

ORDINANCE NO. 928-06

AN ORDINANCE TO ESTABLISH A POLICY AND PROCEDURE FOR FIELD AND COURT RESERVATION AND USAGE AT PUBLIC PARKS WITHIN THE CITY OF FOLEY:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FOLEY, ALABAMA, at its meeting on the 7th day of August, 2006 as follows:

Section 1. It is expressly declared that the purpose of these regulations, policies and procedures is to provide a guideline for those people wishing to reserve outdoor fields and courts at Foley's municipal parks and to establish a fee structure for such use to partially defray the cost of administering these services and the additional costs and expenses to maintain the fields and courts.

This policy is applicable to all public parks listed below:

- John B. Foley Park
- Heritage Park
- Foley Kids Park
- Griffin Park
- Mel Roberts Park aka Cedar Street Park
- Aaronville Park
- Beulah Heights Park
- Foley Soccer Park
- Evans Park

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Section 2. Fields and courts in said City parks are only to be used for athletic events for which the particular field or court are designed to be held.

Section 3. A user is responsible for adhering to and complying with all rules and regulations pertaining to the use of the fields and courts at City Parks. Any violation may result in additional fees or fines or in removal and suspension or expulsion from the City Park, as well as other penalties.

Reservations are on a first come, first serve basis. Reservations are considered from the date a completed City of Foley Parks Department Reservation Form is submitted with the required fee. Reservation forms are available from the City of Foley Parks Department. All fees must be paid in full in advance to secure your reservation. The dates requested cannot be guaranteed until payment is received.

Final athletic event details must be submitted before the scheduled Athletic Event as required by the City of Foley Parks Department. Details are to include all components of the event such as type of athletic event, dates of the event(s), number of persons participating in the event(s), the age group of the persons participating in the event, the residency street address of each person participating in the event, and other similar matters requested by the City of Foley Parks Department to carry out the purposes and intent of this Ordinance.

Any group or individual reserving a City Park shall also agree to indemnify and hold harmless the City and its agents, employees, officers and representatives. The City of Foley Parks Department may, at the director's reasonable discretion, require the reserving group or individual to obtain a special event insurance policy.

Other fees may apply for personnel and damage to property.

A usage fee of \$50.00 per team per season for Local Teams and a usage fee of \$150.00 per team per season for Non-local Teams shall be charged to offset the maintenance and administrative

costs. A Local Team is defined as a team in which 50% or more of the players on the active roster reside in the communities or police jurisdictions of Foley, Elberta, Summerdale, Bon Secour, or Magnolia Springs. A Non-local Team is defined as a team in which fewer than 50% of the players on the roster reside in the communities or police jurisdictions of Foley, Elberta, Summerdale, Bon Secour, or Magnolia Springs. A complete team roster with accurate residential street addresses for all players must be submitted to the Recreation Director on or before the team's first scheduled game.

SET-UP/CLEAN-UP

Set-up for events cannot begin before 7 a.m. Breakdown and clean-up must end by 10 p.m. or prior to vacating the premises for that day or prior to the next scheduled event, whichever is earlier. Clean-up must be done during the events as needed and litter picked up. All trash accumulated during the event must be placed in receptacles for city pick-up. At the conclusion of the event, a representative of the City will inspect the area. If the user has not cleaned up the park and restored it to its original condition, the City reserves the right to clean up the park and charge the user for the service.

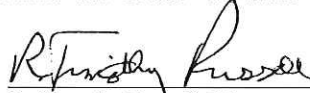
ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGES ARE NOT PERMITTED IN PUBLIC PARKS.

RESTROOMS

Restroom facilities are not located in all of our parks. If portable toilets are to be used, please indicate this on your application form. Portable restroom facilities must be set-up and removed within 24 hours of the event. Location will have to be coordinated with the City of Foley Public Works Department or your City events coordinator.

The attached "Rules for Reserved Use of Foley Fields and Courts" are made a part of this ordinance upon its adoption.

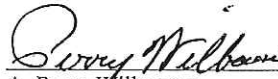

R. Timothy Russell, Mayor



ATTEST:


A. Perry Wilbourne, CMC
City Clerk/Administrator

"I certify that the foregoing Ordinance was published in the Foley Onlooker, a newspaper of general circulation in the City of Foley, in its issue of August 12, 2006"


A. Perry Wilbourne
City Clerk/Administrator

RULES FOR RESERVED USE OF FOLEY FIELDS AND COURTS

1. Applicants for reservations must be over 18 years of age, and Permittees and their guests must fully comply with the requirements of any special conditions attached to the Permit, these Rules, all local ordinances, codes and regulations, as well as all state and federal laws. **Permittees must have a copy of the signed Permit with them at the event.**
2. Applications for reservations will be considered on a first come, first served basis from the actual date and time a completed reservation form and fee are received by the City of Foley Parks Department. Fees must be paid by a check or money order in advance of the event as required by the City of Foley Parks Department.
3. The City reserves the right to deny a permit to anyone so it or another public agency can use the Fields or Courts or so the Fields or Courts can remain open to the general public. Use of the Fields or Courts is primarily for City of Foley residents or groups which are based in the City of Foley. The City reserves the right to deny a permit to anyone if it finds that the event is likely to be of an inappropriate character. The City reserves the right to deny a permit to anyone if it finds that the event is likely to be contrary to the public health, safety and welfare of the community or if it finds that the use is likely to damage the Park, the Fields or Courts, or other public property. The City will deny the issuance of a permit to any applicant or organization which discriminates against any person due to race, religion, sex, age, national origin, or disability.
4. Permittees shall make proper arrangements to clean all paper and other debris from the Park and the Fields or Courts and leave the Park and Fields or Courts in the same or better condition than what it was in prior to their event.
5. The following are **PROHIBITED** at the Park and the Fields or Courts: fires; grills; alcoholic beverages; fireworks and glass bottles.
6. **NO REFUNDS WILL BE GIVEN FOR CANCELLATIONS FOR ANY REASON.** Usage fees are non-refundable and non-transferrable for permits that are issued. If an application is denied, the usage fee submitted with the application will be returned.
7. The subleasing or transfer of a permit is prohibited.
8. The Permittee hereby agrees to indemnify and hold the City and its officers, employees and agents harmless for any and all claims for damages or injuries to persons or property resulting from the issuance of the permit or their use of the Park or Pavilion, and the Permittee will be responsible for the group's behavior and actions at all times.
9. The City assumes no liability or responsibility for loss of property or for injury or damage to person or property that may be sustained while on the Park or Field and Court premises, and the Permittee hereby releases and agrees to hold the City harmless from the same.
10. The City expressly disclaims any warranty or representation as to the suitability or condition of the Park or the Fields and Courts, and the Permittee and Permittee's guests enter at their own risk.
11. Permittee shall provide adequate and sanitary portable restroom facilities from a company licensed by the Baldwin County Health Department in such quantity and type as required by all applicable federal, state or local laws. Said portable restroom facilities are required to be present and operational at all times during the event, but they may be installed immediately prior to the scheduled event and removed within a reasonable time after the conclusion of the event without incurring additional rental charges from the City. All portable restroom facilities shall be relocated or moved at the request of the City to minimize their disruption on the public or their unsightliness. The Permittee is responsible for contacting the Baldwin County Health Department to find out if they comply with the Health Department's rules and regulations.
12. The permit is a revokable license to the Permittee to use the Parks, Fields and Courts at the time and in the manner specified on the application. The permit may be revoked or terminated at any time by the City if the Permittee breaches any of these Rules, violates any other laws, ordinances, rules, or regulations, or if the City, in the exercise of its sole and absolute discretion, deems it necessary to revoke the permit to ensure the public's health, safety, welfare, or enjoyment of the public property.
13. Permission will be required for any person or group to bring into the Parks, Fields and Courts and use an electrical device with special power requirements.
14. The Permittee is responsible for the Field and Court area to be cleaned up after use. Garbage cans are available upon request.

City of Foley Recreation Department Field/Court Reservation

This Agreement is between the City of Foley, Alabama, by and through its Recreation Department ("City"), and _____ ("Permittee") entered into this _____ day of _____, 20____.

WHEREAS, Permittee has requested to reserve the following City fields/courts

on the following dates/times: FROM _____ TO _____ ON _____
_____ (attach additional sheets if necessary);
and

WHEREAS, Permittee has paid the following League Rental Usage Fees to the City of Foley Recreation Department:

_____ Local Teams @ \$50.00/team =	\$ _____
_____ Non-Local Teams @ \$150.00/team =	\$ _____
TOTAL:	\$ _____

NOTE: "Local Teams" are those teams with 50% or more of the players on the roster residing in communities or police jurisdictions of Foley, Elberta, Summerdale, Bon Secour, or Magnolia Springs. "Non-Local Teams" are those teams with fewer than 50% of the players on the roster residing in communities or police jurisdictions of Foley, Elberta, Summerdale, Bon Secour, or Magnolia Springs. A complete team roster with accurate residential street addresses for all players must be submitted to the Recreation Director on or before the team's first scheduled game.

WHEREAS, Permittee intends to use the requested fields/courts as follows:

1. Athletic Field use is for _____
2. Number of persons in activity _____
3. Age group to be served _____

WHEREAS, the person in charge of the Permittee's activity, who is 18 years old or older is:

Name _____ Phone _____
Address _____

CONDITIONS OF RESERVATION CONTRACT

1. No alcoholic beverages, drugs, fighting, weapons or glass bottles are allowed.
2. Permittee must have a copy of the signed Contract with them at the event or during the league. If you do not have signed copy of your contract, then a field supervisor may ask you to leave. Teams asked to leave the field by the appropriate City employee should do so without difficulty to avoid being escorted off by the police.
3. Reservations are on a first come, first serve basis. All fees are required two weeks in advance to secure your reservation. The dates requested cannot be guaranteed until payment is received. A complete schedule of all events is required in writing to the Foley Recreation Department. All requests to modify the completed schedule must be received in writing at least 48 hours prior to activity or event.
4. All groups are responsible for clean-up and insuring that all trash is placed in receptacles for city pick-up clean up before leaving. The appearance of the facility should be "Equally as Clean" after an event as before. Failure to do so could result in the assessment of an additional "Clean-up Fee" and loss of facility use.
5. No vehicles are permitted on the athletic fields or the grass immediately surrounding the fields.
6. Lights are on a timer and should be turned off when the event or activity has been completed. The timer can only be set by the Parks department and no one is allowed to modify or tamper with the timers.
7. Goals and benches have been secured for safety reasons and should not be moved.
8. The City reserves the right to preempt use of space(s). Should such occasion arise, efforts will be made to provide an acceptable alternative location, time, or date. Seasonal recreational and school programs have first priority on all fields.
9. Athletic fields must be used for the purposes of athletic events or outdoor games. All other rentals must complete a Park Facility Rental Contract.
10. PERMITTEE must follow rules and regulations applicable to Park Usage, which are published, separately from this agreement in **Ordinance No. 830-05**. PERMITTEE acknowledges receipt of said rules and agrees to abide by them.
11. Any group or individual using an Athletic Field by signing this Form acknowledges the Agreement of the indemnity and hold harmless agreement. The City of Foley, at its discretion, reserves the right to require the group or individual to obtain a special event insurance policy.
12. Violation of any of these terms will result in suspension of your contract with no refund of league or rental fee.

Signature of Authority Requesting Use

Date Entered into Contract

Recreation Dept Signature

State of Alabama, Baldwin County
I certify this instrument was filed
and taxes collected on:

2006 August -25 10:35AM

Instrument Number 996757 Pages 5
Recording 15.00 Mortgage
Deed Min Tax
Index DP 5.00
Archive 5.00
Adrian T. Johns, Judge of Probate