

RESOLUTION 13-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR THE ESTABLISHMENT OF FEES FOR THE RESERVATION AND USE OF TOWN RECREATIONAL AND PARK FACILITIES; PROVIDING FOR WAIVER OF FEES FOR CERTAIN NON-PROFIT ORGANIZATIONS; PROVIDING FOR PENALTY; REPEALING CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cinco Bayou is desirous of establishing certain fees to reserve and utilize specific park and recreational facilities and to continue the operation and improvements to the Town's park areas;

WHEREAS, the Town is desirous of establishing procedures for the collection of such fees; and,

WHEREAS, the Town of Cinco Bayou is desirous of establishing a policy for the waiver of fees for certain non-profit organizations.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Cinco Bayou, Florida, that:

SECTION 1. AUTHORITY. The Authority for enactment of this Resolution is Section 166.021, Florida Statutes, and Section 34-44, Code of Ordinances, Town of Cinco Bayou.

SECTION 2. FEES. The Town shall levy fees for commercial activities and group events or recreational activities that utilize public property including, but not limited to, park areas, park pavilion reservations, room rentals, and other facility usage. The master fee schedule for all recreational and park facilities is set forth in Exhibit "A," which is attached hereto and incorporated herein by reference. No recreational or park fees shall be charged to any governmental or law enforcement agency when using the Town's facilities for official business.

SECTION 3. WAIVER OF FEES. Certain non-profit organizations shall be permitted to apply for a waiver of recreational and park fees. The Town Manager/Clerk or his/her designee has the authority to approve or deny an application for a waiver of fees based upon the criteria as provided in Exhibit "B," which is attached hereto and incorporated herein by reference.

SECTION 4. PENALTY. Any person, organization, group, or entity which uses the Town's recreational and park facilities without proper reservation, permit or payment of the required fees under this Resolution shall be guilty of a violation of Section 34-44, Code of Ordinances, Town of Cinco Bayou and shall be assessed a fine in accordance with the Schedule of Penalties as set forth under Section 34-44(d) of the Code of Ordinances of the Town of Cinco Bayou.

SECTION 5. REPEAL. All Resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Resolution shall apply prospectively and shall become effective immediately upon its adoption by the Town Council and signature of the Mayor.

ADOPTED THIS _____ DAY OF NOVEMBR, 2013.

THE TOWN OF CINCO BAYOU, FLORIDA

By: _____
Theresa Farley, Mayor

ATTEST:

Nell Dykes, Town Clerk/Manager

[Seal]

The form and content of the foregoing has been reviewed and approved for sufficiency by the Town Attorney.

C. Jeffrey McInnis, Town Attorney

EXHIBIT "A"

TOWN PARK AND RECREATIONAL FACILITIES

Schedule of Reservation and Users Fees

A. CINCO BAYOU TOWN HALL FACILITY/WIN DAVIS PARK.

1. Town Hall Community Room Fees. The Town shall levy fees for the rental of the Town Hall facilities for activities including, but not limited to meetings, luncheons, dinners, receptions, and specialty activities (card games, board games, etc.) for both commercial and noncommercial use. The amount of the rental fee will be assessed, as follows:

	<u>Food To Be Served</u>	<u>No Food To Be Served</u>
a. Community Room/per event	\$150.00	\$100.00
b. For training sessions, seminars or other meetings primarily attended by elected and/or appointed government officials there will be no fee charged or deposit required, unless a registration fee is charged for the event. In that event, a facility use fee of \$25.00 will be charged.		
c. There will be no use fee charged for use by residents of the Town, however, a \$50.00 refundable cleaning deposit will be required to be used to cover Town expenses if the premises are not left clean and free of trash or debris after the event.		
d. Non-profit organizations will be charged \$50.00 together with a refundable security deposit of \$50.00 unless a waiver is granted by the Town Manager/Clerk.		

2. User will be required to pay twenty-five dollars (\$25.00) per hour, per Town employee who is required to work other than normal hours of operation (8:00 a.m. to 5:00 p.m., Monday through Friday) and holidays.

3. Except as otherwise provided herein, a cleaning and security deposit will be required in the amount of \$200.00 per event, whether or not concessions will be served and is refundable after the event unless the Town is required to clean or repair the facilities or any Town property based upon factors deemed relevant by the Town Staff.

B. GROUP EVENT OR RECREATIONAL ACTIVITY PERMITS.

All applicants desiring to obtain a permit for the exclusive use of any portion of a park, will be required to pay a nonrefundable permit fee of: (i) if the park is to remain open to the public

during the event, \$50.00 (per four (4) hour time block); or (ii) if the park is to be closed to the public during the use of the park, \$100.00 (per four (4) hour time block). All permit fees are due and payable in full at the time of issuance.

D. COMMERCIAL ACTIVITY PERMITS.

All applicants desiring to obtain a permit for commercial activities in any portion of a park, will be required to pay a nonrefundable permit fee of \$25.00 per hour, with a four (4) hour minimum for such activity, at the time of permit issuance.

EXHIBIT "B"

Permit/Reservation Waiver of Fees

1. Pursuant to Resolution 13-06 the Town shall establish an application for postponement, abatement, or deletions of recreational and park facilities fees.
 - A. Applicant must meet all of the following criteria:
 1. The applicant must be a Cinco Bayou-based Organization;
 2. The organization should be predominately educational or charity-centered;
 3. The organization must be able to demonstrate an inability to pay for the facility;
 - B. Procedures:
 1. An organization seeking a waiver of fees must submit the following information to the Town Manager/Clerk at least two weeks prior to the event.
 - a. The name and address of the contact person representing the corporation, organization, or association sponsoring the activity, if any;
 - b. The applicant must be able to provide the Town, IRS documentation indicating that it is a non-profit group;
 - c. The specific days and hours for which the exemption is requested;
 - d. The part or portion thereof for which such exemption is requested;
 - e. An estimate of the anticipated attendance;
 - f. Any other information the Town Manager/Clerk shall request in consideration of the application for fee waiver.
 - C. The Town Manager/Clerk has the authority to approve or deny the waiver on a case by case basis.

No recreational or park fees shall be charged to any governmental or law enforcement agency when using the Town's facilities for official business.