

CHAPTER 18 – PARKS AND RECREATION

Sec. 18-72 Parks; permits.

(a) Permits required under this Chapter for events in parks and recreation areas including Beer Permits required under § 18-65, shall be obtained by application to the Community Services Director or their designee in accordance with the following procedure. The Community Services Director is empowered to adopt additional rules and procedures for the issuance of permits pursuant to this Section.

(1) A person seeking issuance of a permit hereunder shall file an application on a form promulgated by the Community Services Department stating:

- a. The name and address of the applicant.
- b. The name and address of the person, persons, corporation or association sponsoring the activity; if any.
- c. The day and hours for which the permit is desired.
- d. The park and recreation area or portion thereof for which the permit is desired.
- e. Any other information reasonably necessary to a determination as to whether a permit should be issued hereunder.
- f. Variances requested from park rules and regulations.

(2) A person filing an application for a permit shall pay such fees as provided by Chapter 2 of this Code.

(3) Standards for issuance of a use permit shall include the following findings:

- a. That the proposed activity or use of the park and recreation area will not unreasonably interfere with or detract from the general public's enjoyment of the park and recreation area.
- b. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- c. That the proposed activity or uses that are reasonably anticipated will not include violence, crime, or disorderly conduct.
- d. That the proposed activity will not entail extraordinary or burdensome expense or police operation by the City.

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- e. That the facilities desired have not been reserved for other use on the date and hour requested in the application.
- f. That the applicant has not been held responsible previously for two or more violations of this Chapter in a one-year consecutive period from the date of the first violation.
- g. That the application is complete and does not contain any material falsehood or misrepresentation.

(b) Within ten days after the receipt of an application the Community Services Director or his designee shall tell an applicant in writing of their decision to grant or deny a permit; in the event of a denial the notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to the City Manager or his designee by serving written notice thereof on the City Manager within five (5) working days of said refusal. A copy of said notice shall also be served on the Community Services Director within the same time and said Community Services Director shall immediately forward the application and the reasons for their refusal to the City Manager. The City Manager shall decide within ten (10) days from the receipt of the Appeal. The decision of the City Manager shall be final and subject to judicial review.

(c) A permittee shall be bound by all of the following requirements;

(1) The terms of the permit.

(2) Park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

(3) A permittee shall be physically present in the park and recreation area described in the permit during the events for which the permit is issued.

(4) The activities allowed in the permit shall be conducted only in areas so designated in the permit.

(5) The permit authorizes the permittee and its invitees to use the permitted areas for the permittee's exclusive use without disruption. The permittee shall have sole authority to determine who it may invite into the permitted area, subject to the City's enforcement of requirements in this Code applicable to individual conduct. If a noninvitee enters the permitted area, the permittee may notify a City employee and request that the individual be removed from the permitted area.

(6) A permittee shall have a copy of the permit available at all times within the park and recreation area for inspection.

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(d) An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activities in such amounts as may be from time to time determined prior to the commencement of any activity or issuance of any permit in an amount and form satisfactory to the Office of the City Attorney.

(e) All permits issued under this chapter are non-transferable between persons or locations.

(f) A permittee may be required to use City employees to supervise the activities authorized by a permit as a condition of issuing the permit, and the direct and indirect costs of such employee supervision to the City may be added to any other fees required for the use of the park and recreation area.

(g) A permittee may be required, at the permittee's cost, to obtain such control or security personnel as determined by the City to be necessary, taking into account the nature of the activity and any other circumstances the City determines to be relevant.

(h) It shall be presumed for purposes of this Section that absent presentation of a permit that a required permit has not been issued.

(Ord. No. 04-213, 12/14/2004, Enacting) SUPP 2004-4
(Ord. No. 05-59, 11/01/2005, Amended) SUPP 2005-04