

ORDINANCE NO. 2174

AN ORDINANCE AMENDING RENTAL FEES FOR THE USE OF THE MUNICIPAL PARK AND THE SPORTS COMPLEX; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS the City of Portland operates and maintains the artificial turf fields, splash pads, and other amenities at Municipal Park at 1815 Memorial Parkway and at the Sports Complex at 721 Buddy Ganem Drive; and,

WHEREAS the City Council desires to offset the cost of operations by adopting appropriate fees.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:

SECTION 1.

Chapter 14, Article I of the Code of Ordinances of the City of Portland is hereby amended to read as follows:

Sec. 14-1. - Use of Municipal Park and Sports Complex.

- (a) The City Manager shall adopt rules and regulations concerning the use of the Municipal Park and Sports Complex. Failure to comply with posted signs at the Municipal Park and Sports Complex is prohibited.
- (b) Use generally. Any person, firm, entity, corporation, school, and organizations of every nature desiring to have exclusive use of the City of Portland Municipal Park, located at 1815 Memorial Parkway and Sports Complex, located at 721 Buddy Ganem Drive, shall apply to the city for a permit to use such complex, on a form provided by the city. Such agreement shall entitle such user to exclusive use of such complex and shall obligate such user to return the premises to the city after such use clean and without damage, ordinary wear and tear only excepted.
- (c) Rates. Rates for use of the complex shall be as follows:

Rental Option	Rental Fee	Concession Building Use Fee	Security and Cleaning Deposit
Municipal Park Full Complex Rental (includes exclusive use of all artificial turf playing fields with lights ,basketball pavilion, picnic pavilion, scoreboards, public address systems, batting cages, and non-exclusive use of the splash pad, playground, and jogging trail)	\$750.00 per day plus \$75 for each participating team	\$250.00 per event	\$250.00
Municipal Park Baseball Field Rental	\$25.00 per hour (two hours minimum), \$200.00 per day		\$100.00

Municipal Park Baseball Field lighting	\$25.00 per hour		N/A
Municipal Park Basketball Pavilion	\$55.00 per hour (two hours minimum)		\$100.00
Municipal Park Picnic Pavilion	\$25.00 per hour (two hours minimum)		\$50.00
Sports Complex Full Complex Rental for softball (includes exclusive use of all four artificial turf softball fields with lights, scoreboards, batting cages, and public address systems, and non-exclusive use of the picnic pavilion, splash pad, and playground)	\$600.00 per day plus \$75 for each participating team	\$250.00 per event	\$250.00
Sports Complex splash pad, picnic pavilion, and playground	\$75.00 per hour (two hours minimum)		\$100.00
Sports Complex Football Pavilion	\$20.00 each per hour (two hours minimum)		\$50.00
Sports Complex Softball Field Rental	\$25.00 per hour (two hours minimum), \$200.00 per day		\$100.00
Sports Complex Softball Field lighting	\$25.00 per hour		N/A
Sports Complex Football/Soccer Field Rental	\$45.00 per hour (two hours minimum), \$360.00 per day	\$250.00 per event	\$100.00
Sports Complex Football/Soccer Field lighting	\$30.00 per hour (two hours minimum)		N/A
Dual-Site Rental – Simultaneous use of Municipal Park Full Complex and Sports Complex Full Complex with all inclusions and exclusions for each site as described above.	\$1,500.00 per day plus \$75 for each participating team	\$500.00 per event	\$200.00

- (d) Non-residents of Portland shall pay one hundred twenty-five (125) percent of the applicable fees and deposits.
- (e) Deposits for security and cleaning obligate the renter to return possession of the facility to the City clean, in good condition, and without damage. The renter's deposit, or any portion thereof as may be necessary, will be applied to any charges incurred by the City in returning the facility clean, in good condition, and without damage. In the event that charges incurred by the City exceed the security and cleaning deposit, the City reserves the right, and renter agrees to pay, such additional charges to return the facility clean, in good condition, and without damage.

Failure to pay such additional charges promptly shall result in the City refusing future rentals of the facility to the offending party, and appropriate legal means necessary to recover the additional charges.

SECTION 2. REPEALER

All previously adopted rules, regulations, policies and ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY

If any provision, section, 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 or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 4. PENALTY


Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

SECTION 5. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall take effect upon its publication.

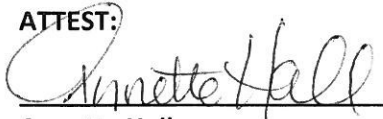
PASSED and APPROVED on second reading this 4th day of September 2018.

CITY OF PORTLAND



Cathy Skurow
Mayor

ATTEST:



Annette Hall
City Secretary

