

CITY OF HOLTS SUMMIT, MISSOURI

CITY PARK RULES AND REGULATIONS MANUAL

**PASSED BY ORDINANCE NO. 1955 6-8-2009
AMENDED BY ORDINANCE NO. 2016 2-22-2010
AMENDED BY ORDINANCE NO. 2213 4-9-2012**

PARK RULES AND REGULATIONS

Subchapter A - General Regulations
(Applies to Hibernia Station and Greenway Park)

130.100. Purpose. For the purpose of promoting health, safety, morale or the general welfare of the City of Holts Summit, the governing body of Holts Summit deems it necessary to adopt these regulations designed to promote the health, recreation and general welfare of participants using the City Parks. (Ord. No. 2010 2-22-2010)

130.105. Anti-discrimination. As a matter of policy, law, and commitment, the City of Holts Summit does not discriminate on the basis of race, color, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or presence of any sensory, mental or physical handicap.

130.110. ADA Compliance. The City of Holts Summit will attempt to make accommodations for persons with disabilities upon request. For assistance call (573) 896-5600.

130.115. Camping. It shall be unlawful for any person in a park to camp. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park, after closing hours, any movable structure or special vehicle to be used or that could be used for such purposes, such as a house-trailer, camp-trailer, camp-wagon or the like.

130.120. Climbing trees, monuments, etc. It shall be unlawful for any person in a park to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, or fences or upon any other property not designated or customarily used for such purposes.

130.125. Closed Areas. Any section or part of any park may be declared closed to the public by the City at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the City shall find reasonably necessary.

130.130. Confinement of dogs.

1. It shall be unlawful for any person keeping, harboring, owning or responsible for a dog to permit a dog to run freely in the park.

2. Persons owning or responsible for a dog on park property shall immediately clean up and remove in a sanitary manner any animal waste.

3. It is a specific defense to a charge of violating this section that the dog involved is a certified working dog trained to assist disabled individuals and that the person charged has a disability which prevents the individual from removing the excrement and properly disposing of it in a sanitary manner.

130.135. Definitions.

1. City Trail. Means any trail maintained by the City for use by pedestrians, equestrians, or cyclists.
2. Cycle. Means any device, other than a wheelchair, which is propelled by human power and has one or more wheels at least twenty (20) inches in diameter and a frame size of at least fourteen (14) inches.
3. Pedestrian. Includes any person riding in a wheelchair.
4. Wheelchair. Means a chair mounted on wheels for use by disabled individuals.
5. Canopy. Means a temporary structure with a cloth roof supported by poles, intended to provide overhead protection from the elements. The interior shall be completely open to view from outside on three sides. Cloth sides such as mosquito netting are allowed on the sides as long as they do not limit the view into the canopy.
6. Not-For-Profit. Means a nonprofit or not-for-profit organization currently registered with the state or federal government.

130.140. Destruction of property. No cutting and/or burning of trees, flowers, shrubbery, or other park property is permitted under any circumstances.

130.145. Discarding refuse and trash. It shall be unlawful for any person in a park to bring or have brought in or to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash on park property. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

130.150. Disfiguration and removal. It shall be unlawful for any person in a park to mark, deface, disfigure, injure, tamper with, displace or remove, any building; bridges; tables; benches; fireplaces; railing; paving or paving material; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments; stakes; posts; or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

130.155. Erection of structures. It shall be unlawful for any person in a park to construct or erect any building or structure of whatever kind, whether permanent or temporary in character unless specifically authorized herein, or run or string any public service utility into, upon, or across park lands, unless approved by the Building Inspector upon a properly issued building permit. Canopies no larger than 12 feet by 12 feet are authorized for use in city parks

during approved hours of operation, with the exception of on the ball fields, volleyball courts, improved playground areas, or parking lots. (Ord. No. 2016 2-22-2010)

130.160. Fires. It shall be unlawful for any person in a park to build or attempt to build a fire except in such area and under such regulations as may be designated by the Board of Aldermen or their designee. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, within any park area or on any highway, road or street abutting or contiguous thereto. Fires are restricted to barbecue ovens and grills.

130.165. Fireworks and explosives. Irrespective of any other code section, it shall be unlawful for any person in a park to bring, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any park area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any substance or compound, would be dangerous from any of the foregoing standpoints, except under the sponsorship of organized groups and with the permission of the Board of Aldermen or their designee.

130.170. Gambling. It shall be unlawful for any person in a park to gamble, or participate in or abet any game of chance. This section does not apply to Bingo if no money is exchanged.

130.175. Injury, removal of natural features.

1. Trees, shrubbery, lawns. It shall be unlawful for any person in a park to damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

2. Removal, excavation of natural resources. It shall be unlawful for any person in a park to dig or remove any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued by the Board of Aldermen.

130.180. Loitering, disorderly conduct. It shall be unlawful for any person in a park to sleep or protractedly lounge on the seats, or benches, or other areas; or to engage in loud, boisterous, threatening, abusive, insulting or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of the public peace.

130.185. Lost and found articles. The finding of lost articles by park attendants shall be reported to City Hall, who shall make every reasonable effort to locate the owners. City

Hall staff shall also make every reasonable effort to find articles reported as lost. The City shall keep the articles at City Hall for thirty (30) days. The article will be disposed of if no claim is made on such article within the thirty (30) days.

130.190. Metal Detectors. Metal detectors may be used to find items that are lying on the surface of the ground, but digging, removal or any damage to the ground surface to find items is not allowed and is prohibited by City Code.

130.195. Parking. It shall be unlawful for any person in a park to park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

130.200. Prohibitions. No person shall undertake or allow others to undertake the following in any City Park:

1. Ride a bicycle, or use skateboards, skates or scooters on improved playground surfaces, pavilions, ball fields, volleyball courts, or so as to interfere with people on the walking trails.
2. Commit any act of vandalism or destroy any City property.
3. Camp, as defined herein.
4. Drive or operate any motorized vehicle including snowmobiles, ATVs, go-carts.
5. Use or possess any firearms, BB guns, pellet guns, and air rifle.
6. Operate a radio, record or tape player or any other sound producing instrument or apparatus so as to produce a sound which is clearly audible at a distance of more than fifty (50) feet from the source thereof except by special use permit.
8. Possess illegal substances.
9. Have an unleashed animal.
10. Hunt, trap or graze livestock.
11. Unlawfully dump or throw trash, empty bottles or dispose of any refuse or otherwise litter.
12. Be present after 10 p.m. in the evening or before 6 a.m. in the morning, except by special use permit.

130.205. Restrooms and washrooms. It shall be unlawful for any person in the park to intentionally, maliciously, or negligently fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition. No person over the age of four (4) years shall use the restrooms and washrooms designated for the opposite sex. No toilet tissue, paper towels, or like items shall be placed in the restrooms unless they are securely contained in the locked receptacle for such items.

130.210. Restricted Areas. It shall be unlawful for any person in a park to enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of any area in violation of posted notices.

130.215. Vehicle operation confined to roads. Except as authorized, It shall be unlawful for any person in a park to drive any vehicle on any area except the paved park roads or parking areas or such other areas as may, on occasion, be specifically designated as temporary parking areas by the Code Enforcement Officer. (Ord. No. 2016 2-22-2010)

130.220. Vending and Selling. It shall be unlawful for any person in a park to vend or peddle items by exposing or offering for sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, except with a special use permit or when authorized during a city sponsored special event. (Ord.No. 2016 2-22-2010)

130.225. Water pollution, contamination. It shall be unlawful for any person in a park to throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution, discoloration or contamination of said waters.

130.230 Naming of City Facilities. It is the policy of the City to provide a process for consideration of the naming of City facilities located within the City limits. The following names shall be prohibited:

1. Cumbersome, corrupted or modified names, profane, discriminatory or derogatory names relating to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation or other similar categories.
2. Names that cause confusion due to duplication or that sound too similar to existing named locations within the City or surrounding areas.
3. Names of companies whose business is substantially derived from the sale of alcohol, tobacco, firearms, and/or other practices considered

able or incompatible/inconsistent with the prevailing community standards.

4. Names of appointed or elected local officials currently in office or current City employees.
5. The re-use of former facility names other than for a reconstruction of the same facility in the same location.
6. Names that would result in the overt commercialization of City facilities. (ORD # 2213 April 9, 2012)

Subchapter B - Greenway Park

130.300. Hours of Operation. Except for unusual and unforeseen emergencies, Greenway Park shall be open to the public every day of the year from 6 a.m. in the morning to 10 p.m. in the evening, except by special use permit. The opening and closing hours for the park shall be posted therein for public information.

130.305. Batting Cage Rules.

1. Batting cage rules. The following regulations have been established by the City of Holts Summit to ensure the safe and efficient usage of the batting cage at Greenway Park.

A. The batting cage is intended for use only as designed, not as a "play" area. The batting cage shall be used only for its intended purpose.

B. A protective batting helmet must be worn by the batter at all times while in the batting cage. The pitcher shall be required to stand behind the screen.

C. The batting cage may be used for hitting pitched balls, batting tee drills, or soft toss drills. When the cage is used for hitting pitched balls, only one player may be in the cage at a time, except when balls are being picked up. Players awaiting their turn to bat shall do so outside of the batting cage. Players shall not stand behind the protective pitching screen while waiting for their turn to bat. Do not resume pitching until the cage is clear of all players other than the hitter.

D. A responsible person must supervise all activity in the cage at all times. (Ord. No. 2016 2-22-2010)

E. Pitchers or persons feeding a pitching machine must throw from/stand behind the protective pitching screen. If a pitching machine is being used inside the cage, the pitcher/feeder must be an adult. Children are not permitted to feed the pitching machines under any circumstances.

F. No food or drink (except water) is allowed inside the batting cage.

G. No climbing on the batting cage.

2. Practice Priorities.

A. The batting cage is considered part of the practice facility. As such, teams with league-authorized, scheduled practices have usage priority for the batting cage during their entire allotted practice time slot.

B. If no such league-authorized practice is scheduled, use of the batting cage is on a first-come-first-served basis.

3. Pre-Game Warm-up Priorities. Teams with a league-authorized, scheduled game have exclusive-use priority of the batting cage.

4. Game-in Progress Priorities. Teams involved in playing a game are not permitted to use the batting cage during their game. Teams and/or individuals not participating in the current game are permitted the use of the batting cage in accordance with the rules and priorities defined in this Section.

130.310. Horseback Riding. It shall be unlawful for any person in a park to ride a horse on any paved or improved walking trail, playground area, ball field, or pavilion surface, unless the trail has been designated as a bridle trails, or a special use permit has been issued for the area. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be tied to any rock, tree, or shrub.

130.315. Hunting; Use of weapons dangerous to wildlife.

1. It shall be unlawful for any person in a park to use, carry or possess firearms of any description, or air rifles, spring-guns, bow and arrows, slings or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. It shall be unlawful for any person to shoot into park areas from beyond the park boundaries.

2. This section shall not prohibit any person from participating in any Parks and Recreation Department sanctioned program or event. (Ord. No. 2016 2-22-2010)

130.320. Metal Detectors. Metal detectors are prohibited on or near an athletic field except to find a specific lost item, and only after notifying the City that an item has been lost. Use of a metal detector on or near an athletic field must be granted by the City, and may be allowed at a time when the fields are open to the public.

130.325. Skating, walking, etc., on ice. It shall be unlawful for any person in a park to go onto the ice on any of the waters.

130.330. Rental Rates for Ball Fields for tournaments. A Special Use Permit is required to reserve a ball field for a tournament. A Special Use Permit is granted on an application review basis.

1. Rental Rates shall be established by a rate schedule approved by the Board of Aldermen from time to time and maintained on file in the City Hall.

2. The City will return the deposit to the person who paid the deposit after the City has determined that the facility rented is clean and in the same condition as before it was rented. Should a determination be made that the facility is not so cleaned or should damage to the facility have occurred during the rental permit, the deposit may be seized by the City and forfeited by the renter to compensate the City for the cost of cleaning the facility and/or repairing any damage. Should the deposit not be sufficient to cover the cost of cleaning or repairs, the renter shall be liable to the City for the additional amount needed to so clean or repair the facility.

3. The City will drag the field one time prior to the start of the tournament, and will mow the outfield. Teams shall be responsible for marking the field, supplying umpires, and all equipment necessary to host the tournament.

130.335. Baseball and Softball Seasons. A baseball or softball season shall be defined as an organized series of games taking place over three or more weeks. Field rentals for a baseball or softball season shall be determined by contract with the City of Holts Summit. Once a contract is in place, the season games shall have first priority in scheduling the specified ball fields. (Ord. #1849 3-10-08)

130.340. Rental Rates for Volleyball Court.

1. Reservations. Residents, businesses, or organizations for social gatherings may reserve the Volleyball Court at Greenway Park. Requests from other groups or individuals will be considered if facilities are available.

2. Reservation limitations. Reservations are accepted on a first-come-first-served basis with the City Hall staff reserving the right to modify facility scheduling to best accommodate all interested parties.

3. Times Available. No group or individual shall occupy the court prior to the stated starting time. All activities shall cease and park property shall be vacated by 10 p.m. unless approved by permit. (Ord. No. 2016 2-22-2010)

4. Rental Rates shall be established by a rate schedule approved by the Board of Aldermen from time to time and maintained on file in the City Hall.

5. The City will return the deposit to the person who paid the deposit after the City has determined that the facility rented is clean and in the same condition as before it was rented. Should a determination be made that the facility is not so cleaned or should damage to the facility have occurred during the rental permit, the deposit may be seized by the City and forfeited by the renter to compensate the City for the cost of cleaning the facility and/or repairing any damage. Should the deposit not be sufficient to cover the cost of cleaning or repairs, the renter shall be liable to the City for the additional amount needed to so clean or repair the facility.

6. Rental Rates for Volleyball Seasons. A volleyball season shall be defined as an organized series of games taking place over three or more weeks. Court rental for the volleyball season shall be determined by contract with the City of Holts Summit. Once the contract is in place, the season games have first priority in scheduling the volleyball court. (Ord. #1849 3-10-08)

130.350 Non-Profit Organizations and other Political Subdivision Use of Ball fields and Volley Ball Courts. Non-Profit Organizations with current Not For Profit Status with the State or Federal Government, and Political Subdivisions requesting to use the ball fields and volleyball courts for public service activities not intended for fund raising shall not be required to pay rental fees. The Board of Aldermen may require the organization to pay deposit fees and provide liability insurance based on the type of event and facility. (Ord. No. 2016 2-22-2010)

130.355 Outfield Sign Advertisement Program.

1. The Board of Aldermen of the City of Holts Summit, Missouri hereby determines that it is in the best interest of the citizens of Holts Summit to authorize the placement of signs by local businesses for their business at Howard Field and Case Field to generate revenue for park projects.

2. Case Field and Howard Field may include advertising signage along the outfield fences. No more than 40 sq. ft. of advertising signage shall be allowed per sign. Advertising signage shall be affixed to the inside of outfield fences and shall be made of a textile or plastic fabric material. No more than 30 signs shall be allowed per field. Display of signs at Howard Field and Case Field shall be limited to the period from April through October.

3. Signs placed at these fields must adhere to the regulations found in Section 230 of this chapter.

4. An outfield sign bearing the company name and logo installed on the field of choice will cost \$250 for the initial year. Applications may be requested from City Hall during normal business hours. Signs will be purchased and installed by city staff.

5. If a company renews their sign with their existing sign in subsequent years, a cost of \$125 will apply. (Section 355 was authorized by) **ORD No. 2307 (2013-04-08)**

Subchapter C - Hibernia Station Park

130.400. Hours of Operation. Except for unusual and unforeseen emergencies, Hibernia Station Park shall be open to the public every day of the year from 6 a.m. in the morning to 10 p.m. in the evening, except by special use permit. The opening and closing hours for the park shall be posted therein for public information.

Subchapter D - Pavilion and Civic Building Rental Regulations

(Applies to Hibernia Station and Greenway Park)

130.500. Rental Policy of Park Pavilion.

1. Reservations. Residents, businesses, or organizations for social gatherings and meetings with an expected attendance of one-hundred (100) persons or less, in compliance with the terms of this policy may reserve a pavilion. Requests from other groups or individuals will be considered if facilities are available.

2. Reservation limitations. Reservations are accepted on a first-come-first-served basis with the City Hall staff reserving the right to modify facility scheduling to best accommodate all interested parties.

3. Sale of items on park property. Groups reserving park facilities with the intention of selling items, including food and beverages, must complete a Special Use Permit Request per the requirements of this policy. Persons selling any item on park property without the expressed Special Use Permit are subject to prosecution.

4. Times Available. No group or individual shall occupy any shelter, pavilion, or other reserved area or facility prior to the stated starting time. All activities shall cease and park property shall be vacated by 10 p.m. unless approved by permit. (Ord. No. 2016 2-22-2010)

5. Amplified Music. Groups wishing to have microphones and/or amplified music at their gathering must complete a Special Use Permit and receive the approval of the Board of Aldermen or their designee. These situations may be subject to conditions such as hiring auxiliary police or being required to pay a special deposit.

6. Rental Rates shall be established by a rate schedule approved by the Board of Aldermen from time to time and maintained on file in the City Hall.

7. The City will return the deposit to the person who paid the deposit after the City has determined that the facility rented is clean and in the same condition as before it was rented. Should a determination be made that the facility is not so cleaned or should damage to the facility have occurred during the rental permit, the deposit may be seized by the City and forfeited by the renter to compensate the City for the cost of cleaning the facility and/or repairing any damage. Should the deposit not be sufficient to cover the cost of cleaning or

repairs, the renter shall be liable to the City for the additional amount needed to so clean or repair the facility.

8. Not for profit organizations. There is no charge for the rental of the pavilion by a not for profit organization on Monday through Thursday. A not for profit organization wishing to rent the pavilion on Friday, Saturday or Sunday shall be charged in accordance with Section 6 above.

130.505. Permit. An application for a permit to rent the pavilion at the Hibernia Station Park or the Greenway Park may be obtained at City Hall, 245 S. Summit Drive, Holts Summit, MO 65043 during normal business hours, and approved in writing by the City Administrator or his designee.

1. A person seeking issuance of a permit hereunder shall file an application with City Hall. The application shall state:

- A. The name and address of the applicant.
- B. The name and address of the person sponsoring the activity,
if any.
- C. The day and hours for which the permit is desired.
- D. An estimate of the anticipated attendance.
- E. Any other information which the staff shall find reasonably necessary to make a fair determination as to whether a permit should be issued hereunder.

2. The City Administrator or the City Administrator's designate shall issue a permit hereunder when found:

- A. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
- 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 use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- D. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City.
- E. That the facilities desired have not been reserved for other use at the day and hour required in the application.

3. Within five (5) days after receipt of an application, the City Administrator or the City Administrator's designate shall apprise an applicant, in writing, of the reasons for refusing a permit, and any aggrieved person shall have the right of appeal, in writing,

within five (5) days to the Board of Aldermen, who shall consider the application under the standards set forth in Subsection 3 hereof, and sustain or overrule the decision within five (5) days. (Ord. No. 2016 2-22-2010)

4. The person to whom a permit is issued shall be liable for any applicable ordinances as fully as though the same were inserted in said permits.

5. The Board of Aldermen shall have the authority to revoke a permit upon a finding of a violation of any rule or ordinance, or upon good cause shown.

6. A list showing the dates and events of all permits issued by the City shall be posted in the pavilion area of the park.

130.510. Interference with permittees. It shall be unlawful for any person in a park to disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

130.520 Rental Policy of Civic Building.

1. Reservations. Residents, businesses, or organizations for social gatherings, in compliance with the terms of this policy may reserve the Civic Building located at Greenway Park. Rental of the Civic Building will be limited to those gatherings which have an expected attendance at any one time of no more that the maximum occupancy of the building based on the type of event the building is being used for. The maximum occupancy for the building shall be determined by the guidelines of the National Fire Code, and shall be determined through coordination with the Holts Summit Fire Protection District or Missouri Fire Marshals Office from time to time as the changes in the National Fire Code may be published.

2. Special Use Permit Required: Request to use the Civic Building in conjunction with another facility being leased or rented at Greenway Park shall be handled as separate agreements and shall only be approved if the provisions for use of both facilities has been met. Any request to use the Civic Building for any event, which could result in the maximum occupancy of the building being exceeded, shall require a Special Use Permit.

3. Reservations are accepted on a first-come-first-served basis with the City Hall Staff reserving the right to modify facility scheduling to best accommodate all interested parties. A Reservation shall not be considered final until all required documents and fees have been submitted to the City.

4. Rental Agreement. The Civic Building shall be rented using a Rental Agreement approved by the Board of Aldermen from time to time. The City Administrator may designate staff or a volunteer who are authorized to process and/or sign Rental Agreements for the City that do not require a special use permit.

5. Sale of items on park property. Groups reserving park facilities with the intention of selling items, including food and beverages, must complete a Special Use Permit Request per the requirements of this policy. Persons selling any item on park property without the expressed Special Use Permit are subject to prosecution.

6. Times Available. No group or individual shall occupy the Civic Building or other park property prior to the stated time on the Rental Agreement. All activities shall cease and the Civic Building shall be cleaned and vacated by the time stated on the Rental Agreement, or 1:00 am, which ever is earlier, unless approved by the Board of Aldermen.

7. Amplified Music. Groups wishing to have microphones and/or amplified music at their gathering must limit to the use to the interior of the Civic Building. Any sound generated by the amplification equipment shall be limited to interior of the Civic Building with the doors and windows closed. In no event shall any sound generated by the amplification equipment be allowed to be heard by anyone greater than 100 feet from the exterior of the Civic Building. (Ord. No. 2016 2-22-2010)

8. Rental Rates shall be established by a rate schedule approved by the Board of Aldermen from time to time and maintained on file in the City Hall.

130.530 Non-Profit Organizations and other Political Subdivision Use of Civic Building. Non-Profit Organizations with current Not For Profit Status with the State or Federal Government, and Political Subdivisions requesting to use the Civic Building for public service activities not intended for fund raising shall not be required to pay rental fees. The Board of Aldermen may require the organization to pay deposit fees and provide liability insurance based on the type of event the facility is being requested. (Ord. No. 2016 2-22-2010)

Subchapter E - Permit Requirements Special Use Permit

130.600. Special Use Permit. No person, persons, partnership, corporation, entity, or party shall permit, operate, advertise, promote, work at, be employed by, or in any way assist in the conduct of a Special Use Event without first obtaining a permit from the City of Holts Summit, Missouri, in accordance with the provisions of this Chapter.

A special event is an activity which requires the designation of exclusive use of an area and/or requires the approval of conditions of use as outlined in this Chapter. Many special events are sponsored by non-profit organizations that organize and conduct these activities where the City's role is to primarily provide the facility or park. The City does not directly provide staffing or direction during Special Events unless approved by the Board of Aldermen. If so approved, the Board of Aldermen shall set an hourly rate which rate shall reimburse the City for the cost of staff, which cost shall be no less than the actual cost to the City. The Special Use Permit delegates the control of the site to an event organizer or sponsor.

A Special Use Permit is required when one or more of the following criteria applies to a specific event or activity:

1. When more than 100 people are expected to attend an event at the pavilion;
2. When 150 or more people are expected to attend an event in the park;
3. When the event will include live music entertainment;
4. When fees will be collected by the applicant for donations, admissions, concession, or merchandise sales;
5. When the event plans for the use of temporary structures or facilities, such as, tents, shade structures, stages, booths, amusement devices (such as bounce houses, dunking booths), pull-behind or trailer cooking grills, etc.
6. When the event requires the closing of streets;
7. When the general public is invited or notified by the media;
8. When animals will be on display for show, or for rides;
9. When hot air balloons or any apparatus for aviation ascent or descent into a park is planned;
10. When any wedding is held at a park location other than at a reservable shelter;
11. When a group plans to use any park facility after 10 p.m.;
12. When the use of the shelter or park is in a manner other than their specified recreational use; or
13. To reserve a ball field for a tournament.

130.605. Application for a Special Use Permit. An application for a permit to conduct a special event shall be filed with the City Administrator not less than ninety (90) days prior to the date on which any such event is proposed to take place.

1. Permit Fees. Reservations are accepted on a first-come-first served basis. Rental rates for a special event are as follows unless otherwise specified herein:

A. A non-refundable rental fee of \$150 per day, per park, which does not include the use of the Civic Center, shall be paid for at the time the application for a Special Use Permit is submitted. (Ord. No. 2016 2-22-2010)

B. \$200 cash performance, cleanup, key deposit, and damage bond shall be paid for at the time the application for a Special Use Permit is submitted. The City will return the bond to the person who posted the bond after the City has determined that the premises rented is clean and in the same condition as before it was rented.

C. A City employee appointed by the City Administrator shall be placed on call during a special event. If a situation arises that requires the attendance of the City employee at the event, the event sponsor shall reimburse the City at a rate of \$15 per hour per City employee. The City shall notify the applicant not less than forty-five days prior to the event of the anticipated staff costs noting that such costs may change if the event or the expected attendance changes.

D. The City Administrator with the approval of the Mayor shall determine the number of employees needed on site during the event and the sponsor shall pay to the City \$15 per hour per employee. The Chief of Police shall determine the number of police officers required at the site during the event and the sponsor shall pay to the City \$15 per hour per employee. (Ord. No. 2016 2-22-2010)

E. The City will supply all toilet paper, paper towels, trash bags, etc., for special events. The Sponsor of the event will be informed to replace items as needed to prevent sewer problems. Sponsor is responsible for damages to the sewer and other systems that occur as a direct result of the event and shall be held liable.

F. The sponsor will be responsible for cleaning up the park after the event.

2. The required application shall set forth the following information:

A. The names and addresses of the person or persons, or in the case of a corporation, the names and addresses of the officers of the corporation, who propose to conduct any such special event described in this Subchapter.

B. The type of activity desired to be conducted.

C. The location of the lands and premises on which such an activity is proposed to be conducted.

D. Plans for the parking of automobiles, showing all driveways and other means of access to and from property along the proposed parking.

E. The hours and the date on and during which the activity will be conducted.

F. Toilet provisions.

G. Attach a copy of written notification of the Holts Summit Fire Protection District and Callaway County Ambulance District. (Ord. No. 2016 2-22-2010)

130.610. Factors considered in acting on application. In acting upon an application for a Special Use Permit, the Board of Aldermen will consider the above information as well as other such matters as they may deem relevant.

130.615. Conditions on issue of permit. Should the Board of Aldermen determine that the application for a permit should be approved, the Board shall direct the City Administrator to issue a permit to the applicant, provided, however, before any such permit shall be issued, the applicant shall satisfy the following conditions:

1. The applicant shall submit to the City Administrator a certificate of insurance issued by an insurance company licensed to do business in the State of Missouri and approved by the City Administrator, showing that the applicant has obtained public liability insurance naming the applicant, the owner, lessee or other persons entitled to possession of the property, and the City of Holts Summit, Missouri, as an additional insured, and providing liability coverage in the amount of \$100,000.00 per person for personal injuries, \$300,000.00 per occurrence and \$100,000.00 in property damage. Any deductible or self-insured retention must be disclosed and is subject to approval by the Board of Aldermen;

2. Coordination with the County Health Department when required by the County.

3. Buisness License Exception: The Requirements of City Code Chapter 54 to obtain a Business License and City Code Chapter 52 to obtain a Traveling Merchants License shall not apply to an applicant or vendors participating in an event for which a Special Use Permit has been issued. (Ord. No. 2016 2-22-2010)

4. City staff shall act upon applications for a Special Use Permit as soon as possible within fourteen (14) days. A recommendation shall be submitted to the Board of Aldermen at the next available meeting and said recommendation shall be copied to the applicant along with the date and time of the Board of Aldermen meeting. (Ord. No. 2016 2-22-2010)

130.620. Revocation of permit.

1. The Board of Aldermen shall have the power to revoke any license issued in accordance with the provisions of this Chapter no less than forty-eight (48) hours prior to the date the permitted activity is to begin where it appears that:

A. The application submitted is materially false or purposefully misleading and such fact was not discovered prior to the issuance of the license; or

B. The number of persons reasonably expected to attend is greater, by fifty percent than the number initially projected to attend at the time of the issuance of the license and the licensee is unable to unwilling to provide greater sanitary, water, food and other health facilities proportionate to any unexpected increase in attendance projections; or

C. It reasonably appears that the licensee has failed to comply or will be unable to comply with any condition established by the Board of Aldermen on the

issuance of the permit. If a permit is revoked under the provisions of this Section, the permit fee paid pursuant to this Subsection shall be refunded no more than ten (10) days after any such revocation.

2. The Board of Aldermen shall have the power to revoke any permit issued pursuant to the provisions of this Chapter after forty-eight (48) hours prior to the date the permitted activity is scheduled to begin and at any time during the conduct of any such activity where it appears that the public health, safety or welfare are being endangered or where it appears that numerous acts of criminality, disorderly conduct or juvenile delinquency are occurring or where any nuisances, substantially impairing the comfort or welfare of the community are occurring. (Ord. No. 2016 2-22-2010)

3. Where such circumstances under Subsections 1 or 2 above appear, a license may be revoked by a majority of a quorum of the Board of Aldermen of the City taken at an emergency meeting of the Board of Aldermen called by the Mayor or any **two (2)** members of the Board of Aldermen. Notwithstanding any other ordinance of the City of Holts Summit, Missouri, any such emergency meeting may be called and held with only such notice to the general public and to the applicant as may be reasonably practicable in view of the degree of urgency of the circumstances under which any such emergency meeting shall be held.

4. In the event of a revocation of a permit under this Chapter, any notice by the Mayor or his designee to the licensee shall be deemed sufficient notice to the licensee and his agents, servants, employees, and contractees that the permit has been revoked.

Subchapter F - Violation and Penalty

130.700. Violation and penalty. It shall be unlawful for any person to violate any of the provisions of this Chapter. Upon conviction thereof, such person shall be punished by a fine not exceeding \$500.00, or be punished by incarceration for a period not to exceed ninety (90) days, or by both such fine and incarceration. Each day's violation of, or failure, refusal or neglect to comply with, any provision of this chapter shall constitute a separate and distinct offense.

130.705. Validity. In case any portion of this Chapter shall be held to be invalid or unconstitutional, the remainder of the Chapter shall not thereby be invalid, but shall be in full force and effect.

City of Holts Summit, Missouri
Greenway Park Building Use Application

1. This application submitted on the _____ day of _____, _____, by _____, hereafter referred to as "Applicant", for the use of the Civic Building at Greenway Park on _____ day of _____, _____, between the hours of _____ AM/PM and _____ AM/PM for a Rental fee of \$_____, based on availability, and deposit of \$_____.
2. The Applicant must pay the rental fee and deposit fee before the City will reserve the building for the requested date in paragraph 1 above. The Applicant may cancel their reservation of the facility up to three (3) weeks in advance without forfeiting any fees. If the Applicant cancels their reservation to use the facility less than three weeks before the date the facilities have been reserved in Section 1 above, and before day of the reservation, the Applicant shall forfeit their deposit as liquidated damages for preventing the facility from being scheduled by others. If the Applicant cancels their reservation to use the facilities on the date the facilities have been reserved in paragraph 1 above, the Applicant shall forfeit the Rental fee and the deposit shall be returned to the Applicant if the Applicant has not entered the facilities.
3. The Applicant shall perform a walk-through of the premises, at the latest, on the last business day prior to the date the facilities have been reserved in paragraph 1 above. In the event that a Applicant finds damage prior to their event, the Applicant SHALL bring this to the attention of the City BEFORE the event take place to insure proper credit.
4. The Applicant hereby assumes responsibility for any damage, loss, theft, or cost incurred inside and outside the building at Greenway Park, and any other items(s) of City property during the time they have rented the building. Damages or loss in excess of the deposit will be billed to the Applicant(s) renting the facilities.
5. Decorations are permissible with the use of painters or masking tape, provided all evidence of its use is removed and surfaces are not damaged. A checklist will be supplied and verified at the end of the event by the City and Applicant.
6. The City of Holts Summit shall NOT bear any liability for the loss, theft, or damage to any property belonging to the Applicant or guests before, during, or after the function.
7. In consideration of the surrounding neighborhood, ALL music shall be contained to the interior of the Civic Building and should not be able to be heard from outside the building with the doors and window closed, or more than 100 feet from the building at any time. ALL music must end by midnight. All individuals must be vacated from the building and grounds by 1:00 A.M. In no event shall alcohol be served, sold, consumed or allowed at the Civic Building or Greenway Park.
8. The Applicant declares in writing within this agreement their true intent and purpose for the rental of the building and park grounds and agrees to use the building and facilities ONLY for said purposes. Applicant may NOT sub-lease this facility. The exits are not to be blocked in any manner.

Purpose for renting the facilities:

Initials:

9. The City reserves the right to refuse rental. The City reserves the right to terminate this application at ANY time if noncompliance is discovered.

10. The Applicant agrees by signing this application to adhere to all terms and conditions within. This application supersedes all written and verbal communications and may not be amended except in writing and signed by the applicant and accepted by the City. Failure to comply with these conditions may cause the Applicant: forfeiture of their deposit; refusal by the City to rent the building/facilities; and the assessment of additional fees by the City for property damage. If legal action becomes necessary to receive payment, the Applicant will pay any and all legal fees and court costs.

11. The deposit in paragraph 1 above will be required by Applicant to show good faith. The City shall return any unused deposit to the Applicant within thirty (30) days after the scheduled event or provide the Applicant with a written explanation why the deposit has not been returned.

12. Acts of Nature affecting the facilities (including, but not limited to, fire, tornado, and earthquake) are just cause for cancellation by the City with a full refund of rent and deposit paid.

13. No agreement in either written or verbal form will be valid unless signed by both parties. All applications for use of the facilities shall be submitted at least fourteen (14) days prior to the Applicant's intended date of usage. Any agreement between the Applicant and City in writing or verbal that violates any provision of Holts Summit City Code is hereby void.

14. Any police officer or City official may immediately terminate this application for a violation of the conditions for use of the facilities, park manual, or violation of the law. Any person, or all persons may be ordered to immediately vacate the property if a violation is discovered. Failure to vacate the property when ordered may result in trespass charges being filed.

15. The Applicant has read and fully understands the terms of this application.

Renter:

City of Holts Summit:

Name

Name

Address

Title

Telephone Number

Receipt Number:

Signature

Date

Signature

Date

Renters Identification:

Type / Number:

Verified By:

Application for Special Use Permit

BILL NO. 2010-010 EXHIBIT C

Insurance Company: _____ Phone #: _____

Contact Person: _____ Policy #: _____

Evidence of insurance must be provided no later than fifteen (15) days before the event. The City of Holts Summit at 245 S. Summit Drive, Holts Summit, MO 65043, must be the named "additional insured" to all coverage. Notation on certificate will **not** be accepted. **Minimum limits as applicable: \$100,000.00 per person, \$100,000.00 property damage, \$300,000.00 per occurrence insuring against the claims of other for property damage or personal injury occurring on the premises or arising out of the occupancy thereof.** Commercial General Liability. All limits and coverage may be adjusted to meet exposure as determined by the City of Holts Summit. A Special Use Permit will not be issued until the insurance has been approved.

Any property damage which occurs as a result of user activities is the responsibility of the user. Damages will be assessed by the City and repair costs will be billed to the user.

By ordinance, a Special Use Permit may be required if the event entails support from other City Departments such as Police, Maintenance Staff, etc. It is the responsibility of the user to obtain permits from other State or County agencies as may be required. As determined by the Board of Aldermen based on the information supplied by the user, the event may require staff services. The user will be required to reimburse the City for any necessary staff services.

The information supplied in this application is true and accurate to the best of my knowledge.

I am familiar with the requirements of a Special Use Permit and agree to abide by its terms and conditions.

Signature: _____ Date: _____

Printed Name: _____

City of Holts Summit

Application for Special Use Permit

(Use separate sheet if more room is needed)

Official Name of Event: _____

Name of the event last year: _____

Purpose/Description of event: _____

Park(s)/Facility (be specific): _____

Days/Date(s): _____

Set-up time: Start: _____ Clean up time: End: _____

Event Hours: From: _____ To: _____

Anticipated Attendance: Participants: _____ Spectators: _____

Toilet Provisions: _____

Parking Provisions: _____

Attach notification of event to Holts Summit Fire Protection District and Ambulance District:

Organization's Name: _____

Representative's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Day Phone: _____ Pager/Cell Phone: _____

Fax Number: _____ E-mail: _____

METHOD OF PAYMENT

- Credit Card: _____ - Check # _____ - Cash - Receipt # _____

Name on Card: _____ Card # _____

Exp. Date: _____ Signature: _____

Total Received:\$ _____ Date Received: _____

**CITY OF HOLTS SUMMIT
PARK FACILITIES USER FEE AND DEPOSIT SECHDULE
EFFECTIVE DATE: _____**

FACILITY LOCATION	USER FEE	DEPOSIT
Howard Base Ball Field (with lights)	\$75.00 per day	
Case Base Ball Field (no lights)	\$50.00 per day	
T-Ball Field (no lights)	\$50.00 per day	
Volleyball Court	\$25.00 per day	
Civic Center Building (with Kitchen) (Closes at 1:00 a.m.)	6 hrs. \$15.00 per hour 12 hrs. \$15.00 per hour \$200.00 per day	\$50.00 Deposit \$75.00 Deposit \$150.00 Deposit
Greenway Park Pavilion Or Hibernia Park Pavilion (Close at 10:00 p.m.)	\$25.00 per day or portion thereof	\$25.00

- 1. All Deposits are refundable after inspection of facility after use unless otherwise detailed in a separate use application.**
- 2. All facilities are scheduled on a first-come-first served bases, based on availability. Reservations are not final until the City receives completed application, user fees, and deposits. Leagues leasing use of ball fields and volleyball courts have first priority on scheduling of events.**
- 3. Facilities may be closed at anytime by the City for sever weather, maintenance, and other exigent circumstances as necessary.**
- 4. Persons or organizations reserving the use of City of Holts Summit Park Facilities shall be required to comply with all provisions of City Park Rules and Regulations Manual, City Code Chapter 130, and all other city, and state laws. City Code Chapter 130 is available at City Hall or on the City of Holts Summit Web Page at www.HoltsSummit.org.**
- 5. User fees and Deposits may be updated from time to time. User Fees and Deposits should be confirmed at the Holt Summit City Hall or by calling 573-896-5600.**