

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
CITY OF MILLBROOK ALABAMA  
RELATING TO PUBLIC ASSEMBLY PERMITS AND  
RENTAL OF CITY BUILDINGS**

**SECTION 1.** BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILLBROOK, AL that Chapter 2 Article IV, Division 2 Sections 2-242 through and including 2-251 inclusive, are deleted in their entirety and replaced as follows:

**DIVISION 2. RENTAL OF CITY-OWNED BUILDINGS**

**Sec. 2-241. Generally.**

The city owns and operates three buildings which may be rented by the public. These buildings are referred to as the Millbrook Civic Center, the Memorial Center, and the Legacy Park Building, collectively referred to as public buildings, or buildings.  
(Ord. No. 03-06, § I, 8-25-2003)

**Sec. 2-242. Scheduling; reservations; user's agreement; payment of fees and deposit.**

- (a) The Parks and Recreation Department shall schedule the use of the public buildings.
- (b) Any person, firm, church, club, or organization may arrange for reserving any building either in person, or by calling the administrative office.
- (c) When possible, priority will be given to residents of the city, except rental of the Memorial Center, for which residents of the Town of Coosada shall be given equal priority.
- (d) A responsible person at least 21 years of age must sign a user's agreement and pay necessary fees and deposit before using the center.  
(Ord. No. 03-06, § II, 8-25-2003)
- (e) All fees and deposits must be paid prior to the reservation being approved.
  - (1) State agencies and its political subdivisions may use any city building for public purposes, when available, free of charge. Reservations must be made as shown below for private organizations and will be on a first come, first served basis.
  - (2) Political parties and candidates for public office may utilize the Memorial Center, Civic Center, and/or Legacy Park building for campaign purposes on the same basis as for private use, including payment of all deposits and fees.
  - (3) The City Council hereby declares that the Civic Organizations and Clubs listed below provide a valuable service to our city and their use of our facilities serves a public purpose; therefore, civic organizations, clubs, churches, or schools may rent city buildings and all fees and deposits will be waived. Civic organizations and clubs include: the Millbrook Men's Club, The Millbrook Garden Club, The Civic Club, Communities Improvement

Association, Seasoned Seniors, Rotary International, Kiwanis, YMCA, the Millbrook Area Chamber of Commerce, Boy and Girl Scouts groups, homeowners' associations and the like.

- (4) Private Use. Individuals and organizations that are not included in the above subparagraphs will be required to pay the Security Deposit, Rental Fee, and Setup and Sanitization Fee.

(f) All users remain responsible for the actual cost of repair for any damage caused during their use of the facility. If city personnel are required to set-up or clean Legacy Park a \$40.00 fee will be required in addition to the Rental Fee and Deposit.

**Sec. 2-243. Security deposit required; use.**

A security deposit is required, in the amounts shown in section 2-244. This deposit shall be returned to the user on demand provided all conditions specified herein have been satisfied. The director of parks and recreation, or person he may designate, shall inspect the facility for compliance. Noncompliance with the conditions specified herein shall be prima-facie evidence that the damage was caused by the user and the security deposit shall be used for its repair. The use of the security deposit for repair of damages does not preclude the city from seeking additional compensation from the user should the damage exceed the amount of deposit.

(Ord. No. 03-06, § III, 8-25-2003)

**Sec. 2-244. Basic rental fees.**

The following fees shall apply and such fees shall be deposited in the city's general fund:

(a) Civic center:

- (1) For use of the entire building, with or without use of the kitchen:  
Monday through Thursday--\$300.00  
Friday through Sunday--\$500.00
- (2) For use of the small meeting room and kitchen: \$200.00.
- (3) For use of the small meeting room only: \$100.00.
- (4) Security deposit:  
Monday through Thursday--\$150.00  
Friday through Sunday--\$250.00
- (5) Set-up and Sanitization Fee (Friday and Saturday rentals only) --\$125.00

(b) Memorial center:

- (1) Rental fee--\$200.00
- (2) Security deposit--\$100.00
- (3) Set-up and Sanitization Fee (Friday and Saturday rentals only) --\$50.00

- (c) Legacy park building: \$100.00 and a security deposit of \$50.00.  
(Ord. No. 03-06, § IV, 8-25-2003; Ord. No. 07-01, § 1, 2-26-2007)

**Sec. 2-245. Other fees.**

There is a service charge of \$25.00 for use of any audio/visual equipment and/or internet and/or local network usage.  
(Ord. No. 03-06, § V, 8-25-2003)

**Sec. 2-246. Exemptions from security deposit and fees.**

(a) No security deposit or fee shall be charged to civic clubs who desire to utilize these buildings. However, they remain responsible for the actual cost of repair for any damage caused during their use of the facility.

(b) The Parks and Recreation Department will maintain a list of exempted organizations that qualify for the use of city buildings in accordance with Sec. 2-242(e) (3) above.

(1) Civic organizations or clubs not listed may request that they be added to the list of exempted organizations. The request must be in writing addressed to the Director of Parks and Recreation for his/her written approval.

(2) If approved, the organization or club will be added to the list of exempted renters maintained by said Director.

(3) If the request is denied, the Director will notify the organization in writing to include the reason for the denial, their right to appeal the denial, and the process they must follow.

(4) Within ten calendar days of receipt of a notice of denial, the organization may appeal the Director's decision in writing addressed to the Millbrook City Clerk, and requesting a hearing before the City Council.

(5) The City Clerk will notify the organization of the date, time, and location of the hearing at least five days prior to the hearing.

(6) Within five work days of the final determination by the City Council, the City Clerk will notify the organization of the City Council's decision, in writing. If the request is approved, the Director of Parks and Recreation will add the organization to the list of exempted renters. Once the Council's decision is made, their decision is final and no further appeals can be made.

(7) The Parks and Recreation Director may revoke the exempted status of any organization for violation of any rule or procedure specified herein. The Director shall notify any club if they are removed from approved status and the reason therefore. Once notified of their removal, the organization may request a hearing before the City Council within ten calendar days of receipt of a notice of removal. The City Clerk will notify the club of the date, time, and location of the hearing at least five days prior to the hearing.

(Ord. No. 03-06, § VI, 8-25-2003 Ord. No. 14-03 § 1)

(c) In general, exempted organizations may not use the buildings free of charge on Fridays, Saturdays or Sundays. However, use may be granted if notice is received by the parks and recreation director between 1:00 p.m. Wednesday and 4:00 p.m. Friday for the upcoming weekend, and a vacancy exists.

(d) Any club may lose its exempted status for violation of any rule or procedure specified herein.

(Ord. No. 03-06, § VI, 8-25-2003)

**Sec. 2-247. Hours of operation.**

The buildings shall be available from 8:00 a.m. to 11:00 p.m. daily.  
(Ord. No. 03-06, § VII, 8-25-2003)

**Sec. 2-248. Cleanliness.**

(a) Any group utilizing the buildings shall insure that it and the surrounding area are clean and free of any trash after each use. All debris and rubbish must be removed from the building and emptied in the container provided for this purpose. The interior of the building, including the bathrooms and kitchen areas, shall be left in a clean condition. Furniture shall be returned to their original locations

(b) No items shall be affixed to the walls, ceilings or fixtures.  
(Ord. No. 03-06, § VIII, 8-25-2003)

**Sec. 2-249. Commercialism.**

The buildings shall not be used to sell any product or service the proceeds of which are to be used for the personal gain of one or more individuals, groups, organizations, or businesses. This in no way is intended to forbid their use for fund raising projects of any civic organization, nor for activities with mass public appeal such as gun and knife shows, theatrical performances, etc. Any questions concerning the use of the buildings shall be resolved by the city council.  
(Ord. No. 03-06, § IX, 8-25-2003)

**Sec. 2-250. Conduct.**

While utilizing the buildings, all persons shall conduct themselves in a proper and orderly manner. Should any person complain about the loud music or conduct of any group using the center, a member of the city police department shall immediately notify the user of the complaint. Should the offending activity continue, the users shall be ordered to leave immediately and the security deposit shall be forfeited. Any illegal activities shall result in the renters being required to leave the premises, forfeiture of all security deposits and rental payments, and may result in arrest.  
(Ord. No. 03-06, § X, 8-25-2003)

**Sec. 2-251. Use of alcohol.**

There is no additional charge when alcohol is available at a function, but an approved security guard must be present at all times. The Millbrook Police Department will provide security unless other arrangements have been made and approved by the Millbrook Police Chief. The cost for security from the Millbrook Police Department will be not more than \$40.00 per hour per officer with a minimum of four hours each. The Millbrook Police Chief will determine the number of officers required. If alcohol or evidence of alcohol is found on premises during or after a scheduled rental without prior notification, the deposit will be forfeited.  
(Ord. No. 07-01, § 1, 2-26-2007)

**SECTION 2.** BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILLBROOK, ALABAMA that Chapter 78 Article IV, Section 78-91 of the Millbrook Code of Ordinances is deleted in its entirety and replaced as follows:

**Sec. 78-91. Permit required; application; exceptions; fees.**

(a) It is and shall be unlawful to promote, organize, or hold, or to assist in organizing or holding, or take part or to participate or demonstrate in any parade, procession or assembly or other public demonstration on the streets or other public ways of the city, unless a permit therefore has been secured from the city council.

(b) To secure such a permit, a written application as hereinafter provided shall be made to the city council, setting forth the hour and date, the probable number of persons, vehicles and animals which will be engaged in such parade, procession or any other public demonstration, the purpose for which it is to be held or had and the streets or public ways over, along, or in which it is desired to have or hold such parade, procession or public demonstration. The city council as hereinafter provided shall grant a written permit for such parade, procession or public demonstration prescribing the streets or public ways which may be used therefore upon recommendation of the chief of police, unless there exists such conditions for refusal as contained in this article. It shall be unlawful to use for such purposes at the hour and on the date requested any other streets or public ways than those set out in such permit.

(c) The Chief of Police or the Chief of the Millbrook Fire Department may recommend security, traffic control, or safety personnel to maintain the health and welfare of the participants, residents, or visitors that may be in the vicinity of the assembly. A reasonable fee, not to exceed \$40.00 per hour per city employee and \$100.00 per ambulance, may be assessed if approved by the City Council. All fees must be paid prior to the issuance of the permit.

(d) This section shall not apply to funeral processions.

**SECTION 3.** All other sections or provisions of the Code of Ordinances of the City of Millbrook, Alabama not specifically amended herein remain in full force and effect.

**SECTION 4.** Should any section or provision of this Ordinance be held invalid, such holding shall not affect any section or provision hereof which is not of itself invalid.

**SECTION 5.** This Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_

\_\_\_\_\_  
Fred Watts  
Council President

ATTEST:

\_\_\_\_\_  
Teresa Mercer  
City Clerk

APPROVED:

VETOED:

\_\_\_\_\_  
Al Kelley  
Mayor

\_\_\_\_\_  
Al Kelley  
Mayor

**CERTIFICATE AS TO APPROVAL OR VETO BY MAYOR**

I, the undersigned City Clerk of the City of Millbrook, Alabama do hereby certify that the above and foregoing Ordinance was duly approved/vetoed by the Mayor of the City of Millbrook on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Teresa Mercer  
City Clerk

**CERTIFICATE AS TO COUNCIL'S ACTION FOLLOWING MAYOR'S VETO**

I, Fred Watts, as President of the City Council of the City of Millbrook, AL hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ that the council voted to sustain/override the Mayor's veto of this Ordinance.

\_\_\_\_\_  
FRED WATTS  
Council President

ATTESTED BY:

\_\_\_\_\_  
Teresa Mercer  
City Clerk

**PUBLISHING**

I, the undersigned City Clerk of the City of Millbrook, Alabama do hereby certify that the above and foregoing Ordinance has been published by posting in three public places in the City of Millbrook as required by law and note it was subsequently published in the Millbrook Independent.

\_\_\_\_\_  
Teresa Mercer  
City Clerk