

Meeting Date: Sept. 27, 2011

Agenda Item

29

REQUESTED COMMISSION ACTION:

Consent	<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Consideration/ Discussion	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
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SHORT TITLE An Ordinance of the City of Pompano Beach, Florida, amending Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinance.

Summary of Purpose and Why:

An Ordinance of the City of Pompano Beach, Florida, amending Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinance. Staff amended the fees in Chapter 98, "Parks and Playgrounds" as discussed with the City Commission during the budget review process. Staff also took the opportunity to update the entire Chapter 98 to add/delete language that is more appropriate.

- (1) Origin of request for this action: Staff initiated
- (2) Primary staff contact: Mark Beaudreau, Recreation Programs Administrator Ext. 4191
- (3) Expiration of contract, if applicable: n/a
- (4) Fiscal impact and source of funding: n/a

DEPARTMENTAL COORDINATION	DATE	DEPARTMENTAL RECOMMENDATION	DEPARTMENTAL HEAD SIGNATURE
Parks & Recreation	<u>9-19-11</u>	<u>Approve</u>	<u>[Signature]</u>
City Attorney	<u>9/20/11</u>		<u>[Signature]</u>
Finance	<u>9/20/11</u>	<u>Approve</u>	<u>[Signature]</u>
_____	_____	_____	_____
_____	_____	_____	_____

City Manager

[Signature]

ACTION TAKEN BY COMMISSION:

<u>Ordinance</u>	<u>Resolution</u>	<u>Consideration</u>
<u>Workshop</u>		
1 st Reading <u>9/27/11</u>	1 st Reading _____	Results: _____
2 nd Reading <u>10/11/11</u>	_____	Results: _____
_____	_____	_____
_____	_____	_____

PARKS AND RECREATION DEPARTMENT
MEMORANDUM 11-A130

DATE: September 15, 2011
TO: Dennis W. Beach, City Manager
FROM: Mark A. Beaudreau, Recreation Programs Administrator
SUBJECT: Ordinance Chapter 98, Parks and Playgrounds

Please place the attached Ordinance amendments on the September 27, 2011 City Commission Agenda. The Ordinance was advertised in the September 16, edition of the Sun Sentinel for public hearing on Tuesday, September 27.

As you recall one of the goals in the development of the FY 2012 Budget was to increase user fees to help pay for the cost of those programs. Most of the proposed user fee adjustments fell under Parks and Recreation. The reason for this was that upon conducting a countywide survey, City recreation fees were found to be anywhere from 63% to 160% below what other cities charge on average for similar programs. Therefore, in order to strike a more equitable balance between what the fees generate and what is covered through other revenues, including tax dollars, staff proposed increasing the fees to bring them closer to the averages of what other cities charge. However, given the difference between the current fees and the average, staff proposed increasing the fees over a three year period to minimize the impact.

At the July 2011 Budget Workshop Meetings held in the City Managers conference room, the City Commission reviewed the proposed fees. The Commission instructed staff to move forward with increasing the fee's as they were presented at the meeting with the caveat that two areas would be corrected. They were: under the heading of "Facilities" increase the "For Profit" fee to \$100/3 hours from \$75/3 hours and decrease the "Individual" fee from \$100/3 hours to \$75/3 hours. The justification that "For Profit" organizations should pay more than "Individuals" for the same service. Also, the Commission asked that staff increase the non-resident fees for the Preschool as well; the justification was that non-residents should pay more for the service. In both instances the corrections were noted and changed and included in the Ordinance Amendment.

There are also a number of fees included in the Ordinance that the Commissioners did not see at the Workshops for the simple reason that these fees were already in the median range and did not necessitate changing and were already being collected. They are: Application Fees, Aquatic Facility Rentals, Pool Parties, College/Team Pool Rentals, Water Exercise Classes, Swim Lessons, Red Cross Programs, Dive Shop Rentals, Tiny Tots Classes, League Fees, and Summer Camps/Programs.

**PARKS AND RECREATION DEPARTMENT
MEMORANDUM 11-A130**

Prior to the proposed revision, these fees were published on our website, brochures, flyers, Tradewinds, etc., but they were not codified. There was a provision in the Ordinance 98.10 Fees (G) that allowed the Department to list programs not specifically provided for in the Ordinance to be published in a Department brochure or available at our recreational facilities.

Therefore, these fees are being included to ensure all fees are codified and fall under the correct chapter heading. These are not new fees and they are not being increased.

The other fees not included in the Budget Workshop meetings were Pavilion Rentals, Public Event, and Showmobile fees. The Pavilion rental fee and Showmobile fees were an omission that should have been included in the original submittal. The Public Event portion of the document was still under review at the time and staff was not ready to implement procedures or appropriate fees. The Public Event procedures were discussed with each commissioner independently last year. The comments generated from staff and commissioners led to the new procedures being developed and incorporated in this Amendment.

There is one area that is entirely new to the Ordinance, which is 98.81 City - Owned Portable Stage which is similar to the language in 98.80 City - Owned Showmobile. The City owns a 12 x 17 aluminum framed stage that is used at times in lieu of the Showmobile or when there is a conflict with the use of the Showmobile. The stage is a practical alternative and will now be able to be used for events.

The final areas of concern are the housekeeping issues that do not materially affect the Ordinance but are appropriate language changes nonetheless.

The Amphitheater and Dog Park fee schedules are still being developed and are not ready to include in this document.

If you have any questions or need additional information please call me.

MAB/afh



City Attorney's Communication #2011-1707

September 13, 2011

TO: Mark A. Beaudreau, Interim Parks and Recreation Director

FROM: Mark E. Berman, Assistant City Attorney

RE: Ordinance Amending Chapter 98, "Parks and Playgrounds"

As requested, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES TO MODIFY THE TITLE OF THE DEPARTMENT AND DEPARTMENT STAFF; BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD DEFINITIONS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROVIDE FOR ADDITIONAL USE OF THE PUBLIC BEACH FOR DIVING; BY AMENDING SECTION 98.04, "INTOXICATED PERSONS; NUDITY," TO PROHIBIT ONE BEING IMPAIRED BY DRUGS WHILE ON RECREATIONAL FACILITIES; BY AMENDING SECTION 98.06, "UNATTENDED CHILDREN," TO EXPAND THE REQUIREMENTS TO ALL CITY PARKS; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO MODIFY PROCEDURES FOR APPLICATION, APPROVAL AND APPEAL FOR PUBLIC EVENT PERMIT; BY AMENDING SECTION 98.10, "FEES," TO MODIFY FEES FOR CITY RECREATIONAL FACILITIES AND PROGRAMS AND TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROHIBIT CERTAIN VEHICLES AND DEVICES ON THE PIER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY REQUIREMENTS AND PROCEDURES FOR SUSPENSION AND EVICTION FROM CITY PARKS AND RECREATIONAL FACILITIES, BY AMENDING SECTION 98.37, "SCHOOL AND COLLEGE TEAM RATES," TO UPDATE A TERM NAME; BY AMENDING SECTION 98.46, "HOURS OF OPERATION," TO DELETE SPECIFIC HOURS OF OPERATION FROM THE CODE OF ORDINANCES AND TO PROVIDE FOR NOTIFICATION OF SAID HOURS; BY AMENDING SECTION 98.47, "FEES," TO MODIFY FEES FOR USE OF CITY RECREATIONAL FACILITIES; BY AMENDING SECTION 98.80, "CITY-OWNED SHOWMOBILE," TO MODIFY PROCEDURES AND FEES; BY CREATING SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO PROVIDE FOR PROCEDURES, REQUIREMENTS AND FEES FOR USE OF THE CITY'S PORTABLE STAGE AND FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Please feel free to contact me if I may be of further assistance.


MARK BERMAN

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES TO MODIFY THE TITLE OF THE DEPARTMENT AND DEPARTMENT STAFF; BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD DEFINITIONS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROVIDE FOR ADDITIONAL USE OF THE PUBLIC BEACH FOR DIVING; BY AMENDING SECTION 98.04, "INTOXICATED PERSONS; NUDITY," TO PROHIBIT ONE BEING IMPAIRED BY DRUGS WHILE ON RECREATIONAL FACILITIES; BY AMENDING SECTION 98.06, "UNATTENDED CHILDREN," TO EXPAND THE REQUIREMENTS TO ALL CITY PARKS; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO MODIFY PROCEDURES FOR APPLICATION, APPROVAL AND APPEAL FOR PUBLIC EVENT PERMIT; BY AMENDING SECTION 98.10, "FEES," TO MODIFY FEES FOR CITY RECREATIONAL FACILITIES AND PROGRAMS AND TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROHIBIT CERTAIN VEHICLES AND DEVICES ON THE PIER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY REQUIREMENTS AND PROCEDURES FOR SUSPENSION AND EVICTION FROM CITY PARKS AND RECREATIONAL FACILITIES, BY AMENDING SECTION 98.37, "SCHOOL AND COLLEGE TEAM RATES," TO UPDATE A TERM NAME; BY AMENDING SECTION 98.46, "HOURS OF OPERATION," TO DELETE SPECIFIC HOURS OF OPERATION FROM THE CODE OF ORDINANCES AND TO PROVIDE FOR NOTIFICATION OF SAID HOURS; BY AMENDING SECTION 98.47, "FEES," TO MODIFY FEES FOR USE OF CITY RECREATIONAL FACILITIES; BY AMENDING SECTION 98.80, "CITY-OWNED SHOWMOBILE," TO MODIFY PROCEDURES AND FEES; BY CREATING SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO PROVIDE FOR PROCEDURES, REQUIREMENTS AND FEES FOR USE OF THE CITY'S PORTABLE STAGE AND FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**CITY OF POMPANO BEACH, FLORIDA
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED of a Public Hearing before the City Commission on **Tuesday, September 27, 2011 at 7:00 p.m.**, in the City Commission Chamber of the City Hall Complex, 100 West Atlantic Boulevard, Pompano Beach, Florida, to consider the Ordinance entitled:

P.H. 2011-103: AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES TO MODIFY THE TITLE OF THE DEPARTMENT AND DEPARTMENT STAFF; BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD DEFINITIONS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROVIDE FOR ADDITIONAL USE OF THE PUBLIC BEACH FOR DIVING; BY AMENDING SECTION 98.04, "INTOXICATED PERSONS; NUDITY," TO PROHIBIT ONE BEING IMPAIRED BY DRUGS WHILE ON RECREATIONAL FACILITIES; BY AMENDING SECTION 98.06, "UNATTENDED CHILDREN," TO EXPAND THE REQUIREMENTS TO ALL CITY PARKS; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO MODIFY PROCEDURES FOR APPLICATION, APPROVAL AND APPEAL FOR PUBLIC EVENT PERMIT; BY AMENDING SECTION 98.10, "FEES," TO MODIFY FEES FOR CITY RECREATIONAL FACILITIES AND PROGRAMS AND TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROHIBIT CERTAIN VEHICLES AND DEVICES ON THE PIER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY REQUIREMENTS AND PROCEDURES FOR SUSPENSION AND EVICTION FROM CITY PARKS AND RECREATIONAL FACILITIES, BY AMENDING SECTION 98.37, "SCHOOL AND COLLEGE TEAM RATES," TO UPDATE A TERM NAME; BY AMENDING SECTION 98.46, "HOURS OF OPERATION," TO DELETE SPECIFIC HOURS OF OPERATION FROM THE CODE OF ORDINANCES AND TO PROVIDE FOR NOTIFICATION OF SAID HOURS; BY AMENDING SECTION 98.47, "FEES," TO MODIFY FEES FOR USE OF CITY RECREATIONAL FACILITIES; BY AMENDING SECTION 98.80, "CITY-OWNED SHOWMOBILE," TO MODIFY PROCEDURES AND FEES; BY CREATING SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO PROVIDE FOR PROCEDURES, REQUIREMENTS AND FEES FOR USE OF THE CITY'S PORTABLE STAGE AND FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance is available for public inspection at the City Clerk's Office, 100 West Atlantic Boulevard, Suite 253, Pompano Beach, Florida 33060. All interested persons are urged to attend the Public Hearing, send a representative, or express their views by letter.

You may either be present in person at the Public Hearing, represented by counsel or letter. All interested persons take due notice of the time and place of this Public Hearing and govern yourselves accordingly.

Any person, who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting, will need a record of the proceedings and for this reason, may need to ensure that a verbatim record of the proceedings is made. This record will include the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 786-4611 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

**CITY OF POMPANO BEACH, FLORIDA
BY: MARY L. CHAMBERS, MMC, CITY CLERK**

Published: September 16, 2011
Sun Sentinel

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES TO MODIFY THE TITLE OF THE DEPARTMENT AND DEPARTMENT STAFF; BY AMENDING SECTION 98.01, "DEFINITIONS," TO MODIFY AND ADD DEFINITIONS; BY AMENDING SECTION 98.02, "PROHIBITED ACTS," TO PROVIDE FOR ADDITIONAL USE OF THE PUBLIC BEACH FOR DIVING; BY AMENDING SECTION 98.04, "INTOXICATED PERSONS; NUDITY," TO PROHIBIT ONE BEING IMPAIRED BY DRUGS WHILE ON RECREATIONAL FACILITIES; BY AMENDING SECTION 98.06, "UNATTENDED CHILDREN," TO EXPAND THE REQUIREMENTS TO ALL CITY PARKS; BY AMENDING SECTION 98.07, "PUBLIC EVENT," TO MODIFY PROCEDURES FOR APPLICATION, APPROVAL AND APPEAL FOR PUBLIC EVENT PERMIT; BY AMENDING SECTION 98.10, "FEES," TO MODIFY FEES FOR CITY RECREATIONAL FACILITIES AND PROGRAMS AND TO MODIFY DEFINITIONS; BY AMENDING SECTION 98.12, "MUNICIPAL FISHING PIER," TO PROHIBIT CERTAIN VEHICLES AND DEVICES ON THE PIER; BY AMENDING SECTION 98.22, "AUTHORITY TO EVICT AND SUSPEND," TO MODIFY REQUIREMENTS AND PROCEDURES FOR SUSPENSION AND EVICTION FROM CITY PARKS AND RECREATIONAL FACILITIES, BY AMENDING SECTION 98.37, "SCHOOL AND COLLEGE TEAM RATES," TO UPDATE A TERM NAME; BY AMENDING SECTION 98.46, "HOURS OF OPERATION," TO DELETE SPECIFIC HOURS OF OPERATION FROM THE CODE OF ORDINANCES AND TO PROVIDE FOR NOTIFICATION OF SAID HOURS; BY AMENDING SECTION 98.47, "FEES," TO MODIFY FEES FOR USE OF CITY RECREATIONAL FACILITIES; BY AMENDING SECTION 98.80, "CITY-OWNED SHOWMOBILE," TO MODIFY PROCEDURES AND FEES; BY CREATING SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO PROVIDE FOR PROCEDURES, REQUIREMENTS AND FEES FOR USE OF THE CITY'S PORTABLE STAGE AND FOR EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 98.01, "Definitions," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

...

PARK or RECREATIONAL FACILITY. Any park, reservation, playground, recreation activities center, swimming pool, tennis court, or any other area in the city, owned or used by the city, and devoted to active or passive recreation, including but not limited to, the Pompano Beach Golf Course, Public Beach, Aquatic Facilities, and Recreation Centers/Facilities. ~~Kester Park, West Side Park, Alsdorf Park, Apollo Park, Cypress Park, Indian Mound Park, Jaycee Park, McNab Park, Sunset Park, Wade Horn Park, Founders Parks, North Ocean Park, Norwood Pines Park, Young Life Park, Coleman Park, Kendall Lakes Park, Lake Santa Barbara Park, Lyons Park, N.E. 16th St. Park, North Riverside Park, S.E. 13th St. Park, and Carver Homes Park.~~

PERMIT. An administrative document granting an individual or organization exclusive use of a City of Pompano Beach park and playground facility which is normally open to the public. The permit shall set forth the terms and conditions for use in accordance with approved policies and procedures. Additionally, the permittee shall be required to comply with all applicable laws and ordinances.

...

PUBLIC EVENT.

(1) Any organized formation, parade, procession, or assembly consisting of persons, animals, vehicles, or any combination thereof, traveling in unison and with a common purpose upon any public street, highway, alley, sidewalk, or other public way which does not comply with normal and usual traffic regulations or controls; or

(2) Any other organized activity or set of activities conducted by an individual, group, or entity for a common or collective use or benefit and which involves the use of public facilities and the possible or necessary provision of city services ancillary thereto.

(3) City Public Event is an event which is initiated, financed and executed by the city and approved by the City Commission. Examples of City Public Events include the Annual Nautical Flea Market, July 4 Celebration, Music Under The Stars and the Annual Yuletide Celebration. It does not include events in which the city is merely listed as a co-sponsor unless otherwise designated by the city as such.

...

SECTION 2. That Section 98.02, "Prohibited Acts," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.02 PROHIBITED ACTS.

...

(M) Have or use surfboats or sailing devices or anything of a hard surface which can injure persons; use underwater spear-fishing guns, gigs, slings, bows or other type guns on the beach or in the water; ~~or use any artificial breathing devices, such as aqua lungs in the waters of the public beach. Artificial breathing devices are prohibited in public beach waters from the high tide line to 200 yards eastward.~~

(N) ~~Snorkeling will be permitted to a limit of 50 yards eastward from the high tide line of all public beach areas. Snorkeling beyond 50 yards on the public beach is prohibited.~~ Skin and scuba diving shall be permitted from the public beach under the following regulations:

(1) All divers must be accompanied by at least one other diver.

(2) Each diver is equipped with a buoyancy compensator.

(3) Divers must have an approved diver's down flag displayed in accordance with Statutes of the State of Florida.

(4) Scuba divers must remain a minimum of 100 yards offshore, except when entering or leaving the water.

(5) Divers using mask, snorkel, and fins within 50 yards are permitted and are considered bathers. If skin divers desire to go beyond 50 yards, then all other requirements of Section (N) applicable to scuba divers must be met.

(6) The use or possession of spear guns or similar weapons is prohibited on the beach. Such weapons may be transported via legally launched watercraft to a minimum distance of 150 yards offshore. During such transportation, weapons must be handled safely in an unarmed condition.

(7) Scuba instruction on or from the public beach by businesses or other persons for commercial purpose is prohibited.

...

(W) In any conflict between this section and the rights of the owner or holder of riparian or littoral property, the rights of the owner or holder of the riparian or littoral property shall prevail.

(X) Alcoholic beverages, bounce houses, pools or other inflatable activities, rides, animals for entertainment purposes, concession stand, selling of food/drinks, vendors, generators or amplified music are not permitted in city parks or facilities

(Y) Parking in designated spots only. No parking in grass or around park pavilions.

SECTION 3. That Section 98.04, "Intoxicated Persons; Nudity," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.04 INTOXICATED PERSONS; NUDITY.

(A) It shall be unlawful for any person to come on the municipal recreation facilities of the city while intoxicated or under the influence of intoxicating beverages, drugs or other substances to such an extent that his normal facilities faculties are impaired.

...

SECTION 4. That Section 98.05, "Trespass," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

98.05 TRESPASS.

...

(B) It is expressly found and made a trespass for any person to remain on or fail to vacate any city recreational facility when directed to do so by the ~~Parks and Recreation Director~~ Recreation Programs Administrator or his or her authorized designee.

...

SECTION 5. That Section 98.06, "Unattended Children," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.06 UNATTENDED CHILDREN.

(A) It shall be unlawful for the parent, legal guardian, or other person having the care and custody of a child ten years of age or under to knowingly permit the child at any time to loiter, idle, wander, stroll, play, or be in or on the municipal beach or city parks unless the child is accompanied by his parent, legal guardian, or other person 15 years of age or over having the care and custody of the child. Each violation of the provisions of this section shall constitute a separate offense. Any parent, guardian, or other person having the care and custody of a child ten years of age or under, violating the provisions of this section shall be guilty of an offense.

...

SECTION 6. That Section 98.07, "Public Event," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.07 PUBLIC EVENT.

(A) Application must be officially received by the city no later than 90 days prior to the event for all new events and 30 days prior for recurring established events.

(A B) It shall be unlawful for any person to sponsor, give, or participate in the giving of a public event within the city unless a permit for the event has first been obtained from the ~~City Manager~~ Public Event Committee. Any person seeking issuance of a permit hereunder shall file an application with the ~~City Manager~~ Public Event Committee. The application shall state the following:

- (1) The name and address of the applicant;

...

- (6) Any other information which the ~~City Manager~~ Public Event Committee shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder;

(B C) The ~~City Manager~~ Public Event Committee shall issue a permit hereunder when ~~he~~ it finds the following:

- (1) The proposed activity will not unreasonably interfere with the peaceable enjoyment of any property in the vicinity of the proposed activity;

...

- (5) The applicant has paid to the City of Pompano Beach a public event application fee of \$50 as set forth in ~~Chapter 157, Appendix A: Fee Schedule~~ Public Event Policy and Procedure Manual, to cover the cost of processing the application;

- (6) ~~A security deposit of \$250 will be required for persons or organizations using a city facility for a public event. 50% of estimated expenses is due no later than 20 business days prior to the event and must be paid in full no later than 24 hours prior to the event. All such security deposit payments must be made in cash or by money order or cashier's check. Overall expenses will depend upon the potential impact on the facility and to staff, and the risk level and magnitude of the event as determined by the Public Event Committee. This deposit will be returned upon the completion of a security check by Public Works Department staff at the conclusion of the event. If any damage has occurred, payment for the damage will be deducted from the security deposit. In the event the cost of damage is greater than the amount of the deposit, the permittee shall be liable for any remaining costs. A refund of 75% of the total rental charge for the public event will be given if the cancellation is made 15 days or more prior to the reserve date. A refund of 50% of the total rental charge will be given for any cancellation made after that time and up to six days prior to the reserve date. No refunds will be made if the cancellation is made five days or less from the reservation date. In determining the time periods for refunds the scheduled event day shall not be counted. Any event cancelled by the City of Pompano Beach will receive full refund.~~

- (7) All persons, groups or organizations using the a city facility, city park or right-of-way for a public event ~~are required to~~ must furnish

the City Risk Manager with either an insurance policy or a certificate of insurance including the policy number, amount, and the provision that the City of Pompano Beach is included as an additional insured. The insurance requirements depend upon the risk level of the event, and will be determined by the City Risk Manager. The City of Pompano Beach does not provide insurance for such said events.

(D) Prior to the issuance of the Public Event Permit, the applicant shall maintain, at its sole expense, liability insurance covering the city properties and the desired public event uses thereof, naming the city as an additional insured, in amounts required to cover the specific event as established by the City's Risk Manager. The applicant shall furnish and deliver to the Public Event Committee a certificate or certificates of insurance, acceptable to the Risk Management Division, evidencing the existence of public liability insurance in the minimum amounts described above. Each certificate shall provide that the city receive not less than 30 days written notice of cancellation, expiration or termination of public liability insurance. In the event that such insurance is canceled, expired or terminated, the applicant shall be required to obtain insurance immediately and furnish proof to the Public Event Committee. If such insurance is not obtained within 24 hours after cancellation or termination, the Public Event Committee shall revoke the Public Event Permit and the Public Event shall cease. The applicant shall be responsible for submitting all certificates of insurance of its contractors.

~~(C)~~ (E) Within ~~six~~ 30 business days after receipt of an application, the ~~City Manager~~ Public Event Committee shall notify the applicant and the City Commission in writing of their decision to either grant or deny the permit. In the event that the permit has been granted, the City Commission shall have ten working days to reverse the decision of the ~~City Manager~~ Public Event Committee at a City Commission meeting if the Commission by majority vote finds that the application does not meet the criteria set forth in subsection (B) above; provided, however, that if the ~~City Manager~~ Public Event Committee's notification is issued during any period when the City Commission is on vacation, the City Commission shall have until its next regular meeting to reverse said decision. Notice of the hearing sent to reconsider the approved permit shall be provided to the applicant when the matter is placed on the City Commission agenda for consideration. In the event a permit has been denied, the ~~City Manager~~ Public Event Committee shall state their reasons therefore in writing. Any aggrieved person shall have the right to appeal in writing within 30 days to the City Commission, which shall consider the application under the standards set forth in subsection (B) above and sustain or overrule the decision of the ~~City Manager~~ Public Event Committee at the next regular meeting of the City Commission following receipt of the appeal. The decision of the City Commission shall be final.

~~(D) — Public events conducted in whole or in part by city departments, or which are issued a park permit for use of recreational lands owned by the city for a public event, are exempt from this section.~~

(F) The City of Pompano Beach provides Limited Co-Sponsorships to charitable not-for-profit entities registered to do business in the State of Florida and having a 501C(3) certificate, public educational institutions and other governmental entities through "in-kind services." Support for co-sponsored events may include the waiver of: some permit fees, city owned equipment and/or use of facility. Organizations will be required to pay the necessary personnel charges assessed on the current salary schedule. Organizations still must provide the required insurance and must fund other associated costs, such as the cost of additional dumpsters, portable toilets, lighting, damage to the facility or grounds, etc.

(G) For Public Events to be considered for City Co-Sponsorship by the Public Event Committee, with the final approval from the City Manager, must meet the following criteria:

(1) Provide a financial statement with a letter of request addressed to the Committee 45 days prior to the event date. Submit a program proposal with a budget showing the full event expense that the applicant/sponsor anticipates incurring.

(2) Provide a financial statement following the event that shows full details of all incurred expenses by the sponsor for the event and, all revenue collected for the event, including but not limited to revenue collected prior and during the event.

(3) Provide a detailed business plan that outlines how the event will become self-sustaining and ensure that the event will not require City funding in the future.

~~(E)~~ (H) The application date will be deemed to be that date for which the application has been officially received, provided however, that all required documents have been submitted to and approved by the city, such as the application fee, insurance certificate, security deposit and any other requirement of the city or state, including the Department of Transportation.

~~(F) Depending on the type of event, the application must be officially received by the city at least 16 days prior to the event.~~

SECTION 7. That Section 98.10, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.10 FEES.

The following schedule of fees for residents and nonresidents is hereby established for the use of the enumerated municipal recreational facilities and programs.

(A) City swimming pools.

Daily Admissions

	Resident	Nonresident
Child (under 18)	\$.50 <u>.75</u>	<u>\$1.25</u>
Adult	1.00 <u>\$1.50</u>	<u>\$ 2.25</u>
Lockers	<u>.25</u>	

Passes

Annual	Resident	Nonresident
Adult	\$50.00 <u>\$65.00</u>	\$75.00 <u>\$90.50</u>
Child	25.00 <u>\$38.00</u>	40.00 <u>\$80.00</u>
Family	125.00 <u>\$155.00</u>	150.00 <u>\$260.00</u>
Husband and wife	75.00 <u>\$82.50</u>	100.00 <u>\$140.00</u>

Passes

Semiannual		
Adult	\$30.00 <u>\$41.00</u>	\$50.00 <u>\$78.00</u>
Child	15.00 <u>\$28.00</u>	25.00 <u>\$54.00</u>
Family	75.00 <u>\$100.00</u>	100.00 <u>\$170.00</u>
Husband and wife	50.00	\$75.00

Facility Rental*	<u>\$1,200.00 – 8 hours</u>
	<u>\$ 800.00 – 6 hours</u>
	<u>\$ 600.00 – 4 hours</u>
Pool Parties*	<u>\$200.00 – 3 hours maximum. Up to 50 participants</u>
	<u>Additional Fees: \$60/group of 50</u>

College/Team Rentals* \$13.00/lane per hour

* All Rentals require a \$25 application fee and \$50 security deposit.

<u>Water Exercise Classes</u>	<u>\$3.00/class</u>	<u>\$3.50/class</u>
	<u>\$25.00 – 10 class pass</u>	<u>\$30.00 – 10 class pass</u>
<u>Summer Group</u>		
<u>Swim Lessons</u>	<u>\$54.00 – 8 lessons</u>	<u>\$110.00 – 8 lessons</u>
<u>Private Swim Lessons</u>	<u>\$15.00/class</u>	<u>\$20.00/class</u>
<u>American Red Cross</u>		
<u>Programs</u>	<u>\$100.00/class</u>	<u>\$150.00/class</u>

Daily

Adult	\$4.01	\$5	\$6.04	\$7.03
Child	\$2.03	\$3.02	\$2.03	\$3.02

Prices include sales tax.

Annual Membership Dues

<i>Yearly</i>	<i>Resident</i>	<i>Nonresident</i>
Adult	\$230.00 <u>\$252.80</u>	\$360.00 <u>\$383.60</u>
Child	\$ 35.00	\$ 35.00
Family (2 persons)	\$345.00 <u>\$378.70</u>	\$500.00 <u>\$572.00</u>
Each additional family member	\$100.00	\$150.00 <u>\$175.00</u>

All yearly fees to be paid on or after October 1 and annual privileges shall expire on September 30 of each year. Prices include sales tax.

Fees do not include state sales tax which must be paid when fees are paid.

...

(2) *Terminology definitions.* For the purpose of this division subsection, the following definitions shall apply.

CHILD. 17 years of age or younger.

FAMILY. Two or more people related or residing together at the same address.

HOURLY RATE. If no one is waiting to use the court after an hour, a person may extend play on the court if the individual first pays an additional fee at the Tennis Center.

~~(C) Municipal baseball stadium.~~

~~(1) Use. Use of the municipal baseball stadium by bona-fide organizations and schools may be permitted upon written application for the use of the municipal baseball stadium on a specific date or dates. The application shall be signed by a duly authorized agent of that organization or school and shall be filed with the Parks and Recreation Director. The application shall state fully for what purpose the facility is to be used, and if admission fees or other charges are to be made. Any nonprofit organization which submits a current membership~~

~~roster with its application, compiled within a preceding 30-day period, showing that at least 51% of the members of the organization reside within the city limits shall be classified as a resident organization for purposes of the fee schedule set forth herein; all other non-profit organizations shall be classified as nonresident organizations. Any school which is located within the corporate limits of the city shall be classified as a resident school for purposes of the fee schedule set forth herein; all other schools shall be classified as nonresident schools. The following schedule of fees shall apply.~~

~~(a) — Schools that are excluded from any facility use agreement between the city and the Broward County School Board.~~

~~Minimum of three hours' rental.~~

~~No lights ————— \$90 three hours
15/each additional hour~~

~~With lights ————— \$180 three hours
30/each additional hour~~

~~(b) — Exhibition games, special events, clinics, or any activity that is not city-sponsored or a profit-making activity.~~

~~Minimum of three hours' rental.~~

~~No lights ————— \$150/three hours
25/each additional hour~~

~~With lights ————— \$300/three hours
50/each additional hour~~

~~The renter will be assessed any charges for city staff at the present rate on the current salary schedule.~~

~~(2) — Insurance. As approved by the city.~~

~~(3) — Manner of payment. Checks in payment of fees and service charges shall be made payable to the city and shall be submitted at the time of application to the Director.~~

~~(4) — Use by city. Any use of the municipal baseball stadium for the purpose of promoting and conducting city-sponsored events is hereby exempt from the above schedule of fees.~~

~~(D) Oceanside Park. Parking Lot, Pier Parking Lot and Alsdorf Park Parking Lot all have parking meters with a parking fee of \$0.25 per quarter-hour. A parking meter device shall be installed at the parking facility known as Oceanside Park. The parking fee shall be \$0.25 per quarter-hour. As an alternative to the payment of fees to the parking meters, parking permits may be~~

~~purchased from the city at the rate of \$30 per month. by city residents only via a Parking Permit Application obtained from the Treasury Department. Annual parking permit decals may be purchased at the Treasury Division Office in City Hall at the annual rate of \$60, which includes sales tax. The minimum parking permit period shall be one month.~~

(E) Park/field.

	<i>Resident</i>	<i>Nonresident</i>
(1) Softball/baseball field.		
Each preparation- No lights	\$15 <u>\$19.50</u> /first hour 5 <u>\$10.00</u> /additional hour	\$30 <u>\$41.00</u> /first hour 10 <u>\$14.00</u> /additional hour
Each preparation- With lights	\$18 <u>\$26.50</u> /first hour 8 <u>\$9.50</u> /additional hour	\$36 <u>\$46.50</u> /first hour 16 <u>\$18.50</u> /additional hour

Any tournament requiring the use of all four fields at the four-fields complex shall be at a rate of ~~\$250~~ 375 per day or part thereof for both residents and nonresidents. Any tournament requiring the use of a single field at any city facility shall be at a rate of ~~\$100~~ 167 per day or part thereof. These rates shall be in addition to other fees associated with the use of city parks and/or fields.

(2) Football/soccer field.

Each preparation- No lights	\$20 <u>\$41</u> /first hour 8 <u>\$9</u> /additional hour	\$40 <u>\$50</u> /first hour 16 <u>\$18.50</u> /additional hour
Each preparation- With lights	\$24 <u>\$52</u> /first hour 11 <u>\$12.50</u> additional hour	\$48 <u>\$65</u> /first hour 22 <u>\$23</u> /additional hour
Practice only- No lights	\$8 <u>\$9</u> /hour	\$16 <u>\$17</u> /hour
Practice only- With lights	\$11 <u>\$12</u> /hour	\$22 <u>\$23</u> /hour
(3) Shelters <u>Pavilion</u>	\$5 /hour each <u>\$50</u> daily	\$10 /hour each <u>\$100</u> daily

~~Trash deposit of \$50 refunded after inspection if trash is properly disposed of.~~

No bounce houses, rides, animals for entertainment purposes, concession stand, selling of food/drinks or amplified music in city parks.

(4) Asphalt tennis/basketball courts.

No lights	\$8 \$15/hour per court	\$16 \$25/hour per court
With lights	11 17.50/hour per court	22 \$30/hour per court

...

(F) Gymnasium - ~~Pompano Multi Purpose Education Center~~ McNair and Mitchell/Moore Centers.

(1) Any organization or individual using any gymnasium for activities or a sporting event where no charge is made for admission or free will donation accepted.

	<i>Resident</i>	<i>Nonresident</i>
Mini gymnasium	\$100 for three hours 25 additional hour	\$200 for three hours 40 additional hour
Main gGymnasium	\$200 \$225 for three hours 50 \$60 additional hour	\$400 for three hours \$75 additional hour

(2) Any organization or individual using any gymnasium for activities or sporting events fund-raising purposes.

Mini gymnasium	\$150 for three hours 35 additional hour	\$300 for three hours 65 additional hour
Main gGymnasium	\$250 \$275 for three hours 65 \$75 additional hour	\$500 for three hours \$85 additional hour

The renter will be assessed any charges for staff at the present rate on the salary schedule.

(3) Security deposit of ~~\$100~~ \$150 will be required of persons using the ~~auditorium~~/gymnasium. The deposit will be returned upon the completion of the ~~center gym~~ security check. ~~If any damage has occurred, payment of damage will be deducted from the security deposit.~~ In the event that the damage is greater than the security deposit, the permittee shall be liable for remaining cost. ~~A security deposit will not be required of any organization meeting on a regular basis.~~

(G) Preschool

	<u>Resident</u>	<u>Nonresident</u>
(1) Registration Fee	\$25	\$25
(2) Full-day Program	\$352/month	\$440/month
(3) Half-day Program	\$220/month	\$250/month

(H) Summer Camp

	<u>Resident</u>	<u>Nonresident</u>
(1) Registration Fee	\$15	\$15
(2) Full-day Program	\$80/week	\$100/week
(3) Half-day Program	\$50/week	\$60/week

(I) Summer Programs

	<u>Resident</u>	<u>Nonresident</u>
(1) Registration Fee	\$15	\$15
(2) Weekly Fee	\$30/week	\$40/week

(J) Recreation Programs & City Operated Youth Programs

	<u>Resident</u>	<u>Nonresident</u>
(1) Tiny Tots	\$10/month	\$15/month
(2) School Full-day Program (Non-holiday school days off)	\$15/day	\$20/day
(3) Youth Athletic Programs	\$54.00	\$110.00
(4) Tackle Football	\$88.50	\$176.50
(5) Tackle Cheerleading	\$75.00	\$150.00

(K) Adult Athletic Leagues

(1) Adult Softball Leagues*	\$400/team
(2) Co-ed Softball Leagues*	\$350/team
(3) Senior Softball Leagues*	\$150/team
(4) Adult Volleyball Leagues*	\$185/team
(5) Adult Frisbee Leagues*	\$100/team

*Adult Athletic League prices are subject to change due to participation, length of leagues, holidays, etc.

(G L) Fees for recreation programs not specifically provided for in this chapter shall be published at least ~~three~~ two times each fiscal year. ~~in a~~

~~department brochure Trade Winds Magazine which shall be mailed to registered voters all residents who reside within the city limits of Pompano Beach. Such brochures~~ Printed flyers and publications shall also be available at Pompano Beach recreational facilities.

(H M) Refund of Reservations. A refund of 75% of the total rental fee for the ~~baseball stadium~~, softball/baseball fields, football/soccer fields and gymnasiums/auditoriums will be given if the cancellation is made 30 days or more prior to the reserve date. No refunds of the rental fee for such facilities will be made for cancellations that are less than 30 days from the reservation date.

SECTION 8. That Section 98.12, "Municipal Fishing Pier," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.12 MUNICIPAL FISHING PIER.

(A) All acts prohibited by § 98.02 shall also be prohibited on the municipal fishing pier. In addition to those acts, the following provisions shall also govern the conduct of persons on the pier.

(1) Loitering. Any person or persons not patronizing the pier or any of the businesses thereon are prohibited from loitering on the pier, patio area, or adjacent parking area.

(2) Prohibited areas. It shall be prohibited to fish in any areas so designated by appropriate ~~sign~~ signage.

...

(16) Parking of motorcycles, and similar vehicles. Motorcycles, motorbikes, mopeds, and bicycles shall be parked only in those areas specifically designated for motorcycle, motorbike, moped, and bicycle parking, and no such vehicle or device shall be operated on or otherwise brought onto the pier.

...

SECTION 9. That Section 98.13, "Municipal Beaches and Parks; Hours and Permits," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.13 MUNICIPAL BEACHES AND PARKS; HOURS AND PERMITS.

(A) All municipal parks shall be open daily to the public from sunrise to sunset; provided, however, that lighted facilities designated by the City Manager or his designee for night-time activities may remain open until 11:00

p.m. The municipal beach and the designated rights-of-way listed in § 98.14 shall be open daily from sunrise to 11:00 p.m. Signs specifying closing hours shall be posted prominently at each facility. It shall be unlawful for any person, other than city personnel conducting city business therein, to occupy or be present in any park, public beach, or designated right-of-way at any time when the facility is not open to the public, unless a permit authorizing the use for a particular purpose has been granted by the ~~Director of Parks and Recreation~~ Recreation Programs Administrator as provided in division (B) below. Any section or part of a park may be declared closed to the public by the ~~Director~~ Recreation Programs Administrator at any time and for any interval of time, either temporarily or at regular or stated intervals.

(B) Whenever any group, association, or organization desires to use the parks or municipal beach for a particular purpose during the hours the park and the beach are closed to the public, a representative of the group, association, or organization shall first obtain a permit from the ~~Director~~ Recreation Programs Administrator.

(1) A representative of the group, association, or organization seeking issuance of a permit hereunder shall file an application fee in the amount of \$25. The application shall state the following.

(a) The name and address of the applicant.

...

(f) Any other information which the ~~Director~~ Recreation Programs Administrator shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(2) The ~~Director~~ Recreation Programs Administrator shall issue a permit hereunder when he finds the following.

...

(3) Within ten days after receipt of an application the ~~Director~~ Recreation Programs Administrator shall apprise an applicant in writing of his reasons for refusing a permit. Any aggrieved person shall have the right to appeal in writing within five days to the City Commission, which shall consider the application under the standards set forth in (B) (2) and sustain or overrule the ~~Director's~~ Recreation Programs Administrator's decision within 20 days. The decision of the City Commission shall be final.

...

(6) The ~~Director~~ Recreation Programs Administrator shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION 10. That Section 98.20, "Recreation Department," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.20 PARKS AND RECREATION DEPARTMENT.

For provisions governing the Parks and Recreation Department, see §§ 32.80 and 32.81.

SECTION 11. That Section 98.22, "Authority to Evict and Suspend," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.22 AUTHORITY TO EVICT AND SUSPEND.

(A) The ~~Parks and Recreation Director~~ Recreation Programs Administrator of the city or authorized designee, and the chief lifeguard of the city are hereby given authority to:

(1) Evict any person committing an offense or ~~doing~~ any unlawful act on a municipal recreational facility or municipal beach or adjacent areas including but not limited to, violations of §§ 98.02 – 98.05. Any fees paid for the use of said recreational facilities shall not be refunded in whole or in part to any person who is evicted from any such facility; ~~and. Failure to vacate a municipal recreational facility when directed to do so by an authorized person shall constitute a trespass pursuant to § 98.05; and~~

...

(B) The ~~Parks and Recreation Director~~ Recreation Programs Administrator or his or her designee, may suspend play at any municipal recreational facility due to inclement weather, when dangerous conditions exist, or under circumstances for the protection of said facility or of any persons thereon. Failure to vacate a municipal recreational facility when directed to do so by an authorized person shall constitute a trespass pursuant to § 98.05.

(C) In addition to other provisions set forth in this chapter which are applicable to specific recreational facilities:

(1) The ~~Parks and Recreation Director~~ Recreation Programs Administrator or authorized designee may suspend a person's right to enter the municipal beach or any other municipal recreational facility, and also their playing privileges, for any person who: ~~on two or more occasions within a 12-month period~~

(a) has been arrested for committing an offense or unlawful act on a municipal recreational facility, or who

(b) has falsified any information on an application submitted to the city including, but not limited to, a volunteer, rental or activity registration application, or

(c) has falsified one's identity to the Recreation Programs Administrator or staff, or

(d) has been evicted pursuant to any of the provisions contained in subsection (A) above. Said suspension may be for a period of up to 6 months, or up to 12 months if the person has previously been suspended from any city recreational facility under this chapter. Notice of the suspension shall be in writing and provided by certified mail or by hand-delivery, and shall contain information referencing the procedure for appeal of the suspension. Any fees paid for use of any facility during the suspension period shall not be refunded.

...

SECTION 12. That Section 98.32, "Resident and Nonresident Memberships," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.32 RESIDENT AND NONRESIDENT MEMBERSHIPS.

...

(B) Nonresident membership. Any person who does not meet the requirements for a resident membership set forth in subsection (A) above may obtain a nonresident membership.

If a question arises as to the type of membership one is eligible for, the City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee shall make the final determination.

...

SECTION 13. That Section 98.34, "Prohibited Acts," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.34 PROHIBITED ACTS.

(A) Memberships and play books are nontransferable, and it shall be unlawful for any person to permit any other person the use or attempted use of a

membership card or play book for any purpose. Any person who so permits shall forfeit his membership or play book with no refund of any monies paid, and shall immediately surrender the membership card or play book. Termination may be appealed to the ~~Parks and Recreation Director~~ Recreation Programs Administrator in writing within one week of the termination. The ~~Recreation Director~~ Recreation Programs Administrator may void the termination upon a finding that the person did not in fact permit anyone to use or attempt to use his membership card or play book.

...

SECTION 14. That Section 98.35, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.35 FEES.

(A) Annual membership fees.

...

The City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee will be able to offer "specials" any time during the year in order to increase play and revenues so that our course will be more competitive during the slow time of the year.

...

(F)	Tournament fees	\$17.92
	per person participating in the tournament and the fee shall cover the cost of green fees and cart fees.	

...

The City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or Golf Advisory Board may approve Health/Charity cards.

...

(G) Rain check policy.

(1) Persons requesting a rain check for play interrupted by inclement weather shall present to the cashier a register receipt and score card. Rain checks will be issued as follows:

...

(3) In cases of injury or illness, the ~~Parks and Recreation Director~~ Recreation Programs Administrator, golf professional or their designee shall issue rain checks at his discretion. Only the individual who is injured or ill shall be eligible for a rain check.

...

SECTION 15. That Section 98.37, "School and College Team Rates," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.37 SCHOOL AND COLLEGE TEAM RATES.

(A) Golf teams of middle schools, high schools, and colleges located within the city limits and golf teams of Pinecrest Preparatory School, Coconut Creek High School, and Northeast High School may utilize the golf facilities at the Pompano Beach Golf Course for tournaments, matches, and practice rounds at no charge during the following periods: May 1 through October 31, after 1:00 p.m.; and November 1 through April 30, after 3:00 p.m. Additionally, the Broward ~~Community~~ College golf team may utilize the golf facilities ~~located at the Pines Course~~ at the discretion of the Golf Pro or his/her designee at no charge for practice and qualification after 3:00 p.m. one day a week during the months of September through November and January through May.

...

(D) The City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee may waive green fees for school or college teams referred to in subsections (A) and (B) above and also the Broward Junior Golf events held at the Pompano Beach Golf Course.

SECTION 16. That Section 98.38, "Junior Golf Program Rates," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.38 JUNIOR GOLF PROGRAM RATES.

Resident children who are under the supervision of the Broward County ~~Junior Golf Program~~ Junior Golf Program organized by the golf professional and his assistants, shall be permitted to play for a fee of \$5.00 per day after 2:00 p.m. Each child shall be rated by the professional or his assistants and given a junior golf card to present to the cashier to be eligible for the junior golf fee. The card will also indicate:

...

SECTION 17. That Section 98.39, "Golf Rates," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

98.39 GROUP RATES.

The City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee shall have the authority to make special rates for parties of groups of golf players, Charitable, educational, and other similar organizations, persons, or groups may be relieved from the payment of fees for the use of golfing facilities upon a proper application and showing to the City Administration as to why the fees should be so waived. The application shall be submitted to the City Administration for the Golf Advisory Board's recommendation.

SECTION 18. That Section 98.40, "Termination of Privileges," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.40 TERMINATION OF PRIVILEGES.

(A) Any person while on the grounds of the Pompano Beach Golf Course who violates any ordinance or the rules and regulations of the Pompano Beach Golf Course as adopted by the City Commission shall receive a written warning citation from the City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee. Any person receiving a written warning citation shall have his playing privileges ~~termination~~ terminated for the duration of that day without refund of any fees paid.

(B) Any member who shall receive two written warning citations during his membership year shall have his membership suspended for three months with no refund. One additional violation during the membership year shall be an additional three-month suspension with no refund. Any person accumulating four written citation warnings during a membership year shall have his membership terminated with no refund. A record of all written citations shall be kept in the office of the City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator or their designee.

...

SECTION 19. That Section 98.40, "Termination of Privileges," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.41 AUTHORITY TO EVICT.

The ~~Parks and Recreation Director~~ Recreation Programs Administrator or his or her designee is hereby given authority to evict any person committing an offense or doing any unlawful act upon the Pompano Beach Golf Course or adjacent areas, or any person violating the rules and regulations of said facility.

SECTION 20. That Section 98.42, "Free Play," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.42 FREE PLAY.

Free play at the municipal golf course shall be as follows:

...

(D) The City Manager, the ~~Parks and Recreation Director~~ Recreation Programs Administrator their designee shall be permitted to issue complimentary passes when needed to promote the Golf Course facility.

SECTION 21. That Section 98.45, "Function and Purpose," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.45 FUNCTION AND PURPOSE.

(A) The recreation activities center and indoor facilities are considered to be provided primarily for the activities comprising the program promoted, sponsored, and conducted by the ~~Department of Recreation Activities~~ Parks and Recreation Department. To the extent that the center is not fully utilized by programs of the ~~Department of Recreation Activities~~ Parks and Recreation Department, the Department may give use of its facilities to other departments of the city municipal government and to other outside organizations and individuals.

(B) For those periods that the recreation activities center is not being utilized for programs of the ~~Department of Recreation Activities~~ Parks and Recreation Department or other Department of the city municipal government, the

following shall be utilized as a priority preference list for the scheduling of activities at the recreation center:

...

SECTION 22. That Section 98.46, "Hours of Operation," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.46 HOURS OF OPERATION.

(A) The hours of operation for the various Recreation Centers shall be posted at the facilities and can be found on the city's website or in various city publications provided for residents and the public. The recreation centers will be open ~~from 9:00 a.m. to 11:00 p.m.~~ Monday through Friday except for Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, Thanksgiving Day, Friday after Thanksgiving, Memorial Day, Fourth of July, Veteran's Day, Martin Luther King, Jr. Day, Washington's Birthday Presidents' Day, and Labor Day. ~~The center shall close at noon on the day before Christmas and the day before New Year's Day. However, the recreation center may be closed by the Recreation Director from 5:00 p.m. to 7:00 p.m. and after 10:00 p.m., Monday through Friday, if no programs are scheduled.~~

(B) Use of the various recreation centers on Saturday and Sunday, except for the above holidays and Easter Sunday, may be permitted by the ~~Recreation Director~~ Recreation Programs Administrator if adequate supervisory personnel are available. Use of the center may be granted between the hours of 7:00 a.m. and 9:00 a.m. and between the hours of 11:00 p.m. and 12:00 midnight if adequate Parks and Recreation Department supervisory personnel are available.

(C) ~~The Parks and Recreation Director~~ Recreation Programs Administrator or the City Manager shall have the authority to close all or a portion of the recreation activities center/facilities at any time due to failure of mechanical equipment or due to the necessity of maintenance or repairs to the building or any of the equipment or grounds. As much notice as possible should be given to the general public any time the center is to be closed during its normal operating hours. ~~Any closing shall be immediately reported to the Parks and Recreation Department head and the City Manager.~~

SECTION 23 That Section 98.47, "Fees," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.47 FEES.

(A) Recreation centers and indoor facilities.

(1) Use by organizations. Use of the recreation activities centers, operated by the ~~Department of Parks and Recreation~~ Department, by bona-fide organizations may be permitted upon written application for the use of the center or facility on a specific date. The application shall be filed with the ~~Parks and Recreation Director~~ Recreation Programs Administrator or his designee, each application to be signed by the president of the organization or his designated agent duly authorized to act on his behalf, and shall state the purpose for which the building or other facilities are to be made. Any nonprofit organization which submits with its application a current membership roster compiled within a preceding 30-day period showing that at least 51% of the members of the organization reside within the city limits, shall be classified as a resident organization for purposes of the fee schedule set forth herein. Any organization which submits an inaccurate or falsified roster may be denied use of the recreation center. All other nonprofit organizations shall be classified as nonresident organizations. There will be an annual \$25 non-refundable application fee for any bona-fide nonprofit organization using a facility for a meeting space, upon written application for the use of the center or facility on a specific date if space is available.

(a) Nonprofit organizations, using space in any recreation center, where no charge is made for admission or free-will donation accepted. *

<i>Monday through Saturday</i>	<i>Resident</i>	<i>Nonresident</i>
Auditorium/gymnasium**	\$25.00 <u>\$35.00</u> / three hours 7.50 <u>\$13.00</u> /additional hour	\$75.00 <u>\$85.00</u> /three hours 20.00 <u>\$25.00</u> /additional hour
Banquet/cafeteria room	\$20.00 <u>\$30.00</u> / three hours 5.00 <u>\$10.00</u> /additional hour	\$60.00 <u>\$70.00</u> /three hours 20.00 <u>\$25.00</u> /additional hour
Other rooms	\$10.00 <u>\$20.00</u> / three hours 5.00 <u>\$10.00</u> /additional hour	\$50.00 <u>\$60.00</u> /three hours 15.00 <u>\$25.00</u> /additional hour
 <i>Sunday</i>		
Any Space	\$75.00 <u>\$85.00</u> / three hours 15.00 <u>\$20.00</u> /additional hour	\$150.00 <u>\$160.00</u> /three hours 25.00 <u>\$30.00</u> /additional hour

*Fees shall not apply for resident non-profit organizations as defined in Section 98.47 (A) (1), ~~shall not apply~~ for use of recreation centers or indoor facilities ~~Monday through Friday~~ during normal operating hours, excluding holidays as observed by the City of Pompano Beach.

**During the hours of normal operation of the facilities, if the gymnasium is not being utilized nor reserved for use pursuant to established procedures of the ~~Parks and Recreation Department of Recreation Activities~~, residents may utilize the gymnasium for basketball play provided that all established rules and directions of the Parks and Recreation Department of Recreation Activities are obeyed throughout the period of play.

(b) Nonprofit organizations using space in any recreation center, for fund-raising purposes.

<i>Monday through Saturday</i>	<i>Resident</i>	<i>Nonresident</i>
Auditorium/gymnasium	\$50.00 <u>\$60.00</u> /three hours 15.00 <u>\$20.00</u> /additional hour	\$100.00 <u>\$110.00</u> /three hours 25.00 <u>\$35.00</u> /additional hour
Banquet/cafeteria room	\$40.00 <u>\$60.00</u> / three hours 10.00 <u>\$15.00</u> /additional hour	\$85.00 <u>\$95.00</u> /three hours 25.00 <u>\$35.00</u> /additional hour
Other rooms	\$25.00 <u>\$35.00</u> / three hours 7.50 <u>\$13.00</u> /additional hour	\$75.00 <u>\$85.00</u> /three hours 20.00 <u>\$30.00</u> /additional hour
<i>Sunday</i>		
Any Space	\$100.00 <u>\$125.00</u> /three hours 25.00 <u>\$35.00</u> /additional hour	\$200.00 <u>\$225.00</u> /three hours 40.00 <u>\$60.00</u> /additional hour

(c) Organizations, other than nonprofit organizations, using space in any recreation center, where no charge is made for admission or free will donation is taken.

<i>Monday through Saturday</i>	<i>Resident/Nonresident</i>
Auditorium/gymnasium	\$75.00 <u>\$120.00</u> /three hours 20.00 <u>\$35.00</u> /additional hours
Banquet/cafeteria room	\$60.00 <u>\$90.00</u> /three hours 15.00 <u>\$30.00</u> /additional hour
Other rooms	\$50.00 <u>\$60.00</u> /three hours 15.00 <u>\$20.00</u> /additional hour
<i>Sunday</i>	
Any Space	\$150.00 <u>\$160.00</u> /three hours 30.00 <u>\$35.00</u> /additional hour

(d) Organizations, other than nonprofit organizations, using space in any recreation center, where a monetary profit to the organization or to any person is expected.

<i>Monday through Saturday</i>	<i>Resident/Nonresident</i>
Auditorium/gymnasium	\$350.00 <u>\$360.00</u> /three hours 50.00 <u>\$55.00</u> /additional hour
Banquet/cafeteria room	\$250.00 <u>\$260.00</u> /three hours 40.00 <u>\$45.00</u> /additional hour
Other rooms	\$150.00 <u>\$160.00</u> /three hours 30.00 <u>\$35.00</u> /additional hour

(2) Use by individuals. Individuals using the facilities of the recreation activities center for weddings, wedding receptions, children's parties, patio parties, and the like or other private nonprofit purposes shall be charged according to the following fee schedule.

<i>Monday through Sunday</i>	<i>Resident</i>	<i>Nonresident</i>
Auditorium and gymnasium	\$100 \$110/3 hours 25 \$30/additional hour	\$200 \$210/3 hours 50 \$60/additional hour
Banquet/cafeteria room	\$75 \$85/3 hours 20 \$25/additional hour	\$150 \$200/3 hours 40 \$45/additional hour
Other rooms	\$30 \$40/3 hours 10 \$15/additional hour	\$60 \$80/three hours 20 \$25/additional hour

(3) Kitchen fee. A \$25 \$35 fee will be charged for the use of the kitchen facility. The kitchen fee will not apply where services are limited to coffee or soft drinks.

...

(5) Security Deposit. A security deposit of \$100 \$150 will be required of persons using the auditorium/gymnasium or organizations using any room in the facilities including the kitchen. This deposit will be returned upon the completion of the center security check. A portion or all of the deposit may be retained by the department as compensation for the facility being left unclean, damaged, defaced or broken or missing property. If the person or organization incurs additional fees for the rental, the deposit will not be refunded until the balance has been paid. If the applicant does not remit the balance due in a timely fashion, the fees will be deducted from the deposit refund. In extreme cases the department may as its discretion, assess damage charges in excess of retained security deposit. If any damage has occurred, payment for the damage will be deducted from the security deposit. In the event that the cost of damage is greater than the amount of deposit, the permittee shall be liable for the remaining costs. ~~A security deposit will not be required for any organization meeting on a regularly scheduled basis.~~

...

(B) Manner of payment. Checks in payment of fees, deposits, and service charges shall be made payable to the city and forwarded to the ~~Recreation Director~~ Recreation Programs Administrator. ~~The Recreation Director~~ Recreation Programs Administrator shall forward all rental income daily to the Finance Department which shall deposit it in the general fund of the city.

...

SECTION 24 That Section 98.49, "Application and Investigation," of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.49 APPLICATION AND INVESTIGATION.

...

(B) Prior to any person or organization using the recreation activities center for commercial use, the applicant shall on an appropriate ~~from~~ form prepared by the City Manager or his designee, provide any information the City Manager deems in the best interest of the city for the protection of the morals, health, safety, and welfare of its inhabitants and the use of, license, permit, lease, or contract for the facility shall be authorized or issued by the City Manager or his designee. To allow the City Manager or his designee adequate time for careful consideration of the facts presented in the application forms submitted in the request for use of city-owned facilities or property, application forms must be submitted to the City Manager or his designee, a minimum of 20 days prior to the proposed commencement date. The application shall contain the following information.

...

SECTION 25 That Section 98.50, "Center Staff" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.50 CENTER STAFF.

(A) The official staff of the center shall be a ~~Manager~~ Supervisor and other assistants as the City Commission shall approve. The Center ~~Manager~~ Supervisor shall be accountable to the ~~Parks and Recreation Director~~ Recreation Manager and subject to the general jurisdiction of the Recreation Programs Administrator and City Manager. All center employees shall be accountable to the Center ~~Manager~~ Supervisor subject to general supervision of the Recreation Manager, ~~Director~~ Recreation Programs Administrator and City Manager.

(B) The Center ~~Manager~~ Supervisor or designee is held responsible for the safe-keeping and accounting of all monies received from the operation of the center. He shall make prompt reports and returns of all monies owing the city as they are collected from activities at the center to the Director of Finance, on approved forms and by their respective numbers.

(C) Personal checks may be accepted with proper identification from those persons participating in a class or activity sponsored by the Parks and

Recreation Department, when that check is for payment of a facility usage fee, instructional fee, membership fee, or material fee that is directly related to the activity. Proper identification would be a drivers license, major credit cards, or a voters registration card. The cashing of personal checks for any other reason is prohibited.

(D) The Center ~~Manager~~ Supervisor shall make the following reports.

(1) A monthly report covering financial matters, including condition of accounts, and recommendations covering items of upkeep of the property.

...

(3) Copies of all reports of the Center ~~Manager~~ Supervisor shall be forwarded to the City Manager who shall forward them to the City Commission.

SECTION 26 That Section 98.51, "Permits" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.51 PERMITS.

(A) Applications for permits to use a room in the recreation activities center must be made at the center on forms provided for that purpose not less than two weeks before the date of requested use and accompanied by payment in full and any necessary security deposit. Permits must be approved by the Center ~~Manager~~ Supervisor who can only approve them after payment in full, including the clearance of any checks.

...

(F) Decorations shall not be put up without the approval of the Center ~~Manager~~ Supervisor.

...

SECTION 27 That Section 98.52, "Enforcement" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.52 ENFORCEMENT.

It shall be the duty and responsibility of the Center ~~Manager~~ Supervisor by and through the center employees to enforce all rules and regulations concerning use of facilities and conduct at the center and on the center grounds. Violations of

any statute or ordinance shall be reported to the ~~city Police Department~~ Broward Sheriff's Office immediately by the center personnel. The Center ~~Manager Supervisor~~ shall have the authority to remove any person from the center building and grounds for the balance of the day when the person is responsible for creating a situation of disrupting the activities of the center.

SECTION 28 That Section 98.53, "Termination of Privileges" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.53 TERMINATION OF PRIVILEGES.

...

(B) Any person who receives two written warning citations during a 12-month period shall not be permitted to use the facilities of the recreation activities center for a period of three months. One additional violation during a 12-month period shall be an additional three-month suspension of privileges. A record of all written citations shall be kept in the office of the ~~Director of the Parks and Recreation Department~~ Recreation Programs Administrator.

...

SECTION 29 That Section 98.53, "Termination of Privileges" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

§ 98.80 CITY-OWNED SHOWMOBILE.

...

(B) Persons or groups wishing to utilize the showmobile shall submit an application to the ~~Parks and Recreation Director~~ Recreation Programs Administrator on forms provided by the city no more than 90 days or less than 30 days prior to the scheduled event for which the showmobile is requested.

(C) Upon approval of the permit but prior to the issuance thereof, persons or groups requesting the showmobile shall provide the following:

- (1) Insurance coverage.

...

- (2) Rental charges.

(a) All permittees shall pay a \$25 nonrefundable application fee.

(a b) Not-for-profit organizations shall pay a minimum fee of ~~\$150~~ \$300 for use of the showmobile for the first eight-hour period. An additional ~~\$25~~ \$50 shall be charged for every additional hour or portion thereof after the original eight-hour period.

(b c) Persons or organizations that do not have not-for-profit status shall pay a minimum fee of ~~\$500~~ \$750 for use of the showmobile for the first eight-hour period. An additional ~~\$50~~ \$75 shall be charged for every additional hour or portion thereof after the original eight-hour period.

(e d) City-sponsored events which are conducted jointly with the Parks and Recreation Department shall not be required to pay a fee.

(d e) The permittee agrees to surrender the showmobile in as good a state and condition as it was when the use commenced and to this end a \$1,000 damage deposit shall be required from all persons or groups utilizing the showmobile for which a fee is charged. The permittee shall be solely responsible for any damage from whatever cause that may occur to the showmobile while it is being utilized by the permittee or at which time the permittee has the authority to utilize the showmobile. The deposit shall be applied to correct any damage which may occur to the showmobile. The city and the permittee shall inspect the condition of the showmobile prior to its use and any damage shall be noted prior to the commencement of the use. Upon return of the showmobile the city shall conduct an inspection and the deposit shall not be returned to the permittee until any and all damage to the showmobile is corrected and the expenses thereof shall be the sole responsibility of the permittee. The deposit shall be applied to cover any corrective expenses; however, the permittee's obligation shall not be limited by the amount of the deposit, and the permittee shall be responsible for the full cost of all corrective expenses.

(e f) Only city personnel shall be permitted to adjust, connect, set up, and take down the showmobile and its equipment. Persons and groups utilizing the showmobile shall be required to pay the actual expenses, which shall include the hourly wage of all city employees that are required by the city to ready the showmobile for the permittee's use and return, or those employees that are necessary, as determined by the city to remain with the showmobile during its use. An estimate of actual expenses shall be prepared by the city prior to the permittee's use, and payment thereof shall be required prior to the issuance of the permit. However, any and all adjustments to this amount shall be made after actual use by the permittee, and the permittee shall pay any additional expenses, if required, or the city shall return any overpayments made pursuant to the estimate.

...

(f g) A refund of 75% of the total rental charge for the showmobile will be given if the cancellation is made ~~30~~ 10 days or more prior to the reserve date. No refunds for the rental charge for the showmobile will be made if the cancellation is less than ~~30~~ 10 days from the reserve date.

...
SECTION 30 That Section 98.81, "City-Owned Portable Stage" of Chapter 98, "Parks and Playgrounds," of the City of Pompano Beach Code of Ordinances is hereby created to read as follows:

CITY-OWNED PORTABLE STAGE

§ 98.81 CITY-OWNED PORTABLE STAGE.

(A) City-owned Portable Stage usage shall be limited to recreational, cultural, charitable, or city-sponsored events. Use of the Portable Stage shall be limited to the Pompano Beach municipal boundaries. The Public Works Director may authorize the use of the Portable Stage outside the municipal boundaries when the Public Works Director determines that such use is determined to be in the best interest of the city.

(B) Persons or groups wishing to utilize the Portable Stage shall submit an application to the Recreation Programs Administrator on forms provided by the city no more than 90 days or less than 30 days prior to the scheduled event for which the Portable Stage is requested.

(C) Upon approval of the permit but prior to the issuance thereof, persons or groups requesting the Portable Stage shall provide the following:

(1) Rental charges.

(a) All permittees shall pay a \$25 nonrefundable application fee.

(b) Not-for-profit 501(c)3 organizations shall pay a minimum fee of \$75 for the portable stage for the first day of use. An additional \$50 shall be charged for every additional day of use.

(c) Persons or organizations that do not have not-for-profit 501(c)3 status shall pay a minimum fee of \$150 for the portable stage for the first day of use. An additional \$75 shall be charged for every additional day of use.

(d) City-sponsored events which are conducted jointly with the Parks and Recreation Department shall not be required to pay a fee.

(e) The permittee agrees to surrender the portable stage in as good a state and condition as it was when the use commenced and to this end a \$150 damage deposit shall be required from all persons or groups utilizing the portable stage for which a fee is charged. The permittee shall be solely responsible for any damage from whatever cause that may occur to the portable stage while it is being utilized by the permittee or at which time the permittee has the authority to utilize the portable stage. The deposit shall be applied to correct any damage which may occur to the portable stage. The city and the permittee shall inspect the condition of the portable stage prior to its use and any damage shall be noted prior to the commencement of the use. Upon return of the portable stage the city shall conduct an inspection and the deposit shall not be returned to the permittee until any and all damage to the portable stage is corrected and the expenses thereof shall be the sole responsibility of the permittee. The deposit shall be applied to cover any corrective expenses; however, the permittee's obligation shall not be limited by the amount of the deposit, and the permittee shall be responsible for the full cost of all corrective expenses.

1. The City Manager may waive any and all fees for use of the portable stage when the City Manager determines it is in the best interest of the city to do so.

2. Requirements set forth for use of the portable stage may be adjusted by the City Manager when the City Manager determines it is in the best interest of the city to do so.

(f) A refund of 75% of the total rental charge for the portable stage will be given if the cancellation is made 30 days or more prior to the reserve date. No refunds for the rental charge for the portable stage will be made if the cancellation is less than 30 days from the reserve date.

circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 32. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2011.

PASSED SECOND READING this _____ day of _____, 2011.

LAMAR FISHER, MAYOR

ATTEST:

MARY L. CHAMBERS, CITY CLERK

GBL/jrm
9/20/11
l:ord/ch98/2011-389