

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1169

AN ORDINANCE REQUIRING PERMITS FOR EXCLUSIVE USE OF PARKS OR OTHER CITY FACILITIES AND PROVIDING A PENALTY FOR VIOLATION THEREOF

WHEREAS, the City of Miles City owns and operates certain park grounds, recreational facilities and other facilities;

AND WHEREAS, from time to time, persons or entities request the exclusive use, or exclusively use, all or portions of such park grounds, recreational facilities or other facilities;

AND WHEREAS, the City Council desires to avoid conflicts in the exclusive use of all or portions of such park grounds, recreational facilities, or other facilities, to identify those persons or entities entitled to exclusive use, and the dates, times and locations of such exclusive use, and to protect the property of the City during such use;

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. There is added to Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, an Article V, entitled "Park Use Permits".

Section 2. There is added Section 17-100 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-100 Park Use Permit Required

Any person or entity desiring to reserved the exclusive use of a park ground, or recreational facility of the City of Miles City shall apply for and obtain a Park Use Permit from the City of Miles City for such exclusive use.

Section 3. There is added Section 17-101 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-101 Application for Park Use Permit

Application for a Park Use Permit shall be submitted to the Lease Administrator of the City of Miles City, as designated from time to time by the Mayor. All applications shall be on a form and in a format as provided by the City of Miles City.

Section 4. There is added Section 17-102 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-102 Application Review

The Lease Administrator shall review such application and determine whether exclusive use of a part or all of a park ground, recreational facility, or other City facility is reasonable in relationship to the area requested and the requested duration of use, and is required to protect public property or the public health,

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safety or welfare. The Lease Administrator shall further review such application to determine whether the requested use conflicts with other applications for exclusive use or anticipated applications for exclusive use of the same park ground, or recreational facility.

Section 5. There is added Section 17-103 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-103 Issuance of Non-Recurring Park Use Permit

If the application is for a planned, non-recurring social occasion such as birthday parties, weddings, or programs, or a non-recurring recreational activity, does not conflict with another application or anticipated application, and is reasonable in relationship to the area requested and the requested duration of use, the Lease Administrator may issue a Park Use Permits allowing use of the park area or other recreational facility by one or more persons, to the exclusion of others, during the requested date and time of use, or such reduced time as the Lease Administrator deems reasonable in relationship to the use requested..

Section 6. There is added Section 17-104 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-104 Resolution of Issues on Non-Recurring Park Use Permit

If, upon review, the Lease Administrator determines that the application conflict with another application or anticipated application, or is not reasonable in relationship to the area requested or the requested duration of use, the Lease Administrator shall meet with the applicant to attempt to resolve such issues. If, upon meeting, such issues are not resolved to the mutual satisfaction of the Lease Administrator and the applicant, then the issue shall be submitted to the City Council who shall determine whether to grant a Park Use Permit and any limitations or revisions as to area and/or duration the permitted use, based upon the best interests of the City and of the public

Section 7. There is added Section 17-105 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-105 Issuance of Recurring Park Use Permit

If the application is for a recurring occasion, or recurring recreational or sport activity, and does not conflict with another application or anticipated application, and is reasonable in relationship to the area requested and the requested duration of use, the Lease Administrator shall determine insurance requirements and other terms and conditions necessary or advisable for the protection of the best interests of the City, complete, and have the applicant execute a Recurring Park Use Permit in the format established from time to time by resolution of the City Council.

Section 8. There is added Section 17-106 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

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Sec. 17-106 Resolution of Issues on Recurring Park Use Permit

If the application is for a recurring occasion, or recurring recreational or sport activity, and, upon review the Lease Administrator determine that the application conflicts with another application or anticipated application, or is unreasonable in relationship to the area requested or the requested duration of use the Lease Administrator shall meet with the applicant and any conflicting applicants or anticipated conflicting applicants and attempt to arrive at a coordinated plan of use or resolution of the area and/or duration of use. If a coordinated plan of use or resolution of the area and/or duration of use is not agreeable to all parties, then the issue shall be submitted to the City Council who shall determine either a plan of coordinated use or exclusive use by one or more of the applicants, and any limitations or revisions as to area and/or duration the permitted use, based upon the best interests of the City and of the public.

Section 9. There is added Section 17-107 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-107 Authorized Persons Only Permitted to Enter or Remain Upon Permitted Areas or Facilities.

No entity, person or persons other than the entity, person or persons authorized by the Park Use Permit shall enter or remain on the park areas or recreational facility areas designated in the Park Use Permit during the period covered by the Permit.

Section 10. There is added Section 17-108 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-108 Posting and Reservation of Permitted Areas or Facilities.

Whenever a Park Use Permit for any area of any park ground or recreational facility has been issued, the area permitted may be posted and closed to the use of all persons not associated with that exclusive use during the days and hours of the permitted use. The Lease Administrator shall have the authority to post reservation notices at park areas or recreational facilities notifying the public that a park area or recreational facility is reserved for exclusive use during a specified time period, pursuant to a Park Use Permit. No person shall disobey any reservation notice posted or issued by the Lease Administrator relating to the use of any park area or recreational facility identified in the Park Use Permit.

Section 11. There is added Section 17-109 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-109 Permits Not Transferable.

All Park Use Permits issued may only be used by the permit holder and only at the location, dates and times permitted. Park Use Permits are nontransferable.

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Section 12. There is added Section 17-110 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-110 No Right to Issuance of Permit.

Nothing herein shall be construed as establishing any right to any person or entity to the issuance of a Park Use Permit, such issuance ultimately being in the sound discretion of the City Council.

Section 13. There is added Section 17-111 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-111 Surrender of Possession to Permit Holder.

Any person not having a permit for the use of a park facility shall surrender or turn over possession of the park area or recreational facility to any person or entity having possession of a valid Park Use Permit. It shall be unlawful for any person not having a valid Park Use Permit to refuse to or fail to surrender the use of the permitted park area or recreational facility for the duration of the permitted use to any person or entity who has a valid Park Use Permit for such park area or recreational facility during the period of such permitted use.

Section 14. There is added Section 17-112 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-112 No Right to Park Use Permit.

Nothing herein shall be construed as establishing any right to any person or entity to the issuance of a Park Use Permit, such issuance ultimately being in the sound discretion of the City Council.

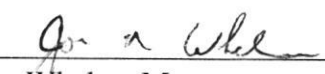
Section 15. There is added Section 17-113 to Article V of Chapter 17 of the Code of Ordinances of the City of Miles City, Montana, to read as follows:

Sec. 17-113 Violation a Misdemeanor; Penalty.

Any person violating any provisions of this Article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00, or imprisonment for a term not to exceed 6 months, or both.

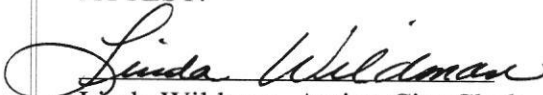
Section 16. This ordinance shall become effective thirty (30) days following its final passage.

Said ordinance read and put on its passage this 13th day of June, 2007.



Joe Whalen, Mayor

ATTEST:



Linda Wildman, Acting City Clerk

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FINALLY PASSED AND ADOPTED this 13th day of
June, 2007.

Joe A. Whalen
Joe Whalen, Mayor

ATTEST:

Linda Wildman
Linda Wildman, Acting City Clerk