

Bill No. 2009-08-01

ORDINANCE NO. 211

AN ORDINANCE REGULATING THE USE OF CITY PARKS AND RECREATIONAL FACILITIES

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

SECTION 1: The Foley City Code is amended to add additional definitions to §30.010 as follows:

“Event Sponsor” means a City resident, or a not-for-profit entity associated with a City resident, who is holding, sponsoring, or conducting an event, meeting, or gathering at a Municipal Park.

SECTION 2: The Foley City Code is amended to add a new §30.020 as follows:

§30.020 RESERVED USE OF THE CITY PARK

1. The City Park may be reserved, in whole or in part, for non-commercial events sponsored by a City resident, or a not-for-profit entity associated with a City resident, who receives a permit from the Board of Aldermen. The City Park may not be reserved for more than 24 hours within a consecutive seven calendar day period by a single Event Sponsor. The City Park may not be reserved when it is to be used for a City sponsored event. The City Park may not be reserved in the aggregate for more than ten days during any one month.
2. If a City resident, or a not-for-profit entity associated with a City resident wishes to reserve all, or a part of, the City Park for the exclusive use of a non-commercial event, the Event Sponsor must make a written application to the City Clerk for an event permit at least four weeks prior to the event. This time period may be reduced by a vote of the Board of Alderman.
3. The written application for the event permit shall state, at a minimum:
 - a. The name, address, and telephone number of the Event Sponsor (if the Event Sponsor is an entity, the name, address, and telephone number of the City resident associated with the entity must also be provided),
 - b. The name, address, and telephone number of the person who will be responsible for the event on the day of the event,
 - c. The estimated number of people who will attend the event,

- d. The beginning and end time of the event,
 - e. The Event Sponsor's liability insurance carrier,
 - f. The area to be reserved,
 - g. The nature of the event, and
 - h. The activities that will occur at the event.
4. The Event Permit will be denied if the event will cause undue wear and tear on the City Park, the area to be reserved is not large enough to accommodate the number of persons the City estimates will attend the event, the event will generate excessive noise or other nuisances, or any requirement of these Ordinances is not met.
 5. The Event Sponsor must execute the City's standard City Park reservation contract that will include clauses indemnifying the City and requiring the Event Sponsor's adherence to all applicable laws, including the City's Ordinances.
 6. An Event Sponsor wishing to reserve at least 25% of the City Park must pay a \$125 security deposit to the City prior to receiving a permit for the event. The security deposit shall be used to pay for any damage caused during the event. Any part of the security deposit remaining after the damage is repaired shall be returned to the Event Sponsor.
 7. Event Sponsors wishing to reserve at least 20% of the City Park must obtain adequate liability insurance to cover the event. The Board of Aldermen shall determine the amount of the insurance based on the size and nature of the event. The insurance policy must name the City and the City's officials and personnel as additional insureds with a waiver of subrogation. A Certificate of Insurance or other verifiable proof of pre-paid insurance in the required amount and form must be filed with City Clerk no later than two business days before the event begins.
 8. Event sponsors must arrange with City Police Chief for adequate fire, police, and/or ambulance protection on site during the event. The City Police Chief should be involved in pre-event and emergency planning.
 9. Event Sponsors must arrange for restroom facilities or provide adequate portable sanitary stations for the estimated number of persons who may attend the event for the entire time of event.
 10. Event Sponsors must arrange for adequate trash bins, and the removal of all trash generated by the event.
 11. Event Sponsors must clean-up the areas of the City Park that were reserved immediately

after the event is over. .

12. The Event Sponsor must assume all liability for any damages or injuries that occur at the reserved area of the City Park during the event.
13. The event permit must be approved by the Board of Alderman and must be displayed at the event and presented to any City official upon demand.

SECTION 3: Severability. The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: Effective Upon Passage. This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 6: Incorporation into the Municipal Code. The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

Read two times and passed this 12th day of August 2009.

Bill Thornhill
MAYOR

Attest: Syleria Collier
City Clerk

