

ORDINANCE NO. 2013-23

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 74 OF THE BURNET CODE OF ORDINANCES, BY PROVIDING FOR RENTAL OF WALLACE RIDDELL PARK PAVILION AND ESTABLISHING FEES; PROVIDING FOR RENTAL OF SPORTS FIELDS AND ESTABLISHING FEES; PROVIDING FOR RENTAL OF OTHER CITY FACILITIES AND ESTABLISHING FEES; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, City Council has established fees for Wallace Riddell Pavilion, Hamilton Creek Park and Gazebo rental, Burnet Meeting Center rental, and other city facilities; and

WHEREAS, such fees were established to defray some of the costs associated with the maintenance of those facilities; and

WHEREAS, the sports fields currently operated by the city include one football field, three soccer fields, and seven baseball fields; and

WHEREAS, the City operates and maintains the Wallace Riddell Park Pavilion, Escamilla Pavilion, and Hamilton Creek Park Pavilion and Gazebo; and

WHEREAS, the City Council deems it appropriate to establish rental fees for the sports fields and other city facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT

Section one. The City's Code of Ordinances Chapter 74 (entitled "Parks and Recreation"), Sections 74-6 (entitled "Other City Facilities"), is hereby amended by replacing the existing language with the language that follows:

Sec. 74-6. - Other city facilities

- (a) Hamilton Creek Park Pavilion and Gazebo. The Hamilton Creek Park Pavilion and Gazebo may be rented on a daily basis at a rate of \$100.00 per day, plus a reservation/damage deposit of \$100.00 per day.
- (b) Burnet Meeting Center. The Burnet Meeting Center, at 303 E. Jackson, may be rented on an daily basis at a rate of \$35.00 per day subject to the following:

- (1) The Center shall be used for business and training meetings only;
 - (2) A Damage deposit of \$100 per day shall be required.
 - (3) The Center shall be subject to rules, policies and procedures as set by the City of Burnet from time to time.
- (c) Wallace Riddell Park Pavilion. The Wallace Riddell Park Pavilion may be rented on a daily basis at a rate of \$100 per day, plus a reservation/damage deposit of \$100.00 per day.
- (d) Escamilla Pavilion. The Escamilla Pavilion at Galloway Hammond Park may be rented on a daily basis at a rate of \$100 per day, plus a reservation/damage deposit of \$100.00 per day.
- (e) Sports Fields. Sports fields in all city parks may be rented by Athletic Teams on an hourly basis pursuant to the following terms and conditions:

(1) Definitions.

- A. In this subsection the term "Athletic Team" shall mean a team organized to promote mutual interest and to compete among themselves in outdoor sports including but not limited to football, soccer, baseball, softball, rugby, lacrosse and field hockey.
- B. In this subsection the term "League" shall mean a group of Athletic Teams organized to promote mutual interest and compete during a "season" as defined by the League.
- C. In this subsection the term "Season" shall mean a period of times that League Athletic Teams compete against each other for a specific number of games.
- D. In this subsection the term "Tournament" shall mean a competition, other than seasonal competition, between four or more League or non-League Athletic Teams.
- E. In this subsection the term "Non-Profit" shall mean an organization registered with the Internal Revenue Service as a 501(c)(3) tax-exempt organization.

F. In this subsection the term "Youth League" shall mean a League whose participants are eighteen (18) years of age or younger.

(2) Rental Rates.

A. Rental Rates per Field. The following rental rates per field shall apply:

	Monday – Friday	Saturday-Sunday
Burnet Based Non-Profit Youth Leagues (volunteer coaches and staff only, including the YMCA)	\$5 per hour	\$10 per hour
Non-Profit Youth Leagues	\$10 per hour	\$15 per hour
All other Leagues or Athletic Teams	\$15 per hour	\$20 per hour
Tournament play	Monday-Thursday = \$20 per hour, Friday = \$150 per day	\$150 per day

B. Lighting. A fee of \$10.00 per hour per field shall be assessed for lighting usage on any field.

C. Concession Stands. Concession Stands may be rented for a fee of \$50 per day for Tournaments. This fee shall not apply to League use of Concession Stands.

(3) Scheduling of Fields. In order to ensure the maximum beneficial use of city owned fields and other related facilities to the general public, the City Manager may adopt scheduling policies and procedures to give priority in scheduling to Burnet Based (including the YMCA) leagues or tournaments, and/or leagues or tournaments with the longest continuous use of city fields or highest enrollment. Such policies may include giving priority to Youth Leagues, requiring scheduling meetings between organizations to eliminate conflicts or maximize field usage, and/or other requirements to maximize beneficial use of the fields.

(4) Insurance. In order to rent a sports field a League, Tournament, or non-League Athletic Team, shall maintain and provide proof of Comprehensive General Liability Insurance with bodily injury limits of not less than \$500,000 for each occurrence and not less than \$500,000 in the aggregate, and with property damage limits of not less than \$100,000 for each occurrence and not less than \$100,000 in the aggregate with an insurance company licensed to do business in the State of Texas by the State Insurance

Commission or any successor agency that has a rating with Best Rate Carriers of at least an A- or above, and the policy shall name the City of Burnet as an additional insured. The City Manager, or the City Manager's designee is authorized, but not required, to modify this requirement in cases where the Tournament renting the field or fields, is not affiliated with a national, regional or state governing body.

- (5) Field Preparation. Upon request, the city shall provide striping and setup of fields for a fee of \$20 per baseball field and \$50 per football or soccer field. However, the city will waive this field preparation fee for Leagues if the League rents the field for an average of ten (10) or more hours per week. Baseball fields will be striped once per week and football or soccer fields will be striped once every other week for Leagues receiving this waiver. Renters may not, chalk, paint, or otherwise mark on any field or city property without express consent of the city.
- (6) Sponsorships. Leagues or Tournaments may affix banners to the dugout during games. All banners must be removed upon completion of the game or tournament.
- (7) Field Rental Deposits. All field rentals under this subsection shall require deposits as follows:
 - A. Youth Leagues. Rental of fields by Youth Leagues shall require a Reservation Deposit equal to fifty percent (50%) of the total rental fee to reserve the field(s). The Reservation Deposit shall be automatically forfeited if rental is cancelled less than fourteen (14) days prior to the rental date. All rental fees must be paid in-full prior to use.
 - B. Others. All field rentals, other than Youth Leagues, shall require full payment of the rental fees at the time of reservation, which shall also serve as a Reservation Deposit. The Reservation Deposit shall be automatically forfeited if rental is cancelled less than fourteen (14) days prior to the rental date. A Damage Deposit of \$100 will be required for each field rented at the time of reservation.
 - C. Rain-outs. Cancellation of a rental by the city due to rain-outs, or other conditions preventing the use of the field, shall not constitute cancellation by the renter and shall not be subject to forfeiture of Reservation Deposits. Rental fees due to such cancellations shall be refunded or used for alternate rental dates, at the discretion of the renter.
- (f) Alcohol. Alcoholic Beverages shall not be permitted at City owned fields when the field(s) are being rented by a Youth League. An Alcohol Deposit of \$500 will be required for any event allowing the use of alcohol during rental.

(g) Administration. The City Manager is authorized to develop administrative rules to facilitate the efficient implementation of this section and protect the best interest of the city.

Section two. Findings of Fact. The findings and recitations set out herein are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section three. Repeal of Conflicting Ordinances. All Ordinances or parts thereof in conflict herewith are amended to the extent of such conflict only.

Section four. Severability. If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which 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 five. Open Meetings. That it is hereby officially found and determined that the meetings at which this ordinance were passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section six. Effective Date. This ordinance shall take effect immediately upon approval and adoption by the City Council and publication as required by law.

PASSED AND APPROVED on this the 12 day of November, 2013.

FINALLY PASSED AND APPROVED on this the 10 day of December, 2013.



CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary