

RESOLUTION NO. R-10-15

A RESOLUTION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, DESIGNATING CLASSIFICATIONS FOR RECREATIONAL FACILITIES IN THE CITY; ADOPTING PROCEDURES AND FEES FOR RECREATIONAL USE PERMITS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 74, Article I of the Sebastian Code of Ordinances, generally provides for Park Use Procedures and calls for a Resolution to more specifically govern park use; and,

WHEREAS, on May 12, 2004, City Council adopted Ordinance No O-04-06 which amended provisions for alcoholic beverage use in City parks by eliminating the need to be a City sponsored event; and,

WHEREAS, this Resolution shall amend R-02-47 and serve as supplementary guide for providing Rules, Regulations and Procedures when administering and granting Park Use Requests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, as follows:

SECTION 1. CLASSIFICATION OF RECREATIONAL FACILITY. In accordance with Section 74-2, the following list designates public facilities into classifications and stipulates that type of permit required:

RECREATIONAL FACILITY	CLASSIFICATION	PERMIT REQUIRED
Community Center	Enclosed Public-Use Facility	Public Facility Permit Only
Yacht Club	Enclosed Public-Use Facility	Public Facility Permit Only
Barber Street Sports Complex (Includes Skate park)	Park Area	Park Event or Special Event
Airport Park	Park Area	Park Event Only
Schumann Park	Park Area	Park Event Only
Blossom Park	Park Area	Park Event Only
East Street Park	Park Area	Park Event Only
Filbert Street Park	Park Area	Park Event Only
Friendship Park	Park Area	Park Event Only
Garden Club Park	Park Area	Park Event Only
George Street Park	Park Area	Park Event Only
Hardee Park	Park Area	Park Event Only
Riverview Park – Main Complex	Park Area	Park Event or Special Event
Riverview Park – South/Southeast	Park Area	Park Event or Special Event
Riverview Park – Pavilions	Park Area	Park Event or Special Event
Indian River Drive Board Walk	Waterway Facility	Section 74-5 Code of Ordinances
Yacht Club Pier	Waterway Facility	Section 74-5 Code of Ordinances
Main Street Pier, Ramp, Parking Area	Waterway Facility	Section 74-5 Code of Ordinances
Rotary Club Pier	Waterway Facility	Section 74-5 Code of Ordinances
Riverview Park Observation Pier	Waterway Facility	Section 74-5 Code of Ordinances
Schumann Boat Ramp	Waterway Facility	Section 74-5 Code of Ordinances

If a City facility/park is not listed in the table above any park event, special event or facility use permit(s) is prohibited, without the approval of City Council.

PARK EVENT PERMIT

SECTION 2. APPLICATION, CONDITIONS AND FEES FOR PARK EVENT PERMIT (75 – 300 Participants).

In accordance with Section 74-6, the following conditions apply to application for a Park Event Permit:

- A. **Application.** Applications for Park Event permits shall be submitted to the Parks and Recreation Supervisor, on a form promulgated by the City Manager, along with a \$100 application/permit fee and \$100 security deposit. The application shall list the name and address of the permittee, and the purpose of the event.
- B. **Application for Pavilion Only.** Applications for Park Pavilion permits shall be submitted to the Parks and Recreation Supervisor, on a form promulgated by the City Manager, along with a \$50 application/permit fee and \$100 security deposit. The application shall list the name and address of the permittee and the purpose of the event.
- C. **Conditions.** Applicants shall meet with the City Manager to discuss:
 - 1. Provisions for traffic and parking, solid waste collection and removal, sanitary facilities, security, anticipated impact on use of the subject Recreation Facility by the public generally, and any other implications for the public health, safety and welfare.
 - 2. Need for and method of reimbursement if City resources are needed to adequately protect the public interest.
- D. **City Manager Approval.** The City Manager shall approve the permit if it he has determined that said Event will not adversely affect the interest of the public, and has worked out an agreement governing mitigation measures, and financial responsibility therefore, of the public welfare issues raised by the Event.

In the event the City Manager denies the permit, the applicant may appeal the determination to the City Council.
- E. **Permit.** Permits shall be issued by the City Manager and may only be issued in the name of an adult or legally organized organization. Any adult obtaining a permit on behalf of a group comprised of minors shall be held responsible for the supervision of each minor participating in the Event.
- F. **Alcoholic Beverages.** Any request for alcoholic beverage use at a Park Event must be approved by the City Council and will only be allowed in a designated area as set out in the permit.
- G. **Police Service Requirement.** The permittee for any function at which 75-150 attendees are anticipated, shall be required to hire one Sebastian Police Officer to attend the function for security purposes at the rate established by the City Manager for City officers hired for private duty, unless waived by City Council. For events between 151- 300 attendees anticipated, it shall be required to hire two Sebastian Police Officers to attend the function.

All general provisions for use of City Recreational Facilities as set out in the Code of Ordinances shall apply to Park Event Permits.

SPECIAL EVENT PERMIT

SECTION 3. APPLICATION, CONDITIONS AND FEES FOR SPECIAL EVENT PERMIT (more than 300 participants).

In accordance with Section 74-7, the following conditions apply to application for a Special Event:

- A. Application. Applications for Special Event permits shall be submitted to the Parks and Recreation Supervisor, on a form promulgated by the City Manager along with a \$200 application/permit fee and a \$200 security deposit; and include the following information:
 - 1. Name and address of permittee.
 - 2. Purpose of the event.
 - 3. A list of all vendors and others that will participate in said Event and guarantee that they meet all applicable permit or licensing requirements, and comply with all applicable laws, code provisions, and duly promulgated rules and regulations governing use of the subject facility.
 - 4. A schematic of any all structures to be erected or otherwise assembled as part of the Event and a site map showing placement and use of such structures within the park.

- B. Conditions. Applicants shall meet with the City Manager to discuss:
 - 1. Provisions for traffic and parking, solid waste collection and removal, sanitary facilities, security, anticipated impact on use of the subject Recreation Facility by the public generally, and any other implications for the public health, safety and welfare.
 - 2. Need for and method of reimbursement if City resources are needed to adequately protect the public interest.

- C. Council Approval. The City Manager shall forward the permit application to the City Council with his recommendation as to whether said Event is in the best interests of the public, and if necessary, submit a proposed agreement governing mitigation measures, and financial responsibility therefore, of the public welfare issues raised by the Event.

- D. Alcoholic Beverages. Any request for alcoholic beverage use at a Special Event must be approved by the City Council and will only be allowed in a designated area as set out in the permit.

- E. Permit. Permits shall be issued following approval of the City Council and may only be issued in the name of an adult or legally organized organization. Any adult obtaining a permit on behalf of a group comprised of minors shall be held responsible for the supervision of each minor participating in the Event.

All general provisions for use of City Recreational Facilities as set out in the Code of Ordinances shall apply.

ENCLOSED PUBLIC-USE FACILITY PERMIT

SECTION 4. APPLICATION, CONDITIONS, AND FEES FOR ENCLOSED PUBLIC-USE FACILITY PERMIT.

In addition to those provisions set out in the Code of Ordinances, the City Council hereby adopts the following rules, regulations and fees for the use of enclosed public use facilities (the Sebastian Community Center and the Sebastian Yacht Club):

A. An application for a permit for an enclosed public-use facility must be submitted on a form, promulgated by the City Manager, to the Parks and Recreation Supervisor, along with the security deposit fee as set out in this Resolution. The application must be received at least two weeks prior to the date of the requested use, however, an application for a permit requiring City Council approval must be received at least two weeks before the next Regular City Council meeting date which is prior to the date of the requested use.

B. In accordance with the Code of Ordinances, in the event that the proposed use may include activities involving gambling, alcoholic beverages, the use of a facility after 11:00 p.m., or if an admission charge is to be assessed, then the City Manager shall not issue a use permit until directed to do so by the City Council. No alcoholic beverages of any type may be brought on to the premises, dispensed, or otherwise consumed without prior authorization of the City Council. No admission fee or other charge may be imposed by the permittee unless expressly authorized in the use permit. Prior to issuance of the permit, the City Council shall make a determination that the proposed admission charge or other fee is not intended to further a commercial purpose.

C. The City Manager, or his designee, shall issue a use permit upon a determination that the requested use is permissible pursuant to this Resolution and upon payment of the appropriate rental fee as set out in this Resolution. It is the policy of the City of Sebastian that no waivers of the rental or security deposit will be permitted, except as otherwise provided for in this Resolution.

D. A use permit for a group composed of minors shall be issued only to an adult who accepts the total responsibility for the supervision of each minor throughout the period covered by the permit.

E. The applicant shall disclose the nature of the proposed activity and the anticipated need for extra work by City personnel. If it is determined that the permittee will cause extra work by City personnel as a result of the proposed use, an additional fee shall be charged in order to fully recoup such cost.

F. No decoration of any type shall be permitted without prior approval. Any decoration utilized must be removed by the permittee. No nails or staples may be used to hang decorations.

G. The permittee shall not, under any circumstances, remove any chairs, tables, or any other equipment from the facility.

H. The permittee shall bear the responsibility for the control of the lights, thermostats (specifically turning off after events), and other equipment in the facility. Further, the permittee shall bear responsibility for the unlocking and subsequent securing of the doors of the facility. In the event that an applicant anticipates any special needs with regard to heating, air conditioning, or lighting, he shall disclose the details of such necessities at the time of application.

I. The permittee is solely responsible and answerable to the City for damages and to any injured person for any and all accidents or injuries to persons or properties resulting from the use of the facility during the permitted period. The permittee shall ensure that the facility is left in the same condition as it was in prior to the permitted use. Any facility equipment utilized must be replaced in the facility's storage room after use.

J. Use permits are not transferable.

K. The permittee for any function at which 76 or more attendees are anticipated, shall be required to hire one Sebastian Police Officer to attend the function for security purposes at the rate established by the City Manager for City officers hired for private duty, unless waived by City Council. The ratio of the number of attendees to required officers is attached hereto as Exhibit "A". Verification of the agreement with the Sebastian Police Department shall be obtained by the Parks and Recreation Supervisor prior to issuing a key to the permittee. If the Police Department verifies that a sufficient number of School Resource Officers will be used to handle security for a teen dance/function, hiring of police officers is not required. Private duty police officers shall be available for groups of any size if requested by the permittee.

L. A minimum deposit of Two Hundred Fifty Dollars (\$250.00) must accompany each application for use of the Community Center and Yacht Club. This deposit is refundable if a facility is left in a clean and undamaged condition by the permittee. In the event that the City, in its sole discretion, determines that cleaning or repairs are necessary after the permitted use, the deposit shall be forfeited. In the event that cleaning or repairs are not necessary, the City Clerk shall refund the deposit to the permittee within two (2) weeks after the completion of the permitted use.

Rates for Community Center and Yacht Club are as follows:

Public Use Facility	Resident Rates	Non-Resident Rates
Community Center	Four (4) hr flat rate \$ 200.00 Each Additional hr \$ 30.00	Four (4) hr flat rate \$ 300.00 Each Additional hr \$ 50.00
Yacht Club	Four (4) hr flat rate \$ 100.00 Each Additional hr \$ 25.00	Four (4) hr flat rate \$ 150.00 Each Additional hr \$ 30.00

Exemption from Rates: The Sebastian Property Owners Association is exempt from payment of fees up to a limit of two meetings per month at the Yacht Club based on a prior agreement with General Development Corporation relative to this facility.

Not-for-profit Organizations: In the event that the applicant is a school, church, or other tax exempt entity, as defined by the Internal Revenue Service Code, the charges for use of the Sebastian Community Center or the Sebastian Yacht Club shall be one-half (1/2) the regular rate.

All general provisions for use of City Recreational Facilities as set out in the Code of Ordinances shall apply.

SECTION 5. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 6. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was moved for adoption by Councilmember Coy. The motion was seconded by Councilmember Hill and, upon being put into a vote, the vote was as follows:

Mayor Richard H. Gillmor	<u>aye</u>
Vice Mayor Jim Hill	<u>aye</u>
Councilmember Andrea B. Coy	<u>aye</u>
Councilmember Eugene Wolff	<u>aye</u>
Councilmember Don Wright	<u>aye</u>

The Mayor thereupon declared the Resolution dully passed and adopted this 14th day of

July, 2010.

CITY OF SEBASTIAN, FLORIDA

By: 
Richard H. Gillmor, Mayor

ATTEST:

Jeanette Williams MMC
Deputy City Clerk
for Sally A. Maio, City Clerk - MMC
City Clerk
(SEAL)

Approved as to form and legality for reliance by the City of Sebastian only:

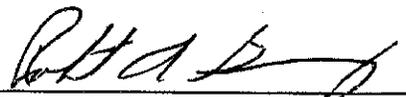

Robert A. Ginsburg, City Attorney

EXHIBIT "A"

Adult Function With:

NUMBER OF GUESTS	POLICE OFFICER REQUIREMENT
0-75	0
76 - 250	1
251 - 300*	2

High School or Jr. High School Dances/Function:

NUMBER OF GUESTS	POLICE OFFICER REQUIREMENT
0-99	0
100-199	1
200-300*	2

All City Facilities reach Maximum Capacity after 300 persons.