

City of West University Place

Harris County, Texas

ORDINANCE NO. 3032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, AMENDING CHAPTER 58, PARKS AND RECREATION, OF THE CODE OF ORDINANCES, TO PROVIDE FOR THE REGULATION OF COMMERCIAL ACTIVITIES AND CONCESSIONS IN A CITY PARK; PROHIBITING COMMERCIAL ACTIVITIES AND CONCESSIONS IN A CITY PARK WITHOUT THE PRIOR WRITTEN CONSENT OF THE CITY; PROVIDING A PENALTY UP TO \$500.00 FOR EACH VIOLATION; PROVIDING FOR PUBLICATION; AND MAKING OTHER FINDINGS AND PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, pursuant to its authority under the Texas Constitution, the City Charter and the laws of this state, the City Council of the City of West University Place, Texas has adopted regulations for the use of its parks, including its park and recreation facilities, to protect the public health, safety and welfare; and

WHEREAS, the City Council desires to authorize the parks and recreation director to supervise and permit, under certain conditions, the use of a park for commercial activities; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS THAT:

Section 1. Article IV, Tennis Courts, of Chapter 58, Parks and Recreation, of the Code of Ordinances of the City of West University Place, Texas, is amended to read as follows:

“Chapter 58 – PARKS AND RECREATION

ARTICLE IV. REGULATIONS IN PARKS

Sec. 58-80. Commercial Activities and Concessions Prohibited; Regulations.

(a) *Permit Required.* No person shall have the right to offer or promote anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived, within any city park, without first obtaining the written consent of the city council or the city’s parks and recreation director.

(b) *Commercial activities prohibited.* A person commits an offense if the person, without the prior written consent of the city council or the city's parks and recreation director:

- 1) carries on any commercial activity, including selling of and concessions in any city park, playground or park facility;
- 2) charges another person a fee for use of a city park, playground or park facility;
- 3) charges another person a fee for participation in an activity located on a city park, playground, or park facility; or
- 4) intentionally prevents or prohibits another person from using a city park, playground, or park facility.

(c) The city's parks and recreation director is hereby delegated the authority to, and directed to, establish uniform rules and regulations relating to the use and reservation of the city's, parks, playgrounds and park facilities. Such regulations shall be effective when filed of record with the city secretary and a copy of such regulations shall be maintained for public inspection at the office of the director of parks and recreation. The city's parks and recreation director may authorize an agreement to use a city park, playground or park facility, including the permission to collect fees or revenues, provided that such agreement shall be "terminable at will" by the city.

(d) It is a defense to prosecution under subsection (b) above that the person is an individual younger than 18 years of age and the person is making an occasional sale of lemonade or other non-alcoholic beverage from a stand.

Section 2. Savings/Repealing Provision. All ordinances and parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict only.

Section 3. Severability. If any provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

Section 4. Penalty; Notice.

A violation of this ordinance shall be a Class C misdemeanor, and the penalty for violating this ordinance shall be a fine not exceeding five hundred and No/100 Dollars (\$500.00) for each offense.

Section 5. Effective Date. Upon its passage and adoption on second reading and the publication of the caption, as required by the City Charter and state law, this ordinance will take effect October 1, 2022.

PASSED, APPROVED AND ADOPTED ON FIRST READING on the 25th day of July, 2022.

PASSED, APPROVED AND ADOPTED ON SECOND READING, AND SIGNED, on the 8th day of August, 2022.



City Secretary (Seal)

Signed:

Susan V. Sample
Mayor

Recommended:

[Signature]
City Manager

Approved as to form:

[Signature]
Olson & Olson, LLP, City Attorney