

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 10.
PARKS, PUBLIC BUILDINGS, GROUNDS,
AND SPACE.

CHAPTER 3.
FUNDRAISING FOR RECREATIONAL FACILITIES.

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DISTRICT OF COLUMBIA OFFICIAL CODE
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CHAPTER 3. FUNDRAISING FOR RECREATIONAL FACILITIES.

§ 10-301. DEFINITIONS.

For purposes of this chapter:

(1) The term "adopt" means to enter into a binding commitment to a program, site, or operation for not less than 1 year in duration.

(1A) "Designated Organizations" means entities designated by the Director pursuant to § 10-137.01.

(1B) "Friends Groups" means an organization, qualified under section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 501(c)(3)), and registered under the park partner program, whose primary mission is to support an adopted park or recreation facility by advocating, fundraising, maintaining, and assisting in the planning process for the park or recreation facility adopted.

(1C) "Park Partner Agreement" means the agreement between the Department and the Friends Group explaining the duties, rights, and obligations of the Friends Group.

(1D) "Planned Unit Development" means a plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these as defined in the Zoning Regulations of the District of Columbia (11 DCMR § 199).

(2) The term "sponsor" means to pledge or promise support to a program, site, or operation on an intermittent, short-term or one-time basis.

(Mar. 23, 1995, D.C. Law 10-246, § 2, 42 DCR 452; Sept. 14, 2011, D.C. Law 19-21, § 6042(a), 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-301.

Effect of Amendments

D.C. Law 19-21 added pars. (1A) to (1D).

Emergency Act Amendments

For temporary addition of chapter, see §§ 2-7 of the Recreation Emergency Act of 1995 (D.C. Act 11-20, February 28, 1995, 42 DCR 1175).

Legislative History of Laws

Law 10-246, the "Recreation Act of 1994," was introduced in Council and assigned Bill No. 10-741, which was referred to the Committee on Public Services and Youth Affairs. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on January 13, 1995, it was assigned Act No. 10-393 and transmitted to both Houses of Congress for its review. D.C. Law 10-246 became effective on March 23, 1995.

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

Miscellaneous Notes

Short title: Section 6041 of D.C. Law 19-21 provided that subtitle E of title VI of the act may be cited as "Department of Parks and Recreation Revenue Generation Amendment Act of 2011".

§ 10-302. AUTHORITY OF DEPARTMENT OF RECREATION AND PARKS.

(a) The Department of Recreation and Parks ("Department" or "Departmental") may accept donations, gifts by devise or bequest, grants, and any other type of asset from individuals, clubs, groups, corporations, partnerships, and other governmental entities, except that such acceptance must be approved by the Mayor before it occurs.

(b)(1) Department buildings and grounds may be used for fund-raising activities by the Department, Friends Groups, Designated Organizations, and for-profit organizations contracted for and supervised by the Department, Friends Groups, or Designated Organizations; provided, that Friends Groups and Designated Organizations may use Department buildings and grounds for fundraising activities no more than 12 times per year.

(2) Except with regard to fundraising activities by Friends Groups and Designated Organizations, the Department shall manage received property or funds in accordance with the provisions or conditions of the donation, gift, grant, or other type of transfer, including the investment of the principal of such property or funds. The Mayor shall consider the donor's choice of which site, program, or operation should be the recipient of the property.

(3) All property or funds raised for or by the Friends Groups and Designated Organizations shall be deposited in a dedicated bank account in the name of the Friends Group or the Designated Organization and expended solely for improvements and services for the associated park or recreation facility in accordance with the Park Partner Agreement, if applicable.

(4) Friends Groups and Designated Organizations shall provide semiannual accounting to the Department of all funds collected.

(c) Department buildings and grounds shall not be used for any commercial, profit-making, fundraising, or other solicitation by any agency, individual, or organization, except as specifically provided in this section.

(Mar. 23, 1995, D.C. Law 10-246, § 3, 42 DCR 452; Sept. 14, 2011, D.C. Law 19-21, § 6042(b), 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-302.

Effect of Amendments

D.C. Law 19-21 rewrote subsec. (b); and added subsec. (c). Prior to amendment, subsec. (b) read as follows:

"(b) The Department shall manage such property or funds in accordance with the provisions or conditions of the donation, gift, grant or other type of transfer, including but not limited to the investment of the principal of such property or funds. The Mayor shall consider the donor's choice of which site, program or operation should be the recipient of the property."

Emergency Act Amendments

See Historical and Statutory Notes following § 10-301.

Legislative History of Laws

For legislative history of D.C. Law 10-246, see Historical and Statutory Notes following § 10-301.

For history of Law 19-21, see notes under § 10-301.

References in Text

Pursuant to Mayor's Order 2000-20, the agency formerly known as the Department of Recreation and Parks shall be known as the Department of Parks and Recreation.

Delegation of Authority

Delegation of authority pursuant to D.C. Law 10-246, the Recreation Act of 1994, see Mayor's Order 96-55, April 24, 1996 (43 DCR 2453).

§ 10-303. CREATION OF FUND; ACCOUNTING AND INVESTMENT.

(a) The Mayor shall establish for accounting and financial reporting purposes a Recreation Enterprise Fund ("Fund") in accordance with generally accepted accounting principles.

(b)(1) There is hereby authorized a direct appropriation to the Fund equal to the amount collected from fees, concessions, and services and payments by developers seeking relief from zoning laws by way of the Planned Unit Development process considered part of the required community benefits package of

the proposed Planned Unit Development. Revenue deposited into the Fund account shall be expended by the Department for the administration, improvement, and maintenance of property and programs managed by the Department and shall supplement, but not replace, services provided by the Department; provided, that payments by developers seeking relief from zoning laws in accordance with the Zoning Regulations of the District of Columbia (11 DCMR § 100 *et seq.*) and the Planned Unit Development process shall be expended on Department property within the boundaries of the Advisory Neighborhood Commission in which the Planned Unit Development is located. The Fund shall not be used to provide funding to other District government agencies, except to pay the principal and interest on bonds in accordance with § 10-304.

(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees.

(c)(1) Once each year, the Department shall publish in the District of Columbia Register a specific accounting of how monies in the Fund have been spent and an accounting as to the amount remaining in the Fund. The accounting shall include the name of the donor or an anonymous contribution, the amount of the contribution, a description of the property donated and the name of the program or recreation center upon which the funds have been expended.

(2) All funds received but not expended in a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(d) Proceeds of the Fund may be invested in a prudent and reasonable manner consistent with applicable District government policies and procedures with recommendations from the Recreation Assistance Board established by § 10- 306.

(e)(1) Notwithstanding any other provision of law, the Department may contract for, pursuant to all applicable contracting and procurement guidelines, advertisements and sponsorship for recreation centers, fields, pools, and play courts within the Department's inventory.

(2) The Department shall not delegate the authority to contract for advertisements or sponsorships granted to it pursuant to paragraph (1) of this subsection to any other party.

(3) All proceeds received from advertisements and sponsorships shall be deposited into the Fund pursuant to this section.

(Mar. 23, 1995, D.C. Law 10-246, § 4, 42 DCR 452; Apr. 18, 1996, D.C. Law 11-110, § 20(a), 43 DCR 530; Mar. 3, 2010, D.C. Law 18-111, § 5091, 57 DCR 181; Sept. 14, 2011, D.C. Law 19-21, §§ 6042(c), 9064, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-303.

Effect of Amendments

D.C. Law 18-111, in subsec. (b), designated the existing text as par. (1) and added par. (2).

D.C. Law 19-21, in subsec. (b)(1), substituted "and services and payments by developers seeking relief from zoning laws by way of the Planned Unit Development process considered part of the required community benefits package of the proposed Planned Unit Development." for "and services.", and substituted "provided by the Department; provided, that payments by developers seeking relief from zoning laws in accordance with the Zoning Regulations of the District of Columbia (11 DCMR § 100 *et seq.*) and the Planned Unit Development process shall be expended on Department property within the boundaries of the Advisory Neighborhood Commission in which the Planned Unit Development is located."; in subsec. (c), designated the existing text as par. (1) and added par. (2); and added subsec. (e).

Temporary Amendments of Section

Section 2 of D.C. Law 17-239, in subsec. (b), designated the existing text as par. (1); and added par. (2) to read as follows:

"(2) Proceeds from the Recreation Enterprise Fund may be used to purchase food, snacks, and non-alcoholic beverages for the general public, Department of Parks and Recreation program participants, and District government employees."

Section 4(b) of D.C. Law 17-239 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

See Historical and Statutory Notes following § 10-301.

For temporary (90 day) amendment, see § 2 of Recreation Enterprise Fund Emergency Amendment Act of 2008 (D.C. Act 17-425, July 16, 2008, 55 DCR 8246).

For temporary (90 day) amendment of section, see § 2 of Recreation Enterprise Fund Congressional Review

Emergency Amendment Act of 2008 (D.C. Act 17-549, October 24, 2008, 55 DCR 11981).

For temporary (90 day) amendment of section, see § 5091 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 5091 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 2 of Department of Parks and Recreation Advertisement Authority Emergency Amendment Act of 2009 (D.C. Act 18-303, January 26, 2010, 57 DCR 1224).

Legislative History of Laws

For legislative history of D.C. Law 10-246, see Historical and Statutory Notes following § 10-301.

Law 11-110, the "Technical Amendments Act of 1996," was introduced in Council and assigned Bill No. 11-485, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 5, 1995, and January 4, 1996, respectively. Signed by the Mayor on January 26, 1996, it was assigned Act No. 11-199 and transmitted to both Houses of Congress for its review. D.C. Law 11-110 became effective on April 18, 1996.

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

For history of Law 19-21, see notes under § 10-301.

Miscellaneous Notes

Short title: Section 5090 of D.C. Law 18-111 provided that subtitle J of title V of the act may be cited as the "Recreation Enterprise Fund Amendment Act of 2009".

§ 10-304. PARK ADOPTIONS AND SPONSORSHIPS.

(a) Individuals, associations, corporations, partnerships, neighborhood and civic groups or other governmental entities may adopt or sponsor Departmental programs, sites, or operations. The form of such adoption or sponsorship may be made by a donation of funds to the Fund, services, equipment, or any other asset with intrinsic value. The Department may form partnerships with any of the above stated groups to accomplish a stated goal or mission of the Department.

(b) The Department shall, within 1 year from March 23, 1995, promulgate regulations appropriate for the full implementation of this chapter including regulations related to park adoptions and sponsorships, vending and concessions fees, and permits.

(Mar. 23, 1995, D.C. Law 10-246, § 5, 42 DCR 452; Apr. 18, 1996, D.C. Law 11-110, § 20(b), 43 DCR 530.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-304.

Emergency Act Amendments

See Historical and Statutory Notes following § 10-301.

Legislative History of Laws

For legislative history of D.C. Law 10-246, see Historical and Statutory Notes following § 10-301.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 10-303.

§ 10-305. MEGA RECREATION CENTERS.

The Mayor shall develop, construct, and implement mega recreation centers in strategic locations throughout the District of Columbia. Such centers shall be spacious enough to accommodate several indoor activities simultaneously and contain state of the art equipment and apparatus.

(Mar. 23, 1995, D.C. Law 10-246, § 6, 42 DCR 452.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-305.

Emergency Act Amendments

See Historical and Statutory Notes following § 10-301.

Legislative History of Laws

For legislative history of D.C. Law 10-246, see Historical and Statutory Notes following § 10-301.

§ 10-306. ESTABLISHMENT OF RECREATION ASSISTANCE BOARD.

(a) There is hereby created a Recreation Assistance Board ("Board") that shall consist of 9 members that represent the following interests:

- (1) Two members from the corporate or business sector;
- (2) Two members who are District residents that have demonstrated a sincere interest in recreational activities with 1 member being an advocate for youth issues;
- (3) A representative of the District of Columbia Board of Education;
- (4) A representative from the arts or music community;
- (5) A representative of therapeutic or senior citizens;
- (6) The President and Chief Executive Officer of the Washington Convention and Sports Authority; and
- (7) The Director of the Department of Recreation and Parks or that person's designee who shall serve as the Secretary of the Board.

(b) Board members shall be appointed by the Mayor for 4 year terms of office and shall serve without compensation.

(c) The Mayor shall appoint a member of the Board as its Chairperson. The Committee may elect other officers from its membership as it deems necessary.

(d) The Board shall provide resources and expertise on all matters relating to the mission of the Department with special emphasis on fundraising assistance, marketing of programs, and recommendations regarding the expenditure and growth of the Fund established in § 10-303.

(e) The Board may provide guidance on methods of developing and improving recreation programs, conduct public meetings, promote public awareness of recreational programs, and assist on other issues relating to the general purpose of the Department.

(f) The Board shall act as a liaison with the existing Recreation Council Community Management Committees, and other focus groups relative to issues associated with this chapter.

(Mar. 23, 1995, D.C. Law 10-246, § 7, 42 DCR 452; Apr. 18, 1996, D.C. Law 11-110, § 20(c), 43 DCR 530; June 12, 1999, D.C. Law 12-285, § 4(l), 46 DCR 1355; Mar. 3, 2010, D.C. Law 18-111, § 2082(k), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-356, § 4, 58 DCR 760.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 8-306.

Effect of Amendments

D.C. Law 18-111 rewrote subsec. (a)(6), which had as follows:

"(6) The Executive Director of the District of Columbia Sports Commission; and"

D.C. Law 18-356 rewrote subsec. (a)(6), which formerly read:

"(6) The Chief Executive Officer and General Manager of the Washington Convention and Sports Authority; and"

Temporary Amendments of Section

Section 3 of D.C. Law 18-266 rewrote subsec. (a)(6) to read as follows:

"(6) The President and Chief Executive Officer of the Washington Convention and Sports Authority; and".

Section 5(b) of D.C. Law 18-266 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

See Historical and Statutory Notes following § 10-301.

For temporary amendment of section, see § 4(l) of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

Section 6 of D.C. Act 13-25 provides for the application of the act.

For temporary (90-day) amendment of section, see § 4(l) of the Confirmation Act Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-92, June 4, 1999, 46 DCR 5330).

For temporary (90 day) amendment of section, see § 2082(k) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2082(k) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 3 of Washington Convention and Sports Authority Emergency Amendment Act of 2010 (D.C. Act 18-504, July 30, 2010, 57 DCR 7578).

For temporary (90 day) amendment of section, see § 3 of Washington Convention and Sports Authority Congressional Review Emergency Amendment Act of 2010 (D.C. Act 18-580, October 19, 2010, 57 DCR 10113).

Legislative History of Laws

For legislative history of D.C. Law 10-246, see Historical and Statutory Notes following § 10-301.

For legislative history of D.C. Law 11-110, see Historical and Statutory Notes following § 10-303.

Law 12-285, the "Confirmation Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-261. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Vetoed by the Mayor on December 29, 1998, Council overrode the veto on January 5, 1999, and the bill was assigned Act No. 12-622 and transmitted to both Houses of Congress for its review. D.C. Law 12-285 became effective on June 12, 1999.

For Law 18-111, see notes following § 10-303.

Law 18-356, the "Washington Convention and Sports Authority Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-1046, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 19, 2011, it was assigned Act No. 18-706 and transmitted to both Houses of Congress for its review. D.C. Law 18-356 became effective on April 8, 2011.

References in Text

Pursuant to Mayor's Order 2000-20, the agency formerly known as the Department of Recreation and Parks shall be known as the Department of Parks and Recreation.

§ 10-307. RULES.

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this chapter. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, by resolution, within the 30-day review period, the proposed rules shall be deemed approved.

((Mar. 23, 1995, D.C. Law 10-246, § 7a, as added Sept. 14, 2011, D.C. Law 19-21, § 6042(d), 58 DCR 6226.))

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-21, see notes under § 10-301.