhance flood control efforts; or
- (5) to prevent encroachment on floodplains or watersheds.

Incidental or programmatic use of Open Space for other purposes may occur; however, that use is intended to be secondary to the purposes identified above. Open Space is not park land and is not owned, held, or claimed as a public square or park, nor is Open Space acquired or designated as a park, recreation area, scientific area, wildlife refuge, or historic site.

§ 36-4 LITTERING. It shall be unlawful for any person to deposit paper, glass, metal, litter, yard waste, cigarette or cigar butts or trash of any description on any Open Space property except in receptacles if provided for waste disposal.

§ 36-5 ENTERING CLOSED AREAS; HOURS OF OPERATION. It shall be unlawful for any person to enter or remain in any portion of an Open Space property which is designated as restricted, or to enter or remain in any area of Open Space property during the hours of the day when such area is not open to the public or to enter or remain at any time in any area of Open Space property closed for the season. Unless otherwise posted, the hours during which Open Space properties are open to the public are from sunrise to sunset.

§ 36-6 ADVERTISING MATTER. It shall be unlawful for any person to display any advertising matter of any character or to distribute any advertising matter of any character within any Open Space property without the written permission of the City Manager or designee.

§ 36-7 SELLING GOODS OR SERVICES. It shall be unlawful for any person to sell or offer to sell any goods, wares, services or merchandise within any Open Space property without the written permission of the City Manager or designee.

§ 36-8 COMMERCIAL PHOTOGRAPHY. It shall be unlawful for any person to perform commercial photography within any Open Space property without the written permission of the City Manager or designee.

§ 36-9 ANIMALS TO BE ON LEASH. Animals must be kept on a leash and under the direct physical control of the owner or handler while in any Open Space property. Animals are permitted off-leash only in those portions of Open Space designated by signage as off-leash areas. Animals must remain under the immediate personal supervision and command of the owner or handler while in off-leash areas in accordance with Chapter 6 of the City Code.

§ 36-10 SANITARY STANDARDS. An owner or handler shall promptly remove and sanitarly dispose of any droppings left on Open Space property by an animal being handled by the person.

§ 36-11 RIDING, TETHERING OR PASTURING ANIMALS. It shall be unlawful for any person, without the written permission of the City Manager or designee, to ride any cow, horse, or other animal in or upon any Open Space property not designated by signage for such purpose, or to tether or pasture, or allow or cause to be tethered or pastured, any cow, horse, or other animal in or upon any Open Space property.

§ 36-12 DISCHARGING FIREARMS. It shall be unlawful for any person to discharge any gun, pistol, airgun or firearm of any kind within or across any Open Space property.

§ 36-13 FISHING, SWIMMING, CAMPING, BOATING IN NONDESIGNATED AREAS. It shall be unlawful for any person to wade, swim, boat, fish, or camp within any Open Space property without the written permission of the City Manager or designee, except within areas designated by signage for such purposes.

§ 36-14 ALCOHOLIC BEVERAGES PROHIBITED. It shall be unlawful for any person to knowingly or willfully sell, possess with the intent to sell, or consume any alcoholic beverage in any Open Space property.

§ 36-15 FIREWORKS PROHIBITED. It shall be unlawful for any person to possess or discharge any fireworks on any Open Space property.

§ 36-16 VEGETATION. It shall be unlawful for any person to damage, cut, carve, mark, transplant, or remove any plant or injure the bark or flowers or seed of any tree or plant, dig in or otherwise substantially disturb grass areas, or in any way injure the vegetation in any Open Space property unless authorized by the written permission of the City Manager or designee. It shall be unlawful for any person to plant any seeds or plants on any Open Space property unless authorized by the written permission of the City Manager or designee.

§ 36-17 FIRES. Excluding prescribed burns conducted by the City, it shall be unlawful for any person to light, build, or maintain a campfire or ground fire on any Open Space property.

§ 36-18 WILDLIFE. It shall be unlawful for any person to hunt or molest, harm, frighten, kill, trap, pursue, tease, or shoot, at any animal or wildlife on any Open Space property.

§ 36-19 TRAFFIC REGULATIONS.

(a) It shall be unlawful for any person to drive or propel any vehicle, including a bicycle, in, over, or through any Open Space property, except along and upon public drives, streets, boulevards, or parking lots, or along and upon other areas or trails designated by signage for driving or riding purposes. It shall be unlawful for any person to drive or propel any vehicle, including a bicycle, in, over, or through any wet or muddy portion of Open Space property, except along and upon paved trails designated by signage for driving or riding purposes.

(b) It shall be unlawful for any person to stop, stand, or park any motorized vehicle or to permit any such motor vehicle to so stop, stand, or park within any Open Space property, except such as may be necessary or incidental to Open Space visits or such as may be due to accidental or temporary mechanical failure of such vehicle or such as may be occasioned by the order of any peace officer or person charged with supervision of any Open Space property.

SECTION 2

That these ordinances shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of these ordinances are severable, and if any phrase, clause, sentence, paragraph or section of these ordinances shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of these ordinances, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these ordinances shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish these ordinances for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7

These ordinances shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Matthew A. Murray
Assistant City Attorney

Jannette Goodall, City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____