

RESOLUTION NO. 11-12

A RESOLUTION TO REVISE EXISTING FEES FOR THE USE OF MARCO ISLAND PARKS AND RECREATION FACILITIES, AMENDING THE FEES SCHEDULE PROVIDED FOR IN THE CITY OF MARCO ISLAND CODE OF ORDINANCES, CHAPTER 34 PARKS AND RECREATION; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 34-3(1) provides that City Council may adopt policies and fees for the private use of park facilities; and

WHEREAS, City Council is authorized to amend, modify, or otherwise change, delete or add to the listed fees by resolution; and

WHEREAS, all other sections of Chapter 34, Parks and Recreation, adopted by ordinance remain in effect.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

Section 1 In accordance with the provisions of Code, the schedule of fees, costs and other charges identified as "Exhibit A" and attached hereto shall be adopted and maintained in the City Clerk's office and available for public inspection during normal business hours.

Section 2. Incorporation, Conflict, and Severability.

- (1) It is the intention of the City Council and it is hereby resolved that the provisions of this resolution shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of Chapter 34 may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.
- (2) All sections or parts of sections of the Code of Ordinances of the City of Marco Island, all ordinances or parts of ordinances, all resolutions or parts of resolutions, in conflict herewith, be and the same are hereby repealed to the extent of the conflict.
- (3) If any word, phrase, clause, subsection, or section of this resolution is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the resolution.

Section 3. Effective Date.

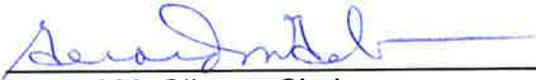
This Resolution shall take effect on October 1, 2011.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 20th day of June, 2011.

Attest:



Laura Litzan, City Clerk



Gerard M. Gibson, Chairman

**City of Marco Island
Parks and Recreation Department
Facility Use Policy and Fee Structure 2011**

The Marco Island Parks and Recreation Department (Department) is charged, by the Marco Island City Council (Council), with the responsibility for issuing permits for the use of City parks and facilities, recreation and athletic fields, and to collect required fees from users in accordance with the Facility Use Fees established by Council.

Department staff, under the direction of the Parks and Recreation Director (Director) shall promote the provisions of this policy to facility, park, and athletic field users, and shall be responsible for: the collection of fees, development of facility use and athletic field schedules, application forms, issuance and revocation of permits, development of facility use rules and regulations, and all other matters relevant to the implementation of this policy. The Director shall ensure that the policy is applied consistently.

Priority Use of Facilities

City programs and seasonal sport activities have scheduling priority for all facilities, parks, and athletic fields.

Reservation Procedures

1. All requests for facility use must be submitted to the Department in writing and on the Facility Rental Agreement form.
 - a. The user does not have permission to use a Department facility unless the Department issues a written confirmation.
2. Requests will be considered by the Department in accordance with the following criteria:
 - a. The request has been submitted in writing.
 - b. The facility requested has not been previously reserved.
 - c. The proposed activity does not unduly prevent the general public from utilizing adjoining or adjacent facilities.
 - d. The proposed activity does not cause a negative impact to the surrounding neighborhood.
 - e. The request is not being made more than three (3) months in advance of the requested date. Organizations that have a history of reserving park facilities up to twelve (12) months in advance shall be allowed to continue this practice. A list of organizations allowed to reserve facilities up to twelve (12) months in advance is provided in Attachment A.
 - f. Field reservations are limited to no more than three (3) consecutive months. League seasons that longer than three (3) months will be considered.
 - g. The proposed activity does not violate any City ordinance or general law.
 - h. The proposed activity does not generate expenses to the City unless recovered through agreed upon fees.
 - i. The user sponsoring the activity will obtain any and all permits that may be required by the City, County or State.
 - j. Insurance requirements, if applicable, can be met.

Exhibit "A"

3. Approvals:

- a. Once approved by the Department, a written confirmation will be issued to the user.
- b. Use fees must be paid at the time the Department provides written confirmation for the use of a facility. Fees that exceed \$200 may be paid in two installments with 50% of the fee to be paid when the Department approves the use of a facility and the balance due to be paid one (1) week prior to the scheduled use date.
- c. The user will carry the permit issued by the Department at all times during the scheduled use.

4. Refunds:

- a. Refunds will be approved if a reserved use is cancelled provided cancellation is received by the Department one week prior to the reserved use.

User Group Classifications and Definitions

“Community Use” – This category includes all Not-for-Profit Groups, Non-Profit Groups, Tax Exempt Entities, users and organizations that either reside in Marco Island or that make Marco Island their principal location, and are using a facility for recreational, cultural, educational (non-entrepreneurial), social, and/or fraternal purposes.

“Entrepreneurial Use” – This category includes all other users and organizations that are using a facility to offer classes, seminars, etc., that serve as a means to generate income, either directly or indirectly.

“Youth Sports” – This category includes all “Community Use” groups, users, and organizations providing youth sports.

User Fees

The Department will assess fees for facility use based upon the appropriate User Group Classification, as defined herein and based upon the Facility Use Fees. Rental fees do not include setup and break down of a facility. An additional \$20.00 per hour per staff person charge will apply.

Additional Fees

Fees for “Additional” services or fees for concession operations may also be charged by the City. A summary of these fees are provided in the Facility Use Fees.

Mackle Park Business Hours - Monday – Saturday: 8:00 a.m. - 9:00 p.m.; Sunday: 9:00 a.m. – 5:00 p.m.

Racquet Center Business Hours – Monday – Friday: 8:00 a.m. - 9:00 p.m.; Saturday – Sunday 8:00 a.m. - 12:00 p.m.

Cancellation Fee – Fee is charged to organizations who fail to cancel a facility use reservation at least one week prior to the reservation date. Fee is per occurrence.

Field Lights (ballfield and athletic field) – Field lights are available for night games and practices at Winterberry Park, Mackle Park and Tommie Barfield Baseball Field. A fee is charged.

Rental Non-Business Hours – Fee is charged to users wanting to use the community center outside of business hours.

City Staff OT Rate – Fee is charged to users who use the community center outside of normal business hours and users who need City staff to groom athletic fields outside of normal maintenance staff hours (Mon. – Fri. - 7:00 a.m. – 3:30 p.m.).

Security Staff – Fee is charged to users who need off-duty Marco Island Police to serve as security for any function or event. The City may require security staff for some events.

Concessions – Fee is charged to users who want to operate a concession (food) in conjunction with an athletic or City sponsored event.

Maintenance/Cleanup Refundable Deposit – A deposit is required when a user intends to serve food or beverage in association with their use of City facilities. The deposit is based on the estimated attendance. If the user satisfactorily cleans the area being used, the deposit will be returned. If extra cleaning is required by City staff, the deposit will be retained by the City.

Trash Disposal Fee – Fee is charged to users who will generate an excessive amount of trash associated with their use of City facilities. Fee is based on the direct cost for contractors to provide an “extra” collection of City dumpsters.

Fee Waiver Request

Waiving user fees will be considered provided the user submits a written request, on the Department Fee Waiver Request Form. The request must describe how the fees, if assessed, will be a significant burden to the user. Budget information, illustrating the impact of City fees on the proposed activity, must also be submitted for which the waiver is requested.

Once a request is filed, the Parks and Recreation Director will verify the information provided by the user and will submit the request to the City Manager for a decision. Should the City Manager deny a fee waiver request, the user may appeal the City Manager’s decision to City Council to hear that matter. The City Council’s decision is final.

Insurance Requirements

Insurance is required for all organizations using Department facilities for all events where attendance is estimated to be thirty (30) or more people, with the exception of regular business meetings.

Community Use/Entrepreneurial Use – Users shall have insurance coverage with a minimum of \$300,000 per occurrence combined single limits for bodily injury and property damage liability, including premises and operations. The City of Marco Island shall be named as an “additional insured” (not certificate holder). If the Director believes a proposed use has an above average risk, such as a special event, liability insurance in the amounts of \$500,000 or \$1,000,000 may be required.

If the user is subject to Florida Worker’s Compensation Law, coverage shall be provided as required by law. The coverage shall be statutory limits in compliance with applicable state and federal law. The policy must include Employers Liability with a minimum limit of \$100,000 per occurrence.

Youth Sport and Athletic Leagues - Users shall have insurance coverage with a minimum of \$1,000,000 per occurrence combined single limits for bodily injury and property damage liability, including premises and operations. The City of Marco Island shall be named as an “additional insured” (not certificate holder). If the user is subject to Florida Worker’s Compensation Law, coverage shall be provided as required by law. The coverage shall be statutory limits in compliance with applicable state and federal law. The policy must include Employers Liability with a minimum limit of \$100,000 per occurrence.

Facility Definitions

The following is a listing of facilities managed by the Parks and Recreation Department.

FACILITIES
Room A (large) – Refers to the large community room at the Mackle Park Community Center.
Room B (medium) – Refers to ½ of the large community room at the Mackle Park Community Center.
Basketball Court – Refers to the covered basketball court at Mackle Park.
Athletic Fields – Refers to the Mackle Park Soccer Field, the Winterberry Park Football, Baseball and Softball Fields, the Winterberry Park multi-purpose field (softball outfield), Tommie Barfield Baseball Field, and Veterans’ Community Park passive play fields.
Picnic Area – Refers to an event specific area to be used for an organizational picnic.
Racquet Center – Refers to the City’s Tennis and Racquet Center.
Winterberry Park Concession – Refers to the concession and bathroom facility located at Winterberry Park.

Amending Fees

Amendments to the fees approved for facility use should be submitted for approval as part of the annual budget. Should fees need adjustment in the middle of a fiscal year, the City Manager should amend the fee schedule as needed.

2011 Facility Use Fees

Facilities	Community Use	Entrepreneurial Use	Youth Sports	Comments
Room A (large)	\$20/hr. \$10/hr.	\$75/hr. \$50/hr.		
Room B (medium)	\$10/hr. \$5/hr.	\$35/hr. \$25/hr.		
Room C (old room B)	\$10/hr. \$5/hr.	\$25/hr. \$20/hr.		
Basketball Court	\$10/hr.	\$45/hr		
Athletic Fields	\$10/hr.	\$45/hr.	\$1.00 per participant per week for league play	<u>Includes field setup and lights. Season consists of practices, games and playoffs</u>
<i>Practice Permits</i>	No Charge	\$45/hr.		<u>Provided no lining is required</u>
<i>— 1/2 Court or Athletic Field</i>	No Charge	\$30/hr.		<u>Provided no lining is required</u>
<i>Game Permits Field Set Up</i>				
Full Football/Soccer	\$70/lining	\$500/\$225 (FB) \$375/\$150 (Soccer) \$100/lining	\$1.00 per participant per week for league play	<u>Initial lining and touch up lining</u>
Youth Football/Soccer	\$35/lining	\$250/\$100 65/lining	\$1.00 per participant per week for league play	<u>Includes field setup and lights. Season consists of practices, games and playoffs</u>
Softball/Baseball	\$35/lining	\$65/lining	\$1.00 per participant per week for league play	<u>Includes field setup and lights. Season consists of practices, games and playoffs</u>
Picnic Table or Small Area	\$5/hr	\$10/hr		
Picnic Pavilion	\$10/hr	\$25/hr		
Small Chiekee Hut	5/hr	5/hr		
Large Chiekee Hut	\$10/hr	\$10/hr		
Park Special Event	\$500/day	\$500/day		<u>Requires insurance and performance bond</u>
Cancellation Fee	\$30/occurrence	\$30/occurrence		
Lights (Ball field)	\$15/hr.	\$30/hr.		
Rental Non-Business Hours	\$20/hr (additional)	\$40 \$20/hr (additional)		
City Staff OT Rate	\$35/hr. \$20/hr.	\$35/hr. \$20/hr.		
Security Staff	\$35/hr.	\$35/hr.		<u>Rate charged by MIPD</u>
<u>Staff person charge for setup, clean-up, and special requests</u>	<u>\$20/hr</u>	<u>\$20 /hr</u>		
Concessions booth rental	\$35	25% of revenue generated or \$75 min.		<u>Revenue dependent on size of event</u>
Maintenance/cleanup deposit when food is served in rooms				<u>Deposit is refundable</u>
1-50 people	\$50 \$35	\$50 \$35		<u>Deposit – Cash only</u>
51-100 people	\$100 \$50	\$75 \$50		<u>Deposit – Cash only</u>
101 + people	\$150	\$150		<u>Deposit – Cash only</u>
Trash Disposal Fee	\$35	\$35		<u>Deposit – Cash only</u>
Program/Class Outsourcing	35/65 split	35/65 split		<u>35% revenue to City – other fees not applicable</u>
Birthday Party (Indoor)	\$25/hr	\$50/hr		
Banner Installation	\$25/hr./person	\$25/hr./person		<u>Additional \$50.00 fee for zip tie supplies</u>

2011 Facility Use Fees (continued)

Racquet Center	Time Frame	Fees	Comments
Annual Pass (adult)	1 yr.*	\$330.00 \$300.00+ tax	
Annual Pass (youth) <i>under 18</i>	1 yr.*	\$50 + tax	
Pickle Ball	1 yr.*	\$100.00 + tax	
Monthly Pass	30 days*	\$75.00 + tax	
Non-Pass Holder Court Fees			
Tennis & Racquetball	October – April	\$24.00/hr. + tax	
	May - September	\$12.00/hr. + tax	
	8:00 a.m. – 12:00 p.m.	\$24.00/hr. + tax	
Tennis & Racquetball	12:00 p.m. – 9:00 p.m.	\$12.00/hr. + tax	
League Fees			
Pass Holder	Annual	\$75.00/per year	
	7-week session	\$15.00	
Non-Pass Holder	7-week session	\$100.0	Substitute fee per session. Must be a pass holder to be in a league.
	Per session	\$6.00 substitute fee	
Instructions	Private Lesson	\$60.00/hr. T.B.D.	
	Group Lesson	\$15.00/person T.B.D.	

* Includes Tennis & Racquetball

T.B.D. = To be determined.