

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AMENDING CHAPTER 86 “PARKS AND RECREATION”, ARTICLE II “PARK REGULATIONS”, DIVISION 2 “USE OF CITY PARKS AND RECREATION AREAS”, SECTION 86-52 “CITY PARKS NOT TO BE RENTED FOR PROFIT”, OF THE CODE OF ORDINANCES, CITY OF BRYAN, TEXAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CODIFICATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THE ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Bryan, Texas, is a home rule municipal corporation empowered by its charter to own, maintain, and manage parks and recreation areas and facilities for the benefit of the general public; and

WHEREAS, the Parks, Recreation, and Facilities Department engages with third parties who operate camps, leagues, and activities for the benefit of the public, utilizing parks and recreation areas ideally suited for such activities; and

WHEREAS, some organizations the provide such services do so for a profit, and while the City Council has adopted a general rule against parks and recreation areas being used for profit, the City Council finds that prohibiting such organizations from offering those services in the City limits the number and quality of activities being offered to our citizens; and

WHEREAS, the City Council further finds that some City facilities are underutilized and that allowing for-profit organizations to operate within the City will make better use of the City’s existing parks and recreation facilities; and

WHEREAS, the City Council determines that revenue collected from such organizations as consideration for being allowed to use City parks and recreation areas will offset or eliminate the cost of any additional maintenance required; and

WHEREAS, the City Council wishes to delegate authority to the City Manager to authorize use of parks and recreation areas by for-profit organizations so that the City can more efficiently make these activities available to the citizens of Bryan; and

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

1.

That Chapter 86, Article II, Division 2, Section 86-52 “City parks not to be rented for profit” is amended to read as follows:

Sec. 86-52. - ~~City parks not to be rented for profit~~Rental of parks and recreation areas.

No person or organization shall have the right to host or operate an activity where a fee is charged within city parks or recreation areas without a written agreement, approved and executed by the city manager or his or her designee. The agreement will state the dates and times of the activity, identify the facilities to be used, provide for insurance, state the fees to be charged, and such other terms and conditions required by the city manager, or his or her designee. No agent, servant, or employee of the city having supervision over

~~or jurisdiction over any city parks may rent or allow the use of any park to any person engaged in an enterprise for a profit, except as otherwise provided herein or as expressly permitted by city council.~~

2.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this Ordinance be declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and to this end the provisions of this Ordinance are declared to be severable.

5.

It is the intention of the City Council that this Ordinance shall become a part of the Code of the City of Bryan, Texas, and it may be renumbered and codified therein accordingly.

6.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meeting was given.

7.

This Ordinance shall take effect immediately upon its first and only reading and passage.

PASSED, ADOPTED, AND APPROVED after the first and only reading the _____ day of _____, 20__, at a regular meeting of City Council of the City of Bryan, Texas, by a vote of ____ yeses and ____ noes.

ATTEST:

CITY OF BRYAN:

Melissa Brunner, City Secretary

Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

Thomas A. Leeper City Attorney