

Motion was made by Mr. Bob Hille, seconded by Mr. Dale Evans,

that the following Ordinance be passed:

ORDINANCE NO. 2005-295

AN ORDINANCE BY THE CITY OF PANORAMA VILLAGE, TEXAS, TO ESTABLISH RULES AND PROCEDURES FOR THE USE OF "THE VILLAGE GOLF CLUB"; PROVIDING DEFINITIONS; PROHIBITING CERTAIN NON-GOLF ACTIVITY ON GOLF CLUB PROPERTY; PROVIDING A REQUIREMENT FOR WRITTEN PERMISSION FROM THE CITY PLANNING AND ZONING COMMISSION FOR USING THE GOLF CLUB PROPERTY; PROVIDING FOR THE ISSUANCE OF WARNING CITATIONS AND CITATIONS FOR THE VIOLATION OF GOLF COURSE RULES AND REGULATIONS, WITH A CRIMINAL PENALTY OF UP TO \$500.00 PER VIOLATION; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, the City of Panorama Village has purchased and is operating the Panorama Country Club known as The Village Golf Club ("the Golf Course"); and

WHEREAS, the City Council believes it is in the best interest of the residents of the City to regulate the recreational and leisure time use of the Golf Course to provide definite rules and procedures for its use by golfers and non-golfers along the fairways and golf cart paths, so as to provide reasonable convenience and safety to all who may have access to the Golf Course; and

WHEREAS, the City Council is concerned that the use of the Golf Course fairways and golf cart paths by non-golfers, such as walkers, joggers, bikers, and dog walkers, provides a serious safety issue which must be regulated by the City and enforced by its police department; and

WHEREAS, the City Council has determined that it is in the best interest of all residents that the use of the cart paths be limited to golfers who are engaged in playing golf during the time the Golf Course is open for public play; and

WHEREAS, the City Council believes it is prudent to regulate dog walkers and free running dogs who may pose a health and safety problems to all citizens on or near the Golf Course; and

WHEREAS, the City Council is further concerned that rules and procedures should be implemented to protect children who may play on the fairways, traps and greens, and to further prohibit the use of bicycles and any motorized or non-motorized vehicle from using the Golf Course; and

WHEREAS, the City Council feels that it is in the best interest of the City to regulate the placement of residents' personal property, plantings and landscaping on Golf Course property which may interfere with or disrupt play;

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANORAMA VILLAGE, TEXAS, THAT:

I.

The foregoing recitals are incorporated into this Ordinance as findings of fact.

II.
DEFINITIONS

- (a) **CITY** shall mean the City of Panorama Village, Texas
- (b) **CITY COUNCIL** shall mean the municipal city council for the City of Panorama Village, Texas.
- (c) **GOLF COURSE** means and includes the fairways, tee boxes, cart paths, sand traps, bunkers, roughs, greens and driving range of The Village Golf Club.
- (d) **GOLF CLUB MANAGEMENT** means all Village Golf Club supervisors.
- (e) **POLICE DEPARTMENT** means Police Department for the City of Panorama Village, Texas.
- (f) **WARNING** means a verbal or written warning that a person was in violation of this Ordinance issued by a police officer or Golf Club Management.

III.
PROHIBITED ACTS

The following conduct is prohibited by persons who are not at that time engaged in playing golf on the Golf Course:

- (a) Persons are prohibited from walking, jogging, biking, riding any motorized or non-motorized vehicle, or walking their dogs on the Golf Course property.
- (b) Persons are prohibited from permitting their minor children under whom they have control from entering upon the Golf Course property.

- (c) No person shall interfere with or disrupt the play of any person engaged in playing golf.
- (d) No person may fish during golf play in those areas adjacent to the Golf Course. Fishing is permitted at any time along Cherry Hills.
- (e) No person may place his personal property, or install or place plantings or landscaping, on Golf Course property unless he/she has received written permission from the City as provided in Section IV. below.

IV. USE PERMITS

- (a) Each resident who lives along a Golf Course fairway must submit a permit for written permission from the City Planning and Zoning Commission to place any personal property on the Golf Course, or to install or place any landscaping or plantings on Golf Course property. The City Planning and Zoning Commission shall issue or deny the permit application within thirty (30) days of the date of its submission. The Planning and Zoning Commission will confer with the Golf Club Management before it authorizes any permit.
- (b) In the event that the City Planning and Zoning Commission denies a resident written permission to place his personal property or install landscaping on Golf Course property, the applicant may appeal the denial to the City Council at its next regularly scheduled meeting.
- (c) If a person other than the applicant objects to the issuance of a permit, that person may appeal to the City Council at its next regularly scheduled meeting.
- (d) The City Council reserves the right to approve or deny the issuance of a use permit, or to revoke a permit after it has been issued, if the City Council determines that such action is appropriate to serve the best interest of the residents of the City.

V. NOTICES

The City Council shall authorize proper signage along all Golf Course entrances and exits which notifies non-golfers that non-golfing activities are prohibited.

VI.
ENFORCEMENT

The City Police Department and Golf Club Management are authorized to enforce this Ordinance and to issue warnings or citations for violations thereof.

VII.
PENALTIES

(a) Any person who violates this Ordinance shall be issued a written notice of violation, which identifies the offense committed and advises the person that any subsequent violation could lead to criminal penalties as provided herein.

(b) A person who violates a provision of this Ordinance after he/she has been previously given written warning is guilty of an offense which is punishable by a fine not to exceed Five Hundred (\$500.00) per offense.

VIII.
REPEALING CONFLICTING ORDINANCES

All existing City Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of the conflict.

IX.
SEVERABILITY

If any clause, phrase, sentence, or paragraph of this Ordinance is held void or unconstitutional by a court of law for any reason, same shall not affect the other parts of this Ordinance.

X.
TEXAS OPEN MEETINGS ACT

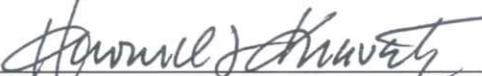
It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

XI.
EFFECTIVE DATE

This Ordinance shall be effective after it has been published as prescribed by law.

PASSED AND APPROVED this the 26th day of JULY, 2005.

CITY OF PANORAMA VILLAGE, TEXAS



HOWARD KRAVETZ, MAYOR

ATTEST:



LISA EVANS, City Secretary

APPROVED:

LARRY L. FOERSTER, City Attorney