

Comprehensive Parks Ordinance

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1. **Definitions**

For the purpose of this Ordinance, the following terms, phrases, words and their derivation shall have the meaning given below:

- A. ***Aircraft*** – includes, but is not limited to, balloons, airplanes, para-planes, ultra-lights, helicopters and gliders.
- B. ***Athletic field/facility*** -- means a field or combination of fields designated by the Parks & Recreation Department to facilitate games and/or practice activities.
- C. ***Board*** – means the Prosper Parks & Recreation Board.
- D. ***Closed Field*** – means a Playing Field or a Game Field owned or leased by Prosper that has been closed for any use due to inclement weather or maintenance requirements by order of the Director.
- E. ***Community Park*** - means a park owned by Prosper that is typically between 30 to 100 acres in size and that provides active and passive recreational activities for residents throughout the community.
- F. ***Game Field*** – means a field that has been designated by the Director to be used only for the purpose of conducting league play or tournament play for Prosper sponsored or Prosper co-sponsored league play athletic events, or Prosper authorized practices.
- G. ***Indoor Facilities*** – indoor facilities owned, leased or otherwise controlled by the Parks & Recreation Department which includes, but is not limited to, recreation centers, indoor swimming pools, tennis center clubhouse, golf course clubhouse, outdoor learning center, senior citizens center, school gymnasium, museums and community centers that are programmed for the purpose of conducting practices, meets and clinics for aquatic activities at the competitive and recreational level or any such, use as deemed appropriate by the Parks & Recreation department
- H. ***League*** –means an association or group of teams, recognized or sponsored by Prosper, that play one another.
- I. ***Neighborhood Park*** – means a park owned by Prosper that is typically between 5 to 10 acres in size and that provides recreational opportunities primarily for residents in close proximity to the park.
- J. ***Outdoor Facilities*** – means outdoor facilities owned, leased or otherwise controlled by the Parks & Recreation Department which includes, but is not limited to, lighted and unlighted outdoor swimming pools, tennis courts, basketball courts, golf courses, athletic fields, picnic areas, open air pavilions, and amphitheatres that are programmed for the purpose of conducting practices, league play, tournaments, meets, camps and clinics for competitive and recreational sports that include but are not limited to soccer, football, baseball, softball, swimming, lacrosse, cricket and rugby or any such use as deemed appropriate by the Parks & Recreation department.
- K. ***Park*** – is a park, reservation, playground, swimming pool, indoor facility, outdoor facility, recreation center, field, athletic field, and any related facilities, or any other area in Prosper owned, leased and/or used by Prosper, and devoted to active or passive recreation, including all plated expressways, parkways, triangles and traffic circles maintained by Prosper, except the parkway strips between curb and sidewalks along the several streets and highways of Prosper.
- L. ***Parks & Recreation Department or Parks & Recreation*** – means the Parks & Recreation Department of Prosper.
- M. ***Parks & Recreation Director or Director*** – means the Director of the Parks & Recreation Department of Prosper and/or his/her authorized agent and/or representative.
- N. ***Person*** – means any person, firm, partnership, corporation, association, company or organization of any kind.

- O. ***Playing Field*** – means any portion of a park that is either owned or leased by Prosper that has been designated as an area which athletic league games are played, including, but not limited to, fields for football, soccer, softball, baseball or any other sport activity sponsored or co-sponsored by Prosper.
- P. ***Prosper*** – means the Town of Prosper, Texas.
- Q. ***Public Property*** – means any property held for public use by and department or branch of an independent school district, community college district or municipal government within Prosper or the Town government.
- R. ***Special Event*** – means any event, activity or program that operates wholly or partially within Prosper which may require the use of or assistance from the Parks & Recreation Department, Police Department, Fire Department, or any other public service department.
- S. ***Supervised Play or Amusement Program*** - means any event, activity or program that may be coordinated or controlled by the Parks & Recreation Department.
- T. ***Town Administrator*** – means the Town Administrator of Prosper and/or his/her authorized agent and/or representative.
- U. ***Town co-sponsored league play athletic event*** – means an athletic event, which is authorized, organized or scheduled with the assistance of the Prosper Parks & Recreation Department by a nonprofit organization.
- V. ***Town sponsored league athletic event*** – means an athletic event which is authorized, organized or scheduled in whole or in part by Prosper.
- W. ***Vehicle*** – means every device in, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved only by human power or used exclusively upon stationary rails or tracks.

2. **Establishment of Parks & Recreation Department**

There is hereby created for Prosper the Department of Parks & Recreation.

3. **Director of Parks & Recreation Department**

The Town Administrator shall appoint the Parks & Recreation Director to serve at the pleasure of the Town Administrator, and the Director shall have such duties and responsibilities as may, from time to time, be delegated to him by the Town Administrator.

4. **Parks & Recreation Board**

- A. **Establishment of Parks & Recreation Board.** There is hereby created and established within Prosper a Parks & Recreation Board which shall be subject to the jurisdiction of the Town Council of Prosper and shall constitute an advisory board to the Town Council.
- B. **Number of Members.** The Parks & Recreation Board shall be composed of seven (7) members appointed by the Town Council. Each member of the Parks & Recreation Board shall be a resident of Prosper; provided, however, two (2) of the seven (7) members are not required to be a resident of Prosper, but must: 1) be an owner of a business located within Prosper's town limits; or 2) reside within Prosper's extraterritorial jurisdiction. The members shall serve at the pleasure of the Town Council and may be removed at the discretion of the Town Council.
- C. **Term of Office.** The term of office of each member shall be two (2) years; provided, however, at the time of appointment of the initial members of the Parks & Recreation Board, the Town Council shall draw by lot to determine four (4) members who shall serve a one (1) year term and three (3) members who shall serve a two (2) year term. The following year, the Town Council shall appoint four (4) persons to serve a two (2) year term each. No member shall serve longer than two (2) consecutive two-year terms.
- D. **Vacancies.** When vacancies occur on the Parks & Recreation Board, the Town Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

- E. **Chair/Vice Chair/Secretary/Quorum.** The Parks & Recreation Board shall have a Chair, Vice-Chair and Secretary whose terms shall be one (1) year. The Chair and Vice-Chair shall be nominated by a majority vote of the Parks & Recreation Board and appointed by the Town Council. The Secretary shall be appointed by a majority vote of the Parks & Recreation Board. Four (4) members of the Parks & Recreation Board shall constitute a quorum for transaction of business.
- 1) The Chairman shall preside over meetings and shall be entitled to vote upon each issue.
 - 2) The Vice-Chair shall assist the Chairman in directing the affairs of the Parks & Recreation Board. In the absence of the Chair, the Vice-Chair shall assume all duties of the Chair.
 - 3) The Secretary shall keep the minutes of all meetings and in the Secretary's absence, the Chair shall designate another member to act as Secretary. The Secretary shall submit a written report of all proceedings of the Parks & Recreation Board to the Town Council no more than three (3) weeks following each meeting. The Secretary shall read, once a year at the first regular meeting following the appointment of officers, the Parks & Recreation Ordinance. The Secretary may accept the assistance of Prosper personnel in taking and transcribing minutes, when available, but shall sign same officially before presenting same to the Parks & Recreation Board for approval.
 - 4) The Director of Parks & Recreation, if appointed, shall be an *ex officio* member of the Parks & Recreation Board, with the responsibility to participate in discussions but without the right to vote.
- F. **Meetings.** The Parks & Recreation Board shall have its regular meeting on the third Thursday of each month and at such other times as the Parks & Recreation Board, Town Council, and/or the Parks & Recreation Director deem necessary and appropriate.
- G. **Removal From Office/Absences.** The members shall serve at the pleasure of the Town Council and may be removed at the discretion of the Town Council. In addition, any member of the Parks & Recreation Board shall be removed for twice failing to attend a regularly scheduled Parks & Recreation Board meeting without good cause during any one (1) year during his/her term. For purposes of this attendance policy, a year shall begin on the date of appointment to the Parks & Recreation Board.
- A member's failure to attend a meeting may be excused for good cause upon his/her application for excused absence to the Town Council of Prosper and the approval by the Town Council by majority vote of the members present and voting.
- H. **Powers and Authority.** The Board shall have the following powers and perform the following duties:
- 1) Provide advice and counsel to the Parks & Recreation Director and the Town Administrator, as requested, in matters relating to the Parks & Recreation Department.
 - 2) Assist in informing citizens of policies and functions of the Parks & 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 & Recreation activities.
 - 4) The Board shall act principally in an advisory capacity to the Prosper Town staff and the Town Council in all matters pertaining to Parks & Recreation, shall acquaint itself with and make a continuous study and review of the complete Parks & Recreation services of Prosper; and shall advise with the staff and Town Council from time to time as to the present and future maintenance, operation, planning, acquisition, development, enlargement, and use policies of Prosper Park and Recreation services.
 - 5) The Board shall study and encourage the development of Parks & Recreation areas and study and encourage the development of wholesome recreation for all residents of Prosper.
 - 6) The Board shall advise with the Parks & Recreation Director on problems of development of areas, facilities, programs, and improved recreation services.

- 7) The Board shall recommend the adoption of standards on areas, facilities, programs and financial support.
- 8) The members of the Board shall study and review the master planning guide for Parks & Recreation and become familiar with such plan and its relation to existing and proposed facilities and shall become aware of any revision or updating thereof.
- 9) The Board shall advise and recommend to the Parks & Recreation Director on the development of long-range capital improvement programs and, when in its opinion, the need exists for additional park and recreational facilities, grounds, or premises, it shall make appropriate recommendations to the Town Council. It shall also recommend the acquisition of additional parks, park and recreational equipment, and supplies.
- 10) The Board shall develop for Town Council review the rules and regulations as may be prescribed by the Town Council for the conduct of its business.
- 11) The Board shall develop for Town Council review rules and regulations and policies governing the use of park and recreational facilities.
- 12) The Board shall make any other recommendations to the Town Council regarding park and recreation matters that it considers advisable.
- 13) The Board may solicit for the Town gifts, revenues, bequests, or endowments of money or property as donations or grants from persons, firms or corporations, subject to the guidance, approval, and acceptance by the Town Council.
- 14) The Board may, from time to time, recommend to the Town Council amendments or changes to this Ordinance.
- 15) The Board, through its Chairman, shall make both an oral and written report annually to the Town Council concerning its activities during the past year and its proposals for the coming year.
- 16) The Board's authority shall not extend to the direction, supervision, employment, or termination of employees of the Parks & Recreation Department. No supervisory power of the Board is created.
- 17) The Board will review the proposed budget for the Parks & Recreation Department and make any recommendations to the Town Council it deems necessary. However, the Board is not authorized to add, delete or change in any way the budget as prepared by the Parks & Recreation staff.
- 18) The Board shall not have the power to obligate Prosper for any funds or expenditures or incur any debt on behalf of Prosper.
- 19) All powers and duties prescribed and delegated herein are delegated to the Board as a unit and all action hereunder shall be of the Board acting as a whole. No action of an individual member is authorized except through the Board or Town Council.

5. General Provisions

Prosper hereby adopts the following general provisions:

- A. Park Names. It is appropriate to name or rename certain Prosper parks in honor and recognition of several outstanding individuals who served the community well, and it is further appropriate to name other Prosper parks with a geographical name. Park names should be familiar to the majority of citizens, easy to recall, unique and lasting. Parks shall be named:
 - 1) By outstanding and/or predominate physical characteristics of the land such as, among other characteristics:
 - a) Streams, rivers, lakes and creeks;

- b) Landmark significance;
 - c) Historic significance; and/or
 - d) Street name identity.
- 2) If a name is applied to park facilities such as recreational buildings, swimming pools, sports fields or play structures, those shall be named either:
- a) By identification with the park in which it lies;
 - b) In honor of an individual or group when total contributions of fifty percent (50%) or more of the total cost of acquisition (excluding required park dedication) and development of facilities are donated to Prosper; or
 - c) When considering the naming of a park or park facilities in honor of a person, the person should have made a major contribution to Prosper and/or the Parks & Recreation system, or the person should be known for some other significant accomplishment.
- B. **Park Hours.**
- 1) Hours of general neighborhood park use shall normally be from thirty (30) minutes before sunrise to thirty (30) minutes after sunset. Hours of general community park or game or playing field use shall normally be from thirty (30) minutes before sunrise to 10:00 PM. Parks shall be open for the public every day of the year during designated hours, except for unusual and unforeseen emergencies. A variation in park hours may be permitted by the Parks & Recreation Director.
 - 2) It shall be unlawful for any person(s) to be or remain upon and/or in any park during a period beginning at 10:00 PM and ending thirty (30) minutes before sunrise, except as authorized by the Parks & Recreation Director. It is a defense to prosecution under this subsection that the person was: (1) driving a vehicle on an interior park roadway which provides direct access to the person's home address; (2) attending a special event, which was being conducted in a park during the hours of closure with written permission of the Parks & Recreation Director; or (3) attending a special event during different hours for a park specifically designated by a Prosper ordinance.
- C. **Community Center/Recreational Facility Hours.** It shall be unlawful for any person, other than Prosper authorized personnel and staff or those who have received written approval from Parks Director, to enter upon the premises of any Prosper community center building and/or recreational facility other than during the hours the facility is officially open.
- D. **Swimming Pool.** It shall be unlawful for any person, other than Prosper authorized personnel and staff or those who have received written approval from Parks Director, to enter upon the premises of any Prosper swimming pool other than during the hours the facility is officially open.
- E. **Swimming, boating and fishing in parks.**
- 1) It shall be unlawful for any person to utilize any fountain, creek, pond, lake, stream or any other body of water in any park in Prosper to, among other things, swim in, boat in, wade in, or pollute any fountain, creek, pond, lake, stream or any other body of water in any park in Prosper unless such activity(ies) is/are specifically authorized and permitted by the Parks & Recreation Director and/or any other regulation and policy.
 - 2) Electric or gas powered motorboats are unlawful on all water bodies except by approval from the Parks & Recreation Director.
 - 3) Fishing shall be permitted only from the banks of any creek, pond, lake or other body of water in any park. No trot lines, throw lines, fish traps or nets shall be permitted. Fish may not be cleaned in any park. The Parks & Recreation Department strongly encourages a "catch and release" policy to maintain fish stock levels for the enjoyment of future park users.

- 4) This subsection shall not apply to any municipally owned or operated swimming pools or boat rental operations.
- F. **Disrupting or interfering with supervised play or amusement program conducted by Parks & Recreation Department; expulsion from park.** It shall be unlawful for any person or persons to do any of the following acts:
- 1) To willfully interfere with, disrupt or prevent the orderly conduct of any supervised play or amusement program conducted by the Parks & Recreation Department in any building, swimming pool, playground or park located in or on any public property within Prosper.
 - 2) To participate in any activity that will create a danger to the public or which may be considered a public nuisance or to engage in physical violence.
 - 3) To remain in any building, swimming pool, playground or park in or on any public property within Prosper after being advised by the supervisor or center director of the Parks & Recreation Department to leave such building, swimming pool, playground or park located in or on any public property within Prosper.
 - 4) To disturb in any manner any legitimate facility uses including, but not limited to, picnics, meetings, classes, games, practices, meets, tournaments, exhibitions, camps, special events or other such uses.
- G. **Bicycle riding & skating in parks and on bike trails.** Bicycle riding and skating shall include peddled and motorized bicycles of one, two, or more wheels, both push type or motorized scooters, roller skates, in-line skates, in-shoe skates, skate boards, or any similar vehicle or apparatus. Bicycle riding and skating shall be governed by safe riding/skating practices and consideration for use of Parks by others. Where special parking provisions have been made for bicycles, parking shall be limited to that area. Bicycle riding and skating shall be prohibited in playgrounds, flowerbeds, pedestrian-only sidewalks, tennis courts, athletic courts, picnic pavilions and/or any other areas designated by Prosper.
- H. **Overnight camping.** Overnight camping shall be unlawful except by special permit issued by the Parks & Recreation Department Director for designated Park areas. Each person shall observe and obey all Park rules and regulations and restore their campsite area to its original condition.
- I. **Fires.** Fires shall be permitted only in enclosed fireplaces or grills provided for this purpose, except with written permission of the Prosper Fire Chief, or his/her authorized agent and/or representative, and the Parks & Recreation Director in designated Park areas. It shall be unlawful to leave a Park area without extinguishing a fire. After use, coals shall be thoroughly extinguished with water and cooled and disposed of in a trash receptacle. Privately owned charcoal grills are not permitted on grass areas or on picnic tables located in Parks.
- J. **Unlawful to damage plants or other personal property 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, turf and/or other personal property within or upon any Parks, parkways, greenbelts, or other recreational areas. It shall further be unlawful to plant into the ground any type of plants in any Park, parkway, greenbelt, or other recreational area or facility without prior approval of the Parks & Recreation Director.
- K. **Unlawful to possess or break glass or glass beverage containers and other dangerous objects in swimming pools, recreation centers, and other park areas.** It shall be unlawful to possess on the premises of any swimming pool, recreational center, or any other Park area any glass beverage containers. It shall also be unlawful to willfully break any glass container in any swimming pool, recreation center, or any Park area.
- L. **Unlawful to allow animals in/on athletic fields/facility or in concession/restroom areas.** It shall be unlawful to allow animals, of any type, on any athletic field/facility or in concession/restroom areas within any Park area, unless other directions are posted or upon written approval of Parks Director.

- M. **Request to charge admission to Prosper owned or controlled facilities.** A person must request to charge admission to parks. The Parks & Recreation Department may approve requests on the part of individuals or groups utilizing Parks to:
- 1) Charge admission to Prosper owned or controlled facilities;
 - 2) Control the movement of pedestrians in vehicles in or on the facilities included in the request;
 - 3) Sell tickets or otherwise make admission charges in amounts set by the then current fees set forth in this Ordinance; or
 - 4) Deny admission to persons who refuse to pay the approved admission charges, or any combination of the above.
- N. **Unlawful to leave child under age seven (7) unattended.** It shall be unlawful for a parent, guardian, or other adult having care, custody and/or control of a child to abandon or in any way leave unattended a child (under seven (7) years of age) in any Park or other recreational facility, except for a supervised program or activity.
- O. **Unlawful sale of goods, food, drinks, confections, merchandise or services within park.** It shall be unlawful to offer any goods, food, drinks, confections, merchandise or services for sale within Parks, parkways, or other recreational facilities, or on public streets and rights-of-way within three-hundred (300) feet of the boundary of the same, except in commercial areas where property zoned for retail and commercial building has a certificate of occupancy for such business purposes or unless specifically authorized by the Parks & Recreation Director.
- P. **Firearms, fireworks, etc.**
- 1) It shall be unlawful for any person to carry a concealed handgun, as that term is defined in Prosper Ordinance No. 93-12-01, as it currently exists or may be amended, in a Park, except those persons who are duly licensed by the State of Texas to carry a concealed handgun in accordance with the provisions of Chapter 411, Texas Government Code, as it currently exists or may be amended.
 - 2) It shall be unlawful for any person to carry or discharge firearms (unless permitted under subsection (1) of this section), fireworks, air guns, 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 Park, except with joint written approval of the Parks & Recreation Director and Prosper's Fire Chief, or his/her authorized agent and/or representative.
- Q. **Authority to prescribe additional rules and regulations.** The Town Council shall have the right, power and authority by resolution, ordinance or otherwise to prescribe additional reasonable rules and regulations or appeal regulations for the maintenance and operation of Parks.
- R. **Liability of Prosper.** Prosper shall not be held liable or bound for any loss or damage claimed by reason of a loss or damage to personal property taken or in any way by reason of any personal injury or death of any person or animal entering a Park.
- S. **Use of Park property for operating radio controlled model vehicles.**
- 1) It shall be unlawful for any person or persons to ascend, descend, operate, or launch any aircraft, except in areas or at times specifically designated for this purpose or by special permit issued by the Parks & Recreation Director.
 - 2) It shall be unlawful for any person or persons to launch or operate model rockets or un-tethered radio controlled model airplanes, except in areas or at times specifically designated for this purpose or by special permit issued by the Parks & Recreation Director.
 - 3) The model aircraft user will be responsible for furnishing an annual list of members of any club or chapter to the Parks & Recreation Department.

- 4) 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.
 - 5) All persons flying remote controlled aircraft must restrict their use to the established flight zone as established by the Parks & Recreation Department.
 - 6) All model aircraft users shall furnish proof of liability insurance acceptable to Prosper naming Prosper, its Council Members, officers, agents, representatives and employees, as co-insured, with a minimum amount of \$2,500,000.00 per occurrence.
 - 7) Failure to abide by any provision of this section shall result in the immediate termination of the privilege to use any Park for the flying of model aircraft.
 - 8) It shall be unlawful for any person to launch or operate model rockets and/or model vehicles, including, but not limited to, model gliders, model boats and/or model cars in any Park in any manner that would or could endanger any other person or property. Electric or wind powered model cars and boats are excluded from the above prohibition.
- T. **Alcoholic beverages.** The consumption or possession of alcoholic beverages, including but not limited to, wine, beer, ale and mixed drinks is prohibited on all Park properties located within Prosper, unless upon written approval from Parks Director.
- U. **Indoor facilities.** It shall be unlawful for any person or persons to do any of the acts specified below, except as otherwise provided, in all indoor facilities owned, leased, or otherwise controlled by Prosper:
- 1) To enter any unauthorized portion of any facility, except with permission of the facility supervisor.
 - 2) To fraudulently use a swimming pool pass or recreation center identification card.
 - 3) To violate Prosper Ordinance No. 95-04-11, as it currently exists or may be amended, prohibiting the use of in-line skates, skates, skateboards, bicycles, motorized or non-motorized vehicles and any other type of recreational or non-recreational product that may destroy the surfaces of tennis courts or any other type of painted concrete or laminate surfaces.
- V. **Outdoor areas and facilities.** It shall be unlawful for any person or persons to do any of the acts specified below, except as otherwise provided, in all outdoor areas and facilities owned, leased, or otherwise controlled by Prosper:
- 1) To loiter within twenty-five (25) feet of a public restroom and for any person or persons over the age of eight (8) years to use the restrooms and washrooms designated for the opposite sex.
 - 2) To hunt, trap, kill, remove, or release any animal, except with written approval of the Parks & Recreation Director. Fishing shall be excluded.
 - 3) To hit golf balls, except in areas specifically designated for this purpose.
 - 4) To use loudspeakers, amplifiers, or microphones, except with written approval of the Parks & Recreation Director.
 - 5) To violate Prosper Ordinance No. 95-04-11, as it currently exists or may be amended, prohibiting the use of in-line skates, skates, skateboards, bicycles, motorized or non-motorized vehicles and any other type of recreational or non-recreational product that may destroy the surfaces of tennis courts or any other type of painted concrete or laminate surfaces.
 - 6) To overnight camp, except by special permit issued by the Parks & Recreation Director for designated park areas. All persons shall observe and obey all park rules and regulations and restore their campsite area to its original condition.

6. **Rental and Usage Fees**

- A. **Fees.** The Prosper Town Council shall hereby adopt fees for the rental and/or usage of Town fields, facilities, and/or equipment. These fees are established in Prosper Fee Ordinance No: 02-33, as it exists or may be amended.
- B. **Purpose.** This article is hereby adopted to serve as a guide for the comprehensive and effective usage of indoor and outdoor athletic facilities owned, leased, scheduled, or otherwise controlled by the Town.
- C. **Intent.** It is the intent of this article to provide a basis for establishing the following objectives:
 - 1) A method of communicating the available inventory of allocatable athletic facilities to qualified requesters for usage of such facilities;
 - 2) Disciplined method of communicating the forecasted and immediate facility needs from users of facilities to the appropriate department within the Town administration;
 - 3) The implementation of a system of facilities allocation producing results most beneficial to the total Town; and
 - 4) A program for continuously improving the utilization of existing facilities to the betterment of the total Town.
- D. **Traffic Control.** Traffic pattern, parking and no-parking zones and no-loitering areas, among any other areas, may be designated in the vicinity of special civic, recreational and sporting events for safety and crowd control by the Parks & Recreation Director in coordination with Prosper's police and fire departments.

7. **Athletic Fields/Facility**

Prosper hereby adopts the following rules and regulations regarding athletic fields/facility:

- A. **Facilities use agreement.** Every person/association desiring to use any Prosper athletic field/facility will be required to sign a Facilities Use Agreement, in the form provided by Prosper, outlining, among other things, the duties and responsibilities of both the person/association and Prosper. This agreement must be signed at least fourteen (14) days prior to starting play on any Prosper athletic field/facility.
- B. **Athletic field usage.**
 - 1) It shall be unlawful to be on an athletic field except for the purpose of participating in league play or tournament play in a Town sponsored or co-sponsored league athletic event being conducted in accordance with a duly executed Facilities Use Agreement as set forth in subsection (a) above.
 - 2) The Parks & Recreation Director is authorized to declare a closed field. Such fields shall have a sign posted stating "Closed Field—No Trespassing—Up to \$500.00 Maximum Fine for Each Violation", and it shall be unlawful to violate this section unless the purpose for going upon the field is to maintain said field.
 - 3) The Parks & Recreation Director is authorized to designate game fields. Such fields shall have a sign posted stating "Game Field—Restricted to Town Sponsored League Play or Town Co-Sponsored Athletic Events Only—Up to \$500.00 Maximum for Each Violation", and it shall be unlawful to violate this section unless the purpose for participating in league play or tournament play in a Town sponsored or co-sponsored league athletic event.
- C. **Prosper Sports Association.** There has been established the Prosper Sports Association (PSA) which was created for the purpose of interpreting the needs and interest of youth involved in community athletics and also serving as consultants to the Parks & Recreation Department. The PSA, among other things, coordinates the various local athletic organizations in connection with their use of Prosper Parks in accordance with the PSA's By-Laws, as they currently exist or may be amended.

8. **Traffic**

Prosper hereby adopts the following general traffic provisions:

A. **Use of vehicles.**

- 1) It shall be unlawful for any person to drive any 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 twenty (20) miles per hour unless otherwise posted.
- 2) It shall be unlawful for any person to ride, use or operate any horse, motorcycle, motor scooter or any other vehicle in or upon any indoor or outdoor facility, except on the designated roadway, parking areas or equestrian trail.
- 3) No vehicle may be parked overnight, except Prosper Town vehicles, other authorized vehicles or with written approval of the Parks & Recreation Director. Vehicles in violation may be towed at the owner's expense.

B. **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 Parks & Recreation Director.

9. **Enforcement**

Prosper hereby adopts the following rules and regulations regarding the enforcement of this Ordinance:

A. **Enforcement.**

- 1) The Parks & Recreation Director and/or the Prosper Police Department shall, in connection with their duties, diligently enforce the provisions of this Ordinance, as it exists or may be amended, or any other ordinances applicable to Parks & Recreation usage, as it/they exist or may be amended.
- 2) The Parks & Recreation Director and/or the Police Department shall have the authority to eject from areas or facilities any person or persons acting in violation of this Ordinance, as it exists or may be amended, or any other ordinances applicable to Parks & Recreation usage, as it/they exist or may be amended.

B. **Expulsion from parks.**

- 1) Any person charged with violating any rule or regulation of the Parks & Recreation Department, this Ordinance, as it exists or may be amended, any other ordinances applicable to Parks & Recreation usage, as it/they exist or may be amended, and/or any other state, local or federal law, may be expelled from any Park, provided a hearing is conducted before the Parks & Recreation Director, allowing the person charged to be given the opportunity to present his/her response to such charge(s). Upon a finding of grounds for expulsion, any person, who is expelled from any Park by the Parks & Recreation Director and who thereafter 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 & Recreation Director shall direct, but shall not exceed ninety (90) days.
- 2) The person expelled from a Park may appeal, in writing, the decision of the Parks & Recreation Director to the Board provided the appeal is made within ten (10) days of the decision of the Parks & Recreation Director. The Board shall hear the appeal at its next regularly scheduled meeting, if reasonably possible. The Board's ruling shall be final.
- 3) Any person may be immediately expelled from any Park should he/she violate any rule or regulation of the Parks & Recreation Department, this Ordinance, as it exists or may be amended, any other ordinances applicable to Parks & Recreation usage, as it/they exist or may be amended, and/or any

other state, local or federal law, and such violation is deemed by the person charged with enforcing ordinances and/or laws, in his/her reasonable discretion, to be an immediate threat to the health, safety and/or welfare of any other person utilizing any Park and/or an immediate threat to the integrity of any Park. Such person shall not be allowed to return to any Park unless and until the threat(s), described in the previous sentence, have been totally eliminated, as reasonably determined by the person charged with enforcing ordinances and/or laws.