

RESOLUTION 2017-R-05
RESOLUTION
OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF UNIVERSITY
PARK AMENDING THE RULES AND REGULATIONS FOR USE AND
PERMITTING OF THE TOWN PARK

WHEREAS, the Mayor and Council have the power under §5-216(a) of the Local Government Article, Annotated Code of Maryland, to establish and maintain such parks, gardens, playgrounds and recreational facilities as in the discretion of the Council are deemed to be necessary for the health and welfare of the Town and its inhabitants; and

WHEREAS, the Town has over time acquired, developed and maintained certain park, playground, picnic and recreational areas, including sports fields; and

WHEREAS, the Mayor and Council have determined, pursuant to Section 5-102 of the Town Code, that certain rules and regulations are necessary to administer the use and permitting of the Town park; and

WHEREAS, the Mayor and Common Council determined that it was appropriate to provide regulations for the use and scheduling of the Town park, to include the playing field, and adopted 05-R-06, a Resolution of the Mayor and Common Council of the Town of University Park, Maryland, Adopting Rules and Regulations for Use and Permitting of the Town Park; and

WHEREAS, in order to preserve the Town playing field in a way the helps to ensure it is suitable for play by priority groups without undue expense, it has been determined by the Mayor and Council that use of cleats by anyone other than children 12 years of age or less, and participants in Lewisdale-University Park Boys and Girls Club programs should be prohibited.

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

[Brackets] indicate matter deleted from existing law

*** * Asterisks* * indicate provisions of existing law which have been omitted from the resolution**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of University Park Maryland, that the Rules and Regulations for Use and Permitting of the Town Park, including Town sports field, located west of the Town creek and north of Queens Chapel Road, are amended to read as follows:

1. Unless reserved for a particular use under these rules and regulations or by permit, the Town park is open to appropriate uses and activities, except as otherwise set out herein.
2. The Mayor is hereby authorized to schedule the use of the Town park, including the sports field, and to prepare and disseminate a schedule for use.
3. The Lewisdale-University Park Boys and Girls Club (“LUP”) and other Town based youth groups and the Saturday Soccer Group (“priority users”) shall have priority in the reserving of sports field use for practices, clinics, games and related matters. Town based youth groups are those groups whose members are under the age of eighteen and whose organization is headquartered in and/or draws its membership largely from the Town.
4. The times between 3:30 p.m. and 7:00 p.m., Monday through Friday, 8:00 a.m. through 2:30 p.m. on Saturday, and for a two hour period on Sundays, shall be reserved to LUP, which shall be responsible for scheduling use during those times and for coordinating with other Town based youth groups. Other times may be reserved for Town based youth groups as requested. If an agreeable schedule of use between independent organizations cannot be developed, the Mayor is also authorized to assign the times by random draw. Priority users may request additional or different times, as is appropriate.

5. The time between 3:00 p.m. and 6:30 p.m. on Saturday shall be reserved to the community soccer group, otherwise known as the Saturday Soccer Group, for use of the sports field.
6. The remaining hours for the sports field on Sunday, other than those permitted to priority youth groups, shall be reserved to general use. To ensure the “open” use of the field on Sundays, in no event shall one organized sports event or other activity involve the use or occupation of the more than one-half of the sports field.
7. Should priority users of the sports field not make actual use of any portion of their scheduled time, then it shall be open for general use and subject to reservation, provided, however, that the unused time may not be used or reserved for non-priority ongoing organized sports activity. An ongoing organized sports activity is defined as a use over a period of time, characterized by belonging to an organization, or involving the scheduling or routine holding of games or practices, or the wearing of uniforms and/or use of referees.
8. Reservations for use of the sports field during times not already reserved to a priority user, and reservations for the remainder of the Town park wherein reservations are permitted, shall be on a first-come, first served basis.
9. USE OF CLEATS ON THE TOWN FIELD IS NOT PERMITTED EXCEPT BY CHILDREN AGED 12 OR YOUNGER AND PERSONS PARTICIPATING IN AN LUP PROGRAM.
10. A permit entitles the holder to exclusive use of the Town facility for the dates and times indicated. A copy of the permit shall be on-site during the permitted activity and must be shown to Town designees upon request. The permit holder is responsible for

maintaining orderly conduct among all persons attending an activity. Any area permitted must be cleared of trash and debris by the end of the event.

11. The Mayor shall post the reservation schedule, and any revisions thereof, on a periodic basis at the Town hall and at the sports field. A copy of the schedule shall be available upon request. The accommodation of any conflict that may develop between users who have reserved a portion of the Town park, such as a need to extend play beyond the usual time, shall be resolved by the permitted users without recourse to the Mayor or Council. Otherwise, the terms of any permit or reservation will govern.
12. Failure to comply with conditions of a reservation may cause revocation or suspension of a permit and/or denial of future use of the Town park facilities.
13. At various times, weather, maintenance activities, or other circumstances may cause portions of the Town park to be unsuitable for use. The Mayor or other designated representative of the Town shall determine when any portion of the Town park should be so designated and shall post such determination at Town hall and at the recreation facility in question. No game, practice, scrimmage, or special event or use of any type shall be scheduled or played during any time when a Town park facility has been declared unsuitable for use. The issue of whether the Town sports field has become unsuitable for use due to weather conditions shall generally be resolved by reference to the Montgomery County Recreation Department Inclement Weather Line, said number to be posted at the Town Hall and the public announcement boards in the Town Park. If this source indicates that sports team games are canceled, then all Town sports field scheduled and unscheduled events are also

canceled, provided, however, that the Mayor may override this general procedure due to local circumstances.

14. Applications for reservations of a Town park facility for a sports team, special event or other use must be made, in writing, to the Mayor at Town hall at least fifteen (15) days prior to the first proposed usage of a recreation facility. All applications shall specify the requested time(s), date(s), and recreation facility or facilities. Applications may be submitted for a period of up to one year, calculated from the date of the first proposed usage.
15. The Town reserves the right in its sole discretion to impose restrictions, limit use, refuse the use of the Town park, or any Town park facility, and/or cancel or suspend any permit granted for usage of these facilities for among other things, violation of any provisions of the Town code or applicable rules and regulations, misuse of any Town park facilities, improper recreation facility clean-up, or when inclement weather or other factors render the facility unsuitable for use. These remedies are in addition to any fines that may be issued for violation of town law and/or financial liability for any damage caused to a park facility.
16. The Town, its agents, servants and employees, shall not be liable for any physical injury or property damage incurred on or adjacent to any Town park facility when damage or injury has been caused by, or is a result of, any act or omission of others, whether officially permitted or not. All organizations or individuals requesting a use permit shall be required to agree as part of their application for Town park facility use to hold the town harmless from any claims or losses resulting from the

use of those facilities not caused by the act or omission of the Town, its agents, servants and employees.

17. Each permitted organization, group, or person shall provide the name and contact information for at least one individual, twenty-one years of age or older, with whom the Town will communicate concerning park facility use. The Town will maintain a list of all such designated individuals and will distribute same upon request.

18. Maintenance and/or conditioning of Town park property or facilities shall be the exclusive responsibility of the Town. No physical changes shall be made to any Town park facility except by the Town or with the prior written approval of the Town. Under no circumstances shall permit holders be permitted to do any type of work on any such facility, with the exception of refuse pickup in the area covered by the permit, unless such permit holder has first obtained the written approval of the Town.

19. The University Park Police Department shall have authority to enforce the provisions of these rules and regulations.

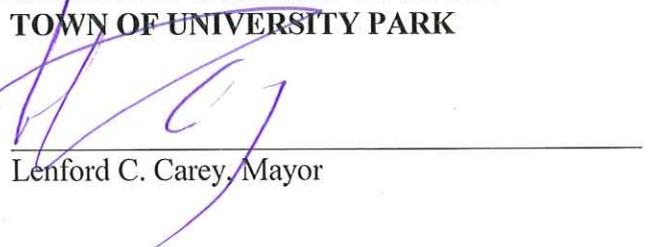
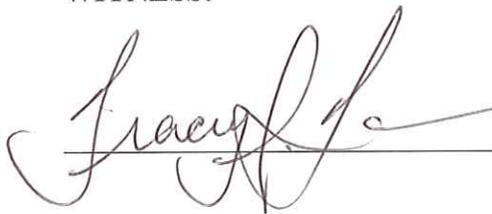
ADOPTED by the Mayor and Council of the Town of University Park, Maryland

on June 5, 2017 2017.

EFFECTIVE on June 5, _____, 2017.

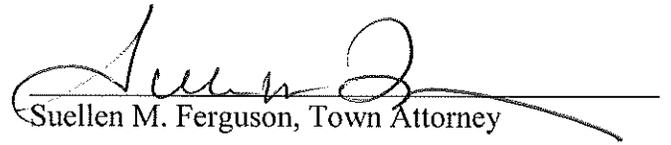
WITNESS:

**MAYOR AND COMMON COUNCIL
TOWN OF UNIVERSITY PARK**



Lenford C. Carey, Mayor

**APPROVED AS TO FORM AND
SUFFICIENCY:**


Suellen M. Ferguson, Town Attorney