

ORDINANCE NO: 17-15

AN ORDINANCE AMENDING DIVISION 3 "PARK RULES" OF ARTICLE 1.09 "PARKS AND RECREATION" OF CHAPTER 1 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES, CITY OF DALWORTHINGTON GARDENS, TEXAS TO PROVIDE FOR THE RENTAL OF CERTAIN PARK FACILITIES; ADDING ARTICLE A10.000 "PARKS AND RECREATION FEES" TO APPENDIX A "FEE SCHEDULE"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dalworthington Gardens is a Type-A general law municipality located in Tarrant County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council desires to establish a procedure and fees for rental of the Park Pavilion and baseball fields;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALWORTHINGTON GARDENS, TEXAS, THAT:

SECTION 1.

Division 3 "Park Rules" of Article 1.09 "Parks and Recreation" of Chapter 1 "General Provisions" of the Code of Ordinances, City of Dalworthington Gardens, Texas is amended to add Section 1.09.081 to read as follows:

Sec. 1.09.081 Procedures and conditions for rentals

- (a) Generally. Individuals or groups that want to have exclusive, reserved use of the park pavilion or baseball fields ("renters") must also follow the procedures set out in this section and pay any applicable fees according to the park usage fees of appendix A (fee schedule) of the Code of Ordinances.
- (b) Availability of facilities; advance rental. The pavilion and baseball fields are generally available for rent by any individual or group, whether a resident of the city or not, on a first-come, first-served basis. Facilities may be rented up to six (6) months in advance.
- (c) City and City Sponsored Events. The City shall have priority use of the pavilion and/or baseball fields for any City or City sponsored event. The renter agrees that any rentals conflicting with a City or City sponsored event will be cancelled, with a full refund issued.

(d) Rescheduling. Rentals that are canceled due to inclement weather or other unforeseeable problems that directly and substantially impair use of the facility, e.g., utility outage, prior damage to the facility, etc., as solely determined by the city, may be rescheduled by contacting the City within three (3) working days. A paid receipt is required to reschedule.

(e) Rental time. Renters will designate the period of time requested for their exclusive and priority use of the facility. The rental time must include the time actually needed for set-up and cleanup, before and after the event.

(f) Refusal or limitation of rental privilege. Individuals or representatives of groups applying to rent facilities must be at least 18 years of age. The city reserves the right to refuse or limit the privilege of any group to rent any of the facilities on the following basis:

(1) The individual or group has previously damaged or destroyed city property or other public property or has otherwise violated policies regarding rental or use of city parks or recreation facilities.

(2) The applicant's intended use is likely to damage facility property or violate applicable federal, state, or local laws, regulations, or ordinances.

(3) The applicant has rented or requests to rent the facility with such frequency that the renter's use reasonably deprives others of the opportunity to use the facility.

(g) Indemnification of City. In renting a facility, each renter agrees to release, hold harmless, and indemnify the city, its officials, employees, and agents from all claims, fees, expenses, and costs, including legal fees, incurred by the city, its officials, employees, and agents, including but not limited to any claims of personal injury by any person or damage to or loss of real or personal property, arising out of the renter's use, possession, or occupancy of the facility.

(h) Discrimination prohibited. The city prohibits discrimination on the basis of race, sex, color, national origin, age, or disability in its programs and activities. Complaints or concerns on alleged discrimination can be filed with the city or the Office of Equal Opportunity, U.S. Department of the Interior, Washington D.C., 20240.

(i) Order to leave premises. The renter agrees that, in the event the renter or any invitee or guest of the renter violates this facility use policy or engages in illegal conduct or other activity that the city staff determines is detrimental to the city or its property, the city may immediately revoke the renter's authority to use the facility and order the renter and the renter's guests and invitees to leave the premises immediately. The city reserves all legal rights to enforce these policies.

SECTION 2.

Article A10.000 "Parks and Recreation Fees" is added to Appendix A "Fee Schedule"; to read as follows:

ARTICLE A10.000 PARKS AND RECREATION FEES

Sec. A10.001 Park Usage Fees

(a) **Park Pavilion Rental**

Resident: \$12.50 per 2 hour block
Non-Resident: \$30.00 per 2 hour block

(b) **Baseball Field Rental**

Resident: \$15.00 per 2 hour block
Non-Resident: \$30.00 per 2 hour block

(c) **Practice Fields Rental**

Resident: \$15.00 per 2 hour block
Non-Resident: \$30.00 per 2 hour block

(d) No individual or group may reserve any park facility more frequently than twice per calendar week.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and Code of Ordinances, City of Dalworthington Gardens, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 4.

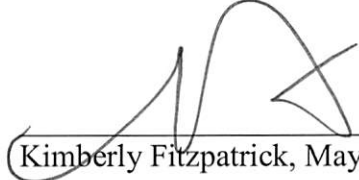
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

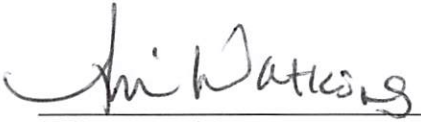
This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 15th DAY OF June, 2017.

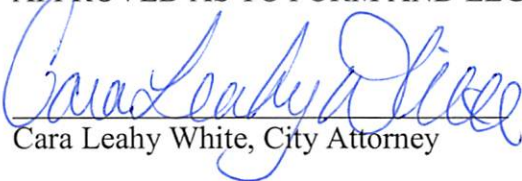
APPROVED:


Kimberly Fitzpatrick, Mayor

ATTEST:


Allison Watkins
City Secretary

APPROVED AS TO FORM AND LEGALITY:


Cara Leahy White, City Attorney

