

AN ACT

Bill 19-758
Act 19-645
effective
January 25,
2013

Codification
District of
Columbia
Official Code
2001 Edition

To amend the Recreation Act of 1994 to authorize the Department of Parks and Recreation to issue fee-based use permits for the benefit, enjoyment, education, amusement, or convenience of the public, on property under the department's jurisdiction, to establish nutritional standards for food and beverages sold, offered, or provided on property under the department's jurisdiction, to require the department to give a preference to residents for participation in sports leagues, teams, games, and camps managed by the department for youth, adults, and seniors, and to require the Mayor to issue rules.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012".

Department of
Parks and
Recreation
Fee-based Use
Permit
Authority
Amendment
Act of 2012

Sec. 2. The Recreation Act of 1994, effective March 23, 1995 (D.C. Law 10-246; D.C. Official Code § 10-301 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 10-301) is amended as follows:

(1) Designate existing paragraphs (1A), (1B), (1C), (1D), and (2) as, respectively, paragraphs (4), (6), (7), (8), and (9).

(2) New paragraphs (2) and (3) are added to read as follows:

“(2) “Department” means the Department of Parks and Recreation.

“(3) “Department activity” means an activity, event, class, program, operation, service, or product for the benefit, enjoyment, education, amusement, or convenience of the public.”.

(3) A new paragraph (5) is added to read as follows:

“(5) “Fee-based use permit” means a permit issued by the Department to a person for a fee-based Department activity. “.

(b) Section 3 (D.C. Official Code § 10-302) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Department of Recreation and Parks (“Department” or “Departmental”)” and inserting the phrase “Department” in its place.

(2) A new subsection (b-1) is added to read as follows:

“(b-1) On a property under its jurisdiction, control, or use, the Department may charge reasonable prices for department activities and issue fee-based use permits in accordance with section 3a.”.

(3) A new subsection (d) is added to read as follows:

“(d) Nothing in this section shall be construed as limiting the Department’s authority to issue permits pursuant to section 6a of An Act To vest in the Commissioners of the District of Columbia control of street parking in said District, effective March 16, 1995 (D.C. Law 10-226; D.C. Official Code § 10-137.01).”.

Amend
§ 10-301

Amend
§ 10-302

(c) New sections 3a, 3b, and 3c are added to read as follows:

“Sec. 3a. Fee-based use permits.

New
§ 10-302.01

“(a) The Department may issue a fee-based use permit on a property under its jurisdiction, control, or use, subject to such conditions as the Director may impose and only upon a determination that the use permit:

“(1) Will meet the mission of the Department; and

“(2) Will not adversely impact the use and enjoyment of the area by other members of the public.

“(b) Fee-based use permits shall not be issued solely for their revenue-producing potential.”.

“Sec. 3b. Nutrition at Department facilities.

New
§ 10-302.02

“(a) Except as provided in subsection (b) of this section, all food and beverages sold, offered, or provided by the Department or its agents through vending machines, concessions, stores, or other food venues on buildings, grounds, or other facilities under the Department’s jurisdiction, control, or use shall meet the requirements of either:

“(1) The United States Department of Agriculture’s HealthierUS School Challenge program at the Gold Award Level for meals, competitive foods, and beverages as may be revised from time to time, notwithstanding any termination; or

“(2) The Alliance for a Healthier Generation’s school competitive foods and beverage guidelines at the high school level, as may be revised from time to time, notwithstanding any termination.

“(b) The requirements of this section shall not apply to:

“(1) An event, such as a festival or carnival, if the Director exempts the event, in writing, from the requirements of this section and the food or beverages are not sold;

“(2) Foods or beverages offered or provided by Department employees for their own consumption;

“(3) A farmers’ market or produce cart, stand, or truck; provided, that at least one-half of the items offered or provided is fresh fruits or vegetables;

“(4) Fund-raising activities held pursuant to section 3(b); or

“(5) Foods or beverages sold, offered, or provided by a person as an ancillary part of its participation in a permitted activity or event; provided, that the person has applied for and received a fee-based use permit in accordance with section 3a.”.

“(c) (1) The Department shall seek to maximize its sponsorship of and the participation of eligible children and residents in federal nutrition programs.

“(2) On or before June 1 of each year, the Department shall provide the manager or designated employee of each of its facilities with training and information on how to connect residents to nutrition supports, including the Supplemental Nutrition Assistance Program, federal child nutrition programs, nutrition education programs, and emergency food.

“(d) The Department shall ensure that any foods or beverages sold, offered, or provided outside of federal nutrition programs do not negatively affect the participation of children and residents in federal nutrition programs.

“(e)(1) Food or beverages may only be advertised or marketed on Department property if the items meet the nutritional standards set forth in this section.

“(2) The requirements of this subsection shall apply to advertising:

“(A) On scoreboards;

“(B) On vending machines;

“(C) At concession stands;

“(D) On banners and signs;

“(E) Through the sponsorship of teams, programs, and events; and

“(F) Other forms of promotion, marketing, and advertising.

“Sec. 3c. Priority for Department programs and facilities.

New
§ 10-302.03

“(a) The Department shall give preference to residents for enrollment and participation slots in sports leagues, teams, games, programs, and camps managed or sponsored by the Department for youth, adults, and seniors, before offering participation slots to non-residents.

“(b) Within 180 days of the effective date of the Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-758), the Department shall develop a plan to actively advertise and promote the activities listed in subsection (a) of this section to residents to encourage their participation.”.

(d) Section 7a (D.C. Official Code § 10-307) is amended as follows:

Amend
§ 10-307

(1) Designate the existing text as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b)(1) Within 180 days of the effective date of the Department of Parks and Recreation Fee-based Use Permit Authority Amendment Act of 2012, passed on 2nd reading on December 18, 2012 (Enrolled version of Bill 19-758), the Mayor shall issue rules, which shall:

“(A) Ensure maximum permissible use of Department areas and facilities by appropriate distribution of users, with special attention to the balance of uses between Department programs, community uses, and fee-based uses;

“(B) Ensure equitable access to fee-based uses through provisions for modest, reduced, or waived fees;

“(C) Ensure proper, orderly, and equitable use through scheduling;

“(D) Ensure protection and preservation of areas and facilities by not overtaxing facilities;

“(E) Promote the health, safety, and welfare of users;

“(F) Establish clear procedures for obtaining permits and revocation of permits; and

“(G) Update the entire Department fee and permit schedules, maintaining a lower cost for residents.

“(2) The authority granted to the Department in section 3(b-1) and (d), section 3a, and section 3b shall not be exercised until the rules required by paragraph (1) of this subsection have been adopted.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.