

**AMENDED LEGISLATIVE RESOLUTION 23-O-07
RESOLUTION AND ORDINANCE OF THE TOWN OF UNIVERSITY PARK TO
AMEND CHAPTER 5 "PARKS AND RECREATION", BY REPEALING AND
REENACTIN §5-101, "HOURS", §5-102, "RULES AND REGULATIONS FOR PARK
USAGE", §5-103, "TENNIS COURTS", §5-104, "PICNICKING AND USE OF TOT
LOT" §5-105, "PROHIBITIONS ON PARK USAGE", AND §5-107, "PENALTIES", TO
CHANGE THE HOURS DURING WHICH PARK USE IS ALLOWED, TO UPDATE
THE PROCESS FOR TENNIS COURT RESERVATIONS AND ALLOW THE TENNIS
COURTS TO BE USED FOR PICKLE BALL, TO PROHIBIT SMOKING, FLYING
DRONES, AND CAR SERVICE, REPAIRS, CLEANING OR WASHING IN THE PARK,
TO PROHIBIT AMPLIFIED MUSIC WITHOUT A PERMIT, TO APPLY THE
PENALTY FOR VIOLATIONS TO PARK RULES AND REGULATIONS AND TO
INCLUDE THE TOWN PLAYGROUND AS PART OF THE FACILITIES
REGULATED.**

WHEREAS, pursuant to §5-202 of the Local Government Article, Annotated Code of Maryland, the Mayor and Common Council of the Town of University Park have the power to pass such ordinances as deemed necessary to protect the health, safety and welfare of the residents of the municipality and to prevent and remove nuisances; and

WHEREAS, the Town seeks to provide well maintained, safe parks for people to enjoy recreational activities and open spaces; and

WHEREAS, the Mayor and Council adopted Chapter 5, Parks and Recreation, to regulate the use of the parks, including playgrounds and tennis courts; and

WHEREAS, the Mayor and Council have received recommendations from the Police, Traffic and Public Safety Committee to align and clarify the hours during which the parks and tennis courts are open, which should be considered before new signs are purchased; and

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

~~[Brackets]~~ indicate matter deleted from existing law

* * Asterisks* * indicate existing law which are unchanged but not set forth in the ordinance

**CAPITALS INDICATE MATTER ADDED BY AMENDMENT TO THE PROPOSED
ORDINANCE**

~~[Brackets]~~ indicate matter deleted by amendment to the proposed ordinance

WHEREAS, Chapter 5 includes an outdated permit and usage system which should be updated to recognize the current online reservation system and the expansion of the tennis courts for pickle ball; and

WHEREAS, during a review of review of Chapter 5 by staff, it was recommended that smoking, flying drones, and car service, repairs, cleaning or washing, in the park be prohibited, playing of amplified music be prohibited without a permit, the penalty for violations should also be applied to violations of park rules and regulations, and the Town playground should be referenced as part of the facilities regulated.

WHEREAS, the Mayor and Council have determined that a revision of Chapter 5 is required to address the recommendations.

Section 1: NOW THEREFORE be it resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, §5-101 “Hours”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-101. Hours.

Parks are open for general use ~~[between the hours 6:00 a.m. and two hours after dark. No person shall enter or use the parks between 11:30 p.m. and 5:30 a.m.]~~ FROM 1 HOUR BEFORE SUNRISE UNTIL 2 HOURS AFTER SUNSET. Tennis courts, THE TOT LOT AND TOWN PLAYGROUND are open ~~[during daylight hours]~~ FROM SUNRISE TO SUNSET.

Section 2: BE IT FURTHER resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, § 5-102 “Rules and regulations for park usage”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-102. Rules and regulations for park usage.

Use and permitting of the Town park, defined as Town owned or operated recreational facilities, in their entirety, including but not limited to the tot lot, PLAYGROUND, tennis courts, sports field(s), picnic areas, pathways and bridges, and general park areas within the Town limits, shall be governed by rules and regulations adopted by resolution of the Mayor and Council pursuant to this section.

Section 3: BE IT FURTHER resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, §5-103

“Tennis courts”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-103. Tennis courts.

A. ~~[Permit. Only Town residents with permits may make use of the tennis courts. Permits are available to Town residents from the CLERK for a fee of \$0.25 and are valid for one year from the date of issuance.]~~

Court usage. The tennis courts may be used only for the purpose of playing tennis AND PICKLEBALL. Skating, ice skating, skateboarding, bicycling and other such activities are prohibited. ~~[Permit holders may bring no more than three guests and such guests must play on the same court with the permit holder. Permit holders shall not wait longer than one hour for singles players and 1 1/2 hours for doubles players in order to get a court. Children under the age of 14 and unaccompanied by an adult shall not play longer than 30 minutes when anyone is waiting for a court.]~~

B. RESERVATION OF TENNIS COURTS. RESIDENTS MAY RESERVE TIME TO PLAY TENNIS OR PICKLE BALL ON THE TENNIS COURTS THROUGH THE TOWN’S WEBSITE. NON-RESIDENTS ARE AUTHORIZED TO USE THE COURTS ON A FIRST-COME, FIRST-SERVED BASIS WHEN NOT RESERVED BY PERMIT.

Section 4: BE IT FURTHER resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, §5-102 “Picnicking and use of tot lot”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-104. Picnicking and use of tot lot AND PLAYGROUND.

The park may be used for picnicking. THE TOT LOT AND PLAYGROUND WILL NOT BE PERMITTED FOR EXCLUSIVE USE. The tot lot AND PLAYGROUND equipment and play area may be used only by children of the appropriate size and age for whom the area was designed.

Section 5: BE IT FURTHER resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, §5-102 “Prohibitions on park usage”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-105. Prohibitions on park usage.

THE RESTRICTIONS CONTAINED IN THIS SECTION APPLY TO ALL PORTIONS OF THE PARK, INCLUDING WITHOUT LIMITATION THE TENNIS COURTS, TOT LOT, PLAYGROUND AND FIELDS. Regarding personal conduct in using the parks and facilities, no person shall:

A. Engage in sports or games, or use OF play equipment, not authorized by

the Town, or engage in activities that involve excessive noise or loud or offensive music. Dunking booths, pony rides, and other amusements involving animals, are prohibited.

- B. Collect admission fees, exchange money for tickets, practice, carry on, conduct or solicit for any business or profession, or sell or offer for sale any article or merchandise for personal gain, or otherwise solicit or collect funds or contributions without the approval of the Council.
- C. Permit an animal owned or controlled by him/her to excrete waste in the park, except with immediate clean up, removal, and proper disposal of animal waste.
- D. Drive, operate, park or leave standing, any motorized vehicle, except FOR a Town employee in the discharge of his duties.
- E. Damage, deface, move, or remove any public property.
- F. Sell, possess or consume alcoholic beverages OR USE SMOKING MATERIALS OF WHATEVER NATURE.
- G. Bring or use barbecue or other types of grills or cooking facilities other than those provided by the Town. No fires may be lit except in Town-provided barbecues, without prior permission of the Town and no fires may be left unattended.
- H. Engage in a use of a Town park facility during any time when it has been declared as unsuitable for use.
- I. Bring in live bands OR AMPLIFIED MUSIC except as allowed by permit.
- J. FLY OR DEPLOY A DRONE IN THE PARK
- K. CONDUCT ANY VEHICLE SERVICE, REPAIR, CLEANING OR WASHING.

Section 6: BE IT FURTHER resolved and ordained by the Mayor and Common Council of the Town of University Park that Chapter 5 “Parks and Recreation”, §5-107 “Penalties”, of the Code of the Town of University Park, be repealed, re-enacted and amended to read as follows:

§ 5-107. Penalties.

A failure to comply with the provisions of this chapter OR ANY RULES AND REGULATIONS ADOPTED PURSUANT TO THIS CHAPTER, shall constitute a municipal infraction and will subject the offender to a penalty of \$200 per violation. In addition, a violation of this chapter, or any rules and regulations adopted pursuant to this chapter, may cause the revocation or suspension of any permit for use of the Town park.

Section 7. Be it further resolved that this amended ordinance shall become effective twenty (20) days after enactment by the Mayor and Common Council of University Park, Maryland.

If any section, subsection, provision, sentence, clause, phrase or word of this Amended Ordinance is for any reason held to be illegal or otherwise invalid by any court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase or word included within this Ordinance, it being the intent of the Town that the remainder of the Amended Ordinance shall be and shall remain in full force and effect, valid and enforceable.

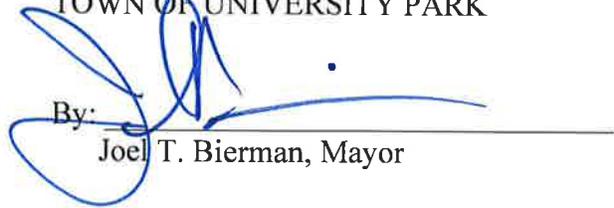
Section 8: Be it further resolved that a complete and exact copy of this proposed Amended Ordinance shall be posted on the entrance door of the Town Building of University Park, Maryland, for a period of not less than ten (10) days, and a fair summary of this Amended Ordinance shall be published at least once in a newspaper having general circulation in the community.

APPROVED this 11th day of September, 2023.

ATTEST:


Alicandra Hegeman, Town Clerk

MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK

By: 
Joel T. Bierman, Mayor

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Suellen M. Ferguson, Town Attorney