

**RESOLUTION
NO. 09-LL**

A RESOLUTION OF THE CITY OF FELLSMERE, INDIAN RIVER COUNTY, FLORIDA REPEALING RESOLUTION 06-T, IN ITS ENTIRETY; AND 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, the City has built and renovated recreational facilities for use by the residents; and

WHEREAS, the City desires to classify the Recreational Facilities in the City; and

WHEREAS, the City desires to establish certain reservation fees, electrical and water/wastewater utility use fees, rental fees and deposit fees;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fellsmere, Indian River County, Florida, as follows:

SECTION 1. Classification for each Recreational Facility.

The following classifications are hereby designated:

RECREATIONAL FACILITY	CLASSIFICATION
Community Center	Enclosed Public Facility
Senior League Park	Open Air Facility
Soccer Field Park	Open Air Facility
Little League Park	Open Air Facility
Grant Avenue Park	Open Air Facility
Colorado Avenue Tennis & Handball Courts	Open Air Facility

SECTION 2. Rules and Schedule of Fees and Application for Use of Enclosed Public Facilities.

The City Council hereby adopts the following provisions governing use of enclosed public facilities.

ENCLOSED PUBIC FACILITY – COMMUNITY CENTER	RATES
Deposit	\$150.00
User Charge:	
Not for Profit	20.00
All Others	100.00

- A. It is the policy of the City of Fellsmere that no waivers of the fees or security deposits will be permitted, except for uses by other governmental entities.
- B. Absolutely no ALCOHOLIC BEVERAGES are permitted inside the facility or on or around the grounds of the Community Center.
- C. Reservations or use permits are not transferable.
- D. The permittee for any function at which 55 or more attendees are anticipated, shall be required to hire one or more Fellsmere Police Officers to attend the function for security purposes at the rate established by the Chief of Police for the City officers hired for private duty, unless waived by the City Council. The ratio of the number of attendees to required officers is attached hereto as Exhibit "A". Verification of the agreement with the Police Department shall be obtained by the City Clerk's Office prior to issuing a key to the permittee. Private duty police officers shall be available for groups of any size if requested and paid for by the permittee.
- E. *Community Center:*

Use of this facility will be by reservation only on a first come-first serve basis. Reservations shall be made by an applicant at least 21 years old and the applicant shall be responsible and supervise the use of the facility. Organizations using this facility on a regular basis may file a regular meeting schedule yearly on which advance reservations will be based.

Full time use of this facility for classes, etc. which would result in blocking its use by other organizations is prohibited.

Not-for-Profit civic organizations will be required to furnish a deposit.

Private organizations and individuals will be required to furnish a \$150.00 deposit to ensure that the facility is left clean and undamaged.

Each organization will be required to check out a key to the facility, just prior to their use and return it promptly after such use. A City Employee will inspect the facility after each use, with the followings results:

Not for Profit – If the facility is found dirty and/or damaged, all future reservations will be cancelled and no future use of the facility by the offending organization will be permitted and the deposit will be forfeited and used by the City to clean or repair the facility.

Private - If the facility is found dirty, damaged, and/or if for any reason law enforcement responds to a disturbance call all future reservations will be cancelled and no future use of the facility by the offending party/parties will be permitted and the deposit will be forfeited.

All private organizations, individuals, not-for-profits and private renter shall be responsible for the cost of damage should it exceed the deposit amount.

SECTION 3. Rules and Schedule of Fees Open Air Facilities Reserved/Restricted use of Park Areas.

In furtherance of those rules and provisions set out for use of park areas for park events and special events, the City Council hereby adopts the following schedules of fees.

OPEN AIR FACILITIES	PARK EVENT
Rental Fee	\$75.00
Electricity for Field Lighting	\$30.00per hour w\$60.00 minimum
Deposit	\$150.00

The City of Fellsmere's open air facilities are open between the hours of 5:00 a.m. and 10:00 p.m. Sunday through Thursday and 5:00 a.m. and 11:00 p.m. on Friday and Saturday.

It is the policy of the City of Fellsmere that no waivers of the fees or security deposits will be permitted, except for uses by other governmental entities.

Absolutely no ALCOHOLIC BEVERAGES are permitted on or around the open air facilities except by express authorization from City Council.

Reservations or use permits are not transferable.

The permittee for any function may be required to hire Fellsmere Police Officer(s) to attend the function for security purposes. The ratio of the number of attendees to require officer(s) is attached hereto as Exhibit "A". Verification of the agreement with the Police Department shall be obtained by the City Clerk's Office. Private duty police officers shall be available for groups of any size if requested and paid for by the permittee.

Not-for-Profit civic organizations will be required to furnish a deposit.

Private organizations and individuals will be required to furnish a deposit to ensure that the facility is left clean and undamaged.

A City Employee will inspect the facility after each use, with the following results:

Not for Profit - If the facility is found dirty and/or damaged, all future reservations will be cancelled and no future use of the facility by the offending organization will be permitted and the deposit will be forfeited and used by the City to clean or repair the facility.

Private - If the facility is found dirty damaged and/or if for any reason law enforcement responds to a disturbance call all future reservations will be cancelled and no future use of the facility by the offending party/parties will be permitted and the deposit will be forfeited.

Organized Recreation Activities shall be covered by a separate fee schedule. See Exhibit "C".

SECTION 4. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 5. This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was moved for adoption by Council Member Savage. The motion was seconded by Council Member Herrera and, upon being put into a vote, the vote was as follows:

Mayor Susan P. Adams
Council Member Fernando Herrera
Council Member Joel Tyson
Council Member Sara J. Savage
Council Member Daniel Naranjo

yeas
yeas
yeas
yeas
yeas

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of October, 2009.

CITY OF FELLSMERE, FLORIDA

Susan P. Adams
Susan P. Adams, Mayor

ATTEST:

Deborah C. Krages
Deborah C. Krages, City Clerk

MYDOCUMENTS/R-09-LL.DOC



Exhibit "A"
RATIO OF ATENDEES TO REQUIRE OFFICERS

ENCLOSED PUBLIC FACILITY

Functions with:

Up to 55 guests.....No Officer Required
56 to 100 guests.....1 Officer Required

OPEN AIR FACILITY

Up to 55 guests.....No Officer Required
56 to 100 guests.....1 Officer Required
101 to 200 guests.....2 Officers Required
Over 201 guests.....Determined by Police Chief

EXHIBIT "B"
PERMIT APPLICATION

Date: _____ Community Center _____ Other _____

NAME OF PERMITTEE: _____

ADDRESS OF PERMITTEE: _____
Number Street City, State & Zip Code

PHONE # _____ MAILING ADDRESS: _____

NAME OF GROUP OR ORGANIZATION: _____

REASON FOR USE: _____
ANTICIPATED NUMBER OF PERSONS ATTENDING
EVENT: _____

If more than 55 attendees, extra duty police officer services are required.

REQUESTED DATE: _____ TIME: _____
TO: _____ FROM: _____

PLEASE ANSWER YES OR NO

1. Are You a Resident of Fellsmere? _____

2. Will There Be An Admission or Door Charge? _____

Make checks payable to City of Fellsmere (A service fee adopted by R-02-Y and authorized pursuant to Florida Statutes 166.251 & 832.08(5). List of fees attached.

		OFFICE USE ONLY		
		DATE PAID	RECEIPT #	INITIALS
DEPOSIT	\$150.00	_____	_____	_____
RENT	_____	_____	_____	_____
POLICE SERVICES	_____	_____	_____	_____

Police Department Agreement Confirmed (if applicable) _____
Date

Key Pickup Date: _____ Key Returned Date: _____

Deposit Returned by City Check # _____ For \$ _____ On: _____

I understand that:

1. Absolutely no Alcoholic Beverages are allowed in or around the grounds of the Community Center or any City park(s) area.
2. I understand that I am required to clean the facility and remove and dispose of properly all trash and debris from the rented facility and I further understand that the dumpster located at the rear of the building is not to be used.
3. I understand that the key shall be returned to the City Clerk's Office, if the facility is rented on a weekday, the key must be returned within 24 hours, if the rental is during the weekend the key will be returned on the first working day following the rental. I further understand that the key is NOT to be duplicated.
4. I understand that if the facility is not cleaned in accordance with the requirements, or the key is not returned or if any violation of any of the aforementioned rules may result in the loss of your deposit and further loss of your or your organizations privilege to use the facility.
5. I understand that if there is damage to the facility and the repairs exceed the deposit amount that I am responsible for reimbursing the City the additional costs.
6. By signing this form I understand that as the permittee I will supervise the activities at the facility on the rental date.
7. I have received a copy of Resolution 09-LL with the specific rules and regulations of the City's enclosed and outdoor facilities.
8. Any violation of this Agreement could result in the permanent loss of rental privileges.

Signature of Permittee

_____/_____
Date key picked up/Date Key returned

_____/_____
Date deposit placed/Date deposit returned

Signature of employee who checked the facility

RETURN: _____/RETAIN: _____
Employee recommendation to return/keep deposit

Exhibit "C" to RESOLUTION 09411
Adopted this 15th day of Oct, 2009.

EXHIBIT "C"

ORGANIZED RECREATION ACTIVITIES FEES AND CHARGES

There shall be no fee charged for organized league play. Reservations shall be made on a first come first serve basis through the City Manager or his/her designee.

SERVICE FEES FOR DISHONORED CHECKS

Service fee shall be assessed for any dishonored check(s), draft(s) or other order(s) for collection purposes as follows:

- (a) Twenty-five (\$25.00) Dollars, if the face value does not exceed Fifty (\$50.00) Dollars;
- (b) Thirty (\$30.00) Dollars, if the face value is more than Fifty (\$50.00) Dollars but does not exceed Three Hundred (\$300.00) dollars;
- (c) Forty (\$40.00) Dollars, if the face value is more than Three Hundred (\$300.00) Dollars; or
- (d) Five (5%) percent of the face amount of the check, draft or order, whichever is greater, for the collection of a dishonored check, draft, or other order for the payment of money to the City of Fellsmere.