

**TOWN OF ADDISON, TEXAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING ARTICLE I (IN GENERAL), ARTICLE II (USE OF PUBLIC PARKS) AND ARTICLE III (ADDISON ATHLETIC CLUB) OF CHAPTER 58 (PARKS AND RECREATION) OF THE CODE OF ORDINANCES RELATED TO DEFINITIONS, MEMBERSHIP AND USE OF THE ADDISON ATHLETIC CLUB, ASSOCIATED FEES AND ENFORCEMENT; PROVIDING FOR SAVINGS, SEVERABILITY AND AN EFFECTIVE DATE; AND PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the Town of Addison, Texas (“City Council”) has investigated and determined that that it would be advantageous and beneficial to the citizens of the Town of Addison, Texas (“Town” or “Addison”) to amend Article I (In General), Article II (Use of Public Parks) and Article III (Addison Athletic Club) of Chapter 58 (Parks and Recreation) of Addison’s Code of Ordinances (“Code of Ordinances”) as hereinafter set forth; and

**WHEREAS**, the City Council has further investigated and determined that it is in the best interest of the Town and its citizens to amend the Code of Ordinances as set forth below.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS THAT:**

**Section 1. Findings Incorporated.** The findings set forth above are incorporated herein as if set forth verbatim.

**Section 2. Amendment to Article I (In General) of Chapter 58 (Parks and Recreation) of the Code of Ordinances.** Article I (In General) of Chapter 58 (Parks and Recreation) of the Code of Ordinances is hereby amended as follows:

“Chapter 58 – Parks and Recreation

Article I. In General

Sec. – 58-1. Definitions.

The following words, terms and phrases when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AAC* means Addison Athletic Club, which is located at 3900 Beltway Drive, Addison, Texas.

*Addison membership card* means a photographic identification card issued by the Town to persons upon showing proof of Town residency as provided in section 58-67, and payment of the fee, if any.

*Director* means the Director of Parks and Recreation for the Town or his designee.

*Park property* means any park, athletic facility, reservation, playground, recreation center or any other area in the Town, owned or used by the Town and devoted to active or passive recreation, but is not acquired or designated by the Town for use as a public park.

*Town* means the Town of Addison, Texas.

*Town park* means that area designated by the Town as a park and which is located south of Sidney Drive and west of Woodway Drive.

*User* means any authorized person to be present on park property other than Town employees.”

**Section 3. Amendment to Article II (Use of Public Parks) of Chapter 58 (Parks and Recreation) of the Code of Ordinances.** Article II (Use of Public Parks) of Chapter 58 (Parks and Recreation of the Code of Ordinances is hereby amended as follows:

“Article II (Use of Public Parks)

...

Sec. 58-32. – Request of director to stop or leave.

When the director, in his sole discretion and judgment, determines that a person is behaving in a manner or is performing an act which is likely to endanger or is endangering the health, safety or welfare of himself or of other users, guests, employees of the Town or other persons, the director may ask the person to cease his activity. Upon the person's refusal to so cease, or upon his resumption of such activity or similar activity, the director may ask such person to leave the park property. It is unlawful and an offense to disobey a lawfully issued order of the director.

...

Sec. 58-34. - Hours of operation; loitering prohibited.

Normal operating hours of Town parks shall be from 5:00 a.m. to 11:00 p.m. every day of the year. Any park or section thereof may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), as the director shall find reasonably necessary. No person shall remain, stay, or loiter in or on any park property between the hours of 11:00 p.m. and 5:00 a.m. No person shall sleep overnight on the seats, benches, couches or other areas on park property.

...

Sec. 58-42. - Prohibited conduct generally; Enforcement.

(a) In the interest of the public health, safety and welfare, each of the following enumerated acts is forbidden and unlawful on park property:

- (1) Cursing, swearing or using indecent language.
- (2) Creating a disturbance or unnecessary or boisterous noises.
- (3) Taking or permitting dogs or other pets within the park property unless on a leash.
- (4) Climbing fences.

(b) *Enforcement.* The director and/or the Town's police department shall, in connection with their duties, diligently enforce the provisions of this chapter, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended. The director and/or the Town's police department shall have the authority to eject from park property any person acting in violation of this chapter, as it exists or may be amended, or any other ordinances applicable to parks and recreation usage, as it/they exist or may be amended."

**Section 4. Amendment to Article III (Addison Athletic Club and Trinity Christian Athletic Complex) of Chapter 58 (Parks and Recreation) of the Code of Ordinances.** Article III (Addison Athletic Club and Trinity Christian Athletic Complex) of Chapter 58 (Parks and Recreation) of the Code of Ordinances is hereby amended as follows:

"Article III. Addison Athletic Club

Sec. 58-66. - Use restricted to members and guests.

The use of the grounds, facilities and equipment of the AAC is restricted to current members of AAC and guests of such members of the AAC. Only bona fide residents of the Town and their dependents, ages 3 months through 18, shall be eligible to become members of the AAC. Dependents 18 through 23 years of age may remain on their parents' membership application, as dependents, if enrolled as full-time college students. Proof of full-time college enrollment may be accepted in place of the minimum requirements listed below. Employees of the Town may become conditional members of the AAC upon the terms and conditions established by the director. Minimum membership requirements include the following:

- (1) A valid state department of public safety driver's license or state department of public safety identification card which shows a current residential address within the corporate limits of the Town;
- (2) A current document such as a utility bill, vehicle registration, voter's registration, credit card statement, vehicle insurance, or other document, as approved by the director, which shows the same address as in (1) above; and

- (3) If an applicant is living in an apartment, a signed leasing office verification form from the owner or manager of the apartment.

The director may require additional information if deemed necessary. Birth certificates of dependent children may be requested in order to establish age. Exceptions to the minimum membership requirements listed above shall only be made for: (i) residents participating in the Texas Department of Public Safety Confidentiality Program; or (ii) residents who are active military. The Town may request documentation from a resident to support these exceptions.

Individuals with a Town business address or hotel address, including extended stay, are not eligible for membership. Owners of residential properties are not eligible for membership unless they currently reside on the property or at another Town residence.

Sec. 58-67. - Process for membership.

- (a) Any adult person who is a current resident of the Town may make an application at the AAC

for membership on an application form prescribed by the Town. Upon presentation of proof of residency as required in section 58-66 and upon completion of the application process to the satisfaction of the Town and payment of fees, if any, the applicant will be issued a photograph membership card. After issuance of a membership card, memberships shall be renewed annually with proof of current residency.

Sec. 58-68. - False representation of residency prohibited.

It is unlawful and an offense for a person to knowingly make a false representation on any document or to present to Town employees any document containing false information in order to gain membership in the AAC. It is unlawful and an offense for a person to knowingly give false verification of residency of a tenant of rental property to Town employees in order for the tenant to gain membership in the AAC.

Sec. 58-69. - Failure to exhibit membership card.

Members of the AAC shall present Town membership cards upon request by the director or the police department. Failure to produce and exhibit such card may result in ejection from the AAC.

Sec. 58-70. -Fees.

A nonrefundable fee for processing the application for AAC membership shall be charged at the time of application or reapplication. The amount of the fee shall be determined by the city council. Additional fees associated with the use of the AAC are listed below:

<b>Recreation Fee Schedule</b>		
<b>Membership Fees</b>		
One-Time Membership Administrative Fee	\$10.00	Nonrefundable
Replacement ID Card	\$10.00	
<b>Children's Activity Center (CAC)</b>		
CAC Drop In	\$1.00	
CAC Punch Pass - 15 Punches	\$10.00	
<b>Late Pick Up Fee</b>		
1 to 14 minutes	\$10.00	
15 to 29 minutes	\$20.00	
30 to 59 minutes	\$50.00	
<b>Group Exercise Classes</b>		
3-Months	\$75.00	
3-Months 50 Plus	\$37.50	
15 Punch Pass	\$40.00	
15 Punch Pass 50 Plus	\$20.00	
Drop in Group Exercise	\$4.00	
Drop in Group Exercise 50 Plus	\$2.00	
<b>Summer Camp</b>		
Weekly Fee	\$125.00	
<b>Late Pick Up Fee</b>		
1 to 14 minutes	\$10.00	
15 to 29 minutes	\$20.00	
30 to 59 minutes	\$50.00	

<b>Miscellaneous Fees</b>		
Small Towel Rental	\$0.25	
Large Towel Rental	\$0.50	
Towel Punch Pass	\$15.00	
Lost Large Towel	\$14.00	
Lost Small Towel	\$5.00	
Outdoor Pool Guest Fee	\$3.00	
Guest Fee Ages 15 and Older	\$8.00	
Guest Fee Ages 8-14	\$4.00	
Guest Fee Ages Under 7 years old	\$2.00	
Lost Key	\$10.00	
Independent Contractor Reimbursement	20%	
Equipment Replacement/Damage	Based on replacement or repair cost	
NSF Check Fee	\$35.00	
<b>Pavilion Rental Outdoor Pool (max 4 hours)</b>		
Refundable Deposit	\$50	
20 people	\$50/hour	
21 to 30 people	\$75/hour	
<b>Pavilion Rental Les Lacs Park: Resident (max 3 hours)</b>		
Refundable Deposit	\$150	
3 hour maximum	\$0.00	
<b>Pavilion Rental Les Lacs Park: Business (max 8 hours)</b>		
Refundable Deposit	\$150	
First 3 hours	\$75.00	
Each additional hour up to max of 8	\$25.00	
<b>Other Program Fees:</b>		
50 Plus Trips and Programs	Fees Vary	
Children's Programs	Fees Vary	
Fitness and Adult Programs	Fees Vary	

Sec. 58-71. - Enforcement.

1. *Ejection from the AAC.* The director and Town's police department shall have the authority to eject from the AAC any person acting in violation of this chapter or any person whose membership in AAC has been suspended or revoked.
2. *Revocation and suspension of membership.* Membership in the AAC is a privilege and not a right, which privilege is revocable by the director at any time for any reason including the violation of or failure to comply with the terms of this chapter or any administrative policies, procedures or regulations concerning the AAC or park property. Written notice of such suspension or revocation shall be mailed by certified mail or delivered to the member. The suspension or revocation is effective immediately upon issuance of the notice. The member has the right to appeal such suspension or revocation to the city manager or his designee within ten days from the member's receipt of the notice."

**Section 5.** Incorporation of Premises. The above and foregoing recitals and premises are true and correct and are incorporated herein and made a part hereof for all purposes.

**Section 6.** Savings; Repealer. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or an penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**Section 7.** Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**Section 8.** Penalty. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of Section 1-7 of the Code of Ordinances, Town of Addison, Texas, as amended.

**Section 9.** Effective Date. This Ordinance shall take from and after its adoption and publication as required by law.

**PASSED AND APPROVED** by the City Council of the Town of Addison, Texas this the 13th day of February, 2018.

\_\_\_\_\_  
Joe Chow, Mayor  
Town of Addison, Texas

ATTEST:

By: \_\_\_\_\_  
Christie Wilson, Interim City Secretary

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Brenda N. McDonald, City Attorney