

ORDINANCE 2016-O-01A

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MARBLE FALLS, TEXAS, CHAPTER 15 (PARKS AND RECREATION), ARTICLE IV (LAKESIDE PAVILION), SECTION 15-86 (DEFINITIONS), SECTION 15-90 (LICENSE FEES), SECTION 15-91 (CITY'S RIGHT TO REFUSE RENT), SECTION 15-93.5 (NO SMOKING), AND SECTION 15-97 (PAVILION BASIC SERVICES); PROVIDING FOR A SAVINGS CLAUSE, SEVERABILITY, REPEALER, EFFECTIVE DATE AND PROPER NOTICE AND MEETING.

WHEREAS, updates to general information are necessary to ensure complete and accurate information;

WHEREAS, the City Council of the City of Marble Falls is of the opinion that a 501(c)(6) non-profit organizations should be established as part of the Group I rate classification; and related Group I rental rates shall be adjusted to accommodate the addition of 501(c)(6) organizations;

WHEREAS, it is the opinion of the City Council of the City of Marble Falls, Texas that rental rates for use of the Lakeside Pavilion need to be increased to accommodate the change in rental configuration and amenities;

WHEREAS, the new rental charges are set by the City Council in an effort to recoup the City's actual costs in providing for the use of the Lakeside Pavilion by those who would rent it; and

WHEREAS, the City Council of the City of Marble Falls, Texas is of the opinion that the amendments are in the public's best interest;

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARBLE FALLS, TEXAS THAT:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. RENTAL REGULATIONS

Chapter 15, Article IV, section 15-86 “Definitions” is hereby amended by repealing the current definition of “Group I. Public agencies” and replacing it in its entirety with the following:

* * *

Group I. Public agencies & Non-profits: Federal, state, county and city agencies; 501(c)(3) and 501(c)(6) non-profit organizations; and co-sponsored city athletic leagues. Group I rates applicable Sunday through Thursday only. Co-sponsored city athletic leagues will not be charged for board meetings as provided for in the City of Marble Falls Facility Use Agreement.

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Chapter 15, Article IV, section 15-86 “Definitions” is hereby amended by repealing the current definition of “Group II. Civic organizations and social groups” and replacing it in its entirety with the following:

* * *

Group II. Individuals, Civic organizations, and social groups: Any person or group who wishes to use the property for other than commercial purposes. These include but are not limited to: Fraternities, sororities, lodges, social clubs, family reunions, wedding receptions and banquets.

* * *

Chapter 15, Article IV, section 15-90 “License Fees” is hereby amended by repealing the section in its entirety and replacing it with the following:

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15-90 License Fees

(a) License fees per day for use of the Lakeside Pavilion are:

TABLE INSET:

	Group I	Group II	Group III
Pavilion use fee	\$200.00	\$1,500.00 (Mon – Fri) \$2,000 (Saturday)	\$1,800.00
Cleaning fee	\$350.00	\$350.00	\$350.00
Facility deposit	\$250.00	\$250.00	\$250.00

Note: The facility deposit shall be \$500.00 for Groups I, II and III if alcohol is consumed on the premises.

Alcohol sales permit fee . . . \$100.00

Alcohol consumption permit fee (reference Ordinance Number 94-0-4) . . . \$25.00

Note: Residents (must live inside the corporate city limits of Marble Falls and named as licensee) shall receive a five hundred dollar (\$500.00) discount on the license fee. Resident discount is not applicable to rate classification Groups I and III.

- (b) License fee and facility deposit are required at the time of reservation confirmation.
- (c) Keys will be issued one (1) day prior to scheduled event. Keys must be returned no later than the next working day after scheduled event. Anyone not returning the key after one (1) working day has passed shall forfeit the facility deposit.
- (d) Facility deposit will be refunded after return of keys and Facility Deposit Refund Checklist, and, inspection of the Lakeside Pavilion; provided, however, that the use or consumption of alcohol without having obtained a permit from the parks and recreation department and without having paid all required alcohol sales permit fees, and alcohol and consumption fees shall result in a forfeiture of the facility deposit.
- (e) Any damage to the Pavilion in excess of the security deposit shall be billed to licensee.
- (f) Early access will be permitted to the Pavilion and grounds prior to rental time only if such access will not conflict with any other event or licensee.
- (g) A reservation for the use of the Pavilion for three (3) consecutive weekend days (i.e. Friday, Saturday, and Sunday) that is paid in full shall entitle the licensee to the use of the Pavilion for two (2) weekdays at no additional license fee. The weekdays must be consecutive with the weekend use.
- (h) All personal property must be removed at the end of the event.

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Chapter 15, Article IV is hereby amended by repealing item “2” of section 15-91 “City’s right to refuse rent” in its entirety and replacing it with the following:

* * *

- (2) The applicant has not tendered the required license fee with the application or has not rendered the required user fee, indemnification agreement, insurance certificate or facility deposit within the times prescribed.

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Chapter 15, Article IV is hereby amended by adding section 15-93.5 “No Smoking” in its entirety with the following:

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15-93.5 No Smoking

The Lakeside Pavilion is a non-smoking facility. Smoking is permitted in areas outside of the building only.

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Chapter 15, Article IV, section 15-97 “Pavilion Basic Services” is hereby amended by repealing the section in its entirety and replacing it with the following:

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15-97 Pavilion Basic Services

- (a) The Pavilion's basic license includes the following services:
- (1) All Utilities.
 - (2) Heat and/or air conditioning.
 - (3) Tables and chairs.
 - (4) PA system with wired and wireless microphones, audio/video system, and podium. The audio/video equipment has limited capacity and capability; and may not be suitable for all uses.
 - (5) Restrooms.
 - (6) Commercial kitchen.
 - (7) Facility cleaning service.
 - (8) Wireless Internet.
- (b) Failure to furnish any of the services as noted in subsection (a) above resulting from circumstances beyond the control of the city; or limitations of certain services, will not be considered a breach of contract by the city.

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III. SEVERABILITY

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council of the City of Marble Falls in adopting, and of the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

IV. REPEALER

All ordinances and parts of ordinances that are in conflict with this ordinance are hereby repealed.

V. PENALTY

A violation of any section of this ordinance shall be punishable as a misdemeanor under the provisions stated in Chapter 1, Section 1-9 of the Code of Ordinances of the City of Marble Falls.

VI. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

VII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PUBLIC HEARING AND FIRST READING OF ORDINANCE – January 5, 2016.

SECOND READING OF THIS ORDINANCE – January 19, 2016.

ADOPTED AND APPROVED on this 19th day of January, 2016 by a vote of the City Council of the City of Marble Falls, Texas.



CITY OF MARBLE FALLS, TEXAS




John Packer, Mayor

ATTEST:

APPROVED AS TO FORM:

Christina McDonald, TRMC, City Secretary



Patty Akers, City Attorney