

ORDINANCE NO. 13/022

AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF UNIVERSITY PARK BY AMENDING ARTICLE 1.09, DIVISION 3 "TENNIS COURTS" REGULATING USE OF TENNIS COURTS AND ADDING A NEW SECTION REGULATING TENNIS INSTRUCTORS USING CITY TENNIS COURTS; AMENDING SECTION 1.09.151 TO REGULATE COMMERCIAL USE OF PARKS; AMENDING SECTION 1.09.153 REGULATING SPORTS CLINICS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:

SECTION 1. That Chapter 1, Article 1.09, of the Code of Ordinances, City of University Park, Texas, is hereby amended by amending Division 3 "Tennis Courts" in part as follows:

"Division 3. Tennis Courts

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Sec. 1.09.072 Reservations; closing time

Only persons with a current tennis court permit can make a tennis court reservation. Reservations may only be made for a current permit holder. No person may exclusively use any tennis court at a particular time without a reservation having been made with a representative of the parks department. No permit holder may reserve a court for more than 1.5 hours per day. A permit holder must have his or her permit card in his or her possession at all times when using a reserved City tennis court. Reservations must be cancelled within a reasonable time in advance of the time reserved if the resident is unable to use the reserved court. Repeated violations of the policies of this Division may result in cancellation of the violator's tennis court permit. The City reserves the right to reschedule reservations due to court or lighting maintenance requirements. Notwithstanding that the parks are open until 11:00 p.m. daily, tennis courts shall close at 10:00 p.m. daily so as to reduce lighting impact and noise in the neighborhood surrounding the tennis court.

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Sec. 1.09.074 Permits

A qualified resident of the City, upon making application, may secure an annual tennis permit. Residents of the area of the City of Dallas known as Greenway Parks, lying generally between the Dallas North Tollway, Mockingbird Lane, Inwood Road, and University Blvd., shall be authorized to secure an annual tennis permit for use of the tennis courts at Germany Park only. Such permit shall be numbered and coded so as to indicate the time of its validity. The charges for individual tennis permits, under twelve years of age permits and over sixty-five years of age permits shall be established by resolution of the City Council. The permit number shall be used in obtaining a reservation from the reservations office.

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Sec. 1.09.076 Tennis instructors

All tennis instructors who wish to use the tennis courts of the City for instructing tennis pupils must secure a permit from the City. The permit application must be submitted with an instructor permit fee as set by appropriate resolution of the City Council. A registered tennis instructor must have his or her permit in his or her possession at all times when providing instruction on a City tennis court. Tennis instructors may provide instruction on a City tennis court only to persons holding a current City tennis court permit, and the permit holder's invited guests who are present, and who have reserved the tennis court for that time period. Tennis instructors shall not be permitted to make tennis court reservations. Any violation of this section by a tennis instructor may result in the cancellation of his or her instructor permit and any and all privileges associated with the use of the permit."

SECTION 2. That Chapter 1, Article 1.09, of the Code of Ordinances, City of University Park, Texas, is hereby amended by amending Division 5 "Reservation of Parks and Playing Fields" in part as follows:

"Division 5 Reservation and Use of Parks and Playing Fields

Sec. 1.09.151 Use of parks and park facilities for individual or group training or instruction

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(b) ...No person shall sell, offer for sale or solicit the sale of any food or other merchandise in a public park. Except as provided in this Section, no person shall offer any services for monetary gain in a public park. The policies of this section shall not apply to persons acting pursuant to and with the written authorization of the City Council or its designee.

...

(d) Any group of two hundred (200) or more people not sponsored by the City and desiring to use a City park as a gathering place or for an event or function of any kind shall be subject to the following requirements: [remainder of section language remains unchanged]

(e) All individuals or groups conducting any type of for-profit camp, clinic or personal instruction in City parks must register annually with the City. Registrations must be submitted with annual fees as set by appropriate resolution of the City Council. An instructor must have his or her registration card in his or her possession at all times when providing physical training or instruction to an individual or group in a City park. At least 51% of the participants must be City residents. The instructor will furnish a roster of participants to the parks department at least three days in advance of the beginning of instruction, provided that the Director of Parks or his designee may, for good cause shown, waive or vary such three day requirement when he finds it to be in the best interest of the City and the participants. The Director of Parks, or his designee, will specify a location in a park for conduct of each training group based on planned activity and group size. Classes shall not be permitted to use playgrounds, swimming pools, gazebos or other structures, picnic tables or benches, fences, utility poles, picnic areas, basketball or tennis courts to conduct physical training or instruction to an individual or group.

(f) The use of lights, or equipment weighing more than twenty-five (25) pounds, is prohibited. Physical training or instruction may not be conducted in a park before 6:00 a. m. or after 10:00 p. m. All City, YMCA and HPISD programming will have priority at all times over use of a City park by an instructor. The use of park and City structures as workout devices or for anchoring is prohibited. Park benches and picnic tables may not be used for physical training activities, such as for step-ups. Resistance bands may not be connected to park fencing, signs, poles, trees or shrubs, drinking fountains or any other appurtenance in the park. Any violation of this section by an individual or group may result in the cancellation of his or her registration.

(g) Amplified music and bullhorns are prohibited in a City park, except for authorized City programs. Interruption of another person's park use or reservation is prohibited. The use of signs or banners to advertise on park property is prohibited. The use of profanity in the parks is prohibited. The City reserves the right to reschedule any reservation due to maintenance requirements.

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Sec. 1.09.153 Sports clinics

(a) [current section language unchanged]

(b) No person shall operate a sports clinic in a City park without registration with the parks department. A registration fee established by appropriate City Council resolution shall be required with an application to conduct a sports clinic. The registration fee must be paid at least three business days prior to the operation of the sports clinic. The person registered to operate a sports clinic shall submit a roster of participants at least one week prior to the operation of the sports clinic. At least 51% of its participants listed on the roster shall be City residents. "Seasonal rental period" is March, April, May, June and July. Field rentals for sports clinics will be allowed only during the seasonal rental period, and may only operate in Burleson, Caruth and Coffee parks.

(c) Amplified music and bullhorns are prohibited in a City park, except for authorized City programs. Interruption of another person's park use or reservation is prohibited. The use of signs or banners to advertise on park property is prohibited. The use of profanity in the parks is prohibited.

The use of tennis courts for sports clinic activities is prohibited. Using fields during inclement weather closure is prohibited. The City reserves the right to reschedule any reservation due to maintenance requirements. Any violation of this section by a registered sports clinic operator may result in the cancellation of his or her registration.”

SECTION 3. All provisions of the ordinances of the City of University Park in conflict with the provisions of this ordinance are hereby repealed.

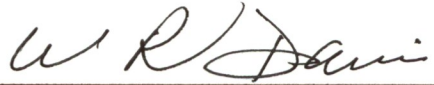
SECTION 4. The provisions of this ordinance are severable and should any such provision be declared unconstitutional, such shall not affect any of the remaining provisions hereof or the Code of Ordinances as amended hereby.

SECTION 5. Any person violating any of the provisions of this ordinance or the Code of Ordinances as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not exceeding five hundred dollars (\$500.00) for each offense.

SECTION 6. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases provide.

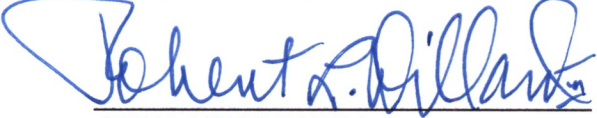
DULY PASSED by the City Council of the City of University Park, Texas, on this 2nd day of July 2013.

APPROVED:



W. RICHARD DAVIS, MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY
(rld/4-15-13/60706)

ATTEST:



LIZ SPECTOR, CITY SECRETARY