

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Michael Atkin, Recreation/Community Services Manager *MA*

DATE: September 11, 2007 (CC Meeting of September 19, 2007)

SUBJECT: Consider an Ordinance Amending Chapter 12.16 (Parks) of the Moorpark Municipal Code and a of Resolution Establishing Park Reservation Fees and Policies and Rescinding Resolution No. 2006-2442

SUMMARY

City Council is being asked to amend the Moorpark Municipal Code (Code) Chapter 12.16 (Parks), revising the hours of operation and rental requirements, and to amend the Park Rental Policy and Fees (Park Policy) to address for-profit activities in City parks, establish a recycling program for tournaments or large events, clarify use of City parks for sports tournaments, and make minor clarifications for consistency. Attachments A and B, are copies of the proposed Ordinance and Resolution revisions shown in legislative format, illustrating the existing language and the changes being recommended.

DISCUSSION

The City's parks are currently open for public use between the hours of 6:00 a.m. to 10:00 p.m.; park restrooms are closed at dusk (except when City sponsored and organized sports activities are scheduled). While the public can use the parks after dusk, the City's current policy restricts the reservation of park amenities to between the hours of 8:00 a.m. and 6:00 p.m. or dusk, whichever occurs earlier (again with the exception of organized sports activities).

There have been a growing number of concerns from citizens and staff about activity after dark in parks with unlit amenities. Staff is of the opinion that there is no need or reason for anyone to be a park after dusk, unless they are using a lighted amenity and/or participating in an organized activity approved by the City. Staff recommends that parks close at dusk with the exception of those with lighted amenities. Lighted park amenities which encompass lighted ball fields, tennis courts, gymnasium, and recreation center would remain open until 10 p.m. The Arroyo Vista Recreation Center office will continue to close at 6 p.m., but the building may remain open up until 10 p.m. for any scheduled activity.

The City's basketball courts are generally situated closer to homes than are its tennis courts and ball fields. To mitigate evening noise, it is recommended that lighted basketball courts remain available for public use only until 9 pm. In addition to the court at College View Park, this provision covers the courts at Peach Hill Park and Mountain Meadows Park, both of which are budgeted for the installation of lights this fiscal year.

In addition to hours of operation, staff proposes language to address for-profit and filming activities in City parks. The Code is currently silent on these types of activities in the parks. Staff is recommending language requiring all for-profit and all filming activity, except filming for individual, non commercial purposes, to apply for, and receive a park rental permit. The process would also require the applicant to apply for filming permit through the Community Development Department. Before the Community Development Department issues the permit, the applicant must secure a Park Rental Permit and pay all applicable Park Rental fees. In addition to obtaining park rental use fees, this process will ensure that the City secures necessary waivers, hold harmless agreements, and insurance coverage naming the City has additionally insured that is expected of all other filming activities conducted in the City.

The Parks and Recreation Commission considered these changes at their May 7, 2007, meeting and concurs with staff's recommendation. Both of the aforementioned changes (hour of operation and for-profit activities) require revisions to the City Code and Park Policy. There are other minor changes being recommended for clarification and consistency between the Code and Park Policy.

Following the Commission's May 7, 2007, meeting, staff identified additional desired revisions to the Park Policy. A recently adopted state Integrated Waste Management regulation requires jurisdictions to establish recycling programs for large events that charge an admission fee and attract 2,000 participants or more. For the City, this includes the July 3 Fireworks Event in addition to a number of youth sports tournaments held at AVCP. Staff proposes charging a tournament host (renter) a fee to cover the cost of renting an additional recycling bin from our solid waste hauler and for the use of individual recycling containers and bags to be placed throughout the park during the rental. The renter will also be responsible for collecting the recyclables and disposing of them in the recycling bin. The City will coordinate arrangements for delivery and removal of the recycling bin.

Additionally, the City was approached by a non-Moorpark youth soccer organization about the use of Peach Hill and Mountain Meadows Park as one of many locations within Southern California to host portions of a regional tournament. The rental request extended over approximately eight weekends. The current policy does not prohibit such a rental and the rental request was granted. To mitigate the impact on residents surrounding neighborhood parks, staff is proposing limiting youth and adult sports tournaments to AVCP, which is best suited to accommodate such activities with little or no impact on surrounding residents. It is proposed that an exception be provided for tournaments hosted by Moorpark based sports organizations, with the approval of the Director, when the

tournament is limited to no more than three consecutive days and the activity does not adversely impact surrounding residents. This is consistent with the previous actions of the City Council to allow Girls Softball and Moorpark Kiwanis to use Mountain Meadows Park for their annual softball tournament.

The draft ordinance attached to this report has been reviewed by the City Attorney.

STAFF RECOMMENDATION (Roll Call Vote Required)

1. Introduce Ordinance No. ___ for first reading, waive full reading, and schedule second reading and adoption for October 3, 2007; and
2. Adopt Resolution No. 2007-___, to be effective upon the effective date of Ordinance No. ___.

Attachments: A – Draft Ordinance in Legislative Format
B - Draft Resolution No. in Legislative Format

AN ORDINANCE OF THE CITY OF MOORPARK,
CALIFORNIA, AMENDING SECTIONS 12.16.010
AND 12.16.140 OF CHAPTER 12.16, PARKS, OF
TITLE 12, STREETS, SIDEWALKS AND PUBLIC
PLACES, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, Chapter 12.16 of Title 12 of the Moorpark Municipal Code sets forth the requirements for City Parks; and

WHEREAS, the City Council determined that Section 12.16.010 (Hours of operation) and Section 12.16.140 (Requirement and enforcement of park rental permits) should be amended to further clarify the Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. The City of Moorpark Municipal Code, Section 12.16.010, Chapter 12.16, Parks, Title 12, Streets, Sidewalks and Public Places, shall be amended in its entirety to read as follows:

12.16.010 Hours of operation.

No person shall enter or remain in any public park, public open space or public recreation grounds ~~during the hours of ten (10:00) p.m. from dusk to six (6:00) a.m.~~

The City of Moorpark Municipal Code, Section 12.16.1.40, Chapter 12.16, Parks, Title 12, Streets, Sidewalks and Public Places, shall be amended in its entirety to read as follows:

12.16.140 Requirement and enforcement of park rental permits.

The city rents portions of its parks and park facilities. The city has the ability to ~~deny~~ issue and enforce park and facility rental permits. No person shall interfere with an authorized permitted rental of a city park or park facility. No person or group shall hold a gathering at a city park which exceeds ~~seventy-five (75)~~ fifty (50) people in attendance without first obtaining a permit for such gathering from the City. No person or entity shall engage in any for-profit activity or filming of any kind, with the exception of filming by an individual when such activities are not for commercial purposes and are for personal use, in any City Park without first obtaining a permit from the City, regardless of the size of the activities or number of participants.

SECTION 2. If any section, subsection, sentence, clause, phrase, part of portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance. The City council declares that it would have adopted this Ordinance and each section, subsection, sentence, clauses, phases, part of portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. The Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this ordinance, shall enter this ordinance in the book of original ordinances of the City of Moorpark, shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted, and shall, within fifteen (15) days after passage and adoption thereof, cause the same to be published once in the Moorpark Star, a daily newspaper of the general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designed for the purpose.

PASSED AND ADOPTED the ____ day of _____, 2007.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

000066

RESOLUTION NO. 2007-

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 2006-2442 AND ESTABLISHING REVISED PARK FACILITY USE AND RESERVATION FEES AND RELATED RULES

WHEREAS, the Parks and Recreation Commission has recommended revisions to the rules and fees governing the park facility use and reservations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. City Council Resolution No. 2006-2442 (Park Reservation Fee Schedule) is hereby rescinded and replaced with the Resolution herein, upon the effective date of Ordinance No. ___.

SECTION 2. The general provisions of the Park Facility Reservation Fees and Rules Policy shall read as follows:

Section 2.1 Purpose

The purpose and intent of the City Council in adopting the Park Facility Use and Reservation Fees and Related Rules (Rules) is to provide direction to staff and the public relating to the use and rental of City park facilities. In the event of non-compliance with, or violation of, any provision herein, such shall not be deemed to affect the validity of any action taken, unless otherwise specifically provided by law.

Section 2.2 Definitions

"Director" shall mean the Parks, Recreation, and Community Services Director or his/her designee.

"Park Permit" shall mean an approved rental application, signed by the Director or his/her designee.

"Rental Application" shall mean the City's rental application form.

Section 2.3 Enforcement

The City Manager or his/her designee is hereby authorized to implement and administer the Policy contained herein.

Section 2.4 Hours

No person shall enter or remain in any public park, public open space or public recreation grounds from dusk to six (6:00) a.m. except where otherwise noted without the authorization of the Director or his/her designee in the form of a park permit as required by resolution of the City Council. The exceptions to the dusk closing are as follows: lighted basketball courts, 9:00 p.m.; lighted sports fields, 10:00 p.m., and Arroyo Vista Recreation Center and Gymnasium, 10:00 p.m. when organized activities are scheduled (MMC 12.16.010). Deviations from these hours may be authorized by the City Manager for City sponsored activities.

Section 2.5 Park Rental Hours

Parks and park facilities must be for rented for a two-hour minimum; all rental time will be rounded to the nearest hour. Parks and park facilities are available for rentals between the hours of 8:00 a.m. to closing (see closing times in Section 2.4 above), with the exception of Arroyo Vista Community Park which may be rented as early as 6 a.m.

Section 2.6 Terms of Rental

Park facilities are available for private or personal reservation and use by individuals or groups subject to the issuance of a rental agreement (Park Permit), payment of all required fees, and compliance with any other conditions that may be imposed at the City's discretion. All rental applications must be signed by an adult of 21 years or older who shall agree to be responsible for said use. Rental applications submitted by organizations and businesses, must be signed by an authorized representative. Said groups may be required to show proof of signature authority. Park Permits are immediately revocable if false statements have been made in reserving a facility or if an individual or group willfully violates any rule or regulation established by the City. Fees shall be retained in the event the activity is terminated due to the violation of any rule or regulation, or the falsification of the rental application.

Any individual or group wishing to include a vendor(s) selling merchandise or food for their rental activity must include the request on their rental application and secure a vending permit through the Parks, Recreation and Community Services Department. There is an additional rental fee for vendors. If the approved park permit does not include authorization for a vendor who is subsequently on site at the request of the permittee, the subject Park Permit will be cancelled and any fees collected will be retained by the City.

Groups of more than fifty (50) persons will be required to obtain a permit before using any City park facility, unless otherwise specified (see for-profit and filming below).

Section 2.7 For-profit and Filming

No person or entity shall engage in any for-profit activity or filming of any kind, with the exception of filming by an individual when such activities are not for commercial purposes and are for personal use, in any City Park without first obtaining an appropriate permit(s) from the City, regardless of the size of the activities or number of participants.

Section 2.8 Youth and Adult Tournaments

Youth and adult sports tournaments are limited to Arroyo Vista Community Park. Exceptions may be made by the Director for City and City co-sponsored programs, and Moorpark based non profit organizations when the use is limited to no more than three consecutive days; the tournament will benefit the community; and it is determined that the rental activity will not adversely impact surrounding residents. Additional rental restrictions may be applied by the Director to minimize any potential inconvenience to the surrounding residents.

Section 2.9 Application Window

Moorpark City residents and City of Moorpark non-profit organizations may submit rental applications nine (9) months in advance; all other groups may submit rental applications six (6) months prior to the requested rental date. Individuals and groups submitting rental applications more than six (6) months in advance must provide proof of their City of Moorpark residency and/or Moorpark incorporation address. Applications for use submitted any earlier than nine months (9), must be approved by the Director.

A non-refundable reservation deposit of \$25.00 or an amount equal to the total rental fee, whichever is less, will be charged to secure requested park facility rentals. Reservation will not be processed without the required deposit. Said deposit will be applied toward use fees, which must be paid in full thirty (30) calendar days prior to the rental date. If fees are not paid in full by the specified date, the reservation may be cancelled at the City's discretion. All rental requests are handled on a first come, first served basis in accordance with the resident/non-resident status rule. Requests received less than thirty (30) calendar days may be considered if staff scheduling can be accommodated and all fees paid in full. Rental applications submitted ~~fourteen (14)~~ seven (7) calendar days prior to the

requested date, if approved by the City, must be paid in full with cash, money order, cashier's check, or valid/acceptable credit card. No personal checks will be accepted. Payments by personal check must be paid at least fourteen (14) days in advance.

All rentals are subject to cancellation by the City in the event of inclement weather, as determined by the Director, or scheduling conflict with a City or City co-sponsored event with no less than 30-days notice. In such cases, all fees paid will be refunded.

Section 2.10 Security Deposits

A refundable deposit may be required for an activity to be held in a public park facility. All or a portion of the deposit may be retained for clean up of facilities, any damage to the premises, and any additional staffing not included in the fees paid. Should damage or cleanup expenses exceed the amount of the deposit, the permittee shall be billed for the difference.

Section 2.11 Additional Charges

Additional charges may be levied beyond the basic rental rate if, in the opinion of the Director, additional security deposit is needed, or staff is needed to set up or clean up, supervise activities, or if the rental request contains unusual activity or accommodation requests. Such determination shall be made by the Director or his/her designee.

Section 2.12 Refunds and Credits

Park permit fees are non-refundable except under the following conditions:

- A. Cancellations due to inclement weather, at the City's discretion, or such conditions making the facility unusable. In such cases, the permittee is entitled to a full refund.
- B. If a cancellation is made 30 days in advance of the rental date, the permittee is entitled to a full refund, less \$25.
- C. In the event of illness, permittee is eligible for a credit for a future rental up to the amount paid, if the City is notified 72 hours in advance. Said credit is only good for six (6) months from the original rental date and subject to availability. It is the responsibility of the permittee to contact the City of Moorpark to cancel the reservation and request a credit before the rental date. Failure to do so will negate any consideration for a credit or rescheduling.

Section 2.12 Requesting a Reduction or a Waiver Of Fees

~~City of Moorpark based, Group 2, non-profit organizations may request a reduction or a waiver of fees for the use of a City park facility one time per calendar year. Reduced or waived fees will not include City direct costs, including, but not limited to, lights, staff time, excessive trash removal, or repairs to damaged facilities. Such requests must be made in writing to the Director.~~

~~Such requests must include, but not limited to, the following information: name of the organization; organization's non-profit number; purpose of the gathering; expected attendance; requested facility(ies); time and date. All requests will be considered on a case by case and a first-come/first-served basis and depend upon facility availability.~~

~~For one-day events involving 3 or less hours, such as year-end school parties or similar activities, Moorpark Unified School District (MUSD) may request a wavier of rental fees provided a park rental application is submitted and signed, and MUSD provides a signed hold harmless and indemnification agreement in a form approved by the City. Additionally, MUSD must ensure that supervision in a ratio of no less than 1 adult to 30 students is provided at all times during the rental and that the rented facility is cleaned after use. MUSD will be charged for City direct costs associated with the rental, including, but not limited to, lights and electricity, staff time if needed, excessive trash removal, or repair to damaged facilities.~~

Section 2.13 Non-Profit Organizations Annual Facility Reservation Policy

Once each calendar year, a City of Moorpark organization having a non-profit status, may reserve the Arroyo Vista Recreation Center, the Moorpark Community Center, or park facilities to hold one (1) event with only direct staff costs being charged to that organization, so long as the majority of the park remains open to the public.

Those events which qualify shall be of a nature whereby the benefit of the event will serve the community and/or involve all those City residents who are interested in this event. Examples for which these procedures may apply include citywide events by Girl or Boy Scouts, service organization events, including fund-raising activities, and special events, such as Country Days, which have a direct benefit to City residents.

Regular organizational meetings or activities shall not qualify for this reduced fee.

Direct staff costs shall be defined as hourly staff costs, including all personnel benefit costs required for the event.

The Parks, Recreation and Community Services Director shall waive the standard rental fees pursuant to these procedures after an eligible organization has submitted: a) A completed Facility Reservation Form; b) a request for fee waiver; and c) proof of non-profit status.

One-time events shall further be defined as an event for one day per calendar year, not to exceed twelve (12) hours.

City staff shall maintain a record of each organization's request for the one-time-event fee, and shall notify the organization if they have already used their one-time-event option within a calendar year.

Moorpark Unified School District (District) one-day events involving three or less hours, such as year-end school parties, the District may request a waiver of rental fees provided a park rental application is submitted and signed, and MUSD provides a signed hold harmless and indemnification agreement in a form approved by the City. Additionally, MUSD must ensure that supervision in a ratio of no less than 1 adult to 30 students is provided at all times during the rental and that the rented facility is cleaned after use. MUSD will be charged for City direct costs associated with the rental, including, but not limited to, lights and electricity, staff time if needed, excessive trash removal, or repair to damaged facilities.

Section 2.14 Right of Appeal

A permittee has the right to appeal the decision by City staff to revoke or deny a permit, levy additional charges, and/or deduct a portion of a deposit. An appeal must be filed in writing to the City of Moorpark, 799 Moorpark Avenue, within five (5) days of receiving your notification. The City Manager or his/her designee will affirm or deny the appeal in five (5) days. Any further appeal must be made in writing to the City Council within ten (10) days upon notification of the decision on the appeal to the City Manager.

Section 2.15 Liability

In order to rent a City facility, the permittee must agree in writing to hold the City harmless and indemnify the City from liability for injury or death to persons or property occurring as a result of the rental. The permittee also agrees to be liable to the City for damage to the park, equipment, buildings, or facilities arising from its rental activity. If determined necessary by the Director, certain rentals may be required to provide general liability or special event insurance and secure an Endorsement, in a format to be approved by the City, naming the City as an additionally insured on the policy. The City may choose to provide necessary

insurance on behalf of the permittee, at the permittee's expense. All for-profit rentals will be required to provide any insurance coverage deemed necessary by the Director.

Section 2.16 Use of Special Attractions

Activities that create loud or distracting noises are not permitted. Amplified sound is not permitted without an approved Amplified Sound Permit. Such a permit will only be issued for City sponsored or co-sponsored events or events deemed, in the opinion of the Director, to provide a community benefit. Persons permitted to use sound amplification equipment shall do so consistent with the Moorpark Municipal Code. Use of amplified sound without the appropriate permit will be cause to terminate the rental event. In such cases, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity, including but not limited to City staff and law enforcement personnel.

No attractions, machines, or equipment, including, but not limited to: trampolines; pony rides; dunk tanks; pitching machines; carnival rides; remote controlled airplanes and rockets and any other similar devices and projectiles; may be brought into, or used in a City park, with the exception of inflatable attractions with an approved permit, within the parameters detailed below.

Inflatable attractions (example – bounce tent) may be permitted in specified parks under certain conditions. Inflatable devices may only be used in conjunction with the rental of a park pavilion and they must be set-up within 50 (fifty) feet of said pavilion. Inflatable attractions permitted for use cannot exceed 15' x 15' in size and must be enclosed to users for safety purposes. Said attractions may only be supplied by a City authorized vendor (a vendor who has signed an agreement with the City, indemnifying and holding the City harmless, provides required insurance naming the City as an additionally insured, as well as maintaining a damage deposit in the amount of \$500 on file at all times with the City). Renters requesting the use of an inflatable attraction must identify the specifications of the inflatable attraction (dimensions and design) and the name of the authorized vendor on their rental application. The inflatable device must be self-contained (inflated by a generator) and transported to the park site by a handcart. Vehicles cannot be used to transport or set up special attractions on park turf. Renters in violation of this section may be cited for violation of the Moorpark Municipal Code in addition to being required to pay for damage to landscaping, sprinklers, and/or turf as applicable.

Inflatable attractions are only allowed at Campus Canyon Park, Mountain Meadows Park, Arroyo Vista Community Park, Peach Hill Park, College View Park, Tierra Rejada Park, and Poindexter Park. The use of unauthorized attractions, machines, or equipment and the like, in a City park will result in the cancellation of the park permit. In such cases, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity including but not limited to City staff and law enforcement personnel.

Section 2.17 Decorations

All decorations must be approved by the City and must comply with Section 13-143 of the Health and Safety Code of the State of California as to flame proofing of all decorations and materials. The City shall also pre-approve location and method of installation.

Section 2.18 Clean Up

It is the responsibility of the permittee, to clean up decorations and debris from their event. In the event that excessive debris is left after the rental, a fee will be deducted from the security/clean up deposit at a rate of no less than the City's direct cost as identified in the applicable fee schedule. The Director shall make the final decision whether the security/clean up deposit will be returned. In the event the damage resulting from permittee's activity exceeds the security deposit, the City reserves the right to bill permittee for outstanding expenses. Permittee shall reimburse the City the amount due within 10 days of receipt of invoice.

Section 2.19 Responsibility for Damages to the Facility and Equipment

The use of nails, staples, screws, etc. on park walls, lights, or other facilities is prohibited. If the facility or any portion thereof, or any equipment shall be damaged, marred or defaced by the act, default or negligence of the permittee, his/her employee or employees, patron, guests, or any person admitted to the event by the renting party, the permittee will pay to the City from the cleaning/damage deposit such sums as the City shall determine to be necessary to restore the facility or such equipment to its condition prior to such damage. Should charges exceed the amount on deposit, the renting party shall be billed for the difference and allowed fifteen (15) calendar days in which to make payment.

Section 2.20 Park Rules

The permittee, his/her employee or employees, patron, guests or any person admitted to the event by the renting party, is responsible to comply with the Moorpark Municipal Code governing use of parks. Park permits are immediately revocable if any individual or group willfully violates any rule or regulation established by the City. If a park permit is revoked for a said violation, all fees collected for the subject rental will be retained by the City and the renter will be assessed for any costs incurred to close down the rental activity including but not limited to City staff and law enforcement personnel.

Section 2.21 Complaints

Complaints and comments should be sent to the Director at:

City of Moorpark
Parks, Recreation & Community Services Department
799 Moorpark Avenue
Moorpark, CA 93021

SECTION 3. The Park Rental Group Classifications

Section 3.1 Group Classification Definition

GROUP 1 City co-sponsored programs. When deemed a community benefit, the City, at its discretion, may co-sponsor an activity or event. Fees may involve the City's direct costs including, but not limited to: City and law enforcement personnel costs, lights and utilities, excess trash collection, security, damage to park property, or any other out-of-pocket cost incurred by the City.

GROUP 2 City of Moorpark residents and organizations that are tax exempt under Section 501 (C) (3) of the U.S. Revenue Code chartered within the City limits of the City of Moorpark and other non-profit tax exempt organizations chartered within the City limits of the City of Moorpark, such as recreation/youth serving organizations, homeowners association meetings, service groups, and churches. Other governmental agencies (the County of Ventura, Moorpark Unified School District, Water Works District I, in which City of Moorpark residents are within the jurisdictional boundaries of those agencies), and their commissions, boards, or departments.

GROUP 3 Residents of the Moorpark Unified School District boundaries that reside outside of the City limits; non-profit service organizations not covered under Group 2; and City of Moorpark businesses and commercial for profit organizations for activities where no admission fee is charged and no product is sold (i.e.: for recreational purposes).

GROUP 4 All other rentals not included in Groups 1, 2, and 3, including but not limited to: City of Moorpark businesses and for-profit organizations conducting business, non City residents not included in Group 3, non Moorpark business and for-profit organizations regardless of the activity.

SECTION 4. The Park Rental/Use Fee Schedule shall read as follows:

Section 4.1 Fees

The City reserves the right to make adjustments or impose additional fees on a case-by-case basis to address rental activities that, in the opinion of the City, could potentially create unusual, extraordinary, or burdensome expense to the City based on the rentals size or nature.

Section 4.2 Park Facility Permit Fees

- A. Ball field (Softball/Baseball):
 - Group 1: Direct Costs
 - Group 2: \$10 per hour
 - Group 3: \$15 per hour
 - Group 4: \$25 per hour

 - B. Ball field (Softball/Baseball) Preparation - flat fee:
 - Group 1: Direct Costs
 - Group 2: \$25
 - Group 3: \$35
 - Group 4: \$45

 - C. Softball/Baseball Base Rental – flat fee:
 - Group 1: Direct Costs
 - Group 2: \$10*
 - Group 3: \$15*
 - Group 4: \$25*
- * deposit required*

- D. Ball field (Softball/Baseball) Lights:
 Group 1: Direct Costs
 Group 2: \$20 per hour
 Group 3: \$25 per hour
 Group 4: \$35 per hour
- E. Athletic (Soccer/Football) Field:
 Group 1: No Charge
 Group 2: \$10 per hour
 Group 3: \$15 per hour
 Group 4: \$25 per hour
- F. Outdoor Basketball Court:
 Group 1: Direct Costs
 Group 2: \$10 per hour
 Group 3: \$15 per hour
 Group 4: \$25 per hour
- G. Tennis Court:
 Group 1: Direct Cost
 Group 2: \$10 per hour
 Group 3: \$15 per hour
 Group 4: \$25 per hour
- H. Multipurpose Court (AVCP):
 Group 1: Direct Costs
 Group 2: \$10 per hour
 Group 3: \$15 per hour
 Group 4: \$25 per hour
- I. Horseshoe Pit:
 Group 1: Direct Costs
 Group 2: \$5 per hour
 Group 3: \$10 per hour
 Group 4: \$20 per hour
- J. Horseshoes:
 Group 1: Direct Costs – flat fee
 Group 2: \$10*
 Group 3: \$15*
 Group 4: \$20*
**Deposit required*
- K. Picnic Pavilion (Small – 50 people max):
 Group 1: No Charge
 Group 2: \$10 per hour*

Group 3: \$15 per hour*
Group 4: \$25 per hour*
** Deposit required*

L. Picnic Pavilion (Large--AVCP Pepper Tree, Poindexter Park):

Group 1: Direct Costs
Group 2: \$30 per hour*
Group 3: \$55 per hour*
Group 4: \$80 per hour*
** Deposit required*

M. Gazebo:

Group 1: Direct Costs
Group 2: \$10 per hour*
Group 3: \$15 per hour*
Group 4: \$25 per hour*
** Deposit required*

N. Open Area:

Group 1: Direct Costs
Group 2: \$10 per hour
Group 3: \$15 per hour
Group 4: \$25 per hour

O. Snack Bar:

Group 1: Direct Costs
Group 2: \$15 per hour*
Group 3: \$25 per hour*
Group 4: \$35 per hour*
**Deposit required*

P. Electricity (electrical use other than ball field lights):

Group 1: Direct Costs
Group 2: \$5 per hour*
Group 3: \$10 per hour*
Group 4: \$20 per hour*
**Electricity charge shall be based on the duration of the rental agreement.*

Q. Inflatable Attractions (must be rented in conjunction with a pavilion):

Group 1: Direct Costs
Group 2: \$10 flat fee
Group 3: \$15 flat fee
Group 4: \$25 flat fee

Section 4.3 Refundable Security Deposit

- A. Softball/Baseball Bases Rental: \$100 deposit
- B. Horseshoes: \$50 deposit
- C. Small Pavilion and Gazebo Deposit: \$100
- D. Large Pavilion Deposit: \$200
- E. Snack Bar: \$500 deposit
- F. Groups of 200 or more, including sports tournaments, and all for-profit rentals: \$500 to \$1,000 depending on the size of the group, activity, and rental facility.

Section 4.4 Additional Fees

- A. An additional staffing and deposit fee may be assessed for events of 200 people or more and/or for rentals that, in the opinion of the Director, require staff assistance or coverage, and/or in the opinion of the Police Chief, law enforcement officers. In determining whether or not additional security fees, staff or law enforcement officers are necessary, the City will consider, but not limited to, the following: size of area for rental use, anticipated attendance, nature of the event, time of day, and location of the rental and its compatibility to the surrounding area.

Fee for additional City staff and law enforcement (hourly):

Group 2: Direct Costs

Group 2: Cost plus 15 percent

Group 3: Cost plus 20 percent

Group 4: Cost plus 50 percent

- B. A vending fee will be assessed at the rate of \$50.00 per day per approved vendor.
- C. An administration fee of \$5.00 is required to be paid at the time the park use permit is filed for groups 2, 3, and 4.
- D. For tournaments or events that charge either an admission fee to the general public or an entry fee to participants and have more than 2000 persons attendance throughout the event, an additional fee of the City's actual cost (recycling

bin, tonnage) plus 15% will be assessed for the City's recycling program.

SECTION 5. The City Clerk shall certify to the adoption of the resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, 2007

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk