

COUNCIL BILL NO. 2007-513

ORDINANCE NO. 2007-218

AN ORDINANCE repealing Article I, In General, and Article IV, Memorial Hall, and Article V, Swimming Pools, of Chapter 86, Parks and Recreation, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Article I, In General, and Article IV, Memorial Hall, and Article V, Swimming Pools, of Chapter 86, Parks and Recreation, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the City has not raised fees since 1977 and the costs of services have substantially increased and exceed revenues, and,

WHEREAS, the Council of the City of Joplin desires to increase fees to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article I, In General, of Chapter 86, Parks and Recreation, be repealed and a new Article I, In General, of Chapter 86, Parks and Recreation, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

**CHAPTER 86 PARKS AND RECREATION
ARTICLE I. IN GENERAL**

Sec. 86-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Parks means both public parks and public playgrounds.

Written permission or consent. Wherever it is provided in this chapter that written permission or consent shall be had, it shall mean written permission or consent of the director of public parks and recreation.

Sec. 86-2. Supervision of public facilities.

The use and maintenance of Memorial Hall, Joe Becker Stadium, Carver Nursery School, ~~and~~ Schifferdecker Golf Course and the Amphitheater shall be under the direction and supervision of the director of parks and recreation.

Sec. 86-3. Term of members of parks and recreation board.

The parks and recreation board members shall serve for a term of three years.

COUNCIL BILL NO. 2007-513

Sec. 86-4. Schedule of fees and rentals for use of public facilities.

The schedule of fees for the use of any of the public properties and facilities referred to in section 86-2 and rentals for the use thereof shall be established by council from time to time.

Sec. 86-5. Fees at Schifferdecker Golf Course.

- (a) Fees and charges at Schifferdecker Golf Course are as follow:
 - (1) *Green fees generally.* The green fees shall be \$11.00 per player per 18 holes, except on week-ends and holidays, when the green fees shall be \$14.00 per player per 18 holes.
 - (2) *Green fees for senior citizens.* The green fees for senior citizens shall be \$7.50 per player per 18 holes, except on week-ends and holidays, when the green fees for senior citizens shall be \$9.50 per player per 18 holes. For purposes of this subsection, a senior citizen shall be deemed to be a person permanently and totally disabled from employment at any age, or age 62.
- (3) *Season passes.*
 - a. The season pass fee shall be \$500.00 per person per year, and an additional season pass may be issued to each additional family member or a blood relative living in the home of the purchaser of a season pass at a fee of \$180.00 per person per year.
 - b. Senior citizen season pass fees shall be \$400.00 per person per year, and an additional season pass may be issued to each individual family member or a blood relative living in the home of the purchaser of a senior citizen season pass at \$180.00 per person per year. Senior citizen passes shall be for weekdays only, and a week-end fee or holiday fee with a season pass shall be a green fee of \$7.50. For purposes of this subsection, senior citizens shall be deemed to be a person permanently and totally disabled from employment at any age, or age 62.
 - c. A single season pass with unlimited cart use fee shall be \$1,000.00 per person per year.
- (4) *Green fees for students.* The green fees for qualified students prior to and through their freshman, sophomore, junior or senior year in high school shall be \$6.00. Qualifications for participation shall be set by the director of parks and recreation department.
- (5) *Green fees for leagues.* The green fees for league play shall be \$7.50. To be eligible for league play, each league team must be sponsored by a company or not-for-profit organization chartered by the state, each league must consist of a minimum of ten players, and each league must provide a roster of all players, which shall be checked each week of play.

- (6) *Summer season passes.* The summer season pass fee (25 play pass) shall be \$225.00 per person. The pass may be used by such person to play 18 holes of golf twenty-five (25) times. A season pass fee (10 play pass) shall be \$100.00 per person. The pass may be used by such person to play 18 holes of golf ten (10) times.
 - (7) *Nine-hole twilight green fee.* The nine-hole twilight green fee shall be \$7.50. The twilight time shall be set by the director of the parks and recreation department.
 - (8) *Pull cart rental.* The pull cart rental charge shall be \$2.50 per day.
 - (9) *Power cart rental.* The power cart rental charge shall be \$20.00 per 18 holes. Single person on cart shall be \$10.00 for 18 holes.
 - (10) *Private powered golf carts.* No privately owned powered golf cart will be permitted for use at the Schifferdecker Municipal Golf Course.
- (b) The director of parks and recreation may in his discretion temporarily reduce fees in an attempt to equalize the number of played rounds during the course of any given business day. Such “specials” shall be available to all persons seeking to utilize the course during the appropriate day and time.
- (c) The fees set forth in this section may be increased from time to time by the director of finance by a percentage not to exceed the percentage increase in the All Urban Consumer Price Index, provided the increase in the fee does not exceed the cost to provide the service.

Secs. 86-6--86-30. Reserved.

Section 2. That Article IV, Memorial Hall/Amphitheater, of Chapter 86, Parks and Recreation, be repealed and a new Article IV, Memorial Hall/Amphitheater, of Chapter 86, Parks and Recreation of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

ARTICLE IV. MEMORIAL HALL/AMPHITHEATER

Sec. 86-121. Damage deposit.

Before any lease may be made for the Memorial Hall or the amphitheater, the lessee shall deposit, if a for-profit event, \$1,000.00, and if a not-for-profit event, \$500.00, which sum shall be held by the city until after the conclusion of the performance, when an inspection shall be made of the building, and if there is no damage to the building, the deposit shall be returned to the lessee. If there was damage to the building during the period of the lease, there shall be

COUNCIL BILL NO. 2007-513

deducted from the deposit the cost to repair the damage, and the balance shall be returned to the lessee. Should the damage be in excess of the deposit, the lessee shall pay the city the balance.

Sec. 86-122. Liability insurance.

Before any lease may be made for the Memorial Hall or the amphitheater, the lessee shall secure liability insurance, in which the city shall be included as a named insured, in the amount of \$1,000,000.00 for any one accident for bodily injury and property damage. A copy of such insurance policy or certificate of insurance shall be submitted in such form as shall be approved by the city attorney.

Sec. 86-123. Fee schedule.

(a) The fees and charges for the use of the Memorial Hall and the Memorial Hall parking lot shall be as follows:

- (1) Main auditorium:
 - a. Amount per day: \$1,000.00.
 - b. Additional charge for staffing merchandise and novelty stands: 25% of the gross sales after taxes with \$100.00 minimum.
- (2) Parking lot:
 - a. Amount per day: \$1,000.00.

(b) Any party leasing Memorial Hall for three or more consecutive days shall be allowed one day to move in and one move-out day at no charge.

(d) The cancellation of an event less than 30 days prior to the event shall result in forfeiture of all fees.

- (e) The fees and charges for the use of the amphitheater shall be as follows:
 - (1) \$150 per event
 - (2) If an event is a ticketed event at the amphitheater, the fees as set out in 86-123 (a), (1) shall apply.
 - (3) If additional items are requested by the organizer of an event at the amphitheater such as, but not limited to, fencing, security, extra tables/chairs, the actual cost of such items will be charged as an additional charge to section 86-123 (e), (1).
 - (4) If additional electricity is required, as determined by the director of parks and recreation, the actual cost of such items will be charged as an additional charge to section 86-123 (e), (1).

Sec. 86-124. Variance or waiver of fees.

The city council may grant a variance of the fees and charges established for the use of the Memorial Hall or the amphitheater in the city for charitable or nonprofit event upon application to the council through the parks and recreation board and upon the recommendation of the board. In addition, the parks and recreation board may grant a waiver of the fees and charges for use of Memorial Hall or the amphitheater without the approval of the city council in accordance with the following guidelines:

COUNCIL BILL NO. 2007-513

(1) Definitions. For purposes of this section, the following definitions shall apply:

a. Nonprofit fundraiser includes those groups based in the city, having no paid performers, and using all money raised in the city for charitable purposes available to the public at large.

b. Nonprofit meeting includes those groups based in the state, having persons from out of town attending the meeting in sufficient numbers to significantly contribute to the city's economy, and not raising money by any means.

(2) Procedure.

a. Subject to the conditions set forth in subsection (2)b of this section, the director of parks and recreation may waive fees for any nonprofit fundraiser or nonprofit meeting; provided, however, any group disagreeing with the decision of the director of parks and recreation may appeal his decision to the parks and recreation board, whose decision shall be final.

b. The waiver of rent and equipment charges provided for in this subsection shall be upon the following conditions:

1. A breakage deposit of \$500.00 shall be required upon making a reservation, from which \$450.00 will be forfeited if the scheduled event fails to take place.

2. A public liability insurance policy in the amount of \$1,000,000.00 is required.

3. The stage manager, such stage hands as he may require and select, and all required custodians shall be paid at the rate per hour then being paid by the city to such employees.

4. Ticket sales must be handled by the city's contracted agent, although permission is granted to ask the contracted agent to waive its right to the ticket sales.

(3) Notwithstanding anything contained herein, there shall be a minimum fee for use of the main auditorium of \$250.00 per day.

Sec. 86-125. Use by patriotic organizations.

Upon request by patriotic organizations chartered by the Congress of the United States that are related to the armed forces, or by the armed forces of the United States, made 30 days or more prior to Memorial Day (Decoration Day), Veterans Day (Armistice Day) and Armed Forces' Day for use of the Memorial Hall or the amphitheater to commemorate or observe such days, the use of Memorial Hall or the amphitheater shall be granted to such patriotic organizations for commemorating exercises or other activities without charge. In addition, the Veterans of Foreign Wars, American Legion and their related organizations shall have exclusive use of the meeting room on the lower level.

COUNCIL BILL NO. 2007-513

Sec. 86-126. Food and drink concessions.

The city reserves to itself the exclusive right to the concessions for all food and drink at Memorial Hall or the amphitheater for any use of the hall. The city shall have the right to grant a franchise for the concessions for food and drink. Any franchisee shall comply with the applicable provisions of the health ordinances of the city. The sale of food incident to a display or a show may be determined by the parks and recreation director or his designee to be permissible because it is not a concession operator as defined by this section.

Sec. 86-127. Ticket sales; refund of admission charge.

The city shall have exclusive right to sell all tickets for admission for any function at Memorial Hall or the amphitheater for which admission is charged. The city shall have the right to grant a contract to any person to sell admission tickets. The parks and recreation director may waive the city's exclusive right to sell tickets. When the city sells tickets to any function at Memorial Hall or the amphitheater, the city or its designee shall furnish the tickets. The city or its designee shall hold full proceeds from the sales until the performance is completed, and then the proceeds thereof shall be paid to the person leasing the Memorial Hall or the amphitheater upon the following conditions:

- (1) The city or its designee shall refund the admission charge to any ticket holder upon the following occurrences:
 - a. The admission charge shall be refunded upon termination of any performance by the city for violations of provisions of this chapter by the lessee or any performer.
 - b. The admission charge shall be refunded upon the failure of the program or performance to commence within 30 minutes of the scheduled time, or failure of presence of all performers advertised to perform, to any person possessing an admission ticket, upon request by the person and upon their leaving Memorial Hall or the amphitheater.
 - c. Upon the failure of any performance or program to commence within one hour of the scheduled time, the performance shall be canceled and the admission price refunded to the ticket holders. Any money not claimed by ticket holders shall become the property of the city.
- (2) The city shall retain an amount not exceeding four percent of the gross sales of all admissions.
- (3) The lessee shall be authorized to issue up to 250 complimentary tickets for each performance, for which there will be no refund as provided in this section.
- (4) The city shall require a deposit of \$500 when entering into a lease of Memorial Hall or the amphitheater. The deposit shall apply to the cost of ticket printing for the event at Memorial Hall or the amphitheater.

COUNCIL BILL NO. 2007-513

(5) There shall be added to the cost of each ticket for any performance or program a charge of \$1.00 which shall be retained by the city and shall be segregated for the maintenance of Memorial Hall or the amphitheater.

Sec. 86-128. Smoking.

Smoking in all public areas of the Memorial Hall is prohibited during any period the building is open for any public performance or event for which admission is charged, except for sit-down dinners as provided in this section. Violation of this section shall be a basis for immediate expulsion from the building without refund of admission price. Smoking shall be permitted in the area of Memorial Hall where a banquet is being conducted only when prior permission is granted to the lessee at the time of entering into the lease agreement for the use of the hall facility.

Sec. 86-129. Parking in driveways.

Parking is prohibited in the driveways of the Memorial Hall during, or two hours before, or two hours after, any performance.

Sec. 86-130. Employment of police officers; officer in charge; duties of event manager.

Security shall be provided as required by the City of Joplin by contacting the Facility and Events Manager of the City of Joplin. The Permittee shall pay the City of Joplin out of the settlement at the rate of Twenty-Five Dollars (\$25) per hour immediately following the performance. If the performance runs over the scheduled ending, the Permittee will be responsible for paying the rate for the next full hour. The Police Department shall appoint one of the police officers as "Officer in Charge". The Permittee and performers shall cooperate with the Facility and Events Manager and Police Officers to preserve the health and safety of persons at the performance and to preserve the property of the City of Joplin. If the Permittee or any performer shall fail to cooperate and follow the directions and orders of the Facility and Events Manager and/or the Officer in Charge or violate the ordinances of the city, the Facility and Events Manager and/or the Officer in Charge may terminate the performance and order the refund of the admission price to ticket holders at the Permittees' expense. The decision of the Facility and Events Manager shall be final and the Permittee hereby releases the city from any and all claims that may result by reason of the City's termination of any performance.

Sec. 86-131. Entering dressing rooms, stage, offices or mechanical equipment areas.

All persons, except lessees, performers, police officers, stage hands and city officials, are prohibited from entering the dressing rooms, stage, offices and mechanical equipment areas at Memorial Hall. Violation of this section shall be a basis for immediate expulsion without refund of admission price, and upon conviction such person shall be guilty of a misdemeanor.

Secs. 86-132--86-150. Reserved.

Section 3. That Article V, Swimming Pools, of Chapter 86, Parks and Recreation, be repealed and a new Article V, Swimming Pools, of Chapter 86, Parks and Recreation, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

ARTICLE V. SWIMMING POOLS*

Sec. 86-151. Supervision.

The use and maintenance of all municipally owned swimming pools in the city shall be under the direction and supervision of the director of parks and recreation.

Sec. 86-152. Admission fee.

(a) The pool admission fee for all municipal swimming pools except Ewert Family Aquatic Center and Cunningham Family Aquatic Center shall be \$1.00 for adults over 15 years of age, and \$0.75 for children 15 years of age and under, except that children age two and under, shall be admitted without charge.

(b) The admission fee for Ewert Family Aquatic Center and Cunningham Family Aquatic Center shall be \$3.50 for adults over 15 years of age and \$2.50 for children 15 years of age and under, except that children age two and under, shall be admitted without charge.

(c) The supervisor, with the approval of the parks and recreation board, shall have authority to set certain times when there shall be no admission fee for swimming in the municipal pools, and the park supervisor shall have authority to place certain restrictions on free admission.

Section 4. That this ordinance shall become effective January 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of October, 2007.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney