

CITY COUNCIL MEETING

April 15, 1981

107  
PROPOSED  
ORDINANCE RE  
PERMIT FOR USE  
OF CITY  
FACILITIES

City Attorney presented for Council's perusal a proposed Ordinance entitled, "An Ordinance of the City Council of the City of Lodi Amending Chapter 15 of the Lodi Municipal Code to Add A New Article III Thereto entitled, "Permit for Use of City Facilities". Mayor McCarty asked the City Clerk to agenda this item for the May 6, 1981 regular Council meeting.

TO: Alise

FROM: Ron Stein

Page 3, (b) and (c) show an addition and amendment to the ordinance since your review. Please contact me if any comment. Thank you.

Ron

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING CHAPTER 15 OF THE LODI MUNICIPAL CODE TO ADD A NEW ARTICLE III THERETO ENTITLED "PERMIT FOR USE OF CITY FACILITIES".

The City Council of the City of Lodi does ordain as follows:

SECTION I. Chapter 15 of the Lodi Municipal Code is hereby amended to add a new Article III thereto, entitled "Permit for Use of City Facilities" as follows:

1. All City-owned neighborhood centers, recreational centers, and other public buildings used for recreational purposes, are placed under the administrative jurisdiction of the Recreation and Parks Director.
2. The Recreation and Parks Director shall, from time to time, submit a schedule of fees and charges to be made for the use of the facilities and equipment under the Recreation and Parks Director's jurisdiction, which fees and charges shall be effective upon adoption thereof by resolution of the City

Council of the City of Lodi. The Recreation and Parks Director shall collect said fees and charges for the use of said aforementioned facilities.

3. No person shall use any premises or facilities described herein when payment of a fee is required, until a permit for such use has been granted by the City of Lodi and all necessary fees have been paid.

4. Reservations Rules.

(a) A person applying for a permit for use of a facility hereunder shall file an application for such permit with the Recreation and Parks Director not less than 30 days prior to the proposed use of the facility. The Recreation and Parks Director may waive the 30-day period rule for permits if the applicant waives his right to appeal. The application shall include:

- (1) Identification of the applicant, address and telephone number.
- (2) Dates and hours of event.
- (3) Estimated attendance.
- (4) Assurance of responsibility of cleaning entire area.
- (5) Identification, address and telephone number(s) of the security personnel applicant will provide.
- (6) and such other information as the Recreation and Parks Director deems reasonable.

(b) No alcoholic beverages shall be sold, given away, or dispensed at the facilities without prior consent of the Director of Recreation and Parks, and with the understanding that the applicant must also apply to the State of California Alcoholic Beverage Control Department for additional permits.

(c) All youth groups making an application for the use of a facility must be a group with a Constitution and/or By-laws, which meets regularly, has a slate of officers, and has an advisory adult leader who will take the responsibility to sign the application. Said adult leader would assume responsibility for damage to the buildings, equipment or facilities, as well as the deportment of the group while they are using the facility. Minors are to be under the supervision of a responsible adult at all times during the use of the facility. Any exceptions can be made at the discretion of the Director of Recreation and Parks when applicable.

(d) The fee established hereunder shall be paid seven (7) days in advance of the use of said facility. No reservation will be considered as complete until the payment of the fee.

5. Action on Applications.

Applications shall be acted upon by the Recreation and Parks Director not later than the 20th day before

the proposed use. In the event more than 1 application is received for 1 facility for use on the same day, the Recreation and Parks Director shall first act upon the application first received.

The Recreation and Parks Director, in considering requests for Permits, shall insure that the proposed use will not be detrimental to the public peace, morals, health, safety or general welfare by subjecting such permit to reasonable conditions as the public interest requires. In making such a finding, the Recreation and Parks Director shall take into consideration the character, experience and responsibility of the applicant and those expected to attend, applicable State and local laws and regulations, and the likelihood of breaches of the peace or other violations of the law.

The applicant, or another responsible person or persons named on the application, shall remain on the premises for which the permit is issued during the entire duration of the permit; failure to observe this condition shall be grounds for the immediate cancellation of the permit by the Recreation and Parks Director.

The Recreation and Parks Director shall deny the application if the Recreation and Parks Director finds that any of the following conditions exist:

(a) That the application reveals that the City has no facility available which will accommodate the activity of the applicant.

(b) That the proposed activity is of a size or nature that requires the diversion of so great a number of police officers of the City to properly police the areas, as to hinder police protection to the City.

(c) That the applicant refuses to agree in writing to comply with all conditions in the permit.

(d) That the applicant failed to file a timely application.

(e) That the proposed activity violates Federal, State or local laws or regulations.

Any such denial shall specify the grounds therefor. Any person or entity whose application has been denied by the Recreation and Parks Director may appeal the denial to the City Council, pursuant to the procedure as hereinafter set forth.

6. The Recreation and Parks Director may exclude from any facility, any individual whose presence is detrimental to the enjoyment of the facility by others, or whose conduct is offensive to the public and a nuisance. Such person may appeal his exclusion to the City Council pursuant to the appeal procedure as set forth herein.
7. If the Recreation and Parks Director determines that a contract for the use of the premises is required, the Recreation and Parks Director shall furnish a form of contract to the applicant for execution, which shall thereafter be submitted to the City Attorney for approval. The City Manager is hereby authorized and directed to execute such approved contract for and on behalf of the City.
8. The City Manager may review any determination of the Recreation and Parks Director in regard to such applications, permits or contracts.
9. No person shall apply for a permit to use any of said premises for any purpose with the intent to defraud the City of any fee or fees.

10. Insurance Requirements.

The user of any premises or facility described in this chapter may be required to indemnify or hold harmless the City, its officers, directors or employees from any loss, liability or damage arising out of, as the result of, or in connection with the use of the facility or premises, equipment or services of the City, its officers or employees, including all costs of defending any claim arising as a result thereof. In such case, the user shall present the City with evidence of a policy of insurance, effective throughout the period of use, in amounts not less than the following: For bodily injury or death to any 1 person, in any 1 accident, \$\_\_\_\_\_ ; for bodily injury or death to more than 1 person arising out of any 1 accident, \$\_\_\_\_\_ ; for damage to property arising out of any 1 or more accidents, \$\_\_\_\_\_. All policies of insurance shall not be cancellable without 15 days' prior written notice to the City, and shall name City as an additional insured.

Evidence of products liability coverage may be required in an amount not less than \$100,000.

The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained

to any person whatever by reasons of the negligence of the person or persons to whom such permit shall have been issued.

11. Right of Appeal.

Any person or entity may appeal the decision of the Recreation and Parks Director to the City Council. The applicant must file said appeal with the City Clerk within five (5) days of the Recreation and Parks Director's decision. The City Council shall hold a hearing within \_\_\_ days of the filing of said appeal, at which time the Recreation and Parks Director may present any and all evidence, testimony and information relevant to the denial or exclusion from said premises. The City Council shall, within \_\_\_ days of said appeal hearing, issue its decision either affirming the denial of the application or exclusion by the Recreation and Parks Director, or directing the Recreation and Parks Director to issue a permit as applied for. The decision of the City Council shall specify the grounds for its action and shall be final.

12. The Recreation and Parks Director may establish and post regulations governing the use of said facilities which are not inconsistent with regulations contained

in this chapter and which promote the public health, safety, and the preservation of property.

13. Revocation.

The Recreation and Parks Director shall have the authority to revoke a permit upon a finding of a violation of any rule, regulation or ordinance, or upon good cause shown.

14. Copy of Permit.

Permittee or applicant shall have a copy of the permit in his possession and shall produce same upon request made by any duly authorized City employee, representative or agent.

15. Enforcement.

The Recreation and Parks Director of City shall, in connection with his other duties, diligently enforce the provisions of this chapter.

16. Infraction.

Any person who violates any provision of this chapter shall be deemed guilty of an infraction, and, upon conviction thereof, shall be punished by a fine of not exceeding the maximum prescribed by law.

SECTION II. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION III. This ordinance shall be published one time in the "Lodi Life and Times", a twice weekly newspaper of general circulation, printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.