

ORDINANCE NO. _____ 27,598 _____

AN ORDINANCE RELATING TO PARKS, RECREATION, CULTURAL AFFAIRS, ETC., AMENDING CHAPTER 38 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2020, AMENDING ARTICLE II – PARK COMMISSION, BY AMENDING SECTION 38-50 - FUNCTIONS; AMENDING ARTICLE IV - GENERAL PARK REGULATIONS, DIVISION 1 - GENERALLY, BY AMENDING SECTIONS 38-88 - CHANGING HOURS OF OPERATION, SECTION 38-94 - RESTRICTIONS ON SELLING AND ADVERTISING, SECTION 38-103 - PERMITS AND SECTION 38-104 - FEES.

ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 38-50 of Article II of Chapter 38 of the Oklahoma City Municipal Code, 2020, is hereby amended to read as follows:

CHAPTER 38

PARKS, RECREATION, CULTURAL AFFAIRS, ETC.

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ARTICLE II. - PARK COMMISSION

* * *

§ 38-50. - Functions.

- (a) *Jurisdiction.* The Park Commission shall make recommendations for rules, regulations and policies governing all public parks and public grounds used for public park purposes for the promotion of the health, safety and enjoyment of the public as defined in Section 38-85(d), and all facilities and appurtenances for the protection of the public and proper use of the parks, except as otherwise provided by the Council. The Park Commission shall provide notice and conduct hearings before recommending that rules and regulations be established or changed. Such rules, regulations and policies shall be approved by City Council.

~~(1) *Rules, regulations and modifications.* In addition to its other duties and jurisdiction and for the promotion of the health, safety and enjoyment of the public, the Park Commission shall make all needful rules and regulations for the~~

~~maintenance of order, safety and decency in all public parks and public grounds used for park purposes. The Park Commission shall provide notice and conduct hearings before establishing or changing rules and regulations.~~

- (b) *No power to acquire or deed land.* The Park Commission shall make recommendations for acquisition, donations, and devises of property used for park purposes.
- (c) *Improvements.* The Park Commission ~~may~~shall make recommendations for infrastructure improvements to all parks and grounds used for park purposes to City Council.

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SECTION 2. That Sections 38-88, 38-94, 38-103 and 38-104 of Division 1 of Article IV of Chapter 38 of the Oklahoma City Municipal Code, 2020, are hereby amended to read as follows:

ARTICLE IV. - GENERAL PARK REGULATIONS

DIVISION 1. - GENERALLY

* * *

§ 38-88. Changing hours of operation.

The Director, in accordance with the rules and regulations as established by Section 38-50 and other sections of this ~~e~~Chapter shall extend hours of operation of any park or portion thereof for any park purpose and shall grant a permit. Any other change of hours must be ~~recommended~~approved by the Park Commission and approved by the City Council.

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§ 38-94. Restrictions on selling and advertising.

No individual shall sell or advertise in any park except as authorized by the Director, or designee.

~~(1) the Park Commission shall adopt rules and regulations concerning advertising and the sale of goods in parks.~~

~~(2) the City reserves the right to negotiate and enter into contracts granting concessions in parks, for more than seven consecutive days.~~

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§ 38-103. – Permits.

- (a) The Director, or designee, is authorized to issue permits under guidelines ~~recommended~~set by the Park Commission applicable to their jurisdiction and according to their functions as set forth in this chapter and approved by City Council.
- (b) The Director, or designee, is authorized to issue permits under guidelines recommended by the Game and Fish Commission applicable to their jurisdiction and according to their function as set forth in this chapter and approved by City Council.

§ 38-104. - Fees.

- (a) An individual or entity to whom a permit is issued pursuant to the provisions of this chapter shall pay to the City the fee established by the City.
- (b) There is hereby established a schedule of fees for the use or privilege of using property, equipment and services of the Parks and Recreation Department. Such fees shall be as established by the City, provided, however, the Director is hereby authorized to establish a policy for the issuance of refunds, which shall be approved by the City Council.
- (c) The Director is authorized to establish fees for participation in special events, activities and programs, conducted and administered by the Parks and Recreation Department that are proprietary in nature. For purposes of this section, proprietary functions are those that are business-like in nature and not governmental. The established fees and activities under this subsection shall be delivered to the Council at least once annually. ~~within ten days after adoption.~~
- (d) Before any permit required under this article shall be issued, the applicant in consideration of the issuance of the permit, shall agree in writing to release the City, and any other individual acting for or on behalf of the City, from all liability from any accident that may occur on any park or waters of City-operated reservations, whether or not such accident is caused by the negligence of the City. Said agreement shall be binding upon the heirs, executors, administrators and assigns of the said party for whom the application for a permit is made.

- (e) No individual or entity shall charge fees in excess of those established in Chapter 60, the General Schedule of Fees. Such unlawful and excessive charges shall subject such individual or entity to the payment of a fine and costs, and shall operate to terminate immediately any lease, contract or authority which such individual or entity has to grant permits.

INTRODUCED AND READ in the open meeting of the Council of The City of Oklahoma City, Oklahoma on this ~~23RD~~ day of APRIL, 2024.

PASSED by the Council of The City of Oklahoma City, Oklahoma on this 21ST day of MAY, 2024.

SIGNED by the Mayor of The City of Oklahoma City, Oklahoma on this 21ST day of MAY, 2024.


CITY CLERK




MAYOR

REVIEWED for form and legality.


Assistant Municipal Counselor